AGENDA

Wednesday, June 8, 2022: 6:00 PM
Town Council Agenda Meeting
C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

a. OA-02-22 Text Amendments to UDO

The Town Council is considering amendments to the UDO to require that multi-family developments with ten (10) or more dwelling units be developed only as part of an approved Planned Development, not a Special Use Permit.

b. PD-04-22 St. John Paul CDP

Mr. Pete Bogle of Bogle Firm Architecture, on behalf of Very Reverend John J. Forbes, VF, has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) to allow a private school, athletic fields, cemetery, rectory and religious institution as the permitted land uses. The subject parcels are currently zoned RE (Rural Estate). This is a continuation of a public hearing that was opened on April 12, 2022, continued to May 10, 2022, then continued again to June 14, 2022.

c. PD-07-22 Morganton Park South Apartments

An application by Mr. Bob Koontz of Koontz Jones Design, on behalf of developer Zimmer Development Company, for 269 multi-family residential units on 13.18 acres of land located within the Morganton Park South Planned Development. The proposed development is Phase 2 of the Morganton Park South Planned Development.

d. SU-03-22 Murray Hill Pines Apartments

Mr. Greg Jonczyk with Davis Park Leasing and Mr. Bob Koontz with Koontz Jones Design, on behalf of CLS HOLDINGS, LLC, have applied for a Special Use Permit for a 149-unit multi-family development. The dwelling units will look like detached single-family and duplex structures, however there is no subdivision of land and all dwelling units will be rented. The property proposed for development is approximately 17.04 acres zoned RM-1 and is located north of Long Street.

e. PD-02-22 Ace Hardware Phase 1 PDP

A PDP for the first phase of the Planned Development known as Southern Pines Ace Hardware. Phase 1 includes a new 64,825 square-foot commercial building located on 9.11 acres near the Moore County Airport, just west of where the existing Ace Hardware is presently located. The total Planned Development is 12.62 acres and an extension of Capital Drive will be built with this project to connect

Airport Road and NC HWY 22 via Olive Tree Lane.

f. Second Public Hearing FY 22-23 Annual Budget

Town Manager Reagan Parsons will present the proposed FY 22-23 budget. This is the second of two public hearings and Council proposes to adopt the budget following the public hearing.

4. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

a. AR-14-22 The Luxe at Morganton Park

An Architectural Compliance Permit for three new 30-unit apartment buildings as well as six new 5-bay garage structures all within a new multi-family residential development located directly east of the existing Legends at Morganton Park multi-family residential development on South Carlisle Street. The applicant is Morganton Park II, LLC.

b. AR-15-22 Patrick's Pointe

An Architectural Compliance Permit for multiple new 12-unit, 16-unit and 24-unit apartment buildings totaling 240 units, multiple new townhome-style buildings containing a total of 26 units, a new clubhouse building and new garage buildings all located within a new multi-family residential development called Patrick's Pointe. The 25.6-acre development is adjacent to the east side of US Highway 1, approximately between Midland Road on the north and West Connecticut Avenue on the south. The applicant is Kerry Finley of Finley Design, on behalf of VG Pines Residential LLC, a subsidiary of 1700 LLC.

c. 891 W. Pennsylvania Avenue: Request for Condemnation and Demolition

Chief Building Inspector John Bullock and Code Enforcement Officer Lisa Webb request that Council condemn this unsafe structure and authorize the expenditure to proceed with demolition. This request was originally presented at the April 25th work session and was postponed a month at Council's request.

d. WP-01-22 760 N. Ridge St.

Julia McNeill, on behalf of John Baker and Lindsay Johnson, has submitted an application for a Watershed Protection Permit requesting 0.29 acres of 5/70 exemption allocation to install a concrete patio and swimming pool in the rear yard of an existing single-family residence. The proposed construction will result in 40.96% total impervious surface on the subject property which is located within a High Quality Watershed.

e. Consider Ordinance #1993: Defining & Creating Municipal Service District #1 Totaling 99.97+/- Acres Between 15-501 and West Morganton Road

The Town Council held a public hearing on May 10 and completed the first vote approving the establishment of the MSD. Per state statute, two votes must be conducted; this is the second vote.

f. Adoption of the Fiscal Year 2022-2023 Budget, Setting a Tax Rate of 40 Cents Per $100 Valuation and an Additional 40 Cents Per $100 Valuation in Municipal Service District #1

This is the proposed FY 22-23 budget which has been presented by the Town Manager to take effect on July 1, 2022.

g. Consider Reimbursement Agreement with Midland Atlantic, LLC for Infrastructure and Expenses Related to the Initial Oversizing of a Parkway Between W. Morganton Road and 15/501

Per the agreement, the Town will reimburse Midland Atlantic, LLC for construction of the public infrastructure. The Town will then levy an additional property tax rate in the established MSD #1 to fun the debt service associated with this project.

h. Consider Amendment to the Town's Code of Ordinances 32.093 Related to Recreation Fees

This amendment establishes the proposed recreation fees that will take effect July 1, 2022, as discussed during the budget process and planned in the FY 22-23 budget. As requested at the May work session, staff has prepared two options for adoption and provided more data and analysis on the proposed fees for the Douglass Community Center and the pool.

5. REVIEW PROPOSED CONSENT AGENDA FOR BUSINESS MEETING

a. Bicycle and Pedestrian Advisory Committee Appointments

The Town has received two applications from individuals seeking appointment to the Bicycle and Pedestrian Advisory Committee.

b. Adoption of the 2021 Local Water Supply Plan

Staff requests that the Town Council adopt the prepared resolution to accept the information contained in the 2021 Local Water Supply Plan for the Town of Southern Pines. The approved resolution and plan will then be provided to the Water Supply Planning Section Supervisor at the Division of Water Resources of the North Carolina Department of Environmental Quality (DEQ).

c. Approve Town Council Meeting Minutes for May 2022

- May 4, 2022 Town Council Agenda Meeting Minutes
- May 10, 2022 Town Council Regular Business Meeting Minutes
- May 23, 2022 Town Council Work Session Minutes

d. Approve Various Budget Amendment Ordinances

Staff recommends that Council approve the following ordinances to amend the FY 21-22 budget:
-Ordinance #2001 - Close the Building Renovation Capital Project Fund
-Ordinance #2002 - Authorize the Transfer of Unspent Funds & Interest from the East Morganton Road Capital Project Fund to the General Capital Reserve Fund.
-Ordinance #2003 - Amending the Parking Lot Fund
-Ordinance #2004 Amending the Water Treatment Process Modernization Fund
-Ordinance #2005 - Amending the Sidewalks Phase II Budget

e. Approve Amendment to the Town's Code of Ordinances 32.076 Related to Public Works Fees

This amendment establishes the proposed solid waste fees that will take effect July 1, 2022, as discussed during the budget process and planned in the FY 22-23 budget.

f. Approve Amendment to the Code of Ordinances Chapter 50 Water and Sewer Use, Appendix A, Rates Fees and Charges

This amendment establishes the proposed water and sewer fees that will take effect July 1, 2022, as discussed during the budget process and planned in the FY 22-23 budget.

g. Approve Amendments to Capital Project Funds

The prepared amendments to the Town's Capital Project Funds align with the prepared FY 22-23 budget.

h. Approve the Capital Reserve Fund Ordinance (SDF)

Council must annual adopt this ordinance related to System Development Fees (SDF).

i. Approve Amendment to Fund 64: CRF - Water Ordinance

This amendment recognizes the water SDF collected April 1, 2021 to March 30, 2022.

j. Approve Amendment to Fund 65 Sewer: CRF - Sewer Ordinance

This amendment recognizes the sewer SDF collected April 1, 2021 to March 30, 2022.

k. Approve Resolution of Support for NCDOT Limiting Truck Traffic Along Certain Routes in Town

As discussed at the May work session, NCDOT has a process to consider the potential elimination of through trucks on E. Indiana Avenue and E. Morganton Rd. The next step includes a Resolution of Support from Council to forward to NCDOT.

l. Approve 2022-2032 Capital Improvement Plan (CIP)

Staff has updated the Town's 2022-2032 CIP to align with capital projects and transfers outlined in the FY 22-23 budget.

6. ADJOURNMENT

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

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **BJ Grieve, Planning Director**
Cindy Williams, Planning Technician

Subject: **OA-02-22: Text Amendments to the Unified Development Ordinance (UDO); Petitioner: Town of Southern Pines Town Council**

Date: **June 14, 2022**

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Town Council is proposing to amend the Unified Development Ordinance (UDO) and has requested Planning Board review and approval per UDO §2.17.3 and §2.17.7. The proposed amendments will require that multi-family developments with ten (10) or more dwelling units be developed as part of an approved Planned Development.

The Town Council is requesting the following text amendments:

1. to amend UDO §3.7.1(F)(1) by replacing the words "require approval of a Special Use Permit" with the word "shall";

2. to amend UDO §3.7.1(F)(3) by replacing the words "require a Special Use Permit" with the words "shall be developed as part of a PD";

3. to amend UDO §4.10.8(2) by deleting the language of subsection (2) in its entirety and inserting the following language:

   (2) No Multi-Family Development may include ten (10) or more Dwelling Units, except pursuant to a Planned Development approval.

4. to amend UDO §4.10.8(3) by deleting the words "or Special Use Permit".

The specific text of each proposed amendment may be found in the attachments to this staff report.

II. PLANNING BOARD RECOMMENDATION:

The Planning Board held a public hearing on the proposed text amendments on May 18, 2022. Planning staff presented a brief summary of the proposed text amendments and answered questions from the Planning Board. No members of the public spoke. After a brief discussion, the Planning Board voted unanimously to adopt a Resolution regarding

the consistency of the proposed text amendments with the Comprehensive Long Range Plan, and to forward the Resolution to the Town Council with a recommendation to approve the proposed amendments. A copy of the Planning Board's Resolution is attached to this staff report.

III. APPLICATION REVIEW:

A. Review Process:

Applications for text amendments are reviewed pursuant to UDO §2.17.

B. Criteria for Review:

When reviewing an application for a UDO text amendment, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

> ***2.17.10. Criteria for UDO Text Amendments***
> *In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.*
>
> ***(A) Consistency.*** *The text amendment shall be consistent with the adopted Comprehensive Plan.*
> ***(B) Health, Safety, and Welfare****. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*
> ***(C) Public Policy****. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*
> ***(D) Other Factors****. The Hearing Body may consider any other factors relevant to a text amendment application under state law.*
> ***(E) Impacts****. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Outside Agency Comments:

- A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, and representatives of the Town of Southern Pines on April 28, 2022.
    - As of the completion of the staff report, responses were received from NCDOT and RLUAC, both stating that there were no comments.

IV. ATTACHMENTS:

1. Current sections of the UDO, showing edits in red text
2. Signed Planning Board Resolution to Adopt a Written Recommendation

V. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Long Range Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendments. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendments found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Long Range Plan, the Town Council finds that:

1. The requested text amendments are consistent with the Comprehensive Long Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan and therefore the Town Council adopts the Resolution as adopted by the Planning Board that is included as an attachment to the staff report for OA-02-22;

2. The requested text amendments are consistent with the Comprehensive Long Range Plan and are a reasonable way to implement the Comprehensive Long Range Plan and therefore the Town Council adopts the Resolution as adopted by the Planning Board that is included as an attachment to the staff report for OA-02-22, with the following edits or additions to Attachment A…

3. The requested text amendments are not consistent with the Comprehensive Long Range Plan and/or are unreasonable for the following reasons…

And, therefore, I move to:

1. Approve OA-02-22 *(if desired, the Town Council may state any additional reasons you support the proposed amendments, besides those already listed in Attachment A)*.

2. Approval of OA-02-22 with the following changes… (*if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed*);

3. Deny OA-02-22 (the Town Council state any reasons for denial of the proposed amendments).

4. Other…

(E) **Combination Uses**

(1) The designation "**ZC**" is used for Combination Uses when one or more of the principle uses requires a Special Use Permit.

(2) Under some circumstances, a second Principal Use may be regarded as accessory to the first and thus a Combination Use is not established. [See section 5.3]

(3) When two or more separately owned or separately operated enterprises occupy the same Lot and all such enterprises fall within the same Principal Use Classification, or the Planning Director finds that the Principal Use Classification are substantially similar, this shall not constitute a Combination Use.

(F) ***Multi-Family Structures and Townhomes***. When used in connection with Multi-Family Residential structures, the designation "**ZC**" means that:

(1) Development of apartments with fewer than ten (10) Dwelling Units may be established pursuant to a zoning permit and Developments of (10) or more Dwelling Units ~~require approval of a Special Use Permit or~~shall be developed as part of a PD.

(2) Townhomes require a Special Use Permit when major subdivision regulations apply and when six (6) or more Townhouse Lots are created.

(3) Condominium Developments ~~require a Special Use Permit~~shall be developed as part of a PD when ten (10) or more Dwelling Units are proposed in a Development Project.

(Ord. # 1919)

3.7.2. Interpretation of Exhibit 3-15

(A) ***Uses Not Specifically Listed***. In the case where a use is not listed in the use matrix, either as a specific LBCS classification or as an example, and such use is not otherwise prohibited by law, the Planning Director shall determine whether a substantially similar use exists in the use matrix. If the Planning Director determines that a substantially similar use exists, then the regulations governing that use shall apply to the particular use not listed. In making the determination, the Planning Director shall endeavor to maintain the national standardization of the LBCS while addressing the Town's particular needs for zoning and land use classification, and shall refer to the following rules of construction:

(1) If a use is listed for a general classification while a more specific classification within the same industry classification is also listed, the specific classification shall govern.

(2) The presumption established by this chapter is that most uses of land are permissible within at least one zoning district in the Town's Planning Jurisdiction. Therefore, because the list of permissible uses set forth in Exhibit 3-15 cannot be all-inclusive; those uses that are listed shall be interpreted liberally by the Planning Director to include other uses that have similar impacts to the listed uses.

(3) If the Planning Director determines that the LBCS Tables do not address the use at the appropriate level of specificity, then he shall refer to the North American Industry Classification System (NAICS), United States, 2007 or latest edition for guidance.

(4) In referring to the NAICS, the Planning Director shall consider the industry description and illustrative examples of the most specific NAICS classification that may apply to the use, and shall compare uses across similar levels of specificity within the same NAICS classification and between NAICS and LBCS classifications.

(5) If a use cannot be interpreted by the Planning Director for inclusion in Exhibit 3-15, that use shall be prohibited. Exhibit 3-15 shall not be interpreted to allow a use in one zoning district when the use in question is more closely related to another specified use that is permissible in other zoning districts.

(6) If, when seeking periodic ratification of interpretations through text amendment to this UDO, the Planning Director's interpretation is reversed by action of the Board of Adjustment, then prior decisions regarding a Development application made in reliance on the Planning Director's interpretation shall be valid, except that nonconforming use regulations of this UDO shall apply.

(b) Gable and hip roofs are allowed; parapets shall be used to conceal flat roofs and rooftop mechanical equipment from public view.

(c) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment.

Rooflines are defined by gables and changes in parapet walls.

4.10.7. Manufactured Home Parks

Manufactured home parks shall comply with the standards in this section in addition to other applicable provisions of this UDO.

(A) The minimum Lot area for a manufactured home park is two (2) acres;

(B) The minimum number of manufactured home spaces for a manufactured home park is ten (10) spaces.

(C) Each manufactured home space shall contain a minimum of six thousand (6,000) square feet.

(D) No manufactured home shall be located closer than twenty (20) feet from another manufactured home or any other Principal Building within the manufactured home park.

(E) No manufactured home shall be located closer than forty (40) feet from a public street right-of-way or fifteen (15) feet from a private, interior manufactured home park street.

(F) Usable open space in each manufactured home park shall be provided in accordance with section 4.9.

(G) Except for management office and/or management services associated with the manufactured home park, no manufactured home shall be used for non-residential purposes.

(H) The area beneath a manufactured home must be fully enclosed with durable skirting within sixty (60) days of placement in the manufactured home park.

4.10.8. Multi-Family Development Standards

(A) **Applicability**

(1) The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.

(2) No Multi-Family Development may include ~~more than~~ ten (10) or more Dwelling Units, except pursuant to a Planned Development ~~or Special Use Permit~~ approval.

(3) The Development standards in this section may be modified pursuant to a PD ~~or Special Use Permit~~ approval.

(4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.

(Ord. #1714; Ord. # 1919)

Town of Southern Pines
Chartered 1887
North Carolina

ATTACHMENT A

PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-02-22

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

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

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a special meeting held on May 18, 2022 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-02-22.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff at the request of the Town Council are reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP). The proposed amendments will require that apartment or condominium developments with ten (10) or more Dwelling Units be developed as part of an approved PD (Planned Development). The proposed revisions implement the goals of involving the community in public decision making. By requiring that large multi-family developments be reviewed and approved as Planned Developments, consideration of those developments will begin with a legislative decision-making process and the community will have more ability to participate and share feedback with decision makers. Therefore the proposed text amendments to achieve broader community involvement in the review of large multi-family developments is reasonable and in the public interest and consistent with the CLRP.

ADOPTED this the 18th day of May, 2022.

Gary Carroll, Chairman

ATTEST:

BJ Greve, Planning Director, for:
Cindy Williams
Secretary to the Planning Board

TOWN OF SOUTHERN PINES ORDINANCE #2000
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF SOUTHERN PINES

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, during its regular meeting on June 14, 2022 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 14th day of June, 2022:

Section 1. That §3.7.1(F)(1) of the Unified Development Ordinance be amended by replacing the words "require approval of a Special Use Permit" with the word "shall."

Section 2. That §3.7.1(F)(3) of the Unified Development Ordinance be amended by replacing the words "require a Special use Permit" with the words "shall be developed as part of a PD".

Section 3. That §4.10.8(2) of the Unified Development Ordinance be amended by deleting the language of subsection (2) in its entirety and inserting the following language:

(2) No Multi-Family Development may include ten (10) or more Dwelling Units, except pursuant to a Planned Development approval.

Section 4. That §4.10.8(3) of the Unified Development Ordinance be amended by deleting the words "or Special Use Permit".

Section 5. That this Ordinance shall be and remain in full force and effect from the date of its adoption.

Adopted this 14th day of June, 2022.

ATTEST: TOWN OF SOUTHERN PINES

_____ _____
Elizabeth Robertson, Town Clerk Carol R. Haney, Mayor

APPROVED AS TO FORM:

_____
Douglas R. Gill, Town Attorney

I certify that this Ordinance (OA-02-22) was adopted by the Town Council of the Town of Southern Pines at its meeting on June 14, 2022 as shown in the Minutes of the Town Council meeting for that date.

_____
Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **BJ Grieve, Planning Director**

Subject: **PD-04-22: Planned Development District - Conceptual Development Plan for 42.2+/- acres on the north side of Camp Easter Road between Pine Barrens Vista and McDeeds Creek Road**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Pete Bogle of Bogle Firm Architecture, on behalf of Very Reverend John J. Forbes, VF, has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) to allow a private school, athletic fields, cemetery, rectory and religious institution as the permitted land uses. The subject parcels are currently zoned RE (Rural Estate). The owner of the parcel identified as PIN 858315538280 (PARID 00038409) is listed as Michael F. Burbidge, Bishop of the Roman Catholic Diocese of Raleigh, North Carolina; and the owner of the parcels identified as PIN 858315635655 (PARID 00991755) and PIN 858315635197 (PARID 10001608) is listed as F. Joseph Gossman, Bishop of the Catholic Diocese of Raleigh.

II. TOWN COUNCIL REVIEW & ACTION:

On April 12, 2022 a public hearing was held by the Southern Pines Town Council regarding the proposed rezoning to PD-Planned Development. After opening the public hearing, the Town Council heard a brief presentation about the application from planning staff and planning staff distributed written comments that had been received prior to the hearing. The Town Council then heard a presentation by Mr.Pete Bogle on behalf of the applicants. Following Mr. Bogle's presentation, Mr. Thomas Van Camp also spoke on behalf of the applicant. Three members of the public then spoke before Mr. Andy Petesch, speaking on behalf of the Curry family, requested a continuance due to the late hour and amount of detail provided in Mr. Bogle's presentation. Those in attendance were given an opportunity to speak, and the Town Council heard from one additional member of the public before voting 5-0 to continue the hearing to May 10. Mr. Thomas Van Camp then spoke again.

Details of the April 12, 2022 public hearing are available in the Town Council's minutes of that meeting. A copy of Mr. Pete Bogle's presentation to the Town Council, including the changes to the CDP presented at the April 12, 2022 hearing by the applicants, is attached to this report for the Town Council's reference.

On May 10, 2022, the public hearing regarding the proposed rezoning to PD-Planned Development was reconvened. Two residents of the adjoining Pine Barrens subdivision spoke in opposition to the project. Mr. Andrew Petesch, an attorney with Curry, Sullivan & Bissett spoke at length in opposition to the project on behalf of his client, a resident of Pine Barrens. Mr. Petesch submitted a 20-page document to the Town Council containing a summary of his client's opposition to the project and an analysis of the UDO and CLRP. Mr. Tom Van Camp, of Van Camp, Meacham & Newman spoke on behalf of the applicants, followed by Father John Forbes (applicant representative). Finally, Dr. Tom Daniel spoke regarding horse behavior and the importance of horse country. Finally, Mr. Pete Bogle, presenting the applicants, was asked by the Town Council if he, his clients and Mr. Van Camp would please work with Mr. Petesch and the residents of Pine Barrens that he represents, to resolve some of the outstanding issues and come to agreement. Both sides agreed to this, and requested a continuance to the June 14, 2022 Town Council regular business meeting. The Town Council granted this request.

On May 18, 2022 Planning staff received a revised copy of the application form for PD-04-22. The revised application form specifically excludes high schools as a possible use and ensures consistency of proposed allowable land uses with those already listed in Section 5.1 of the proposed CDP text. On May 26, 2022, Planning staff was informed by Messrs. Bogle and Petesch that a mediation meeting between the parties had been scheduled for June 6, 2022 and that no new information or CDP text or map modifications would be submitted prior to that date. Since the deadline for staff reports and packets for the June 14, 2022 Town Council meeting was June 1, 2022, additional information regarding mediation efforts will be provided to the Town Council at the June 14, 2022 continued public hearing.

Details of the May 10, 2022 public hearing are available in the Town Council's minutes of that meeting. A copy of Mr. Andrew Petesch's presentation to the Town Council, as well as Mr. Bogle's revised CDP application document, has been added to the attachments to this report, along with all other previous documentation from the original application and the April 12, 2022 hearing, for the Town Council's reference.

III. PLANNING BOARD RECOMMENDATION:

On March 25, 2022, the Southern Pines Planning Board held a public hearing and heard from those in attendance regarding application PD-04-22. Planning staff presented a review of the St. John Paul Planned Development (PD) Conceptual Development Plan (CDP) application. Planning staff briefly reviewed the location of the subject property and general orientation of the proposed land uses in the CDP. Planning staff reviewed deviations from the UDO proposed in the CDP, additional project-specific design standards proposed by the applicants in the CDP, details regarding the Watershed Protection Overlay, parking, and a summary of agency comments.

Following staff's comments, Mr. Pete Bogle, the applicant's representative, spoke to the Planning Board. Mr. Bogle presented information regarding the purpose and design of the

proposed PD and the general nature of the two phases of development set forth in the CDP. Mr. Bogle responded to concerns raised by planning staff in the Planning Board staff report:

1. Mr. Bogle agreed to limit built-upon area to 24%.
2. Mr. Bogle proposed to reduce overall parking by sharing future phases parking with the 127 existing spaces and 20 future spaces that serve the St. John Paul School.
3. Mr. Bogle offered the use of "grass pave" parking since churches use parking infrequently and vegetation in "grass pave" has a higher likelihood of survival than in higher turnover parking areas.
4. Mr. Bogle suggested moving the footprint of the church closer to the school.

Mr. Bogle discussed the presence of an easement on the west side of the property and the site design constraints created by the location of the easement. Mr. Bogle concluded by addressing the matter of parking and stating that the Archdiocese feels that they need one parking space per 2.5 seats.

Following the applicant's presentation, the Planning Board heard from approximately nine residents of Pine Barrens (a large-lot subdivision located west of the proposed PD), one attorney representing a resident of Pine Barrens, and two members of the general public who all expressed concerns with the proposed Planned Development. A summary list of concerns raised include:

1. Proximity of the proposed land uses and parking lot to an area designated as "Rural Equestrian" on the CLRP Future Land Use Map.
2. Inconsistency with Goal 5 in the CLRP: **"G-5. Horse Country**. Retain the aesthetic and functional characteristics of Horse Country."
3. Impacts of noise and traffic on horses in Pine Barrens.
4. The slope of the property from east to west and runoff from impervious surfaces.
5. Light pollution from the proposed land use.
6. Negative impacts to the "horse lifestyle."
7. Negative impacts to "horse country" and the economic impacts of developing horse country to other land uses.
8. Traffic from the proposed land use.
9. Future expansion of the proposed parking area and/or the proposed land use.
10. Pollution.
11. Concerns that a Planned Development with only "institutional" land uses does not contain an adequate mix of land uses, per UDO 3.5.14(D).
12. Insufficiency of a 10' planted buffer between the prosed driveway and the Pine Barrens property line.
13. Inappropriate use of a Planned Development.
14. Concerns that the application is being "fast tracked" since the Town Council hearing is already scheduled.
15. Planning staff's draft documents appear to support approval.
16. Inconsistency with the description of the "Residential" Future Land Use designation because the school is k-8, not elementary and disagreement with Planning staff that "civic uses" includes religious institutions/places of worship.

(Planning staff note: Following the Planning Board meeting, staff conducted some additional research, on definitions of "civic land uses." Clearly the term means different things to different people in different places. There are many examples of places that consider churches to be "civic land uses," such as Garner, NC[1] and Austin, TX[2], and examples of long range plans that consider "civic buildings" to include churches, such as Painesville, OH.[3] However, there are some legal definitions of "civic use" found online[4] that appear to restrict civic land uses to only governmental land uses like post offices, libraries, police stations, schools, parks, etc. The Southern Pines CLRP does not define "civic land uses" as referenced in the "Residential" Future Land Use designation, and the American Planners Association Planner's Dictionary does not define the term. Chapter 3 of the UDO lists Religious Institutions (LBCS 6600) as by-right (permitted) uses in Rural Residential (RR) and General Business (GB) zones. The Town Council may determine if Religious Institutions are an acceptable land use in the proposed Planned Development located in an area with a "Residential" Future Land Use designation.)

17. Overall inappropriateness of the area of town in which the proposed PD is located.
18. Desire for a much bigger buffer since McDeed's Creek School has a 100' buffer.
19. Future complaints from churchgoers and students and parents at the school about smells and noises from working horse farms.
20. Negative impacts to the tax contributions of horse people.

Following public comments, Father John Forbes spoke regarding the church's desire to be good neighbors and the history of how the catholic church came to acquire the property. Father Forbes shared that the Town of Southern Pines staff (in 2001) encouraged them to move outside of downtown to allow for future church growth. Father Forbes stated that there are many uses in the area with which he feels the proposed church and school are compatible, such as Belle Meade, McDeed's Creek School and the Knollwood Planned Development and the Anglican Church. Father Forbes expressed thoughts about quality fo life including the practicing of religion.

A period of back and forth discussion between representatives of the church and residents of Pine Barrens took place, with concerns, points and counter-points being raised by both sides. Pete Bogle, on behalf of the applicant, stated that the applicants were willing to take a closer look at the design of the CDP and may make further modifications to the CDP based on feedback received.

[1] 637496785356700000 (garnernc.gov)

[2] zoning_landuse_chart.pdf (austintexas.gov)
[3] Microsoft PowerPoint - 2009-02-06 Painesville book - draft (govoffice2.com)
[4] civic use Definition: 116 Samples | Law Insider

Following public comment, the Planning Board closed the public hearing. The Planning Board discussed the issues raised during the hearing. Kim Wade shared thoughts regarding runoff and the character of the neighborhood. Cooper Carter shared thoughts regarding being guided by the CLRP and how the campus plan and school are consistent with the CLRP but the church is inconsistent. Cooper also discussed inconsistencies with policies in the CLRP regarding horse country. Lem Dowdy shared thoughts regarding the applicant stating that they will make changes to the proposal prior to the Town Council hearing. Coper Carter shared concerns with a lack of traffic information with the CDP application. After Planning Board discussion, two main concerns were determined by the Planning Board. The first concern was regarding compatibility with the adjoining rural equestrian land use, and inconsistency with Goal 5 in the CLRP. The second concern was regarding future phases and churches not being consistent with the "Residential" Future Land Use Designation. Following discussion, the Planning Board unanimously found the proposed CDP is inconsistent with the CLRP as stated in Attachment A to the staff report for PD-04-22 as modified by the Planning Board. The Planning Board unanimously recommended denial of PD-04-22.

Please find the signed Planning Board Resolution to Adopt a Written Recommendation for Conceptual Development Plan application PD-04-22 in the attachments section of this report.

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

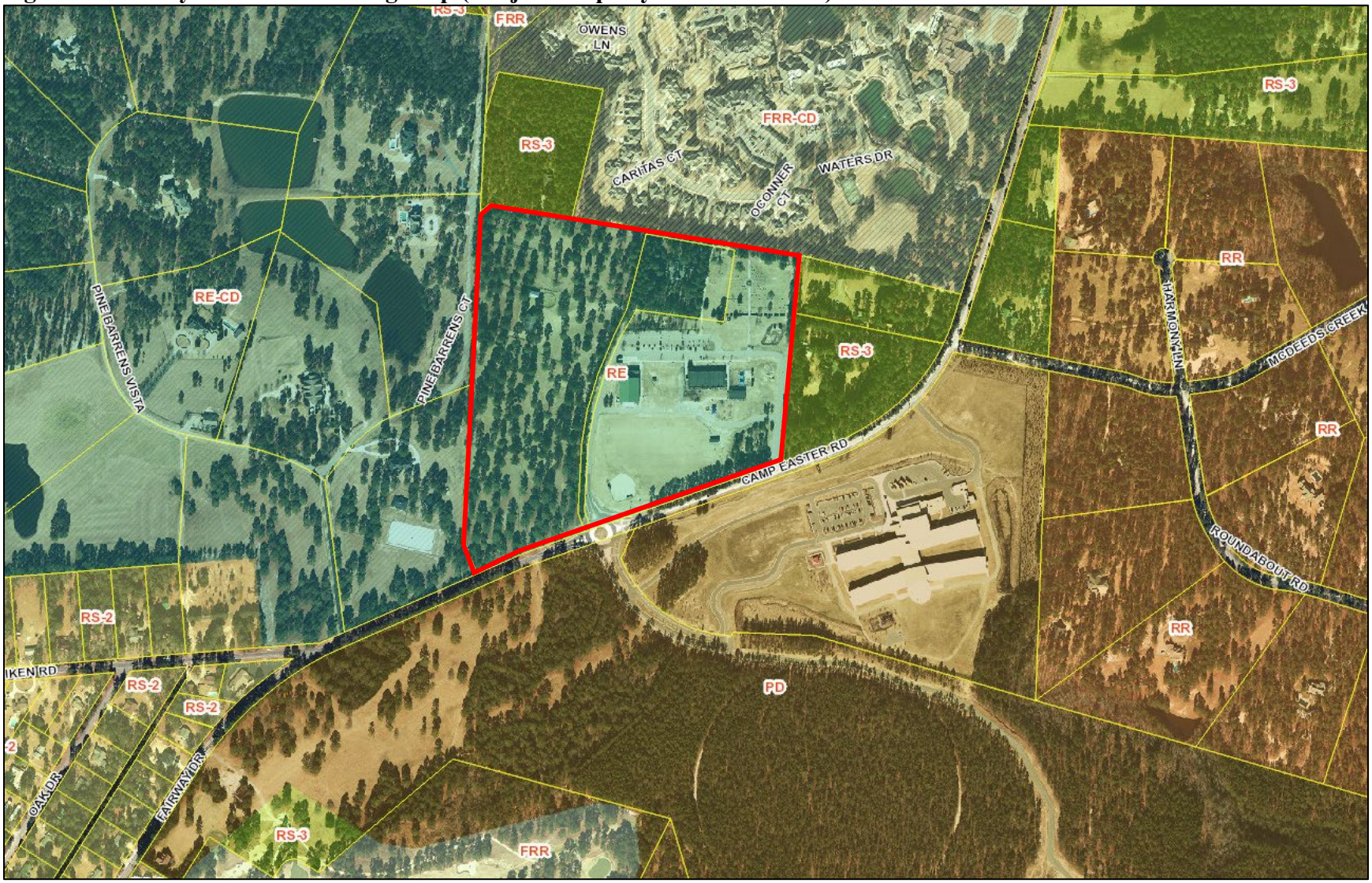


Figure 2: Aerial Image Looking Northeast at Subject Property (February 25, 2022):

Figure 3: Proposed Conceptual Development Plan Layout (PD-04-22):

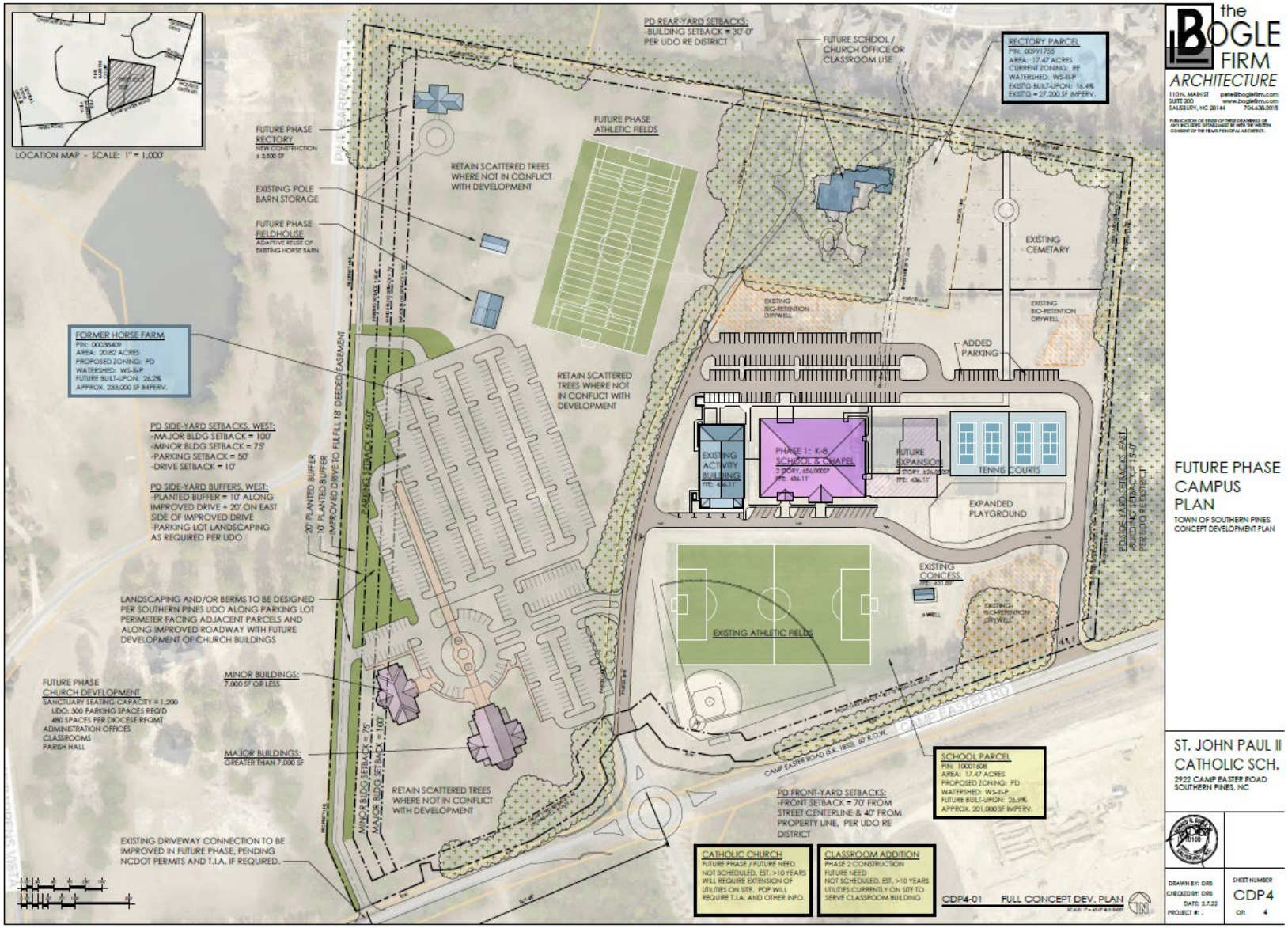


Figure 4: DRAFT REVISED Conceptual Development Plan Layout (Emailed to Planning Staff March 30, 2022):

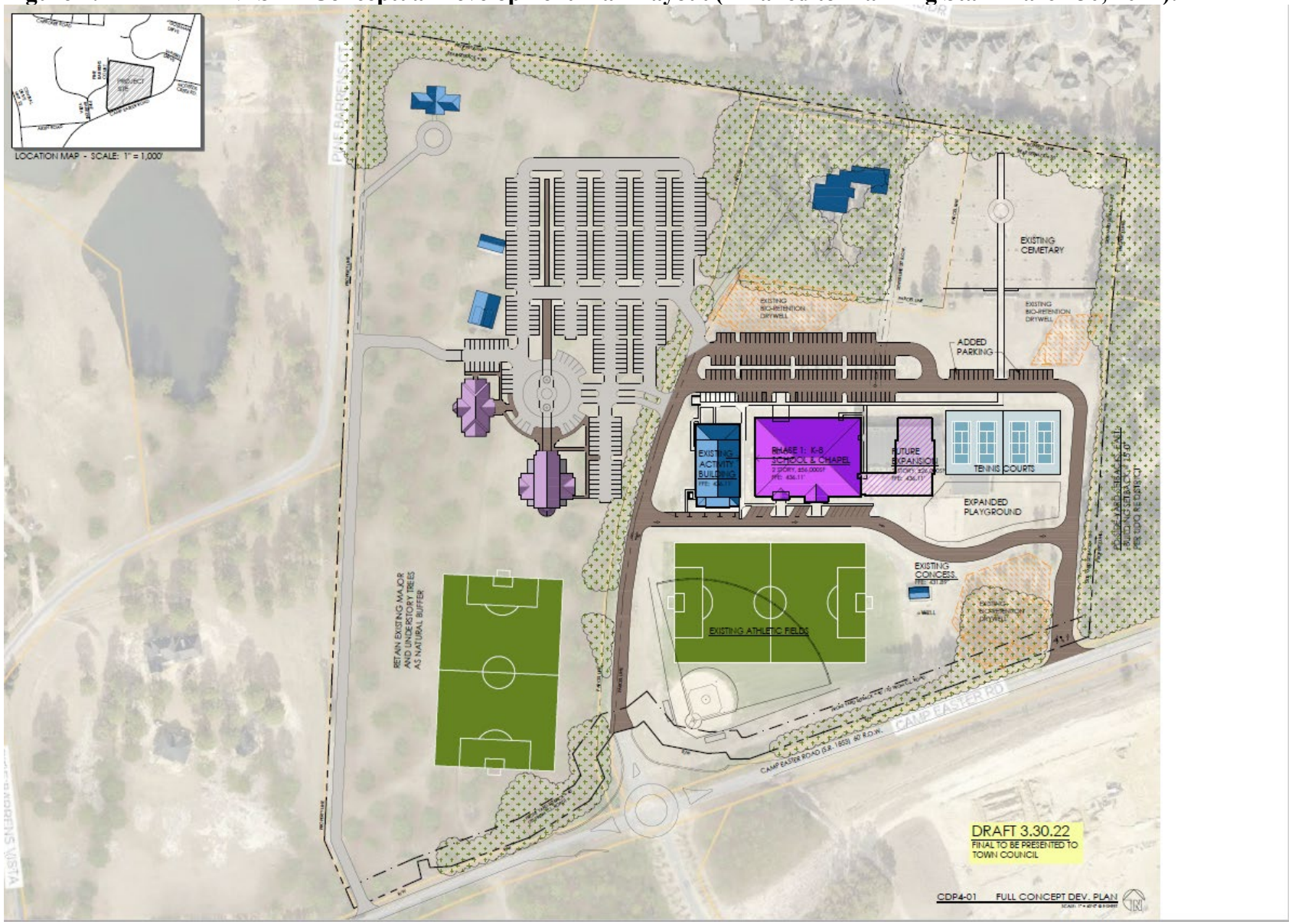
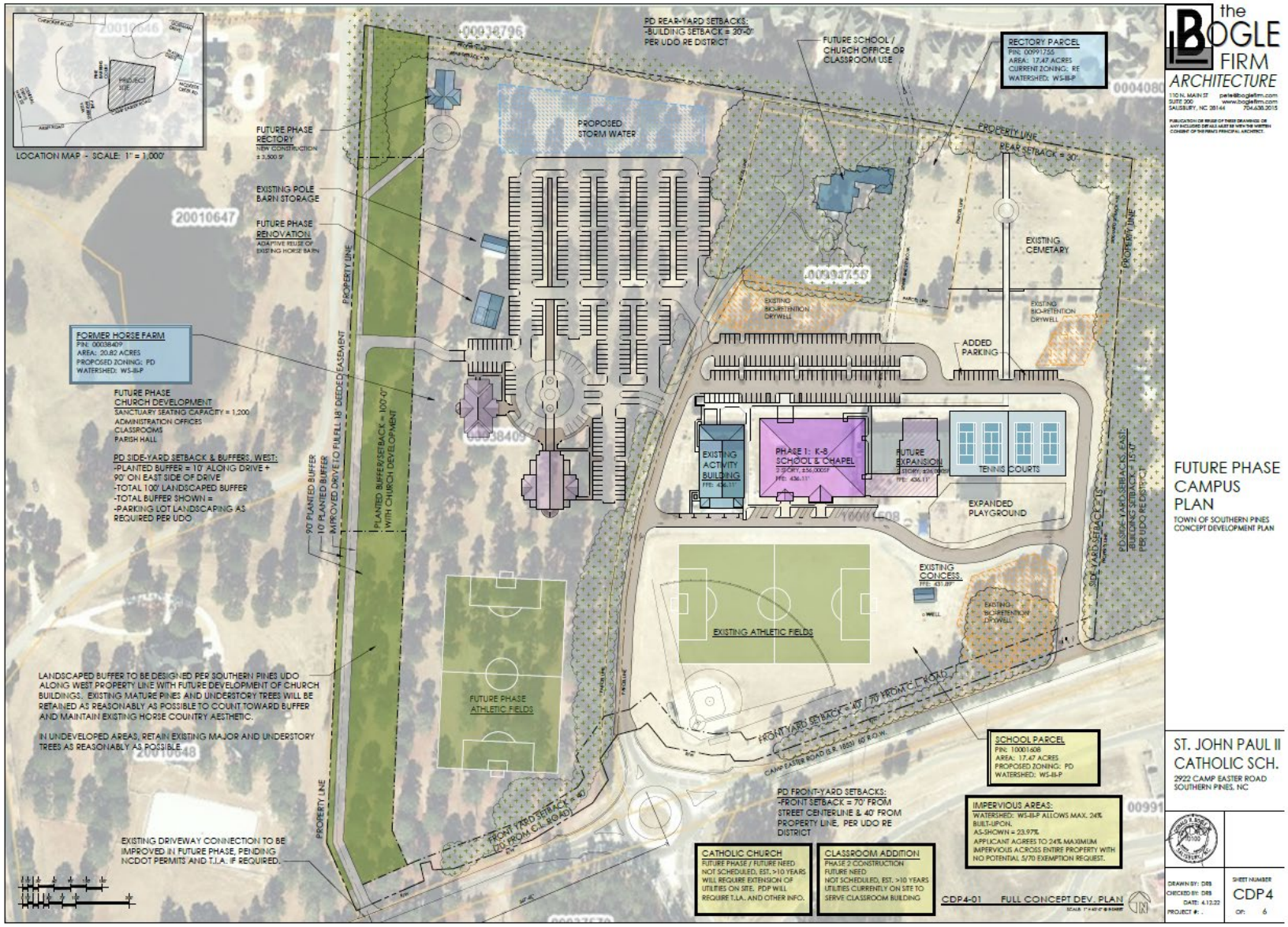


Figure 5: 2nd DRAFT REVISED Conceptual Development Plan Layout (Presented at April 12, 2022 T.C. Hearing):



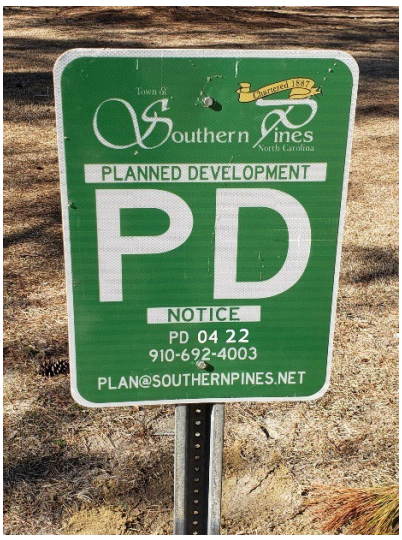
IV. STAFF REVIEW:

A. Review Process:

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

B. Application Review Dates:

- Prior to submittal of the CDP application, the applicants held a Neighborhood Meeting on January 25, 2022 in compliance with UDO §2.18.3(D). Adjacent property notification, meeting minutes, copies of materials presented and a sign-in sheet from the meeting are all attached to this staff report.
- CDP Application Submitted: February 14, 2022
- Application Deemed Incomplete: February 21, 2022
- Application Deemed Complete: February 22, 2022
- Notice of March 24, 2022 Planning Board Public Hearing:
    - Posted On-site: March 2, 2022
    - Mailed to Adjacent Property Owners: March 4, 2022
    - Newspaper Publication Dates: March 9 & 16, 2022
    - Posted on Town website: March 3, 2022.
- Planning Board Regular Meeting: March 24, 2022
- Notice of April 12, 2022 Town Council Public Hearing:
    - Posted On-site: March 2, 2022
    - Mailed to Adjacent Property Owners: March 21, 2022
    - Newspaper Publication Dates: March 30 & April 6, 2022
    - Posted on Town website: March 21, 2022.
- Town Council Regular Meeting: April 12, 2022 (continued to…)
- Town Council Regular Meeting: May 10, 2022 (continued to…)
- Town Council Regular Meeting: June 14, 2022.



C. Criteria for Review:

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

Conceptual Development Plan

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

D. Staff Comments:

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

The subject property is designated "Residential" on the Future Land Use Map found in the 2016 Comprehensive Long-Range Plan. The "Residential" future land use designation is described in the CLRP as follows:

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

The applicant has provided narratives addressing consistency of the proposed CDP with the Town's Comprehensive Long-Range Plan. The applicant's narratives are attached to this staff report.

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

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

The criteria against which a CDP shall be reviewed are found in UDO §2.18.4(H). The applicants have provided a narrative addressing the criteria for a CDP per UDO §2.18.4(H) and a narrative addressing the criteria for a zoning map amendment per UDO §2.18.4(A). Copies of the applicant's narrative documents containing their descriptions of the manner in which the project meets applicable criteria are attached to this staff report.

iii. Deviations from Unified Development Ordinance (UDO):

The proposed CDP proposes unique design standards, most of which equal or exceed the standards set forth in the UDO. The applicant has detailed all proposed modifications in Section 5.2.2 of the CDP. The following modifications are of particular interest for purposes of reviewing and considering the application:

- Parking: The proposed Planned Development calls for 480 parking spaces to serve the large religious institution land use. The applicant states that this exceeds UDO Exhibit 4-6, but that exhibit is a minimum parking requirement, not a maximum. The applicants may propose as much parking as they choose for consideration by the Planning Board and Town Council. However, planning staff recommends capping parking in the CDP at a *maximum* of 1 space per 4 seats for a large religious institution, or utilizing a shared parking arrangement with the existing school parking.

  Update: At the April 12, 2022 public hearing, the applicants presented a modified layout with less new parking and a site layout that shared the future church parking with the existing school parking. The church is served by 336 new spaces and 150 existing spaces, for a total on the site of 486.

- Transportation (Streets): The proposed Planned Development makes clear that the internal transportation network may be built as private driveways, not public or private streets.

- Sidewalks: The proposed Planned Development requires sidewalks connecting buildings and parking areas, but not connecting uses on the campus. This is a deviation from UDO 4.11.15(D) that would require sidewalks to connect all on-site activity centers.

iv. Consultation with Technical Review Committee:

At this time, the TRC is unable to provide further specific feedback because much of the proposed CDP is zoning standards, not specific design to review. Due to the lack of specificity in the CDP regarding future land uses, specific location(s) of land uses and overall site layout (i.e. parking circulation, etc.) the TRC must wait and review more specific plans submitted with future applications for Preliminary Development Plans.

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

- The only allowed uses within the St. John Paul Planned Development are as follows, taken from Section 5.1 of the CDP:

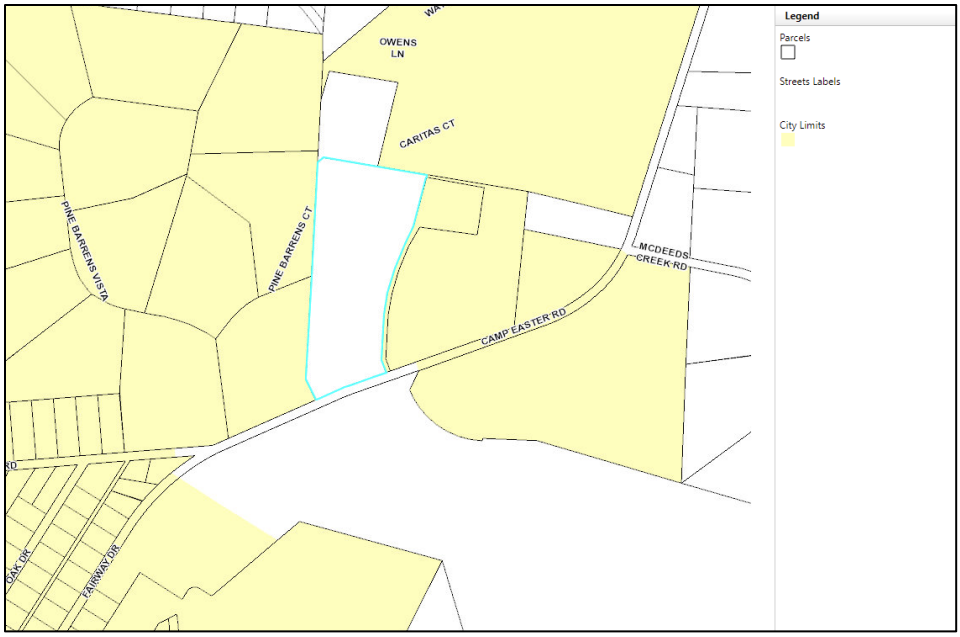
  Primary Uses:
  - Private School (Pre-K through 8th grade) LBCS-6110, 6121, 6122, 6125
  - Religious Institution (large church) LBCS-6600
  - Residential, single-family home (rectory) LBCS-1111

  Accessory Uses:
  - Administrative Services (associated with the school/church) LBCS-2421
  - Athletic Fields / Tennis Courts / Playgrounds (associated with school/church)
  - Cemetery (accessory to religious institution) LBCS 6720
  - Temporary Uses (subject to UDO 5.18 and 5.22 with permitting)
  - Accessory Uses (subject to UDO 5.3)

- The proposed Planned Development is located within the Little River Intake No. 2 Water Supply Watershed. Presently, all phases of development of the properties appear to involve built-upon area in excess of 24%. Rather than allocate 42.2 acres of exemption allocation to a project that appears to have a future built-upon surface of only 26.2% for the west parcel and 26.9% for the east parcel, planning staff recommends that Section 5.2.2 of the CDP be modified to restrict built-upon area to no more than 24% of the 42.2 acre Planned Development zoning district.

  Update: At the April 12, 2022 public hearing, the applicants presented a modified site layout with a maximum built-upon area of 23.97%, negating the need for any watershed exemption allocation.

- The western portion of the proposed Planned Development (Parcel ID 00038409) is not presently annexed into the Town of Southern Pines. Prior to approval of a Preliminary Development Plan for development of "Phase II," the subject parcel should be annexed into the Town of Southern Pines.



- The applicants have provided information regarding an access easement along the west side of the property that has a noteworthy impact on site design and the use of buffers along the west boundary of the Planned Development.

- A Traffic Impact Analysis (TIA) is not required to be submitted with a Planned Development CDP application. General transportation planning information is provided on the CDP plan. A TIA will be required with each phase of development that will be reviewed individually as Preliminary Development Plans (PDP).

- The proposed Parking Setback directly adjacent to the required 20' Planted Buffer does not leave room for Vehicle Use Area Perimeter Landscaping which must be located with a planting area of no less than 10', per UDO 4.3.6(C)(2). Staff recommends maintaining the 20' buffer to comply with UDO Exhibit 4-2 and adding 10' between the buffer and the parking setback to accommodate perimeter parking standards.

  Update: At the April 12, 2022 public hearing, the applicants presented a revised layout that allows ample space to meet Vehicle Use Area landscaping requirements.

- Following the Planning Board meeting on March 24, 2022, Pete Bogle emailed planning staff a draft revised CDP layout plan, see Figure 4 above and attachments to this staff report. Mr. Bogle stated that he would present to the Town Council at their public hearing a list of changes made as a result of feedback at the Planning Board meeting. However, Mr. Bogle wanted a

draft of a revised CDP to be available to the public, staff and Town Council as part of the staff report.

Update: During the April 12, 2022 Town Council public hearing, Mr. Pete Bogle presented a further revised draft CDP. A copy of this revised CDP, from Mr. Bogle's presentation, is included as Figure 5 above.

- Following the May 10, 2022 continued public hearing, Pete Bogle submitted to Planning staff a revised application that specifically excludes reference to a high school as a possible land use.

V. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town's Technical Review Committee (TRC), the North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, the Regional Land Use Advisory Commission (RLUAC) and Moore County Airport on March 3, 2022.

- Dagoberto JuarezPozos with NCDOT commented on March 4, 2022: *"Due to the expansion of the site they will need to submit a driveway permit. We will also need to see a more detailed breakdown of the land uses. Maximum number of students and a more definitive church size so we can run a trip gen and see if (any) roadway improvements are triggered."* A copy of NCDOT's comments are attached to this staff report.

- John McNeill and Vagn Hansen with the Regional Land Use Advisory Commission (RLUAC) provided written comments via email on March 8, 2022. A copy of RLUAC's comments are attached to this staff report.

VI. ATTACHMENTS:

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

1. Planning Board Written Recommendation
2. Draft Revised Campus Master Plan (Received via email March 30, 2022):
    a. Cover letter describing changes
    b. Revised Future Phases Plan
3. Design Narrative and Design Guidelines
    a. CDP
    b. Existing Property Information
    c. Narrative Addressing CDP Criteria, UDO §2.18.4(H)
    d. Narrative Addressing Rezoning Criteria, UDO §2.18.4(A)
4. Application and Support Documents
5. RLUAC Comments
6. NCDOT Comments
7. Mr. Pete Bogle's presentation from April 12, 2022 Town Council Public Hearing.
8. Mr. Andrew Petesch's presentation from May 10, 2022 Town Council Public Hearing.

9. Mr. Pete Bogle's revised application, submitted via email May 18, 2022.

VII. TOWN COUNCIL ACTION:

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

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

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

1. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-04-22;

2. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-04-22, and as modified by Town Council as follows:

3. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the following reasons:

And, therefore, I move to:

1. Deny PD-04-22.

2. Approve PD-04-22 as submitted and as modified by the applicant in response to concerns raised by the Planning Board.

3. Approved PD-04-22 as submitted and as modified by the applicant in response to concerns raised by the Planning Board and with the following further modifications:

Town of Southern Pines
Chartered 1887
North Carolina

ATTACHMENT A

PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-04-22

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

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

WHEREAS, the Planning Board conducted a public hearing on March 24th, 2022 for consideration of a Planned Development - Conceptual Development Plan for the St. John Paul Planned Development;

NOW, THEREFORE BE IT RESOLVED that the Planning Board supports the immediate school development purpose of constructing a new classroom building to replace mobile classroom units for St. John Paul II Catholic School. The Planning Board appreciates the need for rezoning the parcel with the existing school as it is inconsistent with the UDO, which only allows Elementary Schools within the RE district. The planning board however finds that this Conceptual Development Plan, PD-04-22, specifically the "Future Phase Church Development" work proposed solely on Parcel ID 00038409, represents an overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 of the CLRP, which is the retention of the aesthetic and functionary characteristics of Horse Country. The planning board finds that the scale, location, and buffering issues surrounding the "Future Phase Church Development" could be inconsistent with the residential future land use designation. The Planning Board also finds that the proposed development's scale may be inappropriate for the area of the Town in which it is located, and is concerned particularly about the impacts on traffic Camp Easter Road and surrounding properties.

AND, THEREFORE, BE IT FURTHER RESOLVED that there were no additional matters considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-04-22:

ADOPTED this the 24th day of March, 2022.

Gary Carroll, Chairman

ATTEST:

Cindy Williams
Secretary to the Planning Board

Subject: REVISIONS
Project: St. John Paul II Catholic School & Campus Master Plan
Date: 3.30.2022

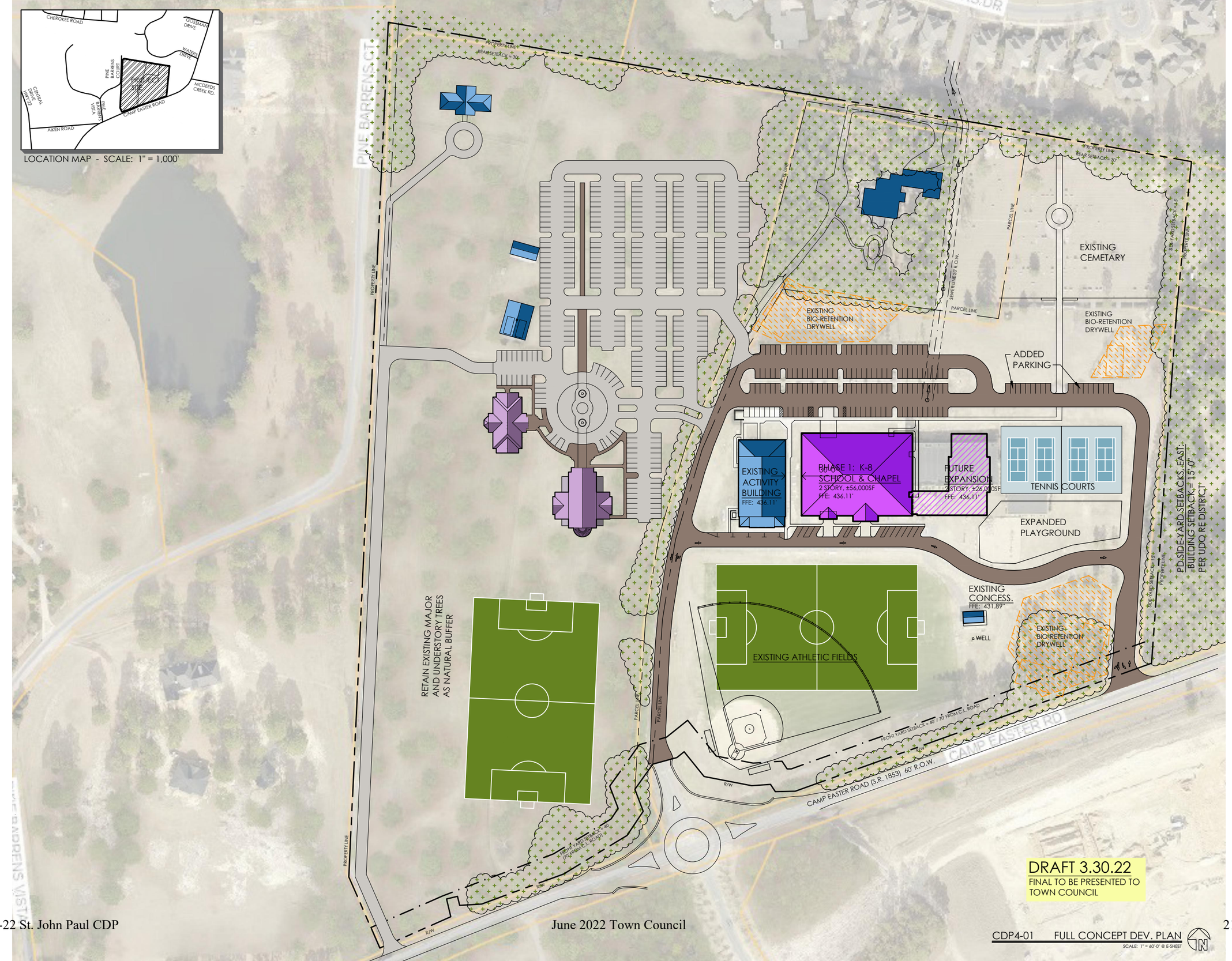
Town Council Members

Our team wants you to know that we are diligently working on revisions to the CDP site plan based on the concerns we heard from neighbors and addressing the comments made by Planning Board. The Planning Board unanimously voted to deny the CDP as presented, but discussions by the Board made it very clear that they believed that the uses shown on the CDP could be approved with the right site plan revisions.

I'm attaching a DRAFT revision of the CDP site plan to show you where we're headed. We will have the final CDP site plan, with all required information, ready to present at your April 12th meeting. For your information, during your preview of the project, here's some of what we will be adjusting based on comments at Planning Board:

- Increase setback along west property line
- Agree to a 24% maximum impervious surface area for the entire site (no future 5/70 exemption requests to increase above this amount)
- Local church development closer to school to utilize school parking as overflow for church needs.
- Connect church parking through school parking to provide connection to the existing driveway exit to Camp Easter Road at the far east end of the property.

Thank you for your consideration and we look forward to presenting to you on April 12th.



CDP4-01 FULL CONCEPT DEV. PLAN
SCALE: 1" = 60'-0" @ E-SHEET

Planned Development District

Conceptual Development Plan

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Submitted by:

Pete Bogle, AIA, LEED-AP
Principal Architect / Owner
Bogle Firm Architecture

and

Tony Bornhorst
Lead Project Manager
Rhetson Companies, Inc.

Planned Development District

Conceptual Development Plan Narrative & Design Guidelines

St. John Paul II Catholic School & Future Church Campus Master Plan

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February 14, 2022

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- 2.4 Compliance

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8.0 Appendix 3 – Zoning Map Amendment Criteria – Responses to UDO 2.17.9

1.0: PURPOSE / SUMMARY:

Request Rezoning for three parcels from RE to PD to establish zoning criteria for future development of the combined ±42.2 acre property and for the immediate purpose of constructing a New Classroom Building to replace mobile classroom units for St. John Paul II Catholic School.

- Need for Rezoning: Existing Pre-K through 8th grade school is non-compliant with current UDO, which only allows Elementary Schools within RE district. In order to build a permanent Classroom Building and remove mobile units, property must meet current UDO standards. Southern Pines Planning staff recommend rezoning to Planned Development (PD) as is consistent with the recently PD rezoned McDeed's Creek Elementary School directly across Camp Easter Road from the St. John's property. PD will establish zoning criteria to direct future phases of development on the entire 42.2 acre property.
- For clarity within this document:
  - "School Development" includes work proposed primarily on Parcel ID 10001608, which includes the existing St. John Paul II Catholic School facilities. Athletic fields shown on Parcel ID 00038409 are included within School Development.
  - "Church Development" includes work proposed solely on Parcel ID 00038409 and involves church facilities, parking lots, and drives.

- **Development Phasing**
  - Phase 1 – Immediate Need
    - New Classroom Building on previously prepared building pad
      - Expected Timeline = Completion within 2 to 3 years
  - Future Phases
    - Classroom Expansion Building adjacent to Phase 1
      - Expected Timeline = More than 10 years
    - Athletic Fields / Tennis Courts
      - Expected Timeline = 5 to 10 years
    - Church Facilities and parking
      - Expected Timeline = More than 10 years
    - New Rectory
      - Expected Timeline = 5 to 10 years

2.0: PROJECT OVERVIEW:

2.1 LOCATION

The proposed development is located along Camp Easter Road between Pine Barren's Court and McDeed's Creek Road. St. John Paul II Catholic School is the current major use of the site. Minor uses include a Rectory, a former horse stable building being used as school administration offices, and an existing cemetery. These parcels are within Southern Pines City limits and ETJ. Utilities are available to the site and are currently run into the site to a prepared building pad for the Phase 1 Classroom Building project. *See Appendix 1, Property Information*

2.2 DEVELOPMENT VISION:

Catholic School: St. John Paul II Catholic School seeks to replace the mobile classroom units with a ±56,000 square foot, permanent school building on the existing prepared building pad adjacent to the existing Activity building and expand their student population from 250 students to a maximum cap of 450 to 500 students (10 grade levels x 2 classrooms each). This permanent classroom building was anticipated and shown on the Activity Building project which was approved and constructed in 2017. Much of the infrastructure for the permanent classroom building was designed and installed as part of this most recent project (water/sewer/fire lines, stormwater management).

Catholic Church: Local Catholic Church leadership and the Roman Catholic Diocese of Raleigh see a need to respond to the continuing development in Southern Pines by building a larger church with seating up to 1,200 to accommodate the growing Catholic community. There is no established timeline for this new sanctuary and church campus

The Phase 1 classroom building will add approximately 30 to 40 parking spaces along the existing drive aisles within the center of the site. School traffic patterns will remain unchanged. As needs arise and funding is met, a tennis court complex and playground improvements will be constructed within the site, with the closest portion of the tennis court being greater than 75 feet from the east property line.

The future phase church facilities will be designed to present an architecturally attractive, large sanctuary building in view through the existing pine trees along Camp Easter Road. Administration, Classroom, and Parish Hall building(s) will be constructed of similar architectural detailing adjacent to the sanctuary, to establish a campus environment with potential fountains, wide sidewalks, formal landscaping, and other site appurtenances. In order to improve contextual appropriateness to adjacent residential districts, Major and Minor buildings have been defined at a threshold of 7,000 sf with greater setback requirements for Major buildings.

2.3 APPLICANT AND PROJECT TEAM:

The applicant is St. John Paul II Catholic School. Property Owner is the Roman Catholic Diocese of Raleigh. Consultants on the CDP are Rhetson Companies and Bogle Firm Architecture.

2.4 COMPLIANCE:

All development within the site must adhere to the approved standards and conditions stated in this document. As stated in UDO 3.5.14 "Development within a PD district shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained with other sections of the UDO." The conditions stated within this document shall supersede those established in the UDO. Each phase of development must submit and obtain approval of a Preliminary Development Plan (PDP). To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of the application will apply.

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION, CHECKLISTS, & SUPPORT DOCUMENTS

See separate document, Exhibit A

4.0 EXISTING CONDITIONS

4.1 EXISTING NATURAL FEATURES

Existing trees and vegetation are the expected pine and hardwood mix typical to the area. Coverage on the west parcel is as expected for a former horse farm with scattered trees and no undergrowth. The Rectory parcel is more densely wooded and contains understory trees and shrubs. The existing School parcel is mostly open with clusters of trees around the perimeter and along the interior private road.

Land is relatively flat with a natural grade flow from Camp Easter Road (southern border) to the northwest corner of the property. High elevation is approximately 436' at Camp Easter Road (at traffic circle). Low elevation is approximately 418' near the northwest corner. Approximately 1,400 linear feet separate high and low elevations.

No streams, wetlands, or floodplains are present on the property. The property is identified as a WS-III-P watershed area for the Cape Fear Basin, Little River Stream. WS-III-P is defined by NCDEQ (15A NCAC 02B .0202) as "Moderately Developed" areas. WS-III has two intensity levels with CA (critical area) having greater requirements and PA (protected area) having lesser requirements.

Prevalent soil type is CaB (Candor fine sandy loam) with an average expected permeability of 6.0 to 20 inches per hour, a typical high-water table of greater than 6 feet and bedrock of greater than 60 feet. (USDA Soils Survey of Moore County, NC). Soils are generally highly permeable and well suited for underground stormwater control devices.

Approximately 2/3 of the site is within an Active Red Cockaded Woodpecker Foraging Area. Construction of Phase 1, Classroom Building, and other development that does not remove any pine trees, will not require a Woodpecker Survey. See letter from Dr. J. H. Carter, III & Associates, dated 22 October 2021. Development of any portion of the site that proposes tree removal will require further surveys.

4.2 EXISTING MAN-MADE FEATURES

The property contains many existing man-made features, including the Catholic School, Rectory, and horse barn / office building. Accessory structures include concession stand, dumpster pad / enclosure, playground canopies, and a storage shed (at horse barn). Paved private drives with parking areas provide connection to Camp Easter Road. A large, grassed area between the school and Camp Easter Road serves as both a baseball/softball and soccer field.

School Development: A building pad was prepared for the proposed Phase 1 Classroom Building. Stormwater calculations from the 2017 Activity Building project included impervious areas for the proposed Classroom Building. Sanitary sewer, water, power, telephone/data, and gas services are available at or very near this existing building pad, ready for use. The existing mobile classrooms will be removed once the Phase 1 Classroom Building is completed and occupied. Utility capacities for the Classroom Expansion will be further explored during the future phase PDP.

Church Development: Stormwater control facilities will be constructed as needed and may include underground detention systems similar to those installed on the school property. Utilities are available and existing on the existing School site. Phase 2 extensions of water, sewer, power, telephone/data, and/or gas will be made either on-site or along Camp Easter Road, whichever is deemed more appropriate during the PDP for that portion of the work.

4.3 EXISTING LEGAL FEATURES
Zoning information, property lines, rights-of-way, and easements can be seen on the Concept Development Plans, CDP1, CDP2, CDP3, and CDP4.

Ownership and Property Information is included in Appendix A of this document. Deeds are included in Exhibit A.

Adjacent parcel information can be seen on CDP1.

5.0 DEVELOPMENT CONDITIONS

5.1 ALLOWABLE USES
Uses within this PD will be limited to the following:

- PRIMARY USES
  - Private School (Pre-K through 8th grade) LBCS-6110, 6121, 6122, 6125
  - Religious Institution (large church) LBCS-6600
  - Residential, single-family home (rectory) LBCS-1111
- ACCESSORY USES
  - Administrative Services (associated with the school/church) LBCS-2421
  - Athletic Fields / Tennis Courts / Playgrounds (associated with school/church)
  - Cemetery (accessory to religious institution) LBCS 6720
  - Temporary Uses (subject to UDO 5.18 and 5.22 with permitting)
  - Accessory Uses (subject to UDO 5.3)
- Other uses not listed here are excluded from this PD.

5.1 LAND USE
Land use areas are defined on the Conceptual Design Plan. Uses from 5.1 shall be implemented within the areas outlined on this plan. Accessory Uses are not limited to specified areas.

- Total land area = ±42.2 acres
- Existing Built-Upon Area = 9% Impervious

Built-Upon / Impervious Areas are projected as follows at the completion of each phase as listed:

- PHASE 1 Classroom Building = 12% Impervious Maximum
- FUTURE PHASE Classroom Expansion and Tennis Courts = 15% Impervious Maximum
- FUTURE PHASE Church Development = 30% Impervious Maximum
  - Note: 5/70 Exemption will be required for WS-III-P compliance once built-upon areas exceed 24%.

5.2 DEVELOPMENT STANDARDS / ADDITIONAL DESIGN CONDITIONS
In general, dimensional standards for the development including building heights, buffers, setbacks, and landscaping will follow the standard UDO unless modified within this document. Any modified standard in this document will supersede the UDO requirements.

5.2.1 Basis: Unless modified herein, development and design standards will meet the most restrictive requirement of the zoning districts adjacent to the development site (RE, RS3, FRR)

5.2.2 Summary of PD Development Standards

- Maximum Building Height: 2 stories + 35 feet to upper floor ceiling height. Buildings will have pitched roofs or parapets that face front and side yards.
  - More restrictive than 4.2.1(F) & (H)
  - Height of spires is unlimited and regulated per 4.2.1(I)

- Setbacks:
    - Front Yard = 40 feet from ROW / 70 feet from centerline of Camp Easter Road (RE)
    - Side Yard, West = 50 feet to Parking, 75 feet to Minor Buildings, 100 feet to Major Buildings (major/minor as defined by 5.15 = 7,000 sf)
    - Side Yard, East = 15 feet (RE)
    - Rear Yard = 30 feet (RS3)
- Buffers:
    - Existing 18' easement must be maintained along west property line. Future development will improve this easement as a paved drive.
        - In order to maintain this easement, drive will run parallel within buffer. Landscaping will be provided to screen drive.
    - Side Yard, West = 10 feet landscaped buffer from property line to drive
    - Side Yard, West = 20 feet landscaped buffer on east side of improved drive
- Lot Size, Density, and Lot Width (per RE)
- Landscaping: per UDO requirements except as follows
    - Buffers for PDD as established above.
        - NOTE: Proposed buffer at west property line is based on UDO Exhibit 4-2 buffer requirements between RE and GB. Per UDO 5.15 Supplemental Requirements for Religious Institutions only allows large Religious Institutions in GB district. Thus, buffer required width is based on GB district.
    - Buffers will become required with development activity per parcel.
        - West buffer will be required with development of church and parking lot.
        - Phase 1 Classroom Building, Future Phase Classroom Expansion, and Tennis Courts do not require additional buffers but will require existing buffers to be maintained or replaced.
    - Landscaping for Vehicle Use Areas, per UDO 4.3.6
        - NOTE: Added parking spaces at Existing Cemetery are below the 5,000 sf threshold for Internal Parking Lot listed in UDO 4.3.6(B)(3)
        - NOTE: Added parking spaces south of new Classroom Building are below the 5,000 sf threshold for Internal Parking Lot listed in UDO 4.3.6(B)(3)
- Off Street Parking: UDO Exhibit 4-6 shall apply with the following calculations and modifications
    - Elementary and Middle School = 1.175 spaces per classroom x 46 classrooms (Phase 1 + Future) = 55 spaces required (no modification)
    - Bicycle Parking = 0.25 per classroom x 46 classrooms = 12 spaces
    - NOTE: Provided parking spaces shown on CDP at school development = ±160 spaces (125 existing).
    - Church Development: Minimum number of spaces required by Diocese exceeds Exhibit 4-6. Parking areas will be designed with curb and gutter as necessary to capture and control stormwater toward underground basins or similar stormwater control systems.
- Lighting: UDO 4.8 shall apply with the following modifications
    - School Development: New lighting shall comply with UDO. Existing lighting shall remain if unaltered by development.
    - Church Development: New lighting shall comply with UDO and…
        - Parking lot lighting shall be full cut-off, dark-sky compliant, LEDs
        - Parking lot lighting shall be self-dimming with motion sensors per parking section (defined by landscape islands) – OR – Parking lot lighting shall be on timers set to come on at dusk and turn off at

11:00 PM. Church reserves the right to leave lights on during special events as defined in Accessory Uses UDO 5.3.
        - Building mounted area lights facing adjacent properties shall be controlled with parking lot lights.
        - Building mounted area lights may provide illumination for security purposes within the site and are subject to UDO 4.8
- Development / Building Standards: UDO 4.10 shall apply unless modified by other sections within this document.
- Transportation (Streets) UDO 4.11 shall apply with the following notes
    - Existing streets serving School Development were designed with the permanent Classroom Buildings in mind. Traffic patterns will not be changed with School Development
    - Church Development will require further TIA during PDP phase of development. As shown, the majority of traffic ingress and egress will be directed through the traffic circle on Camp Easter Road.
    - Distance between center of traffic circle and centerline of Improved Drive at west property line is approximately 565 feet. Driveway permitting will be required per NCDOT during PDP phase of Church Development.
    - All streets shown on CDP are intended to remain as Private Streets.
        - 4.11.14(B): Private drives do not serve multiple lots and therefore are not required to be built with the same standards and specifications as would apply to public streets.
        - 4.11.14(B) shall not apply to Deeded Easement access to 6 acre tract in northwest corner (Parcel ID 00038796)
        - 4.11.15(B): Church development drives will comply as required.
        - 4.11.15: Sidewalks will connect parking lots to the closest major building but will not be required to connect between uses except as shown on CDP.
- Supplemental Conditions for Specific Uses (UDO 5.15 Religious Institutions)
    - 5.15.1(A): PD shall allow Large Religious Institutions (seating capacity of largest assembly area greater than 250 seats).
    - 5.15.6 Setbacks for Large Religious Institutions:
        - To encourage construction of smaller scale buildings adjacent to residential properties in this PD, and in lieu of 3 story allowed by 4.2.1(F) and 50 foot height allowed for Religious Institutions by 4.2.1(H), this PD establishes setbacks and buffers for Major and Minor building sizes based on the 7,000 sf definition in 5.15.6.
        - Major Building: Setback from Residential Property Line = 100 feet
        - Minor Building: Setback from Residential Property Line = 75 feet
        - Buffers are as established above.

APPENDIX 1

EXISTING PROPERTY INFORMATION:

Property Information by parcel

- School Property:
  - Property Owner: Roman Catholic Diocese, Raleigh
  - Parcel ID: 10001608
  - Address: 2878 Camp Easter Road (school mailing address is 2922 Camp Easter)
  - Acres: 17.47 acres
  - Current Zoning: RE
  - Current Use: Pre-K through 8th Grade Private Catholic School, associated athletic fields, and existing cemetery
  - Watershed: WS-III-P ; Basin = Cape Fear ; Stream = Little River
  - Property Description: Existing property is located on the north side of Camp Easter Road between Pine Barrons Vista to the west and McDeed's Creek Road to the east. Structures consists of an existing Pre-K through 8th grade private Catholic School with Activity Building, mobile classroom buildings, athletic fields, out-buildings, and associated parking, drives, etc. Civil drawings from the Activity building project (2009) included utilities and storm water control for planned New Classroom Building. An existing cemetery is located in the northeast corner of the property. The site is relatively flat with an overall slope from southeast to northwest and is located within the WS-III-P watershed.
  - Utilities: The site currently has access to public water, public sewer, electrical, gas, telephone, cable, and internet services. A building pad, sewer and water connections, and stormwater control were provided for the proposed new classroom building during the construction of the Activity Building.
    - The proposed development will not require any utility extensions.

- Rectory Property:
  - Property Owner: Roman Catholic Diocese, Raleigh
  - Parcel ID: 00991755
  - Address: 2952 Camp Easter Road
  - Acres: 3.91 acres
  - Current Zoning: RE
  - Current Use: Residential
  - Watershed: WS-III-P ; Basin = Cape Fear ; Stream = Little River
  - Property Description: Existing property is located on the north side of Camp Easter Road between Pine Barrons Vista to the west and McDeed's Creek Road to the east. Property is mostly wooded and structures consists of an existing large estate house that is currently being used as a Rectory by the Diocese.
  - Utilities: The existing estate house currently has water, septic, electrical, telephone, cable, and internet services.
    - No development is proposed to this parcel and thus no utility extensions.

- Former Horse Farm Property:
  - Property Owner: Roman Catholic Diocese, Raleigh
  - Parcel ID: 00038409
  - Address: 2978 Camp Easter Road
  - Acres: 20.82 acres
  - Current Zoning: RE
  - Current Use: Existing offices above horse barn being used by school. No other current use.

- Watershed: WS-III-P ; Basin = Cape Fear ; Stream = Little River
- Property Description: Existing property is located on the north side of Camp Easter Road between Pine Barrons Vista to the west and McDeed's Creek Road to the east. Existing property was a former horse farm with one horse barn (offices above), a utility shed, scattered trees within open pasture area. The existing horse barn / office currently has water, septic, electrical, telephone, cable, and internet services.
    - No development is proposed to this parcel during this phase of work
    - Utilities are available along Camp Easter Road to be extended into the site as needed for future development of potential church facilities. More study will be required to evaluate these if the diocese moves forward with development of this site.

APPENDIX 2

CONCEPTUAL DEVELOPMENT PLAN CRITERIA:

Responses to UDO Section 2.18.4(H) Conceptual Development Plan Criteria

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

   This CDP conforms to all applicable provisions of Chapter 2 of the Southern Pines UDO. The narrative describes compliance and is further demonstrated by responses to UDO Section 2.17.9 Criteria for Zoning Map Amendments below.

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

   This CDP seeks consistency with the goals and policies of the UDO by the following:

   a) The CDP district supports the existing St. John Paul II Catholic School and provides UDO compliant means for expansions through master planned and phased growth.
   b) The CDP limits the potential uses of the site to only those listed within the PD documents and establishes land areas where these uses may be expected to occur within the Concept Development master plans.
   c) The CDP establishes setbacks and buffers to minimize impact to adjacent residential properties.
   d) This CDP establishes these regulations and proposed development patterns in general and requires a PDP process for each of the development phases.

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

   The School Development portion of this CDP proposes expansion of the existing Pre-K through 8th grade school. McDeed's Elementary School was recently constructed directly across Camp Easter Road from the St. John Paul II site, thus supporting that area is appropriate for educational facilities.

   Development of a Catholic Church adjacent to the Catholic School is a reasonable and congruous use within the 42.2 acre total site. The proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods. Churches traditionally serve communities and thus are appropriately developed within growing residential areas. Care will be taken to assure that the future church is developed with minimal adverse effects to existing residences.

   Camp Easter Road, the new traffic circle, and the planned extension road from the traffic circle, south, will be studied during the Church Development PDP to assure transportation support is adequate or to identify additional needs, remembering that traffic for Church use is heavy only at very limited times through the week, which are also generally times when other traffic is light.

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

   The site has access to public water, sewer, electrical, gas, telephone/data and other utilities currently being used on site by the Catholic School. The proposed CDP will not require public utility extensions.

APPENDIX 3

ZONING MAP AMENDMENT CRITERIA:

Responses to UDO Section 2.17.9 Criteria for Zoning Map Amendments

A. ***Consistency***. *Rezoning shall be consistent with the adopted Comprehensive plan.*
This CDP is consistent with the Comprehensive Plan – Southern Pines' Vision (Chapter 2)

- **Natural resources will be protected, with sustainable growth and development:** School development will be accomplished on the existing building pad, thus minimizing any loss of natural resources. Church development will seek to maintain as many existing trees as is reasonably appropriate to the development needs. Further woodpecker foraging area studies will be performed prior to Church development.
- **Economic development efforts will diversify employment opportunities and create a more sustainable local economy:** The expanded school will employ more teachers, but of greater impact is that the expanded school will provide additional private schooling options to help attract more families to seek jobs within the area. Church development will have a similar economic affect.
- **Education opportunities will be available for residents of all ages:** Rezoning will allow for the construction of the new classroom building which will increase the total number of students which directly increases the education opportunities for Pre-K through 8th grade students.
- **Recreational opportunities meeting the diverse needs of residents will be met through public and private facilities and services:** Athletic fields are currently made available to outside groups who are connected to the school or Catholic community.
- **Goal G1 – Community Well-Being:** School Development will allow St. John Paul II Catholic School to serve more students, hire more teachers, and build a wider community of parents, supporters, and alumni. Church Development will respond to the continuing development in Southern Pines by providing a larger church with seating up to 1,200 to accommodate the growing Catholic community. These have direct positive impact on Community Well-Being.
- **Goal G2 – Natural Resources:** Construction of the New Classroom Building will be on a previously prepared building pad. No trees will be removed for this proposed construction. Church Development will seek to minimize loss of trees and will require more study to ensure that natural resources are carefully managed.
- **Goal G3 – Downtown:** The proposed CDP is not within the Downtown area.
- **Goal G4 – Neighborhoods:** School Development is built within the center of the existing campus and will have no adverse impact on neighboring properties. Proposed PD establishes setbacks, buffers, and landscaping requirements that minimize impact to neighbors for the Church Development phase. Traffic studies will be performed during PDP of Church Development, bearing in mind that heavy traffic for a church happens at minimal hours each week and is generally during low traffic volume days and times.
- **Goal G5 – Horse Country:** The proposed CDP has no adverse to existing equestrian facilities. Church Development is on land that was prepared for but not used as a horse farm. The open pasture aesthetic of "horse country" will be reflected in the final campus design by maintaining perimeter trees and as many of the pasture trees as is reasonably conducive to the development goals.

- **Goal G6 – Parks & Open Space:** The proposed CDP maintains large open spaces to be used as athletic fields, playgrounds, and other outdoor spaces for the school. The existing cemetery will be a permanent open space.
- **Goal G7 – Golf:** N/A
- **Goal G8 – Mobility:** N/A
- **Goal G9 – Connections:** N/A
- **Goal G10 – Economy:** The expanded school will employ more teachers, but of greater impact is that the expanded school will provide additional private schooling options to help attract more families to seek jobs within the area. Church development will have a similar economic affect.
- **Goal G11 – Housing:** N/A
- **Goal G12 – Fiscal Health and Public Services:** The proposed School Development does not require extensions of any public utility or public services and therefore will not be a burden on municipal funds. Church Development will require utilities to be run to the parcel. These may be either private, on-site extensions or minor public extensions, whichever is deemed more appropriate during the PDP / engineering portion of the Church Development phase.
- **G-13 Growth:** The proposed School Development and Church Development will serve as a catalyst for growth of families considering a move to the area as both school and church will be able to serve a larger population.
- **G14 – Community Involvement:** N/A.

B. ***Adverse Impacts on Neighboring Lands****. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.*

- The proposed School Development is an expansion of the site's current use. The proposed rezoning to PD will not change the use, but instead will allow the existing school to replace their mobile classroom units with a permanent building and to expand the study body to their goal of 450 to 500 students, as was outlined by the school in their approved 2017 Activity Building project.

C. ***Suitability as Presently Zoned****. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*

- Adjacent property to the south of the site was rezoned PD for the new McDeed's Creek Elementary School.
- Church Development adjacent to the school is an appropriate connection of uses.
- St. Joseph of the Pines, a large, Catholic-based senior living community owned by the Diocese, is located adjacent to the project site.

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

- School Development will provide private education opportunities to more students within a permanent structure. In comparison to the mobile classrooms currently being used, this new structure will be visually more attractive, will

provide greater safety for students, be more energy efficient, and provide a healthier interior environment for students and staff.
- Church Development will provide worship opportunities to fit the needs of the growing Catholic population of the area. Churches, by nature, promote the health, safety, and welfare of the community.
- No historic or cultural places will be affected by the proposed development.

E. ***Public Policy***. *Certain public policies in favor of the rezoning may be considered. Examples include a need for affordable housing, economic Development, mixed-use Development, or sustainable environmental features, which are consistent with neighborhood, area, or specific plans.*
- The planned growth of St. John Paul II Catholic School will allow provide private education opportunities to more students, thus serving a greater number of families to help meet the growing residential population in Southern Pines.
- Future Church Development will respond to the growing Catholic population in the Southern Pines area.

F. ***Size of Tract***. *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*
- Existing property is a total of approximately 42.2 acres. Existing site Built-Upon / Impervious areas calculate to approximately 9%.
- Built-Upon / Impervious Areas are projected as follows at the completion of each phase as listed:
  - PHASE 1 Classroom Building = 12% Impervious Maximum
  - FUTURE PHASE Classroom Expansion and Tennis Courts = 15% Impervious Maximum
  - FUTURE PHASE Church Development = 30% Impervious Maximum
    - Note: 5/70 Exemption will be required for WS-III-P compliance once built-upon areas exceed 24%.

G. ***Other Factors***. *The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
- None submitted.

H. ***Applicant Representations***. *Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning district rezonings, the Hearing Body shall not consider any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.*
- The proposed PD district does not increase the range of permitted uses on the site, rather limits the uses and adds control to the site based on the required master plan. Therefore, a possible range of uses is not of concern.

APPENDIX 4

CONCEPTUAL TRANSPORTION PLAN:

Responses to Conceptual Transportation Checklist from UDO Appendicies

A. *The project boundary and the area surrounding the project that is included in the Conceptual Transportation Plan.*

See Overview Concept Plan, sheet CDP1 for graphics depicting CTP.

B. *Proposed transportation facilities within the project boundary including:*

1) *Location and type of transportation facilities. Examples may include (but are not limited to) streets, sidewalks, bridges, shared-use paths and trails.*

See CDP1 for location of private drives, parking lots, and sidewalks

2) *Location and type of intersections where transportation facilities cross.*

See CDP1 for intersections. Intersections on site are private and controlled with signage. Connection to Camp Easter Road is discussed below.

3) *Location and type of stormwater management facilities that will serve proposed transportation facilities.*

See CDP1 for locations of existing and proposed stormwater management facilities. Existing stormwater devices were designed with capacity to serve Phase 1 Classroom Building. Engineering will be submitted in PDP to verify. Future stormwater devices will be of similar underground design, which are appropriate for the sandy soil types found on site and will be located within the general areas shown on CDP1.

4) *Identification of street classifications (arterial, collector, local, service, etc.).*

- All existing roadways are privately owned and in good condition.
- Private Driveway: Drive from Rectory to intersection at Camp Easter Road. This section of roadway is primarily an access to the future Rectory, serves as the deeded easement for Parcel ID 00038796, and provides a secondary connection to Camp Easter Road from the rear Church Development Parking lots.
- All other transportation facilities are privately owned connections from parking lots to existing privately owned, existing drives.

5) *Identification of ownership arrangement for proposed transportation facilities (public or private).*

Privately owned.

6) *For transportation facilities that are to be privately owned, information on long term maintenance and replacement of facilities.*

Maintenance of privately owned paved surfaces shall be the sole responsibility of the property owner.

7) *Estimated rights of way necessary for proposed transportation facilities.*

Deeded Easement, per description from deed, is 18 feet.
No other rights of way are proposed for transportation facilities

8) *Cross-section illustrations with labelled dimensions of proposed transportation facilities.*

See CTP1, attached below.

9) *Identification and description of unique transportation elements to be utilized within the project. Examples may include (but are not limited to) complete streets, traffic calming, noise mitigation, public art, landscaping and wayfinding.*

See descriptions of buffering and easements in PD Design Guidelines.

C. *For proposed transportation facilities within the project boundary that deviate from the standard design requirements found in Chapter 4 of the UDO, clear identification of the deviation(s) and explanation of the purpose of the deviation(s).*

No deviations. All paved areas are private drives and parking lot access / drive aisles.

D. *Location of proposed connection points or "gateways" between project transportation facilities and existing or future community transportation facilities. Include a description of the reason for the selected locations as well as a discussion of compliance with basic transportation engineering concepts with regard to the selected locations.*

Existing connections to Camp Easter Road will remain at the traffic circle and approximately 825 feet east of the traffic circle.

Existing connection to Camp Easter Road will be improved at the exiting deeded easement connection, approximately 565 feet west of the traffic circle.

E. *Route distances and approximate travel times from project gateways to common community destinations. Examples may include (but are not limited to) shopping centers, schools, parks, major employers and downtown.*

Site is roughly 3 miles North of Downtown Southern Pines, along Fairway and Midland Roads, with an approximate travel time of less than 5 minutes.

Site is roughly 4.5 miles East of the traffic circle at US Hwy 15/501, along Aiken Road, Pee Dee Road, and Highway 2, with an approximate travel time of less than 10 minutes.

F. *An inventory of existing community transportation facilities in the vicinity of the proposed development including:*

1) *Location and type of facility,*

Primary arterial road = Camp Easter Road

2) *Connectivity to other community facilities*

Camp Easter Road / Fairway Drive provides connection to US Hwy 2 to the southwest (less than 2 miles), then connection to US Hwy 1 (less than ½ mile) to the east or connection to the traffic circle at US Hsy 15/501 to the west (3.5 miles).

3) *Information on the condition and capacity of each facility*

Existing transportation facilities are in good condition. A recent TIA was performed in association with the McDeed's Elementary School site development by Kimberly Horn. St. John Paul II Catholic School was interviewed as part of this TIA and reported their growth goals of a 500 student body prior to the design of the existing traffic circle.

G. *A description of entitled development projects in the vicinity of the proposed development that involve planned improvements to community transportation facilities.*

McDeed's Creek Elementary School (PD district zoning)

H. *Planned improvements to community transportation facilities intended to mitigate impacts of the proposed development. Examples may include (but are not limited to) improvements to connectivity, safety, capacity and aesthetics.*

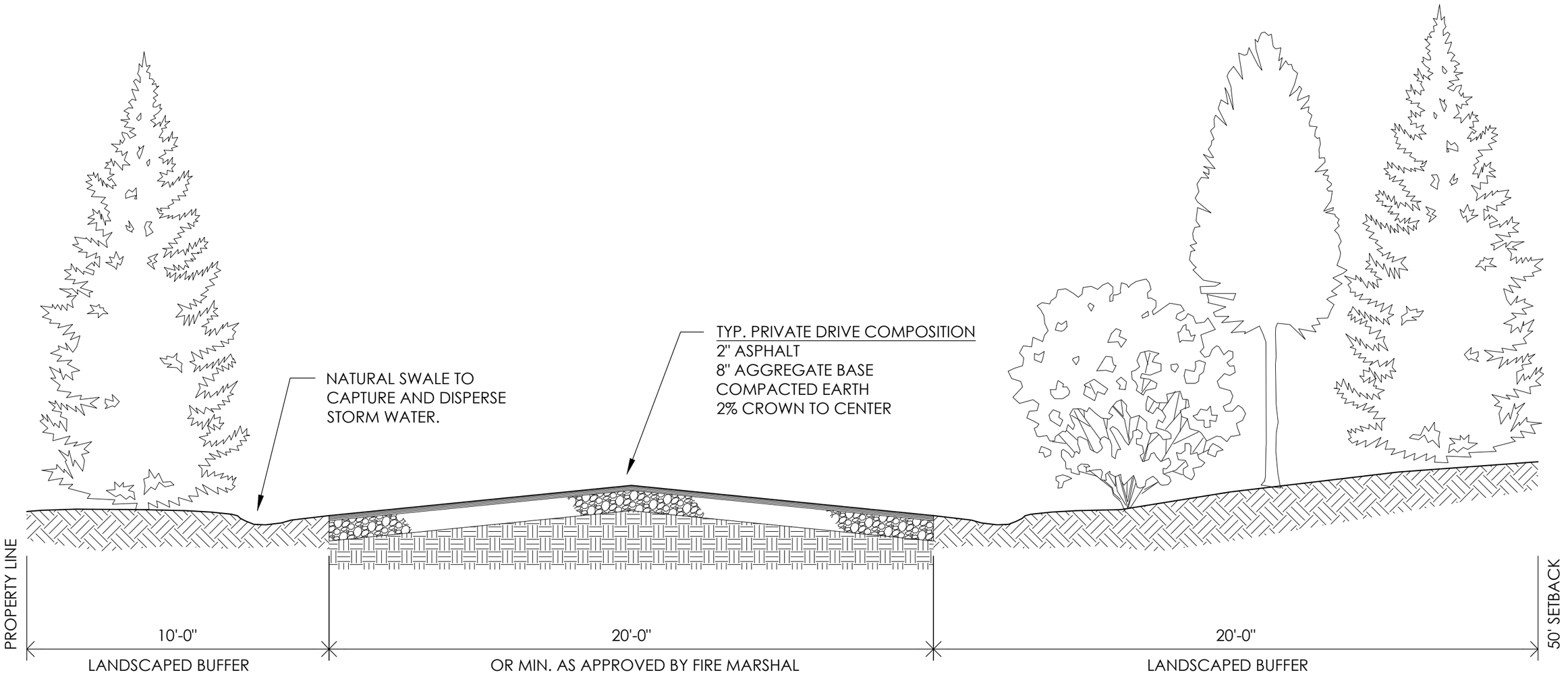
Improved connection to Camp Easter at existing deeded easement, including appropriate site triangles, pavement design, etc.

I. *If the timeline for completion of any portion of the transportation facility improvements associated with the project does not match the overall project timeline or phasing plan as set forth in the Conceptual Development Plan, a separate timeline or phasing plan for transportation facility improvements shall be included in the Conceptual Transportation Plan.*

School Development will not require any transportation facility improvements. Proposed transportation improvements will be implemented with the Church Development phase of the proposed CDP.

J. *Name and professional affiliation(s) of the individual(s) that prepared the CTP.*

Pete Bogle, AIA, LEED-AP
Principal / Owner
Bogle Firm Architecture, PLLC



CTP1 PRIVATE DRIVE SECTION

N.T.S.

SETBACKS AND BUFFERS SHOWN ARE AS DESCRIBED IN THE PD DESIGN GUIDELINES ALONG THE WEST PROPERTY LINE.

OTHER PRIVATE DRIVES CURRENTLY EXISTING ON SITE AND WILL REMAIN UNCHANGED.

PARKING LOT ACCESS DRIVE AND OTHER PAVING WILL BE FURTHER DEFINED DURING THE PDP SUBMITTAL FOR THAT PHASE OF THE WORK.

FURTHER ENGINEERING DURING PDP SUBMITTAL RESERVES THE RIGHT TO PROPOSE IMPROVEMENTS OR ALTERNATIVES TO DRIVE SECTION SHOWN HERE.

Exhibit A
2.14.22

Planned Development District

Conceptual Development Plan

EXHIBIT A

Checklists, Applications and Additional Documentation

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Checklists

- PDD CDP Checklist
- Appendix A – CDP Application Checklist
- Appendix A – Conceptual Transportation Checklist

Planned Development District
Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

- **Application fee** in the amount of **$1,800.00**.
- **Completed Application** for a Planned Development District - Conceptual Development Plan signed by the applicant.
- **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- **List of Adjacent Property Owners:** Please list all properties that are that are within two hundred (200) feet of the outermost boundaries of the subject property **(not counting streets, railroads or other transportation corridors)**. Attach additional pages if needed. No fewer than ten (10) property owners shall be notified by mail.
- **Deed** copy to provide proof of ownership and property boundaries.
- **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with all applicable criteria. Please address **UDO §2.18.4(H) Criteria (1) through (4)**. The list of criteria is attached.
- **Additional documentation:** Additional text and/or maps to demonstrate consistency with the approval criteria listed in **UDO §2.18.4(H) Criteria (1) through (4)**.
- **Neighborhood meeting materials:** Submit copies of graphics presented at the meeting; a copy of the sign-in sheet showing attendees; representations made by the Applicant regarding the proposed development; and a summary of public comments and responses.
- **PDD Conceptual Development Plan:** One (1) full-size copy of a scaled drawing (1" to 100') of the entire tract to be subdivided. Please refer to the **UDO Appendices** to obtain plan requirements.
- **Nature of service:** Planned utility services and providers.
- **Drainage concept plan** if applicable.
- **Conceptual Transportation Plan** if applicable.
- **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board and before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the request.
3. **Approval**: Please see **UDO §2.18.4(I) Effect of Approval**.

PLANNED DEVELOPMENT DISTRICT CONCEPTUAL DEVELOPMENT PLAN APPLICATION CHECKLIST

Process Overview

Decision Making Body	Review	Recommend	Decision
Technical Review Committee	**X**		
Director	**X**		
Planning Board		**X**	
Town Council			**X**
X = ***indicates required action***			
● = ***indicates action that may be applicable based on potential impacts.***			

Submittal Requirements*

Please include the following information on all applications for a PDD Conceptual Development Plan. If any of the information or required materials is missing or incomplete, the application will not be processed.

PROOF OF OWNERSHIP – Filed deed, vendor's lien, act of donation or tax assessment with legal description.

DEVELOPOMENT NAME (if applicable) – The proposed name must be unique and not similar to an existing subdivision in the Town.

NOTIFICATION MATERIALS – List of the owners of all property located within 200 feet of the perimeter of the property being rezoned and including not fewer that the 10 closest property owners.

NEIGHBORHOOD MEETING RECORDS – Records shall include the following:

a. Copies of graphics presented at the meeting;
b. A copy of the sign-in sheet showing attendees;
c. Representations made by the Applicant regarding the proposed development; and
d. A summary of public comments and responses provided by the Applicant.

PDD CONCEPTUAL DEVELOPMENT PLAN – Copies (4 full sized, 1 11" by 17" copy and digital copy) of scaled drawing (1" to 100' or other scale approved by the Director) of the entire tract to be subdivided showing:

a. property boundaries;
b. a project location map at a scale of one (1) inch equals two thousand (2,000) feet or other scale approved by the Director;
c. the location and right-of-way width of public streets and roads adjoining, providing access to, or crossing the property;
d. the location and proposed functional classification of proposed public and private streets;
e. the location and size of proposed development areas, their proposed uses, amount of development (maximum dwelling units for residential, maximum square footage of building area for non-residential) and proposed Built-Upon Area for each development

area if within Watershed Protection Overlay District;

f. the location and area of common areas, open spaces and water bodies;
g. the location of easements for pipelines, utilities, drainage or other purposes; and
h. proposed phasing schedule for development and infrastructure and delivery of building lots, if applicable.

- **NATURE OF SERVICES** – Planned utility services and providers.
- **DRAINAGE CONCEPT PLAN** *(if applicable)* - see separate checklist.
- **CONCEPTUAL TRANSPORTATION PLAN** *(if applicable)* - see separate checklist.
- **WRITTEN NARRATIVE** - describing the application's consistency with the Conceptual Development Plan, the UDO, and any other applicable regulations.
- **APPLICATION FEE** – as specified in Appendix H.
- **SIGNED APPLICATION** – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.
- **ADDITIONAL DOCUMENTATION** – Additional text and/or maps provided to demonstrate consistency with the approval criteria in section 2.17 of the UDO.

**Additional information may be required. Fees are subject to change.*

See Appendix 4 of PDD Design Guidelines document for CTP.

CONCEPTUAL TRANSPORTATION PLAN CHECKLIST

A Conceptual Transportation Plan submitted with a Conceptual Development Plan shall consist of text, photos, illustrations and maps as necessary to provide the following information:

A. The project boundary and the area surrounding the project that is included in the Conceptual Transportation Plan.

B. Proposed transportation facilities within the project boundary including:

(1) Location and type of transportation facilities. Examples may include (but are not limited to) streets, sidewalks, bridges, shared-use paths and trails.

(2) Location and type of intersections where transportation facilities cross.

(3) Location and type of stormwater management facilities that will serve proposed transportation facilities.

(4) Identification of street classifications (arterial, collector, local, service, etc.).

(5) Identification of ownership arrangement for proposed transportation facilities (public or private).

(6) For transportation facilities that are to be privately owned, information on long- term maintenance and replacement of facilities.

(7) Estimated rights of way necessary for proposed transportation facilities.

(8) Cross-section illustrations with labelled dimensions of proposed transportation facilities.

(9) Identification and description of unique transportation elements to be utilized within the project. Examples may include (but are not limited to) complete streets, traffic calming, noise mitigation, public art, landscaping and wayfinding.

C. For proposed transportation facilities within the project boundary that deviate from the standard design requirements found in Chapter 4 of the UDO, clear identification of the deviation(s) and explanation of the purpose of the deviation(s).

D. Location of proposed connection points or "gateways" between project transportation facilities and existing or future community transportation facilities. Include a description of the reason for the selected locations as well as a discussion of compliance with basic transportation engineering concepts with regard to the selected locations.

E. Route distances and approximate travel times from project gateways to common community destinations. Examples may include (but are not limited to) shopping centers, schools, parks, major employers and downtown.

F. An inventory of existing community transportation facilities in the vicinity of the proposed development including:

(1) Location and type of facility,

(2) Connectivity to other community facilities,

(3) Information on the condition and capacity of each facility,

G. A description of entitled development projects in the vicinity of the proposed development that involve planned improvements to community transportation facilities.

H. Planned improvements to community transportation facilities intended to mitigate impacts of the proposed development. Examples may include (but are not limited to) improvements to connectivity, safety, capacity and aesthetics.

I. If the timeline for completion of any portion of the transportation facility improvements associated with the project does not match the overall project timeline or phasing plan as set forth in the Conceptual Development Plan, a separate timeline or phasing plan for transportation facility improvements shall be included in the Conceptual Transportation Plan.

J. Name and professional affiliation(s) of the individual(s) that prepared the CTP.

Application & Forms

- PDD CDP Application
- Applicant Signature Page
- Appointment of Agent Forms (Bogle Firm & Rhetson)

Planned Development District
Conceptual Development Plan Application

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

Project Information:

Project Name: St. John Paul II Catholic School & Future Church

Physical address: 2878, 2952, & 2978 Camp Easter Road, Southern Pines

PIN: 858315538280, 858315635655, & 858315635197 Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres Zoning: RE

Applicant:

Name(s): Very Reverend John J. Forbes, VF

Email: fr.john.forbes@raldioc.org Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

Name(s): Pete Bogle, AIA - Principal/Owner - Bogle Firm Architecture

Email: pete@boglefirm.com Phone: 704.638.2015

Mailing Address: 110 N Main St., Suite 200, Salisbury, NC 28144

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

Name(s): Luis Rafael Zarama, Bishop of the Roman Catholic Diocese of Raleigh, NC

Email: Michael.Wengenroth@raldioc.org Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

Owner's Contact: Michael Wengenroth, AIA
Dir. of Property, Construction and Risk Management
The Catholic Diocese of Raleigh

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Conceptual Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NORTH side of CAMP EASTER RD. (St./Ave.), between PINE BARRENS VISTA (St./Ave.) and MCDEEDS CREEK (St./Ave.). The property has a frontage of ± 1435 feet and a depth of ± 925 to 1630 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance.** The proposed use of the property is as follows:

Private Catholic School PreK-8th (6120 current use), Rectory (1110, current use), Cemetary (current use), Athletic Fields (as part of 6120 current use)
Education High School (6123 potential future use), Religiouis Institution (6600 potential future church)

Date: 2/7/2022

Applicant

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner

The undersigned owner(s), Luis Rafael Zarama, Bishop, hereby appoint(s) Bogle Firm Architecture as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:
Russell C Elmayan
Property Owner

Property Owner

Agent

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), Luis Rafael Zarama, Bishop, hereby appoint(s) Tony Bornhorst Rhetson Companies, Inc. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:
Russell Elmaya
Property Owner

Property Owner

Agent

8-27-21

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

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

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

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

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

List of Adjacent Property Owners

St. John Paul Catholic School, Southern Pines
Surrounding Property Owners List

SJPCS Properties:

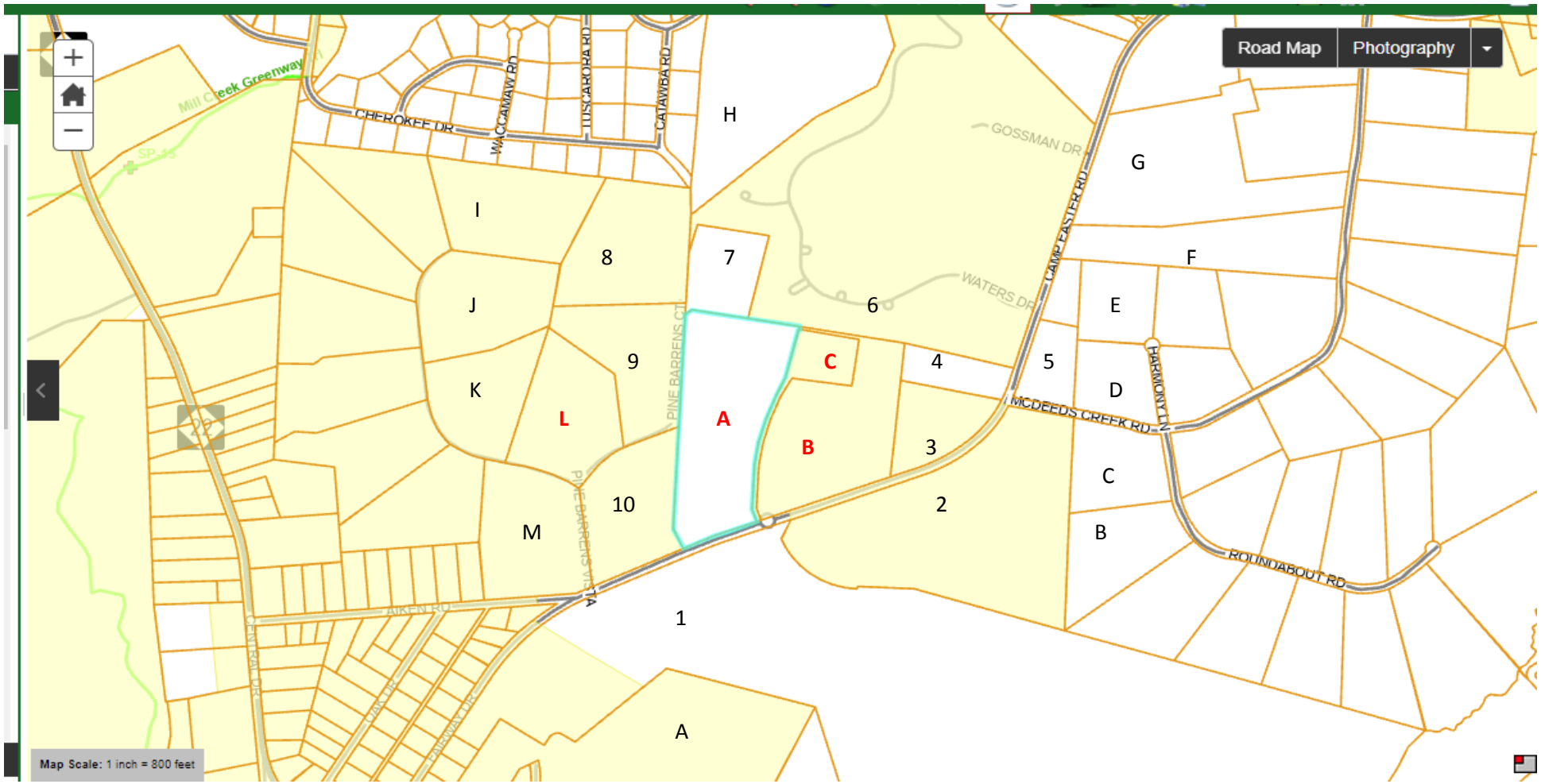
- **A.** 2978 Camp Easter Rd
- **B.** 2878 Camp Easter Rd
- **C.** 2952 camp Easter Rd

Required List of Owners:
(within 200 feet, minimum of 10)

1. Knollwood Partners, LLC
   1010 Midland Rd
   Southern Pines, NC 28387
2. County of Moore
   PO Box 905
   Carthage, NC 28327
3. Benjamin Cramer
   2795 Camp Easter Rd
   Southern Pines, NC 28387
4. William Johnstone
   2764 Camp Easter Rd
   Southern Pines, NC 28387
5. Robert Pecha
   2741 Camp Easter Rd
   Southern Pines, NC 28387
6. St Joseph of the Pines
   C/O Trinity Senior Living Communities
   17410 College Parkway, Ste 200
   Livonia, MI 48152
7. Robert & Mary Carrington
   PO Box 1276
   Southern Pines, NC 28388-1276
8. Robin Cummings
   265 Pine Barrens Vista
   Southern Pines, NC 28387
9. Lloyd & Sheri Sullivan
   PO Box 406
   Southern Pines, NC 28388-0406
10. James & Frances Current
    141 Pine Barrens Ct
    Southern Pines, NC 28387

Secondary List of Owners:
(beyond required notification range)

A. Pineneedles Co Club Inc
   1010 Midland Rd
   Southern Pines, NC 28387-0088
B. Stephen Gent
   420 Roundabout Rd
   Carthage, NC 28327
C. Jonathan Drew
   635 McDeeds Creek Rd
   Carthage, NC 28327
D. Sharon Hakas
   530 McDeeds Creek Rd
   Southern Pines, NC 28387
E. George Rhodes
   150 Harmony Lane
   Southern Pines, NC 28387
F. Lucy Miller – Arrowhead Farms
   2635 Camp Easter Rd
   Southern Pines, NC 28387
G. Connemara Farm, LLC
   PO Box 336
   Pinehurst, NC 28370
H. Pinehurst Area Realty, Inc.
   PO Box 1511
   Pinehurst, NC 28370
I. Thomas McFadyen
   245 Woodland Drive
   Pinehurst, NC 28374
J. Donald & Laurie Trexler
   PO Box 2288
   Southern Pines, NC 28388
K. Peter & Corine Longanbach
   290 Pine Barrens Vista
   Southern Pines, NC 28387
L. Peter & Joanne Mace
   PO Box 2605
   Southern Pines, NC 28388-2605
M. Adam Kiker
   140 Aqua Shed Ct
   Aberdeen, NC 28315


Road Map
Photography
CHEROKEE DR
WACCAMAW RD
TUSCARORA RD
CATAWBA RD
GOSSMAN DR
CAMP EASTER RD
WATERS DR
PINE BARRENS CT
HARMONY LN
MCDEEDS CREEK RD
ROUNDABOUT RD
AIKEN RD
PINE BARRENS VISTA
CENTRAL DR
H
G
I
8
7
F
J
6
E
9
C
4
5
K
L
A
D
B
3
C
10
2
M
B
1
A
Map Scale: 1 inch = 800 feet

Deeds & Proof of Ownership

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
June 01, 2012 01:46:47 PM
Book 4034 Page 345-347
FEE: $26.00
NC REVENUE STAMP: $1,500.00
INSTRUMENT # 2012007969

HM

Hayes

INSTRUMENT # 2012007969

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: $1,500.00
Parcel Identifier No._____ Verified by _____ County on the _____ day of _____, 20___
By: _____

Mail/Box to: _____

This instrument was prepared by: H. Chalk Broughton, Jr. of Poyner Spruill LLP, Attorneys at Law
P.O. Box 371, Southern Pines, NC 28388

Brief description for the Index: **20.82 acres, McNeill Township**

THIS DEED made this 22 day of May, 2012, by and between

GRANTOR	GRANTEE
DONALD W. LONGSTREET, Unmarried P.O. Box 56 Southern Pines, NC 28387	**MICHAEL F. BURBIDGE, BISHOP of the Roman Catholic Diocese of Raleigh, North Carolina** 715 Nazareth Street Raleigh, NC 27506-2187

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 situate near the Town of Southern Pines, McNeill Township, Moore County, North Carolina and more particularly described as follows:

SEE "EXHIBIT A" ATTACHED WHICH IS INCORPORATED BY REFERENCE AS IF FULLY SET FORTH HEREIN

Parcel ID: 00038409
Former Horse Farm property
2978 Camp Easter Road

The property hereinabove described was acquired by Grantor by instruments recorded in Record Book 3607, Page 109, and Record Book 957, Page11, Moore County Registry.

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 the 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 hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

1. 2012 ad valorem property taxes to the County of Moore, not yet due and payable, to be prorated between the parties herein at closing.
2. Reservations, restrictions, and easements of record which are enforceable against the property.
3. Rights of others in and to the access easements running along the western boundary of the property.
4. Zoning ordinances of the Town of Southern Pines.
5. Right of way of Camp Easter Road as shown on Plat described above.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

_____(SEAL)
Donald W. Longstreet

By: _____ _____(SEAL)

By: _____ _____(SEAL)
Title: _____

By: _____ _____(SEAL)
Title: _____

State of North Carolina - County of Moore

I, Bonnie Hanham, a Notary Public of the County and State aforesaid, certify that **DONALD W. LONGSTREET, Unmarried,** Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal, this 22nd day of May, 2012.

BONNIE HANHAM NOTARY PUBLIC MOORE COUNTY, NC

Bonnie Hanham
Notary Public
Bonnie Hanham
Print or Type Name of Notary Public
My Commission Expires: July 5, 2015

EXHIBIT A

All that certain tract or parcel of land comprising 20.82 acres, more or less, as more particularly shown on a survey entitled "Survey for Roman Catholic Diocese of Raleigh, North Carolina, 20.82 acres", dated May 2, 2012 and revised May 8, 2012, prepared by Ryan McBryde, PLS, and recorded in Plat Cabinet 15, Slide 660, Moore County Registry.

806 Bethesda Ave
Aberdeen, NC 28315

TAX ADDRESS
RECORDING $ 10.00
STAMP $ 370.00
TOTAL $ 380.00

NORTH CAROLINA REAL ESTATE EXCISE TAX
MAR 26 '92
$ 370.00

Excise Tax

BOOK 00827 PAGE 00079

Mar 26 2 29 PM '92

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. .....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to Arthur Rowe

155 E. New Hampshire Rd., Southern Pines, N. C. 28387

This instrument was prepared by Barclays Bank of North Carolina

Brief description for the Index 6.13 acres Camp Easter Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 17th day of March, 19 92, by and between

GRANTOR	GRANTEE
BARCLAYS BANK OF NORTH CAROLINA P. O. Box 31488 Charlotte, N. C. 28231	Robert W. Carrington and Mary Frances Carrington

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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 the City of ....., ... Township, Moore County, North Carolina and more particularly described as follows:

See Exhibit A Attached Hereto

Rowe

14-3803

N.C. Bar Assoc. Form No. 3 © 1976, Revised 1977.

Parcel ID: 00038409
Former Horse Farm property
DEEDED EASEMENT

BOOK PAGE

00827 00080

The property hereinabove described was acquired by Grantor by instrument recorded in Book 794 at Page 42 of the Moore County Registry

A map showing the above described property is recorded in Plat Book ..... page .....

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 the 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 hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

All applicable zoning ans land use ordinances, statutes and regulations, 1992 ad valorem taxes; and all applicable restrictive covenants and easements of record.

IN WITNESS WHEREOF, the 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 and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

BARCLAYS BANK OF NORTH CAROLINA (Corporate Name)

By: [signature] Senior Vice President

ATTEST: Caryn R. Johnson Assistant Secretary (Corporate Seal)

USE BLACK INK ONLY

..... (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, ... County.

I, a Notary Public of the County and State aforesaid, certify that .....

..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, certify that Caryn R. Johnson, personally came before me this day and acknowledged that s/he is Assistant Secretary of Barclays Bank of North Carolina, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Senior Vice President, sealed with its corporate seal and attested by herself as its Assistant Secretary. Witness my hand and official stamp or seal, this 17th day of March, 1992

My commission expires: April 29, 1994 Mary A. Miller Notary Public

North Carolina--Moore County

The foregoing Certificate(s) of Mary A. Miller, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY

By Judy D. Martin Deputy/Assistant - Register of Deeds

N.C. Bar Assn. Form No. 3 © 1976, Revised 1977 Printed by Agreement with the N.C. Bar Assn. Poole Printing Co., Inc. P.O. Box 58487, Raleigh, N.C. 27658

EXHIBIT "A"

A certain tract of land located North of the Town of Southern Pines and lying about 600 yards North of State Road No. 1853 (Aiken Road), adjoining the lands of Kelly Miller, et al on the North, East, and South and the 18 feet wide Camp Easter Road on the West, described as follows: BEGINNING at iron stake, said stake lying in the east line of the 18 feet wide Camp Easter Road, located from the beginning monument of the Edwin Longcope 275 Acre Tract as recorded in Deed Book 184 at Page 116 in the Office of the Register of Deeds for Moore County, said monument lying in the west side of the Camp Easter Road, S 4 55' W 193.00 feet to a concrete monument, also in the west side of the Camp Easter Road; thence N. 18 06' E 78.92 feet to the point of Beginning; running thence as a new line the following calls; N 18 06' E 199.28 feet to a concrete monument, at the end of a wire fence; thence S 77 54' E 468.20 feet to a concrete monument, near the intersection of the wire fence with another wire fence; thence with the wire fence S 16 15' W 584.62 feet to an iron stake near the intersection of a wire fence with along the north side of a soil road, N 77 58' W 397.15 feet to an iron stake, in the east side of the 18 feet wide Camp Easter Road; thence with the east side of the Camp Easter Road, N 4 46' E 388.52 feet to the point of beginning, containing 6.00 acres more or less and being a portion of the Edwin Longcope 275 acre tract as recorded in Deed Book 184 at Page 116 in the office of the Register of Deeds for Moore County, North Carolina.

ACCESS EASEMENT TO 6.00 ACRE TRACT

BEGINNING at an iron stake, said stake being in the east line of the 18 feet wide Camp Easter Road and being the southwest corner of the above described 6.00 acre tract, running thence with the south line of the 6.00 acre tract, S 77 54' E 27.00 feet; thence S 50 06' W 37.77 feet to the east side of the 18 feet wide Camp Easter Road; thence with the east side of the Camp Easter Road N 4 55' E 30.00 feet to the point of beginning, and being an easement across the Kelly Miller et al property. Also conveyed is the right to use the 18 foot wide Camp Easter Road that extends from Aiken Road (S.R. No. 1853) northerly to the Camp Easter in the Pines Property.

ACCESS EASEMENT TO 6.00 ACRE TRACT

BEGINNING at an iron stake, said stake being in the east line of the 18 feet wide Camp Easter Road and being the southwest corner of the above described 6.00 acre tract, running thence with the south line of the 6.00 acre tract, S 77 54' E 27.00 feet; thence S 50 06' W 37.77 feet to the east side of the 18 feet wide Camp Easter Road; thence with the east side of the Camp Easter Road N 4 55' 30.00 feet to the point of beginning, **and being an easement across the Kelly Miller et al property. Also conveyed is the right to use the 18 foot wide Camp Easter Road that extends from Aiken Road (S.R. No. 1853) northerly to the Camp Easter in the Pines Property.**

Tax Address Same

FOR REGISTRATION REGISTER OF DEEDS
JUDY D MARTIN
MOORE COUNTY, NC
2002 MAR 28 11:35:54 AM
BK:1958 PG:523-527 FEE:$425.00
NC REVENUE STAMP:$402.00
INSTRUMENT # 2002005989

Excise Stamps $ Recording Time, Book & Page

Drafted by John M May, Attorney at Law
No Title Examination by drafting attorney
Pinehurst, NC 28374

UPDATED SURVEY AND GIS SHOWS 17.47 ACRES

Brief Description for Index 18 23 acres, McNeills Twp

NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this 26th day of March, 2002, by and between **Royal & Ancient Investors, Ltd., a North Carolina limited partnership** (hereafter "Grantor"), of Southern Pines, NC, and **F. Joseph Gossman, Bishop of the Catholic Diocese of Raleigh** (hereafter "Grantee")

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 situated in/near the Town of Southern Pines, McNeills Township, Moore County, North Carolina, and more particularly described as follows

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

Subject and together with utility easements and restrictive covenants that are enforceable against the property, if any, and 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 instrument recorded in Book 783, Page 405, Moore County Registry

Hay CS

Parcel ID: 10001608
Current School property
2878 Camp Easter Road

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 the 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

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

IN WITNESS WHEREOF, the Grantor has hereunto caused this Deed to be executed in its appropriate capacity, the day and year first above written

ROYAL & ANCIENT INVESTORS, LTD

By _____
Kelly R. Miller, General Partner

NORTH CAROLINA, MOORE COUNTY

I, Notary Public of the County and State aforesaid, certify that Royal & Ancient Investors, Ltd , by and through its General Partner, Kelly R Miller, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument Witness my hand and official stamp or seal, this 26 day of March, 2002

My commission expires _____

_____
Notary Public

Official Seal
North Carolina - Moore County
LYNNE M. JONES
Notary Public
My Commission Expires October 19, 2002

EXHIBIT "A"

That certain tract or parcel of land situated on the north side of State Road 1853 about 330 yards west of McDeeds Creek Road, bounded on the west by Longstreet, on the north by St Joseph of the Pines, and on the east by Black and Storch and being more particularly described as follows BEGINNING at an existing iron stake in the centerline of State Road 1853, a common corner with Storch, thence as the centerline of State Road 1853 South 70 degrees 25 minutes 50 seconds West 927 97 feet to an existing iron stake, thence leaving the road North 20 degrees 58 minutes 09 seconds West 130 80 feet to an existing iron stake, thence North 3 degrees 40 minutes 19 seconds East 306 50 feet to an existing iron stake, thence North 9 degrees 15 minutes 47 seconds East 149 39 feet to an existing iron stake, thence North 16 degrees 32 minutes 22 seconds East 170 79 feet to an existing iron stake, thence North 23 degrees 11 minutes 38 seconds East 183 57 feet to an existing iron stake, thence North 26 degrees 58 minutes 47 seconds East 128 29 feet to an existing iron stake, thence North 14 degrees 29 minutes 40 seconds East 341 05 feet to an existing iron stake; thence North 18 degrees 35 minutes 11 seconds East 12 39 feet to an existing iron stake in the St Joseph line, thence South 80 degrees 22 minutes 56 seconds East 317 08 feet to an existing iron stake, thence South 79 degrees 44 minutes 44 seconds East 376 31 feet to an existing iron stake, a corner with Black, thence South 5 degrees 43 minutes 29 seconds West 261 32 feet to an existing concrete monument, a corner with Black and Storch, thence South 4 degrees 03 minutes 32 seconds West 675 06 feet to an existing iron stake, the Beginning point, containing **22.14 acres**, more or less

THERE IS EXCEPTED FROM THE ABOVE DESCRIBED PROPERTY A 3.91 ACRE TRACT DESCRIBED AS FOLLOWS:

EXHIBIT "A"

A certain tract or parcel of land in McNeills Township, Moore County, North Carolina, near the town of Southern Pines, fronting on the northwest side of State Road No. 1853 about 0.6 miles east of its intersection with N.C. Hwy. No. 22, and being described as follows:

Beginning at a corner in the centerline of the pavement of State Road No. 1853, said beginning corner being located N88°30'E 559.33 feet from a concrete monument on the east side of the paved drive leading from State Road No. 1853 to Camp Easter, said concrete monument being the southwest corner of the Edwin Longcope 275 acre tract recorded in Deed Book 184 at Page 116 in the Moore County Registry, said concrete monument also being the nathwest corner of the Edwin Loncope 0.40 acre Kelly parcel; running thence from the beginning leaving State Road No. 1853 the following six calls that lie on the west side of the 10 foot wide paved drive that leads from State Road No. 1853 to the Longcope residence; N18°52'W 130.29 feet; N05°55'E 305.80 feet; N11°25'E 149.37 feet; N18°41'E 170.81 feet; N25°20'E 183.56 feet; N29°08'E 128.27 feet to an iron pipe near a fence; thence a new line N16°39'E 341.21 feet to an iron pipe on the south side of a soil drive; thence a new line generally along the south edge of a soil drive S77°57'E 399.09 feet to an iron pipe on the south edge of said soil drive; thence S11°14'W 324.24 feet to an iron pipe at the edge of a field; thence N80°02'W 388.93 feet to a corner on the east side of the aforementioned 10 foot wide paved drive; thence the following six calls that lie on the east side of the said 10 foot wide paved drive; S33°10'W 142.61 feet; S25°20'W 179.76 feet; S18°41'W 167.17 feet; S11°25'W 146.03 feet; S05°55'W 297.72 feet; S18°52'E 124.55 feet to the centerline of the pavement of State Road No. 1853; thence as the centerline of the pavement of State Road No. 1853 S72°38'W 30.00 feet to the point of beginning containing 3.91 acres more or less and being a portion of the Edwin Longcope 275 acre tract recorded in Deed Book 184, at Page 116, in the Moore County Registry.

The above described 3.91 acre tract being subject to the right of way of State Road No. 1853.

SellerDocs

FOR REGISTRATION REGISTER OF DEEDS
JUDY D MARTIN
MOORE COUNTY, NC
2002 MAR 28 11:35:54 AM
BK:1958 PG:519-522 FEE:$1,019 00
NC REVENUE STAMP:$999.00
INSTRUMENT # 2002005988

Excise Stamps ~~$1,000 00~~ $999 00 Recording Time, Book & Page

Drafted by John M May, Attorney at Law
No Title Examination by drafting attorney
Pinehurst, NC 28374

Brief Description for Index 3 91 acres, McNeills Twp

NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this 26th day of March, 2002, by and between **Kelly R. Miller and wife, Peggy A. Miller** (hereafter "Grantor"), of Southern Pines, North Carolina, and **F. Joseph Gossman, Bishop of the Catholic Diocese of Raleigh** (hereafter "Grantee")

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 situated in/near the Town of Southern Pines, McNeills Township, Moore County, North Carolina, and more particularly described as follows

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

Subject and together with utility easements and restrictive covenants that are enforceable against the property, if any, and 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 instrument recorded in Book 783, Page 405, Moore County Registry.

Hayes

Parcel ID: 00991755
Current Rectory property
2952 Camp Easter Road

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 the 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

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

IN WITNESS WHEREOF, the Grantor has hereunto set their hands and seals, the day and year first above written

_____(SEAL)
Kelly R Miller

_____(SEAL)
Peggy A Miller

NORTH CAROLINA, MOORE COUNTY

I, Notary Public of the County and State aforesaid, certify that Kelly R Miller and wife, Peggy A Miller, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument Witness my hand and official stamp or seal, this 26 day of March, 2002

My commission expires _____ _____
Notary Public

Official Seal
North Carolina - Moore County
LYNNE M. JONES
Notary Public
My Commission Expires October 19, 2002

SellerDocs / Miller to Church 3 91 acres

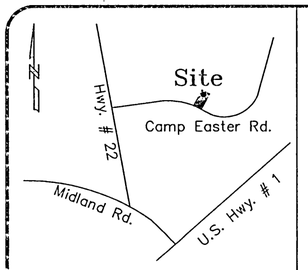
EXHIBIT "A"

A certain tract or parcel of land in McNeills Township, Moore County, North Carolina, near the town of Southern Pines, fronting on the northwest side of State Road No. 1853 about 0.6 miles east of its intersection with N.C. Hwy. No. 22, and being described as follows:

.Beginning at a corner in the centerline of the pavement of State Road No. 1853, said beginning corner being located N88°30'E 559.33 feet from a concrete monument on the east side of the paved drive leading from State Road No. 1853 to Camp Easter, said concrete monument being the southwest corner of the Edwin Longcope 275 acre tract recorded in Deed Book 184 at Page 116 in the Moore County Registry, said concrete monument also being the nathwest corner of the Edwin Loncope 0.40 acre Kelly parcel; running thence from the beginning leaving State Road No. 1853 the following six calls that lie on the west side of the 10 foot wide paved drive that leads from State Road No. 1853 to the Longcope residence; N18°52'W 130.29 feet; N05°55'E 305.80 feet; N11°25'E 149.37 feet; N18°41'E 170.81 feet; N25°20'E 183.56 feet; N29°08'E 128.27 feet to an iron pipe near a fence; thence a new line N16°39'E 341.21 feet to an iron pipe on the south side of a soil drive; thence a new line generally along the south edge of a soil drive S77°57'E 399.09 feet to an iron pipe on the south edge of said soil drive; thence S11°14'W 324.24 feet to an iron pipe at the edge of a field; thence N80°02'W 388.93 feet to a corner on the east side of the aforementioned 10 foot wide paved drive; thance the following six calls that lie on the east side of the said 10 foot wide paved drive; S33°10'W 142.61 feet; S25°20'W 179.76 feet; S18°41'W 167.17 feet; S11°25'W 146.03 feet; S05°55'W 297.72 feet; S18°52'E 124.55 feet to the centerline of the pavement of State Road No. 1853; thence as the centerline of the pavement of State Road No. 1853 S72°38'W 30.00 feet to the point of beginning containing 3.91 acres more or less and being a portion of the Edwin Longcope 275 acre tract recorded in Deed Book 184, at Page 116, in the Moore County Registry.

The above described 3.91 acre tract being subject to the right of way of State Road No. 1853.

Parcel ID: 00038409
Former Horse Farm property
SURVEY - May, 2012



Vicinity Map (Not to Scale)

I, Ryan D. McBryde, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 3607, Page 109); that the boundaries not surveyed are clearly indicated as drawn from information as indicated; that the ratio of precision as calculated is 1:20,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 8th day of May, 2012

NORTH CAROLINA PROFESSIONAL SEAL L-4394 SURVEYOR RYAN D. McBRYDE

Ryan McBryde
Professional Land Surveyor

L-4394
Registration Number

Notes:
This map is in accordance with GS 47-30.
Area by coordinate method.
No Horizontal control within 2000 feet.
Dashed lines not surveyed, drawn from information as indicated.
There are no visible encroachments other than those shown hereon.
Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges of Record.

Legend:
IPF = Iron Pipe Found
IPS = Iron Pipe Set
IRF = Iron Rod Found
IRS = Iron Rod Set
CMF = Concrete Monument Found
Ⓢ = Sewer Manhole
⊠ = Water Meter
= Fire Hydrant
= Utility Pole
CATV = Cable Television
PSO = Power Stub Out
TP = Telephone Pedestal
WV = Water Valve
☼ = Aerial Light
— · — = Building Setback Line
—OHU— = Overhead Utilities
SSO = Sanitary Stub Out
= Electrical Transformer
= HVAC
— SS — = Sanitary Sewer
O = Calculated Point

I, Ryan D. McBryde, a Professional Land Surveyor L-4394, certify to one or more of the following as indicted:

☐ A. That this plat is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.

☐ B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

☑ C. That this plat is of a survey of an existing parcel or parcels of land and does not create a new street or change an existing street.

☐ D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court survey, or other exception to the definition of subdivision.

☐ E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (A) through (D) above.

NORTH CAROLINA PROFESSIONAL SEAL L-4394 SURVEYOR RYAN D. McBRYDE

Ryan McBryde
Professional Land Surveyor

L-4394
Registration Number

5/8/12
Date

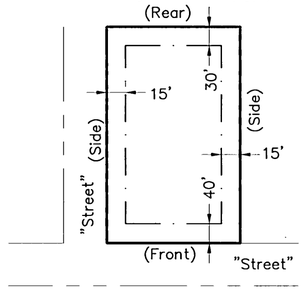
GRAPHIC SCALE

150 0 75 150 300 600

(IN FEET)
1 inch = 150 ft.

LINE TABLE		
LINE	LENGTH	BEARING
L1	41.60	N02°33'37"E
L2	12.37	N18°36'33"E
L3	128.24	S26°57'47"W
L5	100.30	S21°01'08"E
L6	29.97	S21°01'33"E
L7	14.11	N75°40'24"W
L8	18.88	S23°36'08"E

Not To Scale
Building Setbacks (Typ.)

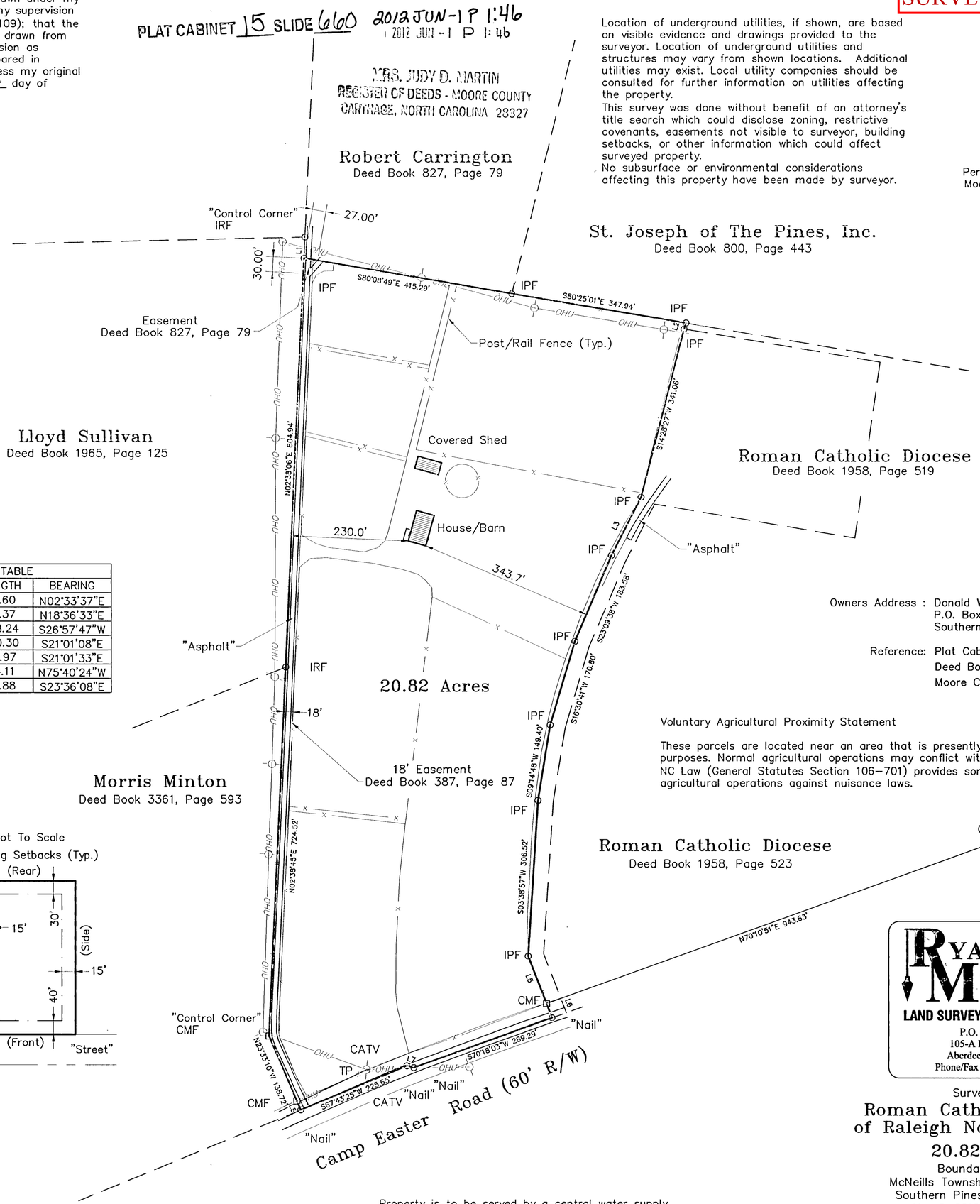


PLAT CABINET 15 SLIDE 660 2012 JUN-1 P 1:46
2012 JUN -1 P 1:46

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327

Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.
This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.
No subsurface or environmental considerations affecting this property have been made by surveyor.

Per D.B. 3607, PG 109
Moore County Registry



Owners Address : Donald W. Longsreet
P.O. Box 56
Southern Pines, NC 28388

Reference: Plat Cabinet 9, Slide 502
Deed Book 3607, Page 109
Moore County, North Carolina

Voluntary Agricultural Proximity Statement

These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

Property is to be served by a central water supply and by a individual sewage disposal system.

RYAN McBRYDE
LAND SURVEYING • PLANNING
P.O. Box 1013
105-A Parkway Dr.
Aberdeen, NC 28315
Phone/Fax (910) 944-2410

Survey For:
Roman Catholic Diocese of Raleigh North Carolina
20.82 Acres
Boundary Survey
McNeills Township, Moore County
Southern Pines, North Carolina
May 2, 2012 Job# 120066
Revised May 8, 2012: Prepared for Recording

THIS DRAWING IS THE PROPERTY OF RYAN MCBRYDE LAND SURVEYING AND PLANNING AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE SURVEYOR. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.

Parcel IDs: 00991755, 10001608
Existing School & Rectory Properties
SURVEY - February 2007

EIP
N: 533868.8015
E: 1886399.0459
ELEV: 101.72

S80°22'58"E
312.08'

EIP
N: 533749.4877
E: 1887075.0617
ELEV: 96.13

S70°48'44"E
376.31'

PROTECT EXISTING FENCE

EXISTING PAVED DRIVE

EXISTING BUILDING F.F.E. 106.83

EXISTING WELLHOUSE

EXISTING IRRIGATION VALVE

EXISTING CEMETERY

EXISTING CONCRETE WALK

EXISTING PUMP HOUSE

EXISTING WELL TO BE PROTECTED DURING ALL CONSTRUCTION. WELL TO BE USED FOR IRRIGATION PURPOSES ONLY.

PROPERTY BOUNDARY

EXISTING SOIL DRIVE

EXISTING UNDERGROUND TELEVISION CABLE

EXISTING FIBER OPTIC LINE

EXISTING FENCE

EXISTING BRICK COLUMNS

EXISTING 15" RCP
INV. OUT = 98.04

EXISTING 15" RCP
INV. IN = 98.89

EXISTING BRICK WALL

BENCH MARK
N: 532852.2573
E: 1887010.5386
ELEV: 101.78

60' R/W
PER NCDOT

EXISTING 8" WATER MAIN

EXISTING NATURAL GAS LINE

EXISTING UTILITY POLE

PROPERTY BOUNDARY

PROTECT EXISTING FENCE

EXISTING BRICK HEAD WALL

EXISTING WATER METER

EXISTING BRICK COLUMN

EXISTING BRICK COLUMNS

BENCH MARK
N: 532533.2384
E: 1886122.5135
ELEV: 106.12

EXISTING BRICK HEAD WALL

CAMP EASTER ROAD
(60' R/W)
S70°26'50"W
977.97'

NC 22

EXISTING 15" RCP
INV. OUT = 103.92

EXISTING 15" RCP
INV. IN = 104.06

NOTE:

SITE/FIELD TOPOGRAPHY WAS OBTAINED BY AN ACTUAL FIELD SURVEY BY HOBBS UPCHURCH AND ASSOCIATES.

LEGEND

- ECM
- EIR
- EIP
- EXISTING CONTOUR
- PROPERTY BOUNDARY
- NCDOT RIGHT OF WAY
- UNDERGROUND FIBER OPTIC
- EXISTING CABLE
- EXISTING FENCE
- EXISTING WATER
- EXISTING GAS
- CABLE TV BOX
- EXISTING WELL
- EXISTING IRRIGATION VALVE
- EXISTING PROPANE TANK
- EXISTING POWER POLE
- EXISTING PINE & CALIPER
- EXISTING CEDAR & CALIPER
- EXISTING OAK & CALIPER
- EXISTING TREE TO BE REMOVED

BENCH MARK

NCDOT BM
SE CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532852.2573
E: 1887010.5386
ELEV. 101.78

SW CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532533.2384
E: 1886122.5135
ELEV. 106.12

NOTE:

TREES SHOWN ON THE PROJECT PROPERTY IN BOLD ARE TO BE REMOVED.

BEFORE YOU DIG!
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

GRAPHIC SCALE

-60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

H:\SP0714\800\810\02\C-01 EXISTING TOPO.dwg TWanko 17/12/09 - 3:10 P

HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

POPE JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

EXISTING TOPOGRAPHY PLAN

NORTH CAROLINA PROFESSIONAL SEAL 036670 ENGINEER HARRON E. HILLIARD
12-18-09

DATE: 02/27/07	REV NO.	DATE	JOB #: SP0714
DES BY:			ST. ANTHONY OF PADUA CATHOLIC SCHOOL
DWG BY:			
CHK BY:			
REV NO.			NCSBC 2006

SHEET NO. C-01

Additional Documents

…to demonstrate consistency with UDO 2.18.4(H) Criteria 1 - 4

DR. J.H. CARTER III & ASSOCIATES, INC.
Environmental Consultants
515-F Midland Road
Southern Pines, N.C. 28387
910-695-1043 / 910-695-3317 (fax)

22 October 2021

Mr. Pete Bogle
110 North Main Street
Salisbury, North Carolina 28144

Dear Mr. Bogle:

I received correspondence from you regarding construction of a new school building located on an prepared building pad on St. John Paul's Catholic School property in Southern Pines, North Carolina. While this prepared building pad is located within the 0.5 mile radius foraging habitat partition for active RCW cluster SOPI 23, no pine trees will be removed for the new school building project and no RCW survey is necessary.

For your information, I spoke to Suzy Russell of the Southern Pines Planning Department on 20 October 2021 and she concurred that a RCW survey was not needed. A copy of this letter should be sent to Ms. Russell for documentation.

Sincerely,

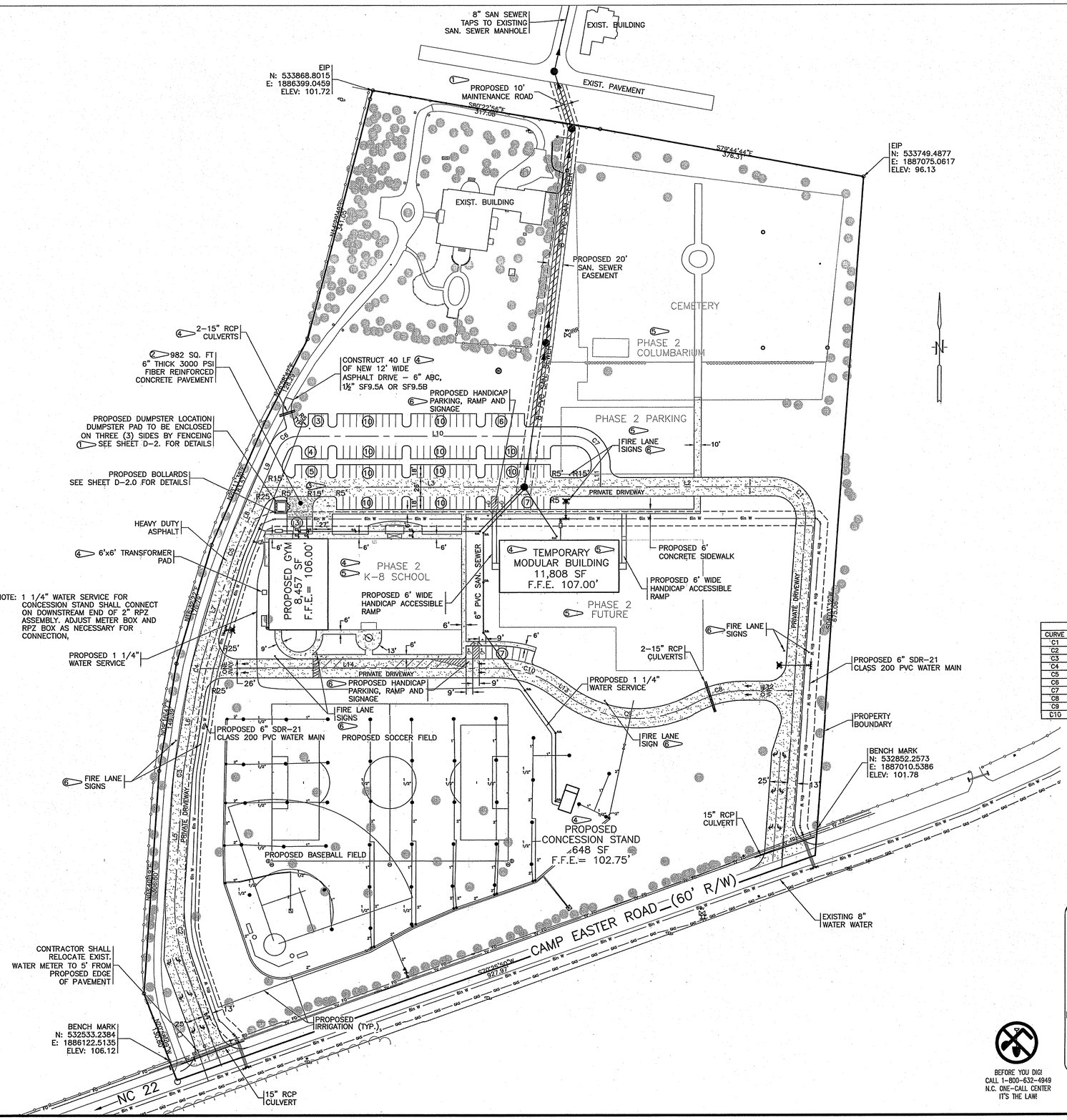
Jan Goodson
Senior Wildlife Biologist

Active Woodpecker Foraging Overlay

Nature of Services

- Power: Duke Energy (on-site)
- Water / Sewer: Public (on-site)
- Gas: Piedmont Natural Gas (on-site)
- Data: Multiple Available, Spectrum in use
- Stormwater Management: Existing capacity for Phase 1 Classroom Building installed during previous projects

Former approved Civil plan to show Utilities & Stormwater for current CDP



NOTE: MODULAR BUILDING PROPOSED FOR TEMPORARY USE UNTIL CONSTRUCTION OF FUTURE K-8 SCHOOL.

BUILDINGS

TOTAL EXISTING BUILDINGS	7,030 SF
PHASE 1 PROPOSED GYM	8,457 SF
PHASE 1 PROPOSED CONCESSION STAND	648 SF
PHASE 1 TEMPORARY MODULAR	11,808 SF
PHASE 2 PROPOSED BUILDINGS	58,115 SF
TOTAL BUILDING SF	86,058 SF

PARKING

PARKING SPACES REQUIRED	62
16 X 1,175 = 18.8 (19)	
8,457 / 200 = 43	
REGULAR PARKING SPACES PROVIDED	68
HANDICAPPED SPACES PROVIDED	4
TOTAL SPACES PROVIDED	72

IMPERVIOUS AREA

TOTAL ACREAGE	23.91 ACRES
EXISTING IMPERVIOUS	0.74 ACRES
PROPOSED IMPERVIOUS	3.60 ACRES
FUTURE IMPERVIOUS	1.58 ACRES
TOTAL IMPERVIOUS	5.92 ACRES
TOTAL PERCENTAGE IMPERVIOUS	24.76%

SITE IS NOT IN A FEMA FLOOD PLAIN PER FEMA MAP # 3710858300J, PANEL 8583, EFF. DATE OCTOBER 17, 2006.

BENCH MARK

NCDOT BM
SE CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532852.2573
E: 1887010.5386
ELEV. 101.78

SW CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532533.2384
E: 1886122.5135
ELEV. 106.12

LINE TABLE		
LINE	LENGTH	BEARING
L1	479.21	N04°03'32"E
L2	239.54	N90°00'00"W
L3	464.74	N90°00'00"W
L4	144.50	N20°19'34"W
L5	155.01	N03°40'19"E
L6	123.09	N09°15'47"E
L7	142.31	N16°32'22"E
L8	86.56	N22°52'51"E
L9	57.56	N22°52'51"E
L10	377.86	N89°59'54"E
L11	30.00	S00°00'00"E
L12	70.12	N90°00'00"W
L13	18.63	N53°47'56"W
L14	407.97	S90°00'00"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	TANGENT
C1	70.59	43.00	62.93	N42°58'14"W	94°03'32"	46.16
C2	104.71	250.00	103.95	S08°19'37"E	23°59'53"	53.13
C3	19.61	201.00	19.61	S06°28'03"W	5°35'28"	9.81
C4	25.53	201.00	25.51	S12°54'05"W	7°16'35"	12.78
C5	23.34	201.00	23.33	S19°52'00"W	6°39'16"	11.69
C6	33.45	27.78	31.46	S57°22'41"W	68°59'41"	19.09
C7	61.72	38.05	55.17	N43°31'52"W	92°56'27"	40.05
C8	64.28	137.00	63.68	S76°33'30"W	26°53'00"	32.74
C9	179.47	163.00	170.54	S85°20'28"E	63°05'04"	100.05
C10	86.56	137.00	85.13	N71°53'58"W	36°12'04"	44.78

INFRASTRUCTURE/UTILITY TOTALS

PROPOSED WATER MAIN: 2,032.18 LF
PROPOSED WATER SERVICES: 816 LF (4)
NEW PAVING: 69,157 SF (1.58 Ac)
HEAVY DUTY ASPHALT: 55,154 SF (1.26 Ac)
LIGHT DUTY ASPHALT: 13,939 SF (0.32 Ac)
GRAVITY SEWER MAIN: 726 LF
SEWER SERVICES: 1,010 LF (4)
SIDEWALK: 11,491 SF (0.26 Ac)
STORM STRUCTURES: 3 EA.

AREA INFORMATION

POPE JOHN PAUL II
CATHOLIC SCHOOL
ZONING: RE
DB 1958, PG 519
DB 1958, PG 523
ORIGINAL DEEDED AREA: 23.91 ACRES

RECIEVING WATER COURSE: UNNAMED TRIBUTARY TO MILL CREEK & McDEEDS CREEK
MILL CREEK CLASSIFICATION: WS-III, HQW
McDEEDS CLASSIFICATION: WS-III, HQW

RIVER BASIN: CAPE FARLEY

BEFORE YOU DIG! CALL 1-800-632-4949 N.C. ONE-CALL CENTER IT'S THE LAW!

LEGEND

- ECM
- EIR
- EIP
- PROPERTY BOUNDARY
- NCDOT RIGHT OF WAY
- UNDERGROUND FIBER OPTIC
- EXISTING CABLE
- EXISTING FENCE
- EXISTING WATER
- EXISTING GAS
- CABLE TV BOX
- EXISTING WELL
- EXISTING IRRIGATION VALVE
- EXISTING TREES
- EXISTING POWER POLE
- PROPOSED WATER MAIN
- PROPOSED SAN. SEWER
- HEAVY DUTY PAVEMENT

GRAPHIC SCALE
-60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

POPE JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

OVERALL SITE PLAN

NORTH CAROLINA PROFESSIONAL SEAL 035670 ENGINEER JAIMROE E. HILLIARD
12-18-09

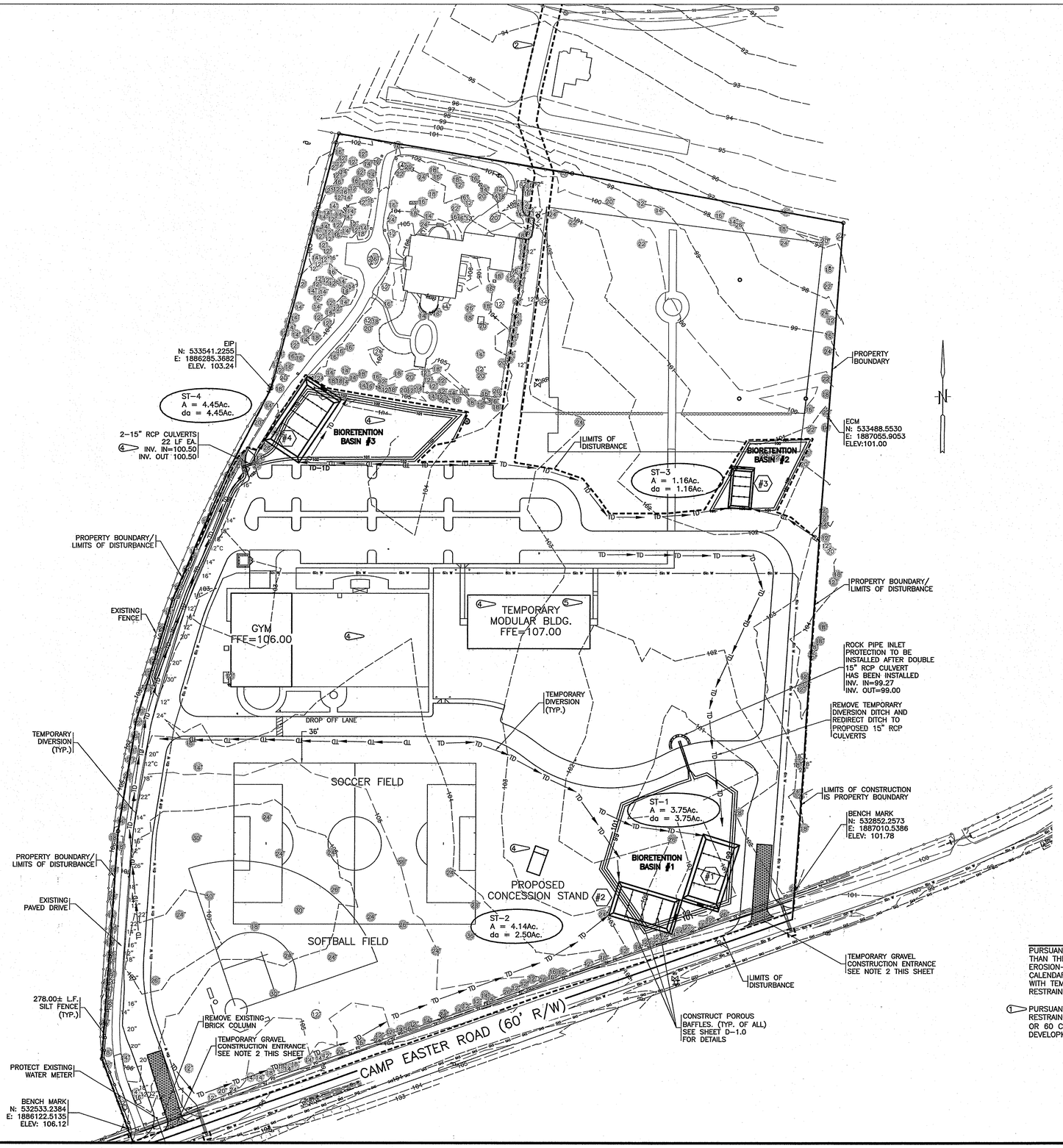
DATE: 02/27/07	REV NO.	DATE
DES BY: ----	1	10/23/07
DWG BY: ----	2	11/20/07
CHK BY: ----	3	12/04/07
REV NO.: ----	4	11/9/09
	5	11/30/09
	6	12/11/09

JOB #: SP0714
ST. ANTHONY OF PADUA CATHOLIC SCHOOL
NCSBC 2006

SHEET NO. C-02

H:\SP0714\800,810\02\C-02 OVERALL SITE PLAN.dwg TWanko 17/12/09 - 3:11 P

Former approved Civil plan to show Utilities & Stormwater for current CDP



CONSTRUCTION NOTES:

6 1. OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMIT. NO MEASURE … OF SOUTHERN PINES APPROVAL.

2. TRUCKS ENTERING AND EXITING FROM SITE MUST DO SO ONLY FROM C…

3. DENUDED/CLEARING LIMITS SHOWN ON THESE PLANS ARE APPROXIMATE … SET CLEARING LIMITS BASED ON MINIMUM AMOUNT OF AREA REQUIRED TO CONSTRUCT THE PROPOSED IMPROVEMENT DEPICTED WITHIN THESE PLANS.

4. SEE EROSION CONTROL DETAILS, SHEET D-1.0, D-1.1, AND D-1.2 FOR EROSION CONTROL DETAILS, CONSTRUCTION AND MAINTENANCE SCHEDULES.

5. THE LOCATION OF THE EXISTING UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CONTACT THE UTILITY LOCATION SERVICE ("NORTH CAROLINA ONE CALL" – 1-800-632-4949) FOR EXACT LOCATION OF ALL UNDERGROUND MAINS, CABLE, OR LINE BEFORE CONSTRUCTION BEGINS.

6. THE APPROPRIATE UTILITY COMPANY SHALL BE NOTIFIED BY THE CONTRACTOR 48 HOURS IN ADVANCE OF ANY EXCAVATION INVOLVING THEIR UTILITIES SO THAT A COMPANY REPRESENTATIVE CAN BE PRESENT.

7. TRUCKING ON OR ABOUT THE SITE WILL BE PERMITTED ONLY WITHIN REASONABLE LIMITS AND THE CONTRACTOR SHALL NOT UNREASONABLY ENCUMBER THE PREMISES WITH HIS EQUIPMENT AND MATERIALS. THE STORAGE SHALL BE CONFINED TO SUCH LIMITS AS MAY BE JOINTLY AGREED BY OWNER AND CONTRACTOR.

SEDIMENT TRAP – SUMMARY

Trap #	*W(ft)	*L(ft)	Weir Length(ft)	Trap Depth(ft)	Total Surface Area (sf)
1	50.00	100.00	10.00	3.50	5,010.00
2	50.00	100.00	11.00	3.50	4,400.00
3	30.00	60.00	5.00	3.50	1,786.00
4	51.00	102.00	11.00	3.50	5,184.00

* TRAP DIMENSIONS ARE MEASURED FROM TOP OF WEIR DEPTH (REQUIRED SURFACE AREA)

NOTE:

PURSUANT TO G.S. 133-A57(2), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE RETAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION-CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED WILL, WITHIN 21 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES, OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION.

1 PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUNDCOVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 60 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.

DISTURBED AREA: 15.95 Ac. 2

RIVER BASIN: CAPE FEAR
CLASSIFIED: CLASS-III; HQW

BEFORE YOU DIG!
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

LEGEND

- EXISTING CONTOURS
- PROPERTY BOUNDARY
- EXISTING WATER MAIN
- EXISTING RIGHT OF WAY
- EXISTING PROPANE TANK
- EXISTING PINE & CALIPER
- EXISTING CEDAR & CALIPER
- EXISTING OAK & CALIPER
- EXISTING TREE TO BE REMOVED
- FO — EXISTING FIBER OPTIC
- TV — EXISTING TELEVISION CABLE
- GAS — GAS — EXISTING GAS LINE
- SEDIMENT TRAP
- ST# SEDIMENT TRAP CALLOUT
- LIMITS OF DISTURBANCE
- TD — TD — TEMPORARY SILT DIVERSION
- PD — PD — DIVERSION DIKE (PERIMETER PROTECTION)
- SEDIMENT FENCE
- DRAINAGE AREA

GRAPHIC SCALE

-60 0 30 60 120 240
(IN FEET)
1 inch = 60 ft.

HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

POPE JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

EROSION CONTROL PLAN

NORTH CAROLINA PROFESSIONAL SEAL 035667 ENGINEER HAROLD E. HILLIARD
12-16-09

DATE:	02/27/07
DES BY:	---
DWG BY:	---
CHK BY:	---
REV NO.	---

REV NO.	DATE
1	10/17/07
2	12/4/07
4	11/9/09
5	11/30/09
6	12/11/09

JOB # SP0714

ST. ANTHONY OF PADUA CATHOLIC SCHOOL
NCSBC 2006

SHEET NO. C-03

H:\SP0714\800\810\02\C-03 EROSION CONTROL.dwg TMonko 17/12/09 - 3:11 P

Former approved Civil plan to show Utilities & Stormwater for current CDP

EIP
N: 533749.4877
E: 1887075.0617
ELEV: 96.13

EXISTING FENCE (TO REMIAN)

BIORETENTION BASIN #3
TOP OF BASIN=103.00
BOTTOM OF BASIN=101.00
SEE SHEET C-10 FOR DETAILS

4 2-15" RCP CULVERTS
22 LF EA.
INV. IN=100.50
INV. OUT 100.50

4 CONSTRUCT 40 LF OF NEW 12' WIDE ASPHALT DRIVE - 6" ABC, 1½" SF9.5A OR SF9.5B

2 982 SQ. FT 6" THICK 3000 PSI FIBER REINFORCED CONCRETE PAVEMENT

BIORETENTION BASIN #3

BIORETENTION BASIN #2
TOP OF BASIN=101.00
BOTTOM OF BASIN=100.00
SEE SHEET C-10 FOR DETAILS

BIORETENTION BASIN #2

PROPERTY BOUNDARY

CONSTRUCT 6' WIDE HANDICAP ACCESSIBLE RAMP 1:20 MAX. SLOPE WITH HANDRAILS BOTH SIDES

GYM
FFE=106.00

TEMPORARY MODULAR BLDG.
FFE=107.00

CONSTRUCT 6' WIDE HANDICAP ACCESSIBLE RAMP 1:12 MAX. SLOPE WITH HANDRAILS BOTH SIDES

2-15" RCP CULVERTS
44 LF EA.
INV. IN=99.27
INV. OUT=99.00

BIORETENTION BASIN #1
TOP OF BASIN=101.00
BOTTOM OF BASIN=99.00
SEE SHEET C-10 FOR DETAILS

EXISTING UNDERGROUND TELEVISION CABLE

EXISTING FIBER OPTIC LINE

EXISTING FENCE

PROPERTY BOUNDARY

SOCCER FIELD

SOFTBALL FIELD

PROPOSED CONCESSION STAND

BIORETENTION BASIN #1

BENCH MARK
N: 532852.2573
E: 1887010.5386
ELEV: 101.78

88 LF, PROPOSED 15" RCP
INV. IN=99.50
INV. OUT=99.06

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

CAMP EASTER ROAD (60' R/W)

PROPOSED 15" RCP
92 LF
INV. IN=103.81
INV. OUT=103.35

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

EXISTING BRICK COLUMNS

BENCH MARK
N: 532533.2384
E: 1886122.5135
ELEV: 106.12

EXISTING FENCE (TO REMIAN)

NOTE:

2 1. EXISTING AND PROPOSED STORM SEWER SYSTEMS AND PROPOSED BIORETENTION BASIN WILL BE PRIVATELY OWNED AND MAINTAINED.

LEGEND

- ECM
- EIR
- EIP
- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPERTY BOUNDARY
- NCDOT RIGHT OF WAY
- UNDERGROUND FIBER OPTIC
- EXISTING CABLE
- EXISTING FENCE
- EXISTING WATER
- EXISTING GAS
- CABLE TV BOX
- EXISTING WELL
- EXISTING IRRIGATION VALVE
- EXISTING PROPANE TANK
- EXISTING POWER POLE
- EXISTING PINE & CALIPER
- EXISTING CEDAR & CALIPER
- EXISTING OAK & CALIPER

BEFORE YOU DIG!
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW!

GRAPHIC SCALE
50 0 25 50 100 200
(IN FEET)
1 inch = 50 ft.

H:\SP0714\800\810\02\C-04 GRADING & DRAINAGE PLAN.dwg TWorko 17/12/09 - 3:12 P

HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

POPE JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

GRADING AND DRAINAGE PLAN

NORTH CAROLINA PROFESSIONAL SEAL 035670 ENGINEER HAROLD E. HILLIARD
12-18-09

DATE: 02/27/07	REV NO.	DATE
DES BY: ---	2	11/19/07
DWG BY: ---	4	11/9/09
CHK BY: ---	5	11/30/09
REV NO. ---		

JOB #: SP0714
ST. ANTHONY OF PADUA CATHOLIC SCHOOL
NCSBC 2006

SHEET NO.
C-04

Neighborhood Meeting Materials and Records

- Invitation Letter & Mailing List
- Sign-In Sheet
- Graphics Presented
- Representations made by the Applicant regarding the proposed Development
- Summary of Public Comments and Responses
- Resultant Directions / Decisions

ST. JOHN PAUL II CATHOLIC SCHOOL

1.3.22

Invitation to a Neighborhood Informational Meeting

To Whom It May Concern,

St. John Paul II Catholic School seeks to replace temporary modular classroom buildings with a permanent K-8 educational facility. As an adjacent property owner, you are invited to attend a Neighborhood Meeting to be held at 6:30 PM on Tuesday, January 25, 2022, at St. John Paul II Catholic School located at 2922 Camp Easter Road in Southern Pines, NC. Information about the proposed project and future master planning of the entire campus will be presented, including:

1) Proposed new construction K-8 private Catholic school, approximately 56,000 square feet, housing 400-450 students
2) Approximate construction timeline
3) Future master planning uses of remaining site, including classroom building expansions, athletic fields, a new rectory, and a potential future Catholic Church

In this packet, you should find some artistic renderings of the proposed new K-8 building to be constructed. You'll see that the scale, materials, and detailing of the proposed building are in keeping with our existing Activity Building. We've also included our proposed campus master plan, showing this new classroom building and outlining other potential future development of classroom expansions, athletic fields, the new rectory, and church.

School administration, the architect, and the general contractor will be available for a short question and answer session after the presentation.

Kind regards,

John Donohue, Principal

2922 CAMP EASTER ROAD, SOUTHERN PINES, NC 28387
WWW.SJP2CATHOLICSCHOOL.ORG
910-692-6241

St. John Paul Catholic School, Southern Pines
Surrounding Property Owners List

SJPCS Properties:

- **A.** 2978 Camp Easter Rd
- **B.** 2878 Camp Easter Rd
- **C.** 2952 camp Easter Rd

Required List of Owners:
(within 200 feet, minimum of 10)

1. Knollwood Partners, LLC
   1010 Midland Rd
   Southern Pines, NC 28387
2. County of Moore
   PO Box 905
   Carthage, NC 28327
3. Benjamin Cramer
   2795 Camp Easter Rd
   Southern Pines, NC 28387
4. William Johnstone
   2764 Camp Easter Rd
   Southern Pines, NC 28387
5. Robert Pecha
   2741 Camp Easter Rd
   Southern Pines, NC 28387
6. St Joseph of the Pines
   C/O Trinity Senior Living Communities
   17410 College Parkway, Ste 200
   Livonia, MI 48152
7. Robert & Mary Carrington
   PO Box 1276
   Southern Pines, NC 28388-1276
8. Robin Cummings
   265 Pine Barrens Vista
   Southern Pines, NC 28387
9. Lloyd & Sheri Sullivan
   PO Box 406
   Southern Pines, NC 28388-0406
10. James & Frances Current
    141 Pine Barrens Ct
    Southern Pines, NC 28387

Secondary List of Owners:
(beyond required notification range)

A. Pineneedles Co Club Inc
   1010 Midland Rd
   Southern Pines, NC 28387-0088
B. Stephen Gent
   420 Roundabout Rd
   Carthage, NC 28327
C. Jonathan Drew
   635 McDeeds Creek Rd
   Carthage, NC 28327
D. Sharon Hakas
   530 McDeeds Creek Rd
   Southern Pines, NC 28387
E. George Rhodes
   150 Harmony Lane
   Southern Pines, NC 28387
F. Lucy Miller – Arrowhead Farms
   2635 Camp Easter Rd
   Southern Pines, NC 28387
G. Connemara Farm, LLC
   PO Box 336
   Pinehurst, NC 28370
H. Pinehurst Area Realty, Inc.
   PO Box 1511
   Pinehurst, NC 28370
I. Thomas McFadyen
   245 Woodland Drive
   Pinehurst, NC 28374
J. Donald & Laurie Trexler
   PO Box 2288
   Southern Pines, NC 28388
K. Peter & Corine Longanbach
   290 Pine Barrens Vista
   Southern Pines, NC 28387
L. Peter & Joanne Mace
   PO Box 2605
   Southern Pines, NC 28388-2605
M. Adam Kiker
   140 Aqua Shed Ct
   Aberdeen, NC 28315

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

Subject: Sign-In Sheet
Project: St. John Paul II Catholic School Classroom Building / Master Planning
Date: 1.25.22

Please sign in.

Name	Address	OPTIONAL Contact Info / Email
Adam Kiker	215 Pine Barrens Vista Southern Pines	adam@LKengineering.com
RORY GABRIEL	110 N MAIN ST. SALISBURY	
PETE BOGLE	110 N. MAIN ST. SALISBURY	
John Donohue	St. John Paul	jdonohue@sjp2catholicschool.org
Robert Evanila	234C Persimmon Dr. Pinebluff, NC 28373	SJPII REVANILA@sjp2catholicschool.org
Fran. Jim Cuvrey	141 Pine Barrens Ct SP.	francurrey@windstream.net
Robert & Jamie Peele	2741 Camp Easter Rd.	
Scott Dembowski	SJPII	sdembowski80@gmail.com
Rev. John Kane	2952 Camp Easter Rd	Father.Kane@stanthonyparish.net
Pete Mace	170 Pine Barrens Vista	petemace007@gmail.com

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

Subject: Sign-In Sheet
Project: St. John Paul II Catholic School Classroom Building / Master Planning
Date: 1.25.22

Please sign in.

Name	Address	OPTIONAL Contact Info / Email
TONY BORNHORST	RHETSON CO.	—
Deb Lawson	SJPII	dlawson@jp2catholicschool.org
Jim Lawson	205 Pine Needles Ln So. Pines	JimLawson@NC.rr.com
Rev. John Forbes	300 Dundee Rd 28374	
Josh H.	905 HEATHER LN. Southern Pines 28374	
Lloyd Sullivan	225 Pine Barren Ct.	

The following graphics were presented at the Neighborhood Meeting. All slides are included here in compressed form. A copy of the full PDF presentation is available upon request.

Neighborhood Meeting Presentation

ST. JOHN PAUL II CATHOLIC SCHOOL

THE BOGLE FIRM, ARCHITECTURE

Neighborhood Meeting Presentation

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

Subject: Neighborhood Meeting Agenda
Project: St. John Paul II Catholic School Classroom Building / Master Planning
Date: 1.25.22

Neighborhood Meeting Agenda
6:30 PM - January 25, 2022

- Welcome & Introductions — John Donohue / Deb Lawson
  - Project Team
    - St. John Paul, II School
      - John Donohue, Principal
      - Deb Lawson
      - -
    - Rhetson Construction:
      - Tony Bornhorst, Project Manager
    - Bogle Firm Architecture:
      - Pete Bogle, Principal Architect
      - Rory Gabriel, Project Architect
  - Video
- Purpose / Need — John Donohue / Deb Lawson
- Master Planning / Project Update — Pete Bogle
  - Slideshow Presentation
  - Progress Update – Next Steps – Estimated Timeline
- Question / Answer Session — All

St. John Paul II Catholic School

a case statement and feasibility report

This document includes the history and future path of St. John Paul II Catholic School in Southern Pines, NC. Included in this report are vetted feasibility and case data alongside project plans for both the future of our school and the development of the property located on Camp Easter Road in Southern Pines.

2021- 2024

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The History of Catholic Education in Moore County 2 - 4

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Our Mission, Vision, & Beliefs 6

SJPII Enrollment Breakdowns at a Glance 7

Capital Campaign Goals 8

The Case for Growth

- Logistics 9 - 14
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Campaign & Finance Plan

- Donations Brackets / Pyramid 21
- Engagement Methodologies 22
- The Pillars of SJPII Financial Independence 23 - 24
- Timeline 25

Conclusion 26

Giving Opportunities

Wing of Building	(5)	$250,000
Media Center	(1)	$100,000
Classroom	(20)	$50,000
Staff Work Rooms	(2)	$50,000
Chapel Items:		
Windows	(10)	$10,000
Pews	(40)	$ 5,500
Bricks (named)	(250)	$ 1,000

Three Year Gift Plans to Consider

	10% Deposit	Annually	Quarterly	Monthly	Weekly
$250,000	$25,000	$75,000	$18,750	$6,250	$1442
$100,000	$10,000	$30,000	$75,000	$2500	$577
$50,000	$5,000	$15,000	$3,750	$1,250	$288
$10,000	$1,000	3,000	$750	$250	$58
$5,000	$500	$1,500	$375	$125	$29
$1,000	$100	$300	$75	$25	$6

Neighborhood Meeting Presentation

We can't envision their future without you!

The Embracing our Legacy, Envisioning our Future Capital Campaign is a three year endeavor to build a permanent school building on our 20 acre property.

We have simply outgrown our temporary facility, and our enrollment is at an all-time high. Each of the last 3 years, we have had over 35 applications that we were unable to accept due to space constraints.

Bishop Louis Rafael Zarama has given us his blessing to move forward to build-out our campus! The goal for our campaign is $8,000,000. This will include 2 classrooms for each grade, an upper and lower-grade science lab, a language lab a Socratic Seminar room, separate classrooms for music art, and drama.

The school will also feature a chapel, a large media center/library, and a resource center for our students with diverse learning needs.

We are asking, for you to prayerfully consider contributing or making a multi-year pledge for the future of Catholic education in Moore County.

Not everyone can make the same size gift, but everyone can make the same sacrifice.

Thank you for considering a gift or pledge to our school building!

Name: _____

Address: _____

City, State _____

Zip: _____

Phone: _____

Email: _____

My Gift or Pledge: _____

Credit Card: _____

Exp.: _____ 3 digit code: _____

or contact Deb Lawson at (910-692-6241)

dlawson@sjp2catholicschool.org

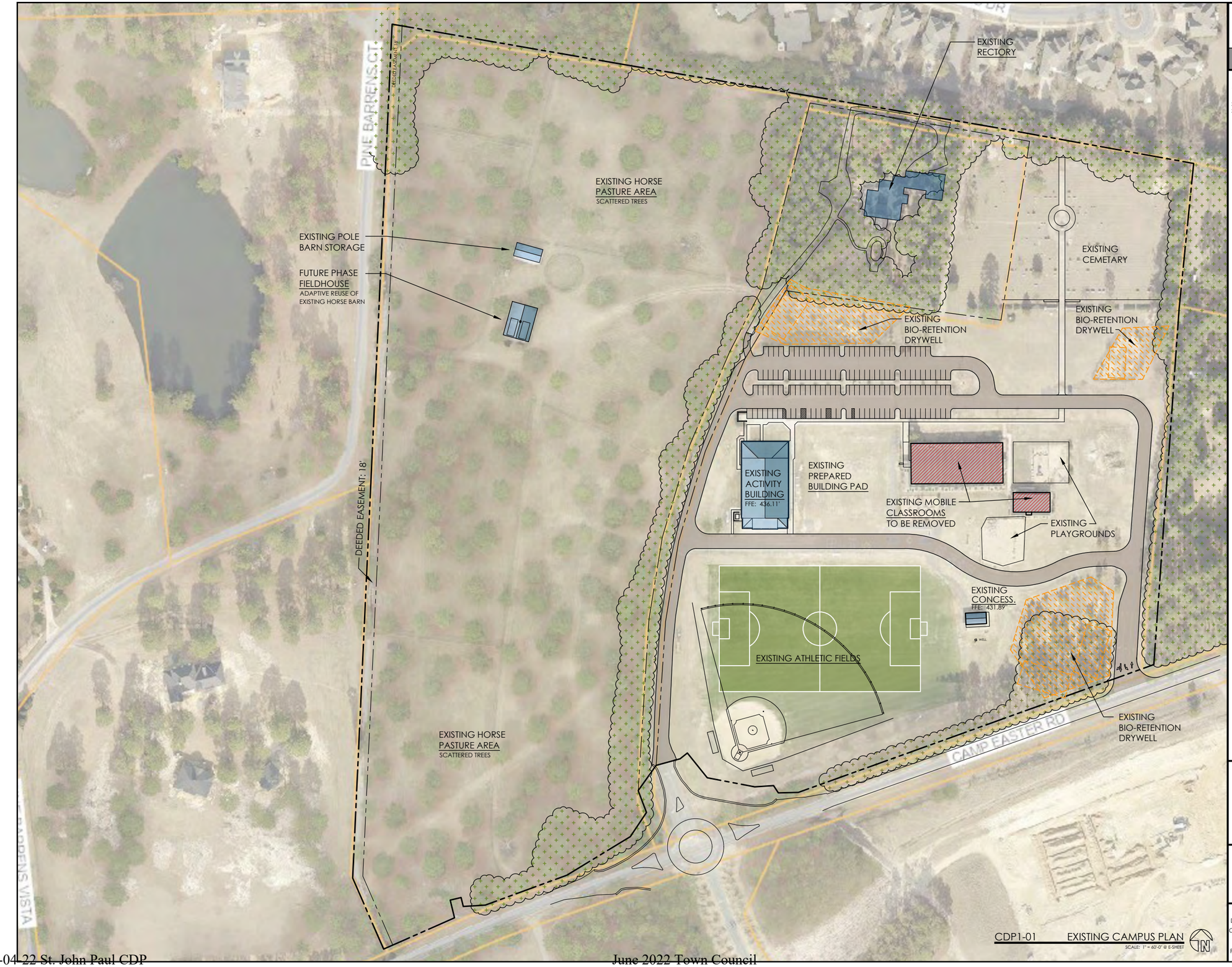
Embracing our *Legacy.*
Envisioning our *Future.*

Capital Campaign

St. John Paul II Catholic School

2922 Camp Easter Rd.
Southern Pines, NC 28387
www.sjp2catholicschool.org

Neighborhood Meeting Presentation



BOGLE FIRM
ARCHITECTURE
110 N. MAIN ST
SUITE 200
SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.638.2015

PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

EXISTING CAMPUS PLAN

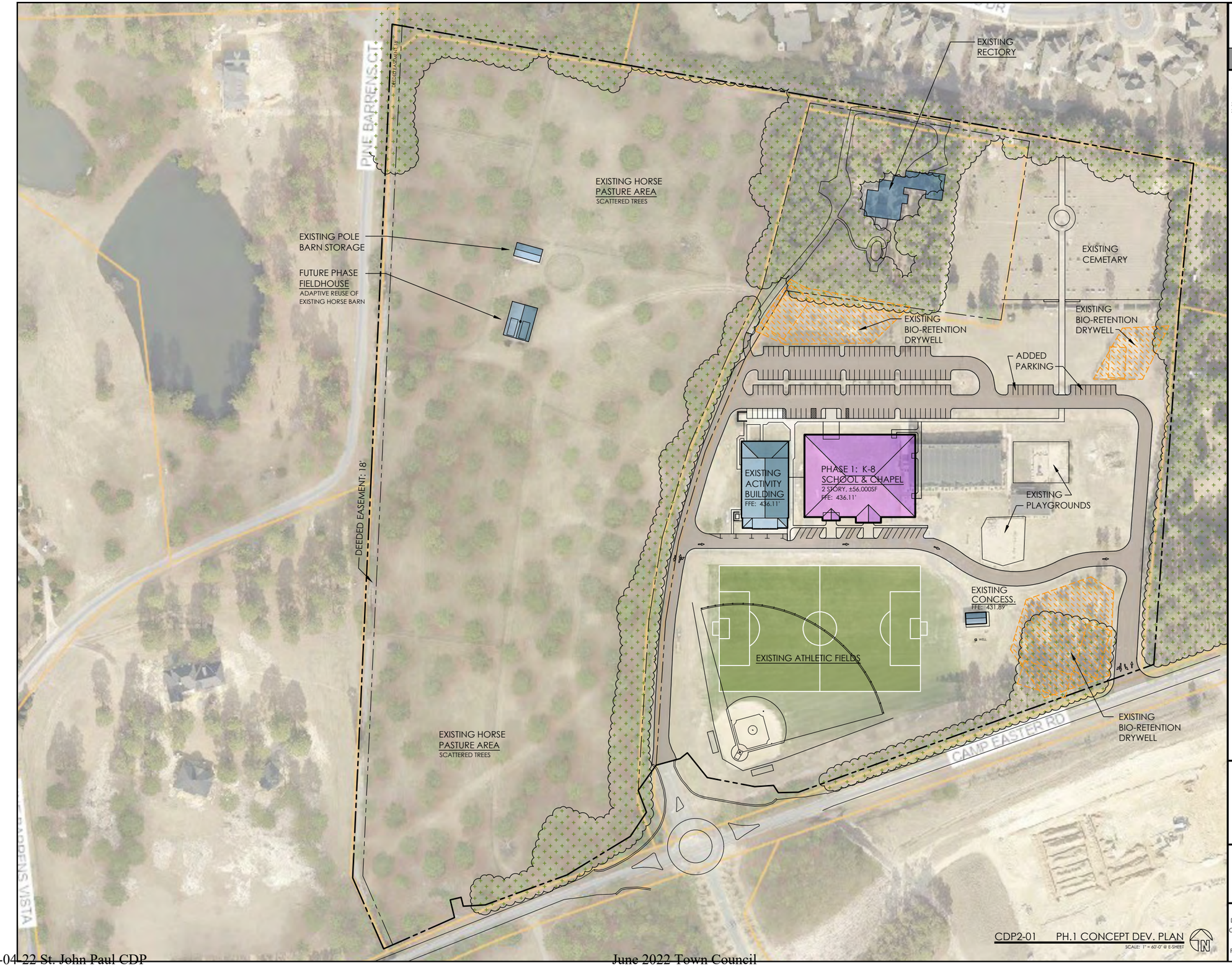
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 11.2.21
PROJECT #: .

SHEET NUMBER
CDP1
OF: 3



CDP2-01 PH.1 CONCEPT DEV. PLAN
SCALE: 1" = 60'-0" @ E-SHEET

BOGLE FIRM
ARCHITECTURE
110 N. MAIN ST
SUITE 200
SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.638.2015

PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

PHASE 1 CAMPUS PLAN

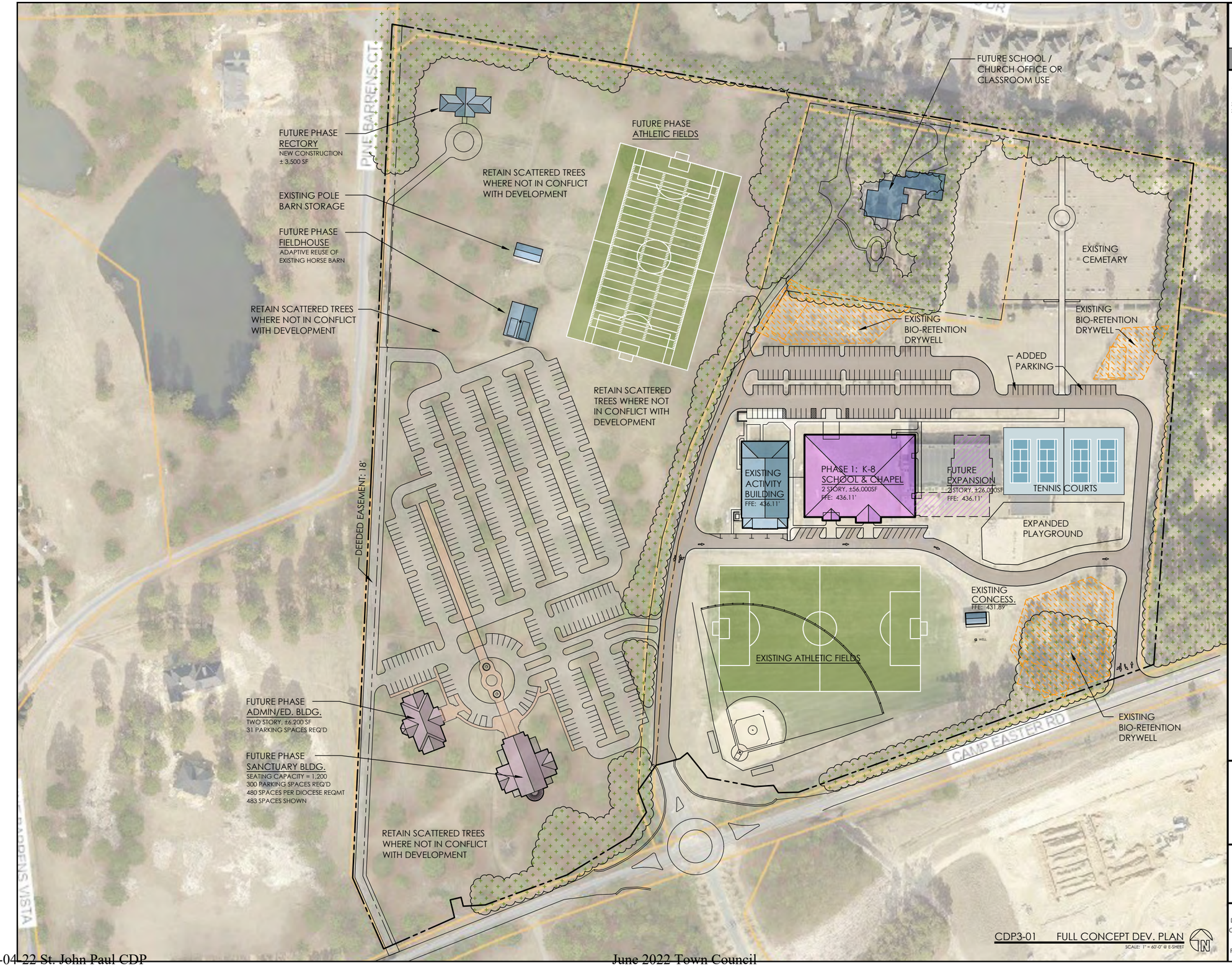
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 11.2.21
PROJECT #: .

SHEET NUMBER
CDP2
OF: 3



CDP3-01 FULL CONCEPT DEV. PLAN
SCALE: 1" = 60'-0" @ E-SHEET

BOGLE FIRM
ARCHITECTURE
110 N. MAIN ST
SUITE 200
SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.638.2015

PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

FUTURE CAMPUS PLAN

TOWN OF SOTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

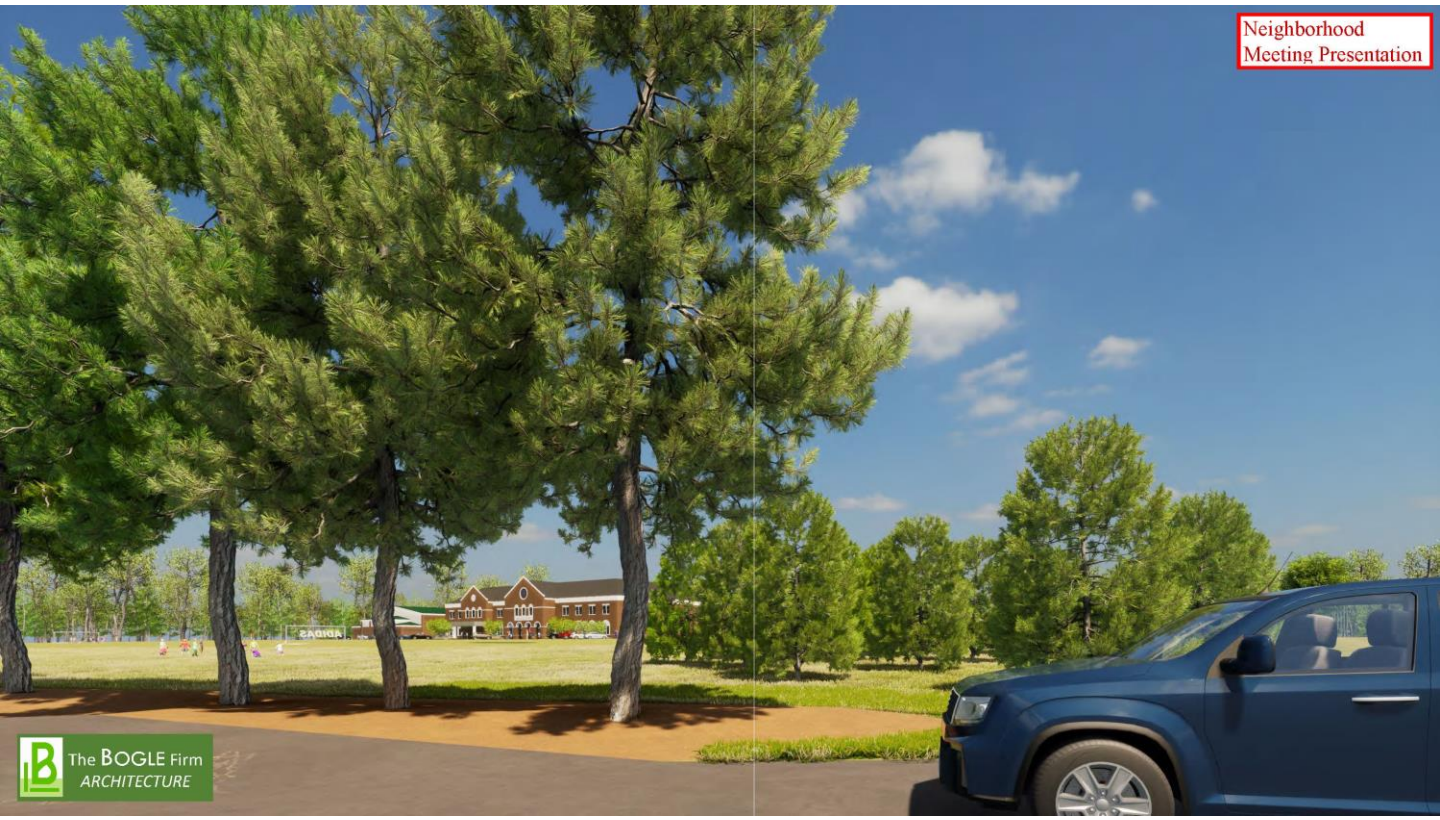
DRAWN BY: DRB
CHECKED BY: DRB
DATE: 11.2.21
PROJECT #: .

SHEET NUMBER
CDP3
OF: 3

Neighborhood Meeting Presentation

ST. JOHN PAUL II CATHOLIC SCHOOL

THE BOGLE FIRM, ARCHITECTURE



Neighborhood
Meeting Presentation
The BOGLE Firm
ARCHITECTURE

Neighborhood
Meeting Presentation
The BOGLE Firm
ARCHITECTURE

Neighborhood
Meeting Presentation
ST. JOHN PAUL II CATHOLIC SCHOOL
OUR LADY'S CHAPEL
The BOGLE Firm
ARCHITECTURE

Neighborhood
Meeting Presentation
OUR LADY'S CHAPEL
ST. JOHN PAUL II CATHOLIC SCHOOL
The BOGLE Firm
ARCHITECTURE

Neighborhood Meeting Presentation

PHASE 2 1ST FLOOR PLAN
SCALE: NTS

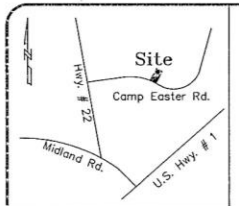
Neighborhood Meeting Presentation

PHASE 2 2ND FLOOR PLAN
SCALE: NTS

Neighborhood Meeting Presentation

PLAT CABINET 15 SLIDE 660 2012 JUN -1 P 1:46

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327



Vicinity Map (Not to Scale)

I, Ryan D. McBryde, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 3607, Page 109); that the boundaries not surveyed are clearly indicated as drawn from information as indicated; that the ratio of precision as calculated is 1: 20,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 7th day of May, 20 12

NORTH CAROLINA PROFESSIONAL SEAL L-4394 SURVEYOR RYAN D. McBRYDE

Professional Land Surveyor

L-4394
Registration Number

Notes:
This map is in accordance with GS 47-30.
Area by coordinate method.
No Horizontal control within 2000 feet.
Dashed lines not surveyed, drawn from information as indicated.
There are no visible encroachments other than those shown hereon.
Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges of Record.

Legend:
IPF = Iron Pipe Found
IPS = Iron Pipe Set
IRF = Iron Rod Found
IRS = Iron Rod Set
CMF = Concrete Monument Found
= Sewer Manhole
= Water Meter
= Fire Hydrant
= Utility Pole
CATV = Cable Television
PSO = Power Stub Out
TP = Telephone Pedestal
WV = Water Valve
= Aerial Light
— · — · — = Building Setback Line
—OHU— = Overhead Utilities
SSO = Sanitary Stub Out
= Electrical Transformer
= HVAC
— SS — = Sanitary Sewer
O = Calculated Point

I, Ryan D. McBryde, a Professional Land Surveyor L-4394, certify to one or more of the following as indicted:

☐ A. That this plat is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.

☐ B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.

☑ C. That this plat is of a survey of an existing parcel or parcels of land and does not create a new street or change an existing street.

☐ D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court survey or other exception to the definition of subdivision.

☐ E. That the information available to this surveyor is such that I am unable to make a determination to the best of my professional ability as to provisions contained in (A) through (D) above.

NORTH CAROLINA PROFESSIONAL SEAL L-4394 SURVEYOR RYAN D. McBRYDE

Professional Land Surveyor

L-4394
Registration Number

5/8/12
Date

GRAPHIC SCALE

150 0 75 150 300 600
(IN FEET)
1 inch = 150 ft.

LINE TABLE		
LINE	LENGTH	BEARING
L1	41.60	N02°33'37"E
L2	12.37	N18°36'33"E
L3	128.24	S26°57'47"W
L5	100.30	S21°01'08"E
L6	29.97	S21°01'33"E
L7	14.11	N75°40'24"W
L8	18.88	S23°36'08"E

Not To Scale
Building Setbacks (Typ.)
(Rear)
15'
30'
(Side)
15'
40'
"Street" (Side)
(Front)
"Street"

Robert Carrington
Deed Book 827, Page 79

St. Joseph of The Pines, Inc.
Deed Book 800, Page 443

Lloyd Sullivan
Deed Book 1965, Page 125

Roman Catholic Diocese
Deed Book 1958, Page 519

Morris Minton
Deed Book 3361, Page 593

Roman Catholic Diocese
Deed Book 1958, Page 523

20.82 Acres

Easement
Deed Book 827, Page 79

18' Easement
Deed Book 387, Page 87

Post/Rail Fence (Typ.)

Covered Shed

House/Barn

"Asphalt"

"Control Corner" IRF

"Control Corner" CMF

CATV

TP

"Nail"

Camp Easter Road (60' R/W)

Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.
This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.
No subsurface or environmental considerations affecting this property have been made by surveyor.

Per D.B. 3607, PG 109
Moore County Registry

Owners Address : Donald W. Longsreet
P.O. Box 56
Southern Pines, NC 28388

Reference: Plat Cabinet 9, Slide 502
Deed Book 3607, Page 109
Moore County, North Carolina

Voluntary Agricultural Proximity Statement

These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

Property is to be served by a central water supply and by a individual sewage disposal system.

RYAN McBRYDE
LAND SURVEYING • PLANNING
P.O. Box 1013
105-A Parkway Dr.
Aberdeen, NC 28315
Phone/Fax (910) 944-2410

Survey For:
Roman Catholic Diocese of Raleigh North Carolina
20.82 Acres
Boundary Survey
McNeill Township, Moore County
Southern Pines, North Carolina
May 2, 2012 Job# 120056
Revised May 8, 2012

THIS DRAWING IS THE PROPERTY OF RYAN MCBRYDE LAND SURVEYING AND PLANNING AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE SURVEYOR. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND

Neighborhood Meeting Presentation

806 Bethesda Ave Aberdeen, NC 28315

TAX ADDRESS
RECORDING $ 10.00
STAMP $ 370.00
TOTAL $ 380.00

NORTH CAROLINA Excise Tax MAR 26 '92 $ 370.00

BOOK 00827 0

Mar 26 2 29 PM '92

MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

Excise Tax | Recording Time, Book and Page

Tax Lot No. ..... Parcel Identifier No. .....

Verified by ..... County on the ..... day of ....., 19.....

by .....

Mail after recording to Arthur Rowe

155 E. New Hampshire Rd., Southern Pines, N. C. 28387

This instrument was prepared by Barclays Bank of North Carolina

Brief description for the Index 6.13 acres Camp Easter Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 17th day of March, 19 92, by and between

GRANTOR	GRANTEE
BARCLAYS BANK OF NORTH CAROLINA P. O. Box 31488 Charlotte, N. C. 28231	Robert W. Carrington and Mary Frances Carrington

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

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 the City of ....., ... Township, Moore County, North Carolina and more particularly described as follows:

See Exhibit A Attached Hereto

Rowe

14-3803

N.C. Bar Assoc. Form No. 3 © 1976, Revised 1977.

Neighborhood Meeting Presentation

The property hereinabove described was acquired by Grantor by instrument recorded in Book 794 at Page 42 of the Moore County Registry

A map showing the above described property is recorded in Plat Book ..... page .....

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 the 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 hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

All applicable zoning ans land use ordinances, statutes and regulations, 1992 ad valorem taxes; and all applicable restrictive covenants and easements of record.

IN WITNESS WHEREOF, the 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 and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

BARCLAYS BANK OF NORTH CAROLINA (Corporate Name)

By: [signature] Senior Vice President

ATTEST: Caryn R. Johnson Assistant Secretary (Corporate Seal)

USE BLACK INK ONLY

..... (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)

SEAL-STAMP

NORTH CAROLINA, ... County.

I, a Notary Public of the County and State aforesaid, certify that .....

..... Grantor,

personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this ..... day of ....., 19.....

My commission expires: ..... Notary Public

Use Black Ink

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

I, a Notary Public of the County and State aforesaid, certify that Caryn R. Johnson,

personally came before me this day and acknowledged that s/he is Assistant Secretary of Barclays Bank of North Carolina, a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Senior Vice President, sealed with its corporate seal and attested by herself as its Assistant Secretary.

Witness my hand and official stamp or seal, this 17th day of March, 1992

My commission expires: April 29, 1994 Mary A. Miller Notary Public

North Carolina--Moore County

The foregoing Certificate(s) of Mary A. Miller, Notary Public

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY

By [signature] Deputy/Assistant - Register of Deeds

N.C. Bar Assn. Form No. 3 © 1976, Revised 1977 Printed by Agreement with the N.C. Bar Assn. Poole Printing Co., Inc. P.O. Box 58487, Raleigh, N.C. 27658

EXHIBIT "A"

BOOK 00827 00081

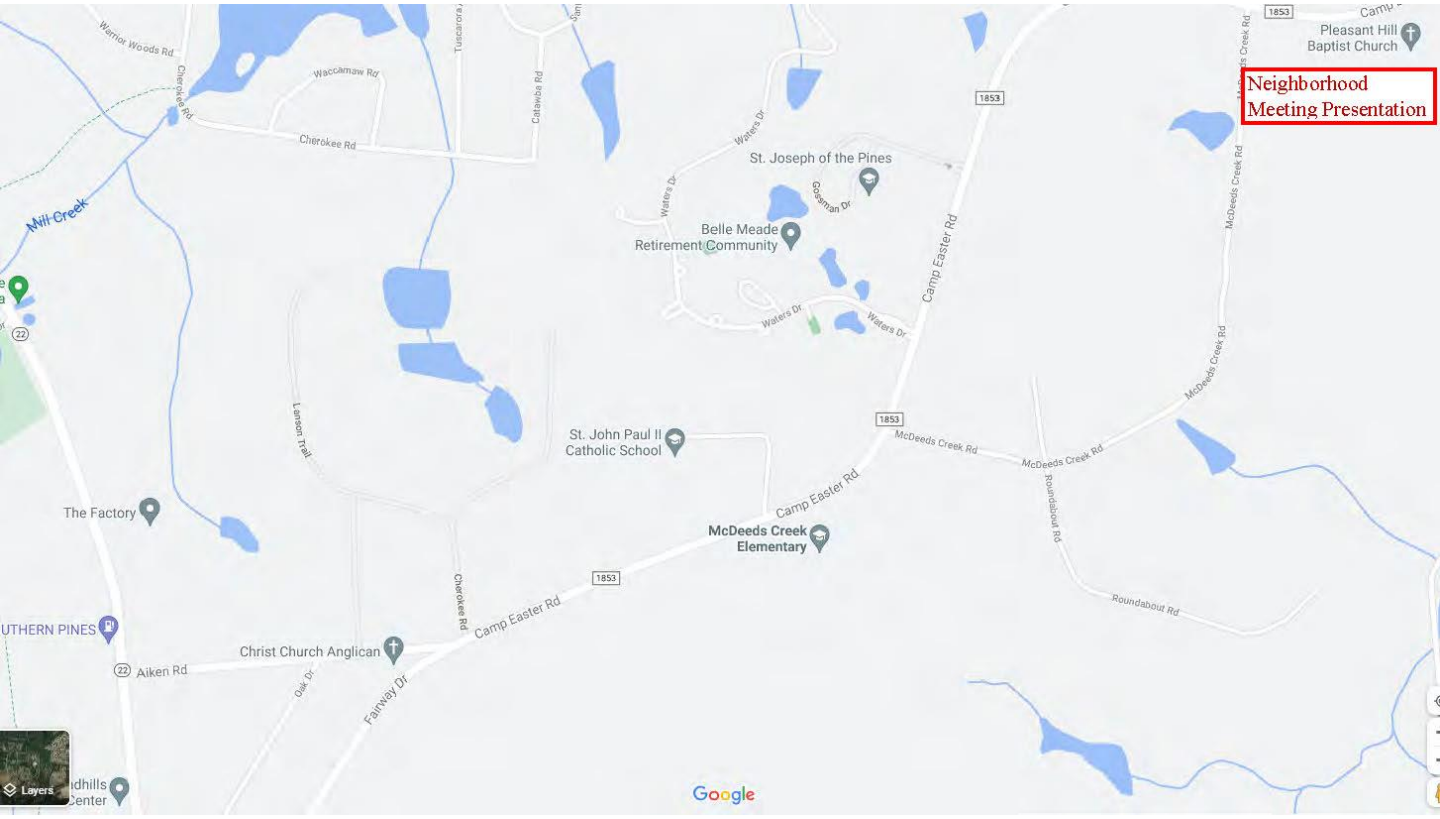
A certain tract of land located North of the Town of Southern Pines and lying about 600 yards North of State Road No. 1853 (Aiken Road), adjoining the lands of Kelly Miller, et al on the North, East, and South and the 18 feet wide Camp Easter Road on the West, described as follows: BEGINNING at iron stake, said stake lying in the east line of the 18 feet wide Camp Easter Road, located from the beginning monument of the Edwin Longcope 275 Acre Tract as recorded in Deed Book 184 at Page 116 in the Office of the Register of Deeds for Moore County, said monument lying in the west side of the Camp Easter Road, S 4 55' W 193.00 feet to a concrete monument, also in the west side of the Camp Easter Road; thence N. 18 06' E 78.92 feet to the point of Beginning; running thence as a new line the following calls; N 18 06' E 199.28 feet to a concrete monument, at the end of a wire fence; thence S 77 54' E 468.20 feet to a concrete monument, near the intersection of the wire fence with another wire fence; thence with the wire fence S 16 15' W 584.62 feet to an iron stake near the intersection of a wire fence with along the north side of a soil road, N 77 58' W 397.15 feet to an iron stake, in the east side of the 18 feet wide Camp Easter Road; thence with the east side of the Camp Easter Road, N 4 46' E 388.52 feet to the point of beginning, containing 6.00 acres more or less and being a portion of the Edwin Longcope 275 acre tract as recorded in Deed Book 184 at Page 116 in the office of the Register of Deeds for Moore County, North Carolina.

ACCESS EASEMENT TO 6.00 ACRE TRACT

BEGINNING at an iron stake, said stake being in the east line of the 18 feet wide Camp Easter Road and being the southwest corner of the above described 6.00 acre tract, running thence with the south line of the 6.00 acre tract, S 77 54' E 27.00 feet; thence S 50 06' W 37.77 feet to the east side of the 18 feet wide Camp Easter Road; thence with the east side of the Camp Easter Road N 4 55' E 30.00 feet to the point of beginning, and being an easement across the Kelly Miller et al property. Also conveyed is the right to use the 18 foot wide Camp Easter Road that extends from Aiken Road (S.R. No. 1853) northerly to the Camp Easter in the Pines Property.

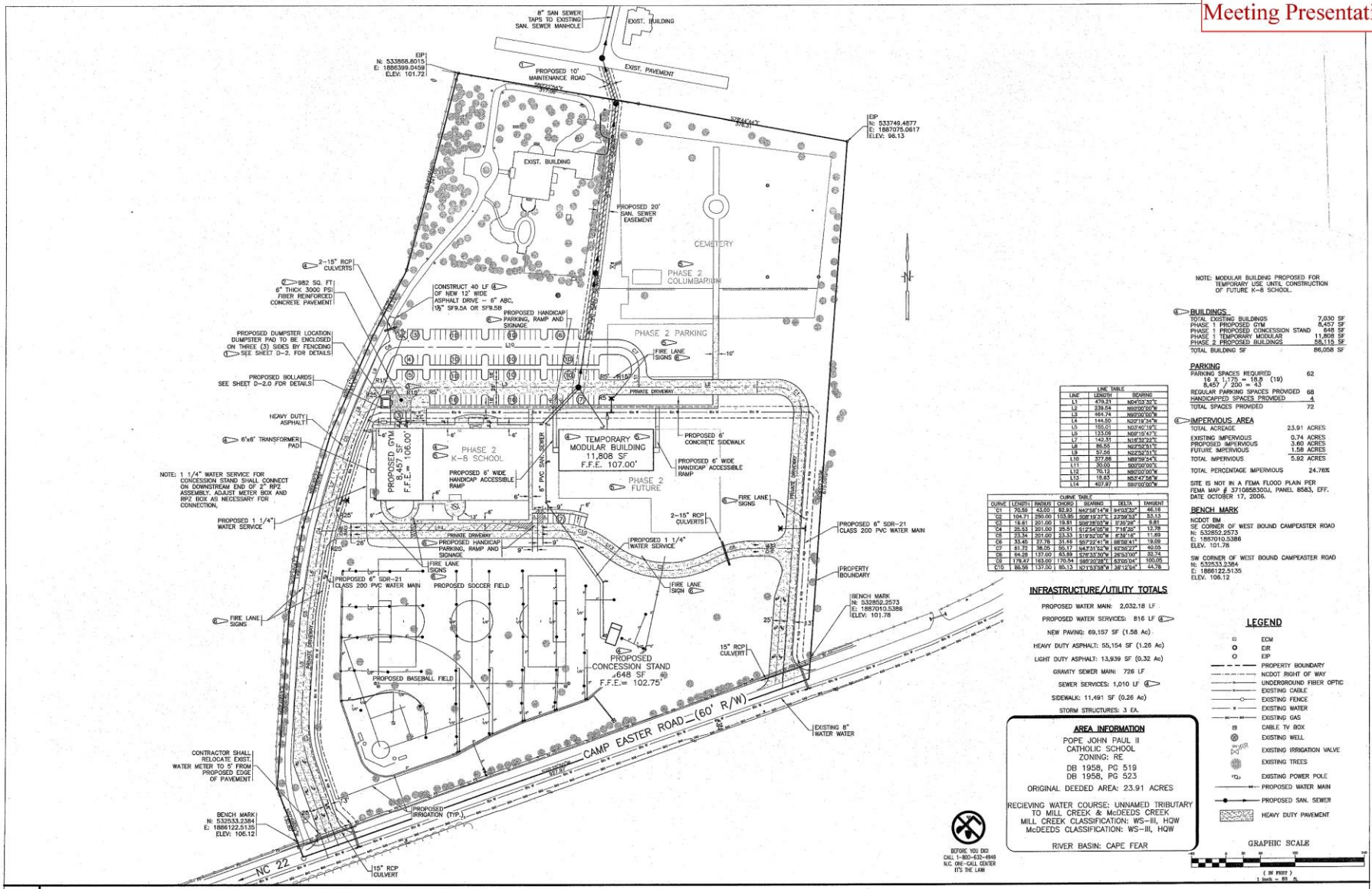
ACCESS EASEMENT TO 6.00 ACRE TRACT

BEGINNING at an iron stake, said stake being in the east line of the 18 feet wide Camp Easter Road and being the southwest corner of the above described 6.00 acre tract, running thence with the south line of the 6.00 acre tract, S 77 54' E 27.00 feet; thence S 50 06' W 37.77 feet to the east side of teh 18 feet wide Camp Easter Road; thence with the east side of the Camp Easter Road N 4 55' 30.00 feet to the point of beginning, **and being an easement across the Kelly Miller et al property. Also conveyed is the right to use the 18 foot wide Camp Easter Road that extends from Aiken Road (S.R. No. 1853) northerly to the Camp Easter in the Pines Property.**


Neighborhood Meeting Presentation
Pleasant Hill Baptist Church
Warrior Woods Rd
Cherokee Rd
Waccamaw Rd
Catawba Rd
Mill Creek
Waters Dr
St. Joseph of the Pines
Gossman Dr
Belle Meade Retirement Community
Camp Easter Rd
McDeeds Creek Rd
Roundabout Rd
Lanson Trail
St. John Paul II Catholic School
The Factory
McDeeds Creek Elementary
Christ Church Anglican
Aiken Rd
Fairway Dr
Oak Dr
1853
22
Layers
Google

Neighborhood Meeting Presentation
Lanson Trail
Cherokee Rd
St. John Paul II Catholic School
Camp Easter Rd
McDeeds Creek Elementary
Aiken Rd
Christ Church Anglican
Fairway Dr
Oak Dr
1853

Neighborhood Meeting Presentation



NOTE: MODULAR BUILDING PROPOSED FOR TEMPORARY USE UNTIL CONSTRUCTION OF FUTURE K-8 SCHOOL.

BUILDINGS

TOTAL EXISTING BUILDINGS	7,030 SF
PHASE 1 PROPOSED GYM	8,457 SF
PHASE 1 PROPOSED CONCESSION STAND	648 SF
PHASE 1 TEMPORARY MODULAR	11,808 SF
PHASE 2 PROPOSED BUILDINGS	56,115 SF
TOTAL BUILDING SF	86,058 SF

PARKING

PARKING SPACES REQUIRED (16 X 1.75 = 18.8 (19); 8,457 / 200 = 43)	62
REGULAR PARKING SPACES PROVIDED	68
HANDICAPPED SPACES PROVIDED	4
TOTAL SPACES PROVIDED	72

IMPERVIOUS AREA

TOTAL ACREAGE	23.91 ACRES
EXISTING IMPERVIOUS	0.74 ACRES
PROPOSED IMPERVIOUS	3.60 ACRES
FUTURE IMPERVIOUS	1.58 ACRES
TOTAL IMPERVIOUS	5.92 ACRES
TOTAL PERCENTAGE IMPERVIOUS	24.76%

SITE IS NOT IN A FEMA FLOOD PLAIN PER FEMA MAP # 3710858300J, PANEL 8583, EFF. DATE OCTOBER 17, 2006.

BENCH MARK

NCDOT BM
SE CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532852.2573
E: 1857010.5386
ELEV. 101.78

SW CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532553.2384
E: 1886122.5135
ELEV. 106.12

LINE TABLE		
LINE	LENGTH	BEARING
L1	479.21	N04°03'29"E
L2	239.54	N89°08'00"W
L3	464.74	N89°08'00"W
L4	144.50	N20°18'34"W
L5	155.01	N03°46'19"E
L6	133.09	N89°15'47"E
L7	142.31	N16°32'22"E
L8	86.56	N62°52'51"E
L9	57.56	N22°52'51"E
L10	377.66	N89°59'54"E
L11	30.00	S00°00'06"E
L12	70.12	N89°00'00"W
L13	18.63	N52°47'36"W
L14	407.97	S89°00'00"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	TANGENT
C1	70.59	43.00	62.83	N43°58'14"W	94°03'32"	46.16
C2	104.71	250.00	103.95	S08°19'37"E	23°59'53"	53.13
C3	18.61	201.00	18.61	S08°28'05"W	5°35'28"	9.31
C4	25.53	201.00	25.51	S12°54'58"W	7°16'46"	12.78
C5	23.34	201.00	23.33	S19°50'00"W	6°39'18"	11.69
C6	33.45	22.78	31.16	S57°32'41"W	88°58'41"	19.69
C7	61.72	38.05	55.17	N43°31'32"W	92°56'22"	40.05
C8	64.28	137.00	63.69	S76°31'30"W	26°52'00"	32.74
C9	178.47	163.00	170.54	S80°20'28"E	63°00'04"	100.05
C10	86.56	137.00	85.13	N21°53'58"W	36°12'04"	44.78

INFRASTRUCTURE/UTILITY TOTALS

PROPOSED WATER MAIN: 2,032.18 LF
PROPOSED WATER SERVICES: 816 LF
NEW PAVING: 69,157 SF (1.58 Ac)
HEAVY DUTY ASPHALT: 55,154 SF (1.26 Ac)
LIGHT DUTY ASPHALT: 13,939 SF (0.32 Ac)
GRAVITY SEWER MAIN: 726 LF
SEWER SERVICES: 1,010 LF
SIDEWALK: 11,491 SF (0.26 Ac)
STORM STRUCTURES: 3 EA.

AREA INFORMATION

POPE JOHN PAUL II CATHOLIC SCHOOL
ZONING: RE
DB 1958, PG 519
DB 1958, PG 523
ORIGINAL DEEDED AREA: 23.91 ACRES

RECIEVING WATER COURSE: UNNAMED TRIBUTARY TO MILL CREEK & McDEEDS CREEK
MILL CREEK CLASSIFICATION: WS-III, HQW
McDEEDS CLASSIFICATION: WS-III, HQW

RIVER BASIN: CAPE FEAR

BEFORE YOU DIG CALL 1-800-632-4949 N.C. ONE-CALL CENTER IT'S THE LAW

LEGEND

ECM
EIR
EIP
PROPERTY BOUNDARY
NCDOT RIGHT OF WAY
UNDERGROUND FIBER OPTIC
EXISTING CABLE
EXISTING FENCE
EXISTING WATER
EXISTING GAS
CABLE TV BOX
EXISTING WELL
EXISTING IRRIGATION VALVE
EXISTING TREES
EXISTING POWER POLE
PROPOSED WATER MAIN
PROPOSED SAN. SEWER
HEAVY DUTY PAVEMENT

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

POPE JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

OVERALL SITE PLAN

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT SEAL 3605 DONALD E. HILLIARD

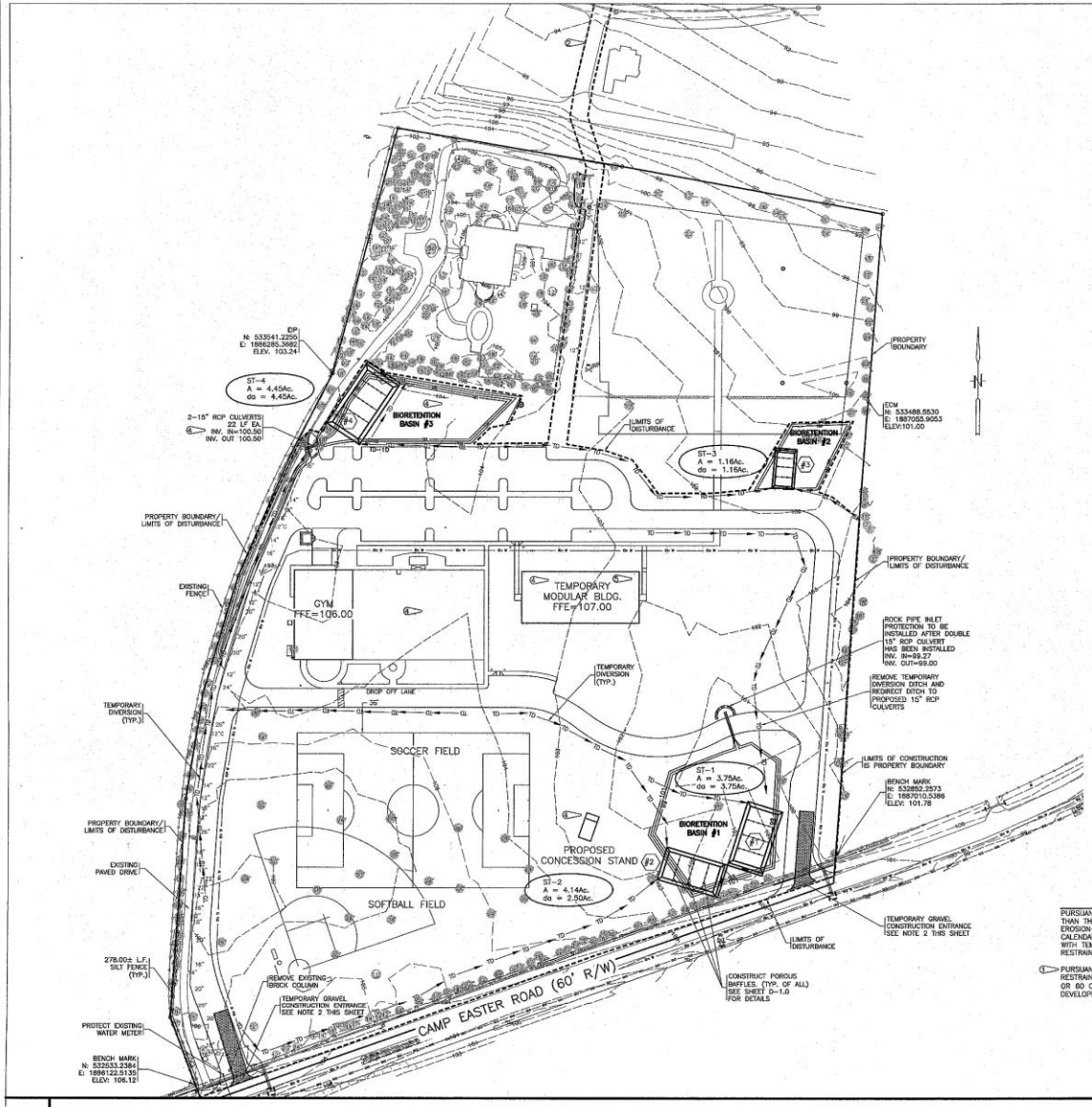
12-18-09

DATE:	02/27/07	APPROVED DATE:	06/2014
DES BY:	----	1	12/05/07
DWG BY:	----	2	12/04/07
CHK BY:	----	3	1/9/09
REV NO.:	----	4	11/30/09
		5	12/11/09

SHEET NO. C-02

H:\JPO\7141.500\A\01\07\C-02 OVERALL SITE PLAN.dwg TWenko 12/12/09 - 3:11 P

Neighborhood Meeting Presentation



CONSTRUCTION NOTES:

1. OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMIT. NO MEASURE SHALL BE REMOVED WITHOUT TOWN OF SOUTHERN PINES APPROVAL.
2. TRUCKS ENTERING AND EXITING FROM SITE MUST DO SO ONLY FROM CONSTRUCTION ENTRANCE.
3. DENUDED/CLEARING LIMITS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAXIMUM. CONSTRUCTION SHALL SET CLEARING LIMITS BASED ON MINIMUM AMOUNT OF AREA REQUIRED TO CONSTRUCT THE PROPOSED IMPROVEMENT DEPICTED WITHIN THESE PLANS.
4. SEE EROSION CONTROL DETAILS, SHEET D-1.0, D-1.1, AND D-1.2 FOR EROSION CONTROL DETAILS, CONSTRUCTION AND MAINTENANCE SCHEDULES.
5. THE LOCATION OF THE EXISTING UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CONTACT THE UTILITY LOCATION SERVICE ("NORTH CAROLINA ONE CALL" – 1-800-632-4949) FOR EXACT LOCATION OF ALL UNDERGROUND MAINS, CABLE, OR LINE BEFORE CONSTRUCTION BEGINS.
6. THE APPROPRIATE UTILITY COMPANY SHALL BE NOTIFIED BY THE CONTRACTOR 48 HOURS IN ADVANCE OF ANY EXCAVATION INVOLVING THEIR UTILITIES SO THAT A COMPANY REPRESENTATIVE CAN BE PRESENT.
7. TRUCKING ON OR ABOUT THE SITE WILL BE PERMITTED ONLY WITHIN REASONABLE LIMITS AND THE CONTRACTOR SHALL NOT UNREASONABLY ENCUMBER THE PREMISES WITH HIS EQUIPMENT AND MATERIALS. THE STORAGE SHALL BE CONFINED TO SUCH LIMITS AS MAY BE JOINTLY AGREED BY OWNER AND CONTRACTOR.

SEDIMENT TRAP – SUMMARY

Trap #	*W(ft)	*L(ft)	Weir Length(ft)	Trap Depth(ft)	Total Surface Area (sf)
1	50.00	100.00	10.00	3.50	5,010.00
2	50.00	100.00	11.00	3.50	4,400.00
3	30.00	60.00	5.00	3.50	1,786.00
4	51.00	102.00	11.00	3.50	5,184.00

* TRAP DIMENSIONS ARE MEASURED FROM TOP OF WEIR DEPTH (REQUIRED SURFACE AREA)

NOTE:

PURSUANT TO G.S. 133-A57(2), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE RETAINED BY VEGETATIVE COVER OR OTHER ADEQUATE EROSION-CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED WILL, WITHIN 21 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES, OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION.

PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUNDCOVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 60 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.

DISTURBED AREA: 15.95 Ac.

RIVER BASIN: CAPE FEAR
CLASSIFIED: CLASS-III; HQW

LEGEND

- EXISTING CONTOURS
- PROPERTY BOUNDARY
- EXISTING WATER MAIN
- EXISTING RIGHT OF WAY
- EXISTING PROPANE TANK
- EXISTING PINE & CALIPER
- EXISTING CEDAR & CALIPER
- EXISTING OAK & CALIPER
- EXISTING TREE TO BE REMOVED
- EXISTING FIBER OPTIC
- EXISTING TELEVISION CABLE
- EXISTING GAS LINE
- SEDIMENT TRAP
- SEDIMENT TRAP CALLOUT
- LIMITS OF DISTURBANCE
- TEMPORARY SILT DIVERSION
- DIVERSION DIKE (PERIMETER PROTECTION)
- SEDIMENT FENCE
- DRAINAGE AREA

GRAPHIC SCALE

BEFORE YOU DIG CALL 1-800-632-4949 N.C. ONE-CALL CENTER IT'S THE LAW

HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

POPE JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

EROSION CONTROL PLAN

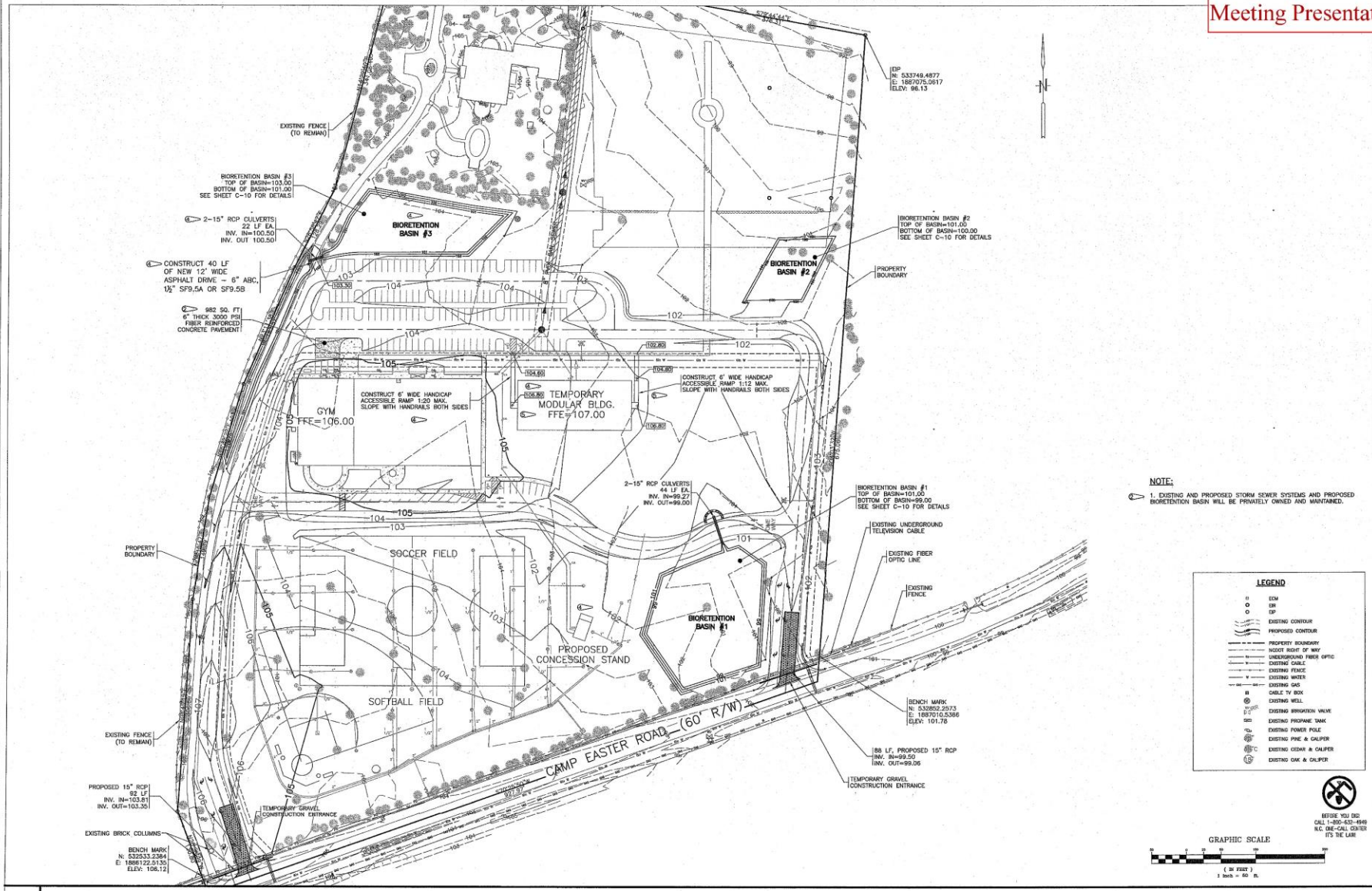
DATE: 02/27/07 | DES BY: ---- | DWG BY: ---- | CHK BY: ---- | REV NO.: ----
1 12/4/07
2 11/9/09
3 11/20/09
4 12/11/09
DATE: 2/9/2010
PROJECT NO. 2006

ST. ANTHONY OF PADUA CATHOLIC SCHOOL

SHEET NO. C-03

12-16-09

Neighborhood Meeting Presentation



HOBBS, UPCHURCH & ASSOCIATES, P.A.
CONSULTING ENGINEERS
SOUTHERN PINES, NORTH CAROLINA 28387

ST. JOHN PAUL II CATHOLIC SCHOOL
2952 CAMP EASTER ROAD
SOUTHERN PINES, NC 28387

GRADING AND DRAINAGE PLAN

12-16-09

DATE:	02/27/07	BY:	DATE:	12/22/09
DES BY:	---	C	12/9/09	
DWG BY:	---	B	11/9/09	
CHK BY:	---	A	11/30/09	
REV NO.	---			

ST. ANTHONY OF PADUA CATHOLIC SCHOOL
NC 24

SHEET NO.
C-04

Subject: Neighborhood Meeting – 01/25/22

Project: Saint John Paul II Catholic School CDP
Date: 01/26/22

The purpose of this meeting was to present the CDP, help familiarize the neighbors with the proposed short and long-term master plan, and to address any concerns.

Light Pollution

- How will the impact of light pollution be minimized?
  - Landscaping will be planted, and/or berms will be constructed as required.
- Will the Phase II athletic fields have lighting?
  - That level of detail is outside the scope of this CDP.

Traffic

- Has a traffic impact analysis been completed?
  - The school was contacted during the design phase of the new traffic circle. The designers were informed that St. John Paul could have a maximum of 450 to 500 students.
  - In the future, if the Diocese proceeds with Phase II for the future church facility, a new TIA would be required. This is outside the scope of this CDP.

Construction

- Please comment on the school construction phasing and its effect on traffic.
  - Construction will have to occur while the school is both in and out of session.
  - Fortunately, the school has a lot of open area for delivery, storage, and staging. Additionally, no work is expected on the different utility lines.
- Please comment on the site utilities.
  - For the school, the utilities were installed to accommodate the new school when the original work on the site was done.
  - For the future church, new utilities will need to be run to the site at that time.
- What is the expected cost of the building and how much money has already been raised?
  - School construction cost is expected to be between $8 and $10 million.
  - While the school hasn't begun any serious fund-raising campaign, it already has approximately $3 million.
- Please comment on tree removal in Phase II (church).
  - In Phase I (school), the site is already prepared, and no trees will be removed. An environmental consultant was contacted, and it was determined that a RCW survey was not needed.
  - In Phase II, trees will have to be removed to accommodate new construction. All work will be done in coordination with an RCW survey analysis. Trees will be replanted per the local code.

www.boglefirm.com • 110 N. Main Street, Suite 200, Salisbury, NC 28144 • 704.638.2015

Church and School

- What is driving the number of Phase II parking spaces?
    - 500 spaces are projected for the church lot. This number is defined by the Diocese of Raleigh.
- Please comment on the St. Anthony of Padua church.
    - St. Anthony's has approximately 1,200 families but the chapel can only accommodate 300 people.
    - If the school ever proceeds with Phase II and a new church is built, the existing in town St. Anthony's church will be closed, and the site sold.
- After construction on the school is completed, how long before it is expected to reach full capacity?
    - The school is currently at full capacity with 221 students and must turn away approximately 40 prospective students each year. It's expected to take 3 years before the school could reach its new 450 student capacity.
- Please comment on the hiring of new teachers.
    - The school receives many unsolicited applications from highly qualified teachers for positions on its staff. Unfortunately, the school does not have any additional capacity to take on new people.
    - A new teacher can only be hired once a minimum class size has been reached. This way, the number of teachers grows proportionally with the number of students.

Easement

- Will any school/church traffic be directed along the easement road?
    - There is no plan to make use of the easement.
    - **The connection between the Phase II parking lot and the easement will be removed.**
- Can the easement be removed?
    - The usage rights to the easement belong exclusively to the property owner of the 6 acre tract at the north end of the easement.
    - The easement can only be removed if the owner of that 6 acre tract establishes another legal connection to a public way and if that owner petitions to have the easement removed – or if the Diocese purchases the tract and combines it with the horse farm parcel.
- What are the schools plans regarding the fence?
    - The school will reach out to the diocese to either repair or remove (most likely) the portions of the fence that are on the diocese property.

Miscellaneous

- Can a school be built on a site (this site) that is zoned as RE?
    - UDO matrix allows Elementary School use with a Conditional Use. Existing school was approved as a Pre-K through 8th grade school under a previous UDO. Expansion of this use requires compliance with the current UDO.
- One neighbor brought up his concern of how his property value and the tax base could be affected.
- How will the neighbors learn about future meetings?
    - Signs will be posted, and information will be published on the internet.
    - The next scheduled Town Council meeting is March 3rd.

St. John Paul II Catholic School Master Site Plan, Neighborhood Meeting 6:30 PM - January 25, 2022

Welcome & Introductions & Overview (John Donohue)

Attending:

Project Team ▪ St. John Paul II Catholic School • John Donohue, Principal • Deb Lawson, Director of Institutional Advancement • Robert Evanila, Asst. Communications

Rhetson Construction: • Tony Bornhorst, Project Manager

Bogle Firm Architecture: • Pete Bogle, Principal Architect • Rory Gabriel, Project Architect

Fr. Forbes, Campaign Administrator, Sacred Heart Parish, Fr. Kane St, Anthony's Parish

Additional Signed-In Neighbors/Attendees numbering 13

Donohue touched on his background as an educator and principal and codified the purpose of the meeting as an opportunity within the set process to gain useful feedback and input from our neighbors before submitting a master site plan to the Town of Southern Pines.

Donohue similarly touched upon the excitement for the prospects of the school, the desirability of the area and the 2922 Camp Easter Road location, as well as the team's hope to develop the property in a way that respects the character of Southern Pines, the neighborhoods nearby, and all of its residents.

Donohue stated that the current, temporary units that constitute the school's academic buildings house 222 students, putting the school at capacity. He categorized the need for a new building as imminent, explaining the rolling numbers of prospective students whom they've had to deny entry based upon space (30 – 40 per year in previous years). (3 per week in 2021-2022 as per Evanila) Donohue explained that SJPII is a parochial school, part of The Diocese of Raleigh,a mission of St. Anthony's parish, that aims to address the growing need for classical Catholic education in our area with a school building that can house more than double the current student body.

Video – Following introductions and a welcome to our neighbors, Principal Donohue presented a school marketing video as part of his overview to our guests which outlined the need for a new facility via student and staff commentary; a video that likewise gave insights into daily life at the school. Sports, music, academics, art, religion, worship, leadership, students, teachers, etc.

Bogle shared site plan visuals/ renderings of the lot/s and existing buildings, phase 1 plans, future phase possibilities, mock-ups of the school building design, motion mock-ups, preliminary floor plans, the deed, sections of the SJPII Capital Campaign feasibility study, and other pertinent layouts and excerpts throughout his presentation.

Bogle mentioned having worked on several projects in the area and partnering with Rhetson to do the master planning for the proposed SJPII facility.

Bogle explained that, like the adjacent McDeeds elementary property, the town of Southern Pines had made the SJPII property/ies non-conforming parcel/s that would require a site-specific rezoning to expand, a conditional district overlay (CDP). As part of this process, the master plan to be submitted to the town needed to contain all targeted and possible future possibilities for development, despite the fact that SJPII is only presently seeking the phase 1 school expansion by way of a permanent academic building. He reiterated that the plan need identify all current and possible future uses. He likewise paraphrased the notion as plans showing both what will happen and "what could happen."

- **NOTE ADDED BY BOGLE FIRM: PETE BOGLE USED THE WRONG TERM DURING THIS PORTION OF THE PRESENTATION. REZONING APPROACH WILL UTILIZE A "PD" PLANNED DEVELOPMENT APPROACH AND NOT A "CD" CONDITIONAL DISTRICT SINCE CD OVERLAYS ARE RESTRICTED TO THE USES PERMITTED IN THE UNDERLYING ZONING DISTRICT.**

Bogle explained the SJPII site plan as three pieces of property

- Flagship Property (Rectory)
- School (SJPII Catholic School)
- Horse Farm (current location of additional SJPII offices)

Bogle identified “phase 1” plans as the plan for the upcoming, permanent school building to replace the existing temporary units. He reviewed that it would be 56000 square feet, enough space for two classes in every grade, a chapel, two stories, and that the grounds already included almost all of the needed infrastructure to this phrase 1 end. He specifically used drainage/runoff results as examples to illustrate.

Bogle noted that the existing plans for the new school building would require construction throughout the school year after they break ground and that the phase 1 plans show the new building overlapping a portion the temporary, modular units where school currently takes place. He noted that at least a portion of the temporary building would need to be removed for the construction to begin. This led to some brief, extempore discussion with the audience that seemed to clarify the urgency of the school building plan. Bornhost underscored the point, noting that the SJPII property is currently at the limit to the number of temporary units the town will allow on the land.

Bogle showed graphics for a future phase that could include a new St. Anthony’s church building and new church parking lot (for 500) on the parcel now referred to as the horse farm. Bogle referred to this layout as a conceptual plan, when asked for clarification from the audience, and he explained that these future phase additions of a possible church building, new lot, new athletic fields, a new rectory, and the possible future additional expansion of the classroom building, were plans only drawn up to meet the rezoning purposes/requirements of the present goal, phase 1 only.

Fr. Forbes noted a local legal requirement for a certain number of parking spaces per seats in a church. Fr. Kane noted that St. Anthony’s current building was a 300 seat church for 1200 parishioners. Fr. Kane and the team also clarified to the audience that the new church building represented on the future phase was to replace the existing St. Anthony’s building in Southern Pines and not somehow exist in addition to that church.

Bogle stated that the purpose of meetings like this was to address any concerns on a conceptual plan before sending it to the Town of Southern Pines. He noted that the future phases are the malleable ones where there might be adjustments made to meet neighbor concerns and for which future meetings would also be held.

Bogle noted that the “right-to-use” on the 18’ easement to access our neighbors’ 6 acre tract adjacent (easement = undeveloped road alongside the horse farm section), a right having applied to those neighbors for years, as provided in the deed, would remain in effect. Several audience members inquired as to if there was anything the teams invested in this process could do to curtail use of that easement by others who had not retained this “right.” It was indicated that, by and large, curtailing wrongdoers was not within the purview of the teams present.

When asked, Bogle clarified that they were not currently seeking a PDP as it related to future phase. He conveyed next steps as :

- Scheduling CDP presentation to the town,
- PDP for the phase 1 school building itself
- Public meeting (March 3rd at the earliest)

Concerns shared by the audience, during and following Bogle's presentation, included:

- Light pollution from the proposed lot on the future phase.
- Noise pollution from the proposed church and lot on the future phase.
- Additional, unwanted traffic using the easement.
- Designed points of ingress and egress leading directly to the easement, as shown on the future phase, adjoining the proposed church parking lot.
- The existing poor state of the easement.
- The possibility of additional school car-line lengths stretching out onto Camp Easter Road.
- The existing poor state of a fence near the easement.
- Getting DOT approval for new traffic flows so near the existing traffic circle.
- Possible future phase light pollution from additional or augmented athletic fields. Bogle clarified that athletic field lights were future phase and not phase 1.
- A parent in the audience inquired as to phasing of the construction and site use during that time. Bornhorst estimated a ten-month construction period that would take place while school was in session. Donohue agreed.
- A guest asked about a break-ground date. Lawson characterized the date as funding-dependent. The follow-up question was asked, what portion of phase 1 would be paid for by the church/diocese, and while it seemed clear that individual donors do come from both, the the school was responsible for raising the entire amount themselves. When asked, Bornhorst estimated the cost at between $8M -$10M and Lawson verified that the current capital campaign targeted an $8M goal.
- A guest asked how quickly SJPII thought it would fill the additional seats in the phase 1 building. Lawson estimated a three-year period before getting back near the new capacity. That same guest asked if there was enough teacher interest in the SJPII School to make the plan work. Donohue clarified that SJPII was a sought-after destination for local teachers for multiple reasons. Evanila clarified that there was already an applied math to ensure there would not be students without teachers or teachers without students.
- There were questions about the utilities to support the phase 1 school building. Bogle clarified that all utilities had been planned for and installed in advance where possible.
- Some guests wished to see a traffic impact analysis for all phases before lending any support. While one guest later conveyed understanding that such studies would take place, again, later in the process if possibly pursuing a future phase; however, she gently eschewed the previous traffic study referred to by Lawson (who claimed the study accounted for both the phase 1 new school building and 300 residences that came to the area), the guest stating that the proposed capacity for the phase 1 building is not the capacity represented on the town's website. Post-meeting, this guest further clarified her concern as relating to additional traffic volume in the area, near her home on the McDeeds side, and as a safety issue given nearby speed limits.
- Impact of the future phases on local property values, particularly SJPII's closest neighbors; some of that impact as related to loss of trees in the area and light pollution from the proposed future phase parking lot. There was no second mention of possible noise pollution during the questions about impact to property values. One guest, a "constituent of the pine barrens," noted that for many of the properties we were speaking about, their value represented a large portion of the town's property tax base.
- Disruption of traffic flow and noise during actual construction of any phase.
- One audience member cordially asserted a disagreement as to whether land originally zoned RE (rural estate) could have a church building added to it. The gentleman's contention was that only school buildings could be added. Bogle and Lawson assured the guest that a church building was permitted. The guest politely disagreed and seemed unconvinced when departing some time after. The ensuing conversation attempted to clarify for all involved the differences between CDP and PDP zoning as explained by Bogle.

The layman's terms breakdown that closed that portion of the discussion was Bogle referring to CDP as what could be and PDP as what has to be.

  - **NOTE ADDED BY BOGLE FIRM: GUEST WAS CORRECT THAT RELIGIOUS USE IS NOT ALLOWED AS CURRENTLY ZONED IN RE. RELIGIOUS USE COULD BE APPLIED AS PART OF THE PD REZONING.**

- There was a recurring concern that lending support to the master site plan at the CDP stage while it includes such a detailed future phase design would, in essence, push through the future phase without any meetings, stopgaps, or due process come some later date. Bogle noted that even with a future phase in this master site plan, it would not curtail the requisite studies and meetings should the future phase design ever be pursued.
- Loss of trees.
- Impact on wildlife.

Bogle addressed many of the questions, pointing out town requirements for berms and landscaping across the whole of newly developed property that should mitigate the issues about the fence, some of the presumed light pollution, and noise. Bogle levied the possibility of removing the two future phase points of ingress and egress to the easement from a parking lot to address some of the traffic concerns.

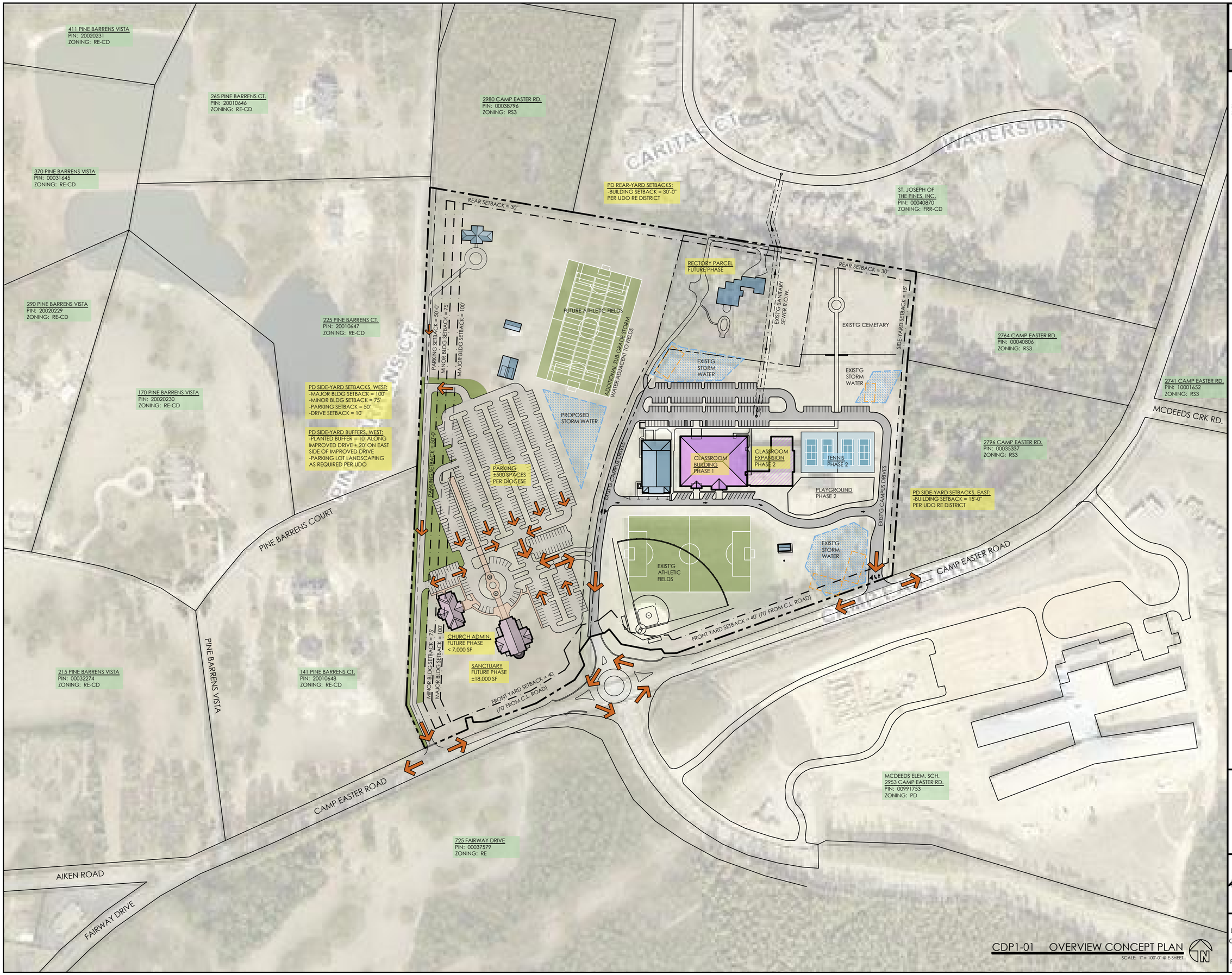
Bogle noted that there might be an additional easement on the far side of SJPII's easement belonging to others. If so, it would be an easement with which his firm would not be aware. While no one could say for certain, this was one of the possibilities noted to address a claim by a neighbor that a surveyor had indicated to her, there was a single easement straddling two properties. Lawson and Bogle maintained that this was not the case.

Evanila noted on paper that, questions aside, only two of the concerns expressed by neighbors during the meeting had to do with phase 1. Car-line length, and disruption during constriction.

Bogle and Donohue thanked guests for attending and remained, along with other master site plan team members, breaking out into smaller groups to answer individual audience questions after the group meeting drew to a close.

Conceptual Development Plan

- CDP1: Overview Concept Plan
- CDP2: Existing Campus Plan
- CDP3: Phase 1 Campus Plan
- CDP4: Future Phase Campus Plan



the BOGLE FIRM
ARCHITECTURE
110 N. MAIN ST
SUITE 200
SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.638.2015

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OVERVIEW CONCEPT PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

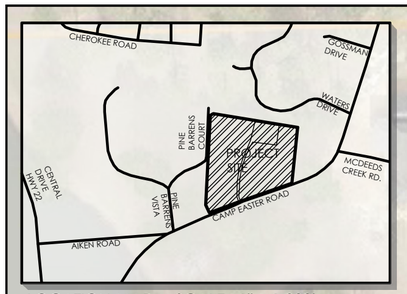
ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DONALD R. BOGLE 10100 REGISTERED ARCHITECT SALISBURY, N.C.

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 2.7.22
PROJECT #: .

SHEET NUMBER
CDP1
OF: 4



LOCATION MAP - SCALE: 1" = 1,000'

PINE BARRENS CT.

DEEDED EASEMENT: 18'

PROPERTY LINE

EXISTING HORSE PASTURE AREA
SCATTERED TREES

EXISTING POLE BARN STORAGE

FUTURE PHASE
FIELDHOUSE
ADAPTIVE REUSE OF EXISTING HORSE BARN

FORMER HORSE FARM
PIN: 00038409
AREA: 20.82 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
EXIST'G BUILT-UPON: 2.4%
EXIST'G = 21,000 SF IMPERV.

RE

EXISTING RECTORY

RECTORY PARCEL
PIN: 00991755
AREA: 17.47 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
EXIST'G BUILT-UPON: 16.4%
EXIST'G = 27,200 SF IMPERV.

PARCEL LINE

SEWER LINE 20' R.O.W.

EXISTING CEMETARY

EXISTING BIO-RETENTION DRYWELL

EXISTING ACTIVITY BUILDING
FFE: 436.11'

EXISTING PREPARED BUILDING PAD

EXISTING MOBILE CLASSROOMS TO BE REMOVED

EXISTING PLAYGROUNDS

EXISTING CONCESS.
FFE: 431.89'

WELL

EXISTING ATHLETIC FIELDS

EXISTING HORSE PASTURE AREA
SCATTERED TREES

R/W

CAMP EASTER ROAD (S.R. 1853) 60' R.O.W.

SCHOOL PARCEL
PIN: 10001608
AREA: 17.47 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
EXISTING BUILT-UPON: 19.4%
EXISTING = 146,960 SF IMPERV.

EXISTING UTILITIES
SCHOOL SITE:
WATER / SEWER: SOUTHERN PINES
ELECTRICAL: DUKE ENERGY
GAS: PIEDMONT NATURAL GAS
DATA: FIBER OPTIC
UTILITY CONNECTIONS READ FOR ADDITION PER 2009 CIVIL PLANS

0 10' 30' 60' 90' 120' 150'
0 10' 50' 75' 100' 200'

CDP2 EXISTING CAMPUS PLAN
SCALE: 1" = 60'-0" @ E-SHEET

the BOGLE FIRM ARCHITECTURE
110 N. MAIN ST pete@boglefirm.com
SUITE 200 www.boglefirm.com
SALISBURY, NC 28144 704.638.2015

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EXISTING CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DONALD R. BOGLE 10100 REGISTERED ARCHITECT SALISBURY, N.C.

DRAWN BY: DRB
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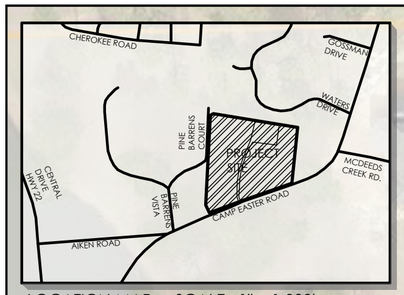
DATE: 2.7.22
PROJECT #: .

SHEET NUMBER
CDP2
OF: 4



LOCATION MAP - SCALE: 1" = 1,000'

PINE BARRENS CT.

PROPERTY LINE

REAR SETBACK = 30'

DEEDED EASEMENT 18'

EXISTING HORSE PASTURE AREA
SCATTERED TREES

EXISTING POLE BARN STORAGE

EXISTING HORSE BARN / OFFICE
CURRENT USE TO REMAIN THIS PHASE

FORMER HORSE FARM
PIN: 00038409
AREA: 20.82 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
EXIST'G BUILT-UPON: 2.4%
EXIST'G = 21,000 SF IMPERV.

PROPERTY LINE
PARKING SETBACK = 50'-0"
MINOR BLDG SETBACK = 75'
MAJOR BLDG SETBACK = 100'

PD

EXISTING HORSE PASTURE AREA
SCATTERED TREES

MINOR BLDG SETBACK = 75'
MAJOR BLDG SETBACK = 100'
PARKING SETBACK = 50'-0"

EXISTING RECTORY

RECTORY PARCEL
PIN: 00991755
AREA: 17.47 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
EXIST'G BUILT-UPON: 16.4%
EXIST'G = 27,200 SF IMPERV.

RE

PARCEL LINE

PROPERTY LINE
REAR SETBACK = 30'

SIDE YARD SETBACK = 45'
PROPERTY LINE

EXISTING CEMETARY

SEWER LINE 20' R.O.W.

EXISTING BIO-RETENTION DRYWELL

ADDED PARKING

EXISTING ACTIVITY BUILDING
FFE: 436.11'

PHASE 1: K-8 SCHOOL & CHAPEL
2 STORY, ±56,000SF
FFE: 436.11'

EXISTING PLAYGROUNDS

EXISTING CONCESS.
FFE: 431.89'

WELL

EXISTING BIO-RETENTION DRYWELL

EXISTING ATHLETIC FIELDS

PD

FRONT YARD SETBACK = 40' / 70' FROM C.L. ROAD

R/W

CAMP EASTER ROAD (S.R. 1853) 60' R.O.W.

SCHOOL PARCEL
PIN: 10001608
AREA: 17.47 ACRES
PROPOSED ZONING: PD
WATERSHED: WS-III-P
PROPOSED BUILT-UPON: 21.7%
APPROX. 162,000 SF IMPERV.

CLASSROOM BUILDING
PHASE 1 CONSTRUCTION
IMMEDIATE NEED
SCHEDULED COMPLETION
WITHIN 2 TO 3 YEARS.
UTILITIES CURRENTLY ON SITE TO SERVE CLASSROOM BUILDING

CDP3 PHASE 1 CONCEPT DEV. PLAN
SCALE: 1" = 60'-0" @ E-SHEET

0 10' 30' 40' 90' 120' 150'
0 10' 50' 75' 100' 200'

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110 N. MAIN ST pete@boglefirm.com
SUITE 200 www.boglefirm.com
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PHASE 1 CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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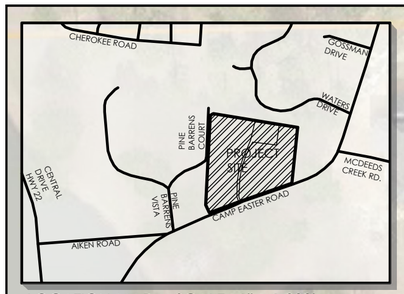
DATE: 2.7.22
PROJECT #: .

SHEET NUMBER
CDP3
OF: 4



LOCATION MAP - SCALE: 1" = 1,000'

PD REAR-YARD SETBACKS:
-BUILDING SETBACK = 30'-0"
PER UDO RE DISTRICT

FUTURE SCHOOL / CHURCH OFFICE OR CLASSROOM USE

RECTORY PARCEL
PIN: 00991755
AREA: 17.47 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
EXIST'G BUILT-UPON: 16.4%
EXIST'G = 27,200 SF IMPERV.

FUTURE PHASE
RECTORY
NEW CONSTRUCTION
± 3,500 SF

FUTURE PHASE
ATHLETIC FIELDS

RETAIN SCATTERED TREES WHERE NOT IN CONFLICT WITH DEVELOPMENT

EXISTING POLE BARN STORAGE

FUTURE PHASE
FIELDHOUSE
ADAPTIVE REUSE OF EXISTING HORSE BARN

FORMER HORSE FARM
PIN: 00038409
AREA: 20.82 ACRES
PROPOSED ZONING: PD
WATERSHED: WS-III-P
FUTURE BUILT-UPON: 26.2%
APPROX. 233,000 SF IMPERV.

PD SIDE-YARD SETBACKS, WEST:
-MAJOR BLDG SETBACK = 100'
-MINOR BLDG SETBACK = 75'
-PARKING SETBACK = 50'
-DRIVE SETBACK = 10'

PD SIDE-YARD BUFFERS, WEST:
-PLANTED BUFFER = 10' ALONG IMPROVED DRIVE + 20' ON EAST SIDE OF IMPROVED DRIVE
-PARKING LOT LANDSCAPING AS REQUIRED PER UDO

20' PLANTED BUFFER
10' PLANTED BUFFER
IMPROVED DRIVE TO FULFILL 18' DEEDED EASEMENT

PARKING SETBACK = 50'-0"

LANDSCAPING AND/OR BERMS TO BE DESIGNED PER SOUTHERN PINES UDO ALONG PARKING LOT PERIMETER FACING ADJACENT PARCELS AND ALONG IMPROVED ROADWAY WITH FUTURE DEVELOPMENT OF CHURCH BUILDINGS

FUTURE PHASE
CHURCH DEVELOPMENT
SANCTUARY SEATING CAPACITY = 1,200
UDO: 300 PARKING SPACES REQ'D
480 SPACES PER DIOCESE REQMT
ADMINISTRATION OFFICES
CLASSROOMS
PARISH HALL

MINOR BUILDINGS:
7,000 SF OR LESS

MAJOR BUILDINGS:
GREATER THAN 7,000 SF

MINOR BLDG SETBACK = 75'
MAJOR BLDG SETBACK = 100'

RETAIN SCATTERED TREES WHERE NOT IN CONFLICT WITH DEVELOPMENT

EXISTING DRIVEWAY CONNECTION TO BE IMPROVED IN FUTURE PHASE, PENDING NCDOT PERMITS AND T.I.A. IF REQUIRED.

EXISTING CEMETARY

EXISTING BIO-RETENTION DRYWELL

ADDED PARKING

EXISTING ACTIVITY BUILDING
FFE: 436.11'

PHASE 1: K-8 SCHOOL & CHAPEL
2 STORY, ±56,000SF
FFE: 436.11'

FUTURE EXPANSION
2 STORY, ±26,000SF
FFE: 436.11'

TENNIS COURTS

EXPANDED PLAYGROUND

EXISTING ATHLETIC FIELDS

EXISTING CONCESS.
FFE: 431.89'

WELL

EXISTING BIO-RETENTION DRYWELL

PD SIDE-YARD SETBACKS, EAST:
-BUILDING SETBACK = 15'-0"
PER UDO RE DISTRICT

PD FRONT-YARD SETBACKS:
-FRONT SETBACK = 70' FROM STREET CENTERLINE & 40' FROM PROPERTY LINE, PER UDO RE DISTRICT

CAMP EASTER ROAD (S.R. 1853) 60' R.O.W.

SCHOOL PARCEL
PIN: 10001608
AREA: 17.47 ACRES
PROPOSED ZONING: PD
WATERSHED: WS-III-P
FUTURE BUILT-UPON: 26.9%
APPROX. 201,000 SF IMPERV.

CATHOLIC CHURCH
FUTURE PHASE / FUTURE NEED
NOT SCHEDULED, EST. >10 YEARS
WILL REQUIRE EXTENSION OF UTILITIES ON SITE. PDP WILL REQUIRE T.I.A. AND OTHER INFO.

CLASSROOM ADDITION
PHASE 2 CONSTRUCTION
FUTURE NEED
NOT SCHEDULED, EST. >10 YEARS
UTILITIES CURRENTLY ON SITE TO SERVE CLASSROOM BUILDING

CDP4-01 FULL CONCEPT DEV. PLAN
SCALE: 1" = 60'-0" @ E-SHEET

the BOGLE FIRM ARCHITECTURE
110 N. MAIN ST pete@boglefirm.com
SUITE 200 www.boglefirm.com
SALISBURY, NC 28144 704.638.2015

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FUTURE PHASE CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 2.7.22
PROJECT #: .

SHEET NUMBER
CDP4
OF: 4

RLUAC

Regional Land Use Advisory Commission

TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: PD-04-22 – Conceptual Development Plan

Location: 2978 Camp Easter Road

PIN#: 858315538280, 858315635655, and 858315635197

March 8, 2022

Following a review of the above referenced Conceptual Development Plan by the RLUAC staff and Board of Directors, and recognizing that our findings are non-binding on the Town of Southern Pines, the RLUAC Board of Directors finds that:

- The southern portion of the site is designated as Critical to Protect in the Fort Bragg Compatible Use Rating system due to its location within an active red-cockaded woodpecker foraging area.

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

Active red-cockaded woodpecker foraging areas are designated as Critical to Protect because the loss of their habitat in the region, regardless of specific location, has the potential to impact Fort Bragg's military mission. If the cumulative loss of habitat outside of the installation causes a significant impact to the viability of the species in the region, the use of critical training land on Fort Bragg may be restricted to ensure that the installation fulfills its environmental protection obligations. This would occur as the result of an increased requirement to preserve habitat for this federally designated endangered species, which, in the past, has severely limited certain types of training activity on Fort Bragg. Constrained training capabilities, in turn, can have a significant impact on military readiness and the sustainment of Fort Bragg's mission.

With the proximity of known red-cockaded woodpecker clusters, RLUAC encourages the applicant to have this property surveyed by personnel experienced in management and monitoring of the species prior to the removal of any mature pine trees. The protocol can be obtained at: https://www.fws.gov/ncsandhills/pine_tree_removal.html The results of this survey can be sent to the US Fish and Wildlife Service office located in Raleigh, NC,

ATTN: John Hammond, for review. The applicant is also encouraged to preserve as many mature pines and as much contiguous undisturbed forested land on the site as possible within the defined foraging area.

RLUAC also encourages the Town of Southern Pines and the applicant / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on the watercourses that comprise 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 Bragg'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 additional compatibility concerns with regard to military training or operations.

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman
Vagn K. Hansen II, AICP, Executive Director

BJ Grieve

From: Cindy Williams
Sent: Friday, March 4, 2022 11:32 AM
To: BJ Grieve
Subject: FW: [External] PD-04-22 St. John Paul II Catholic School
Attachments: PD-04-22 PB PHN - Agency Comments.pdf

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Friday, March 4, 2022 11:05 AM
To: Cindy Williams <CWilliams@southernpines.net>
Cc: James, Janet R <jrjames2@ncdot.gov>
Subject: RE: [External] PD-04-22 St. John Paul II Catholic School

Cindy,

Due to the expansion of the site they will need to submit a driveway permit. We will also need to see a more detailed breakdown of the land uses. Maximum number of students and a more definitive church size so we can run a trip gen and see if nay roadway improvements are triggered.

Thank you,

Dago

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

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315

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

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Thursday, March 3, 2022 9:43 AM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; ISTRE, RONALD

<ristre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [External] PD-04-22 St. John Paul II Catholic School

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

Good morning,

Please review the attached Notice regarding a proposed Conceptual Development Plan for St. Jon Paul II Catholic School and respond with any comments or concerns at your earliest convenience.

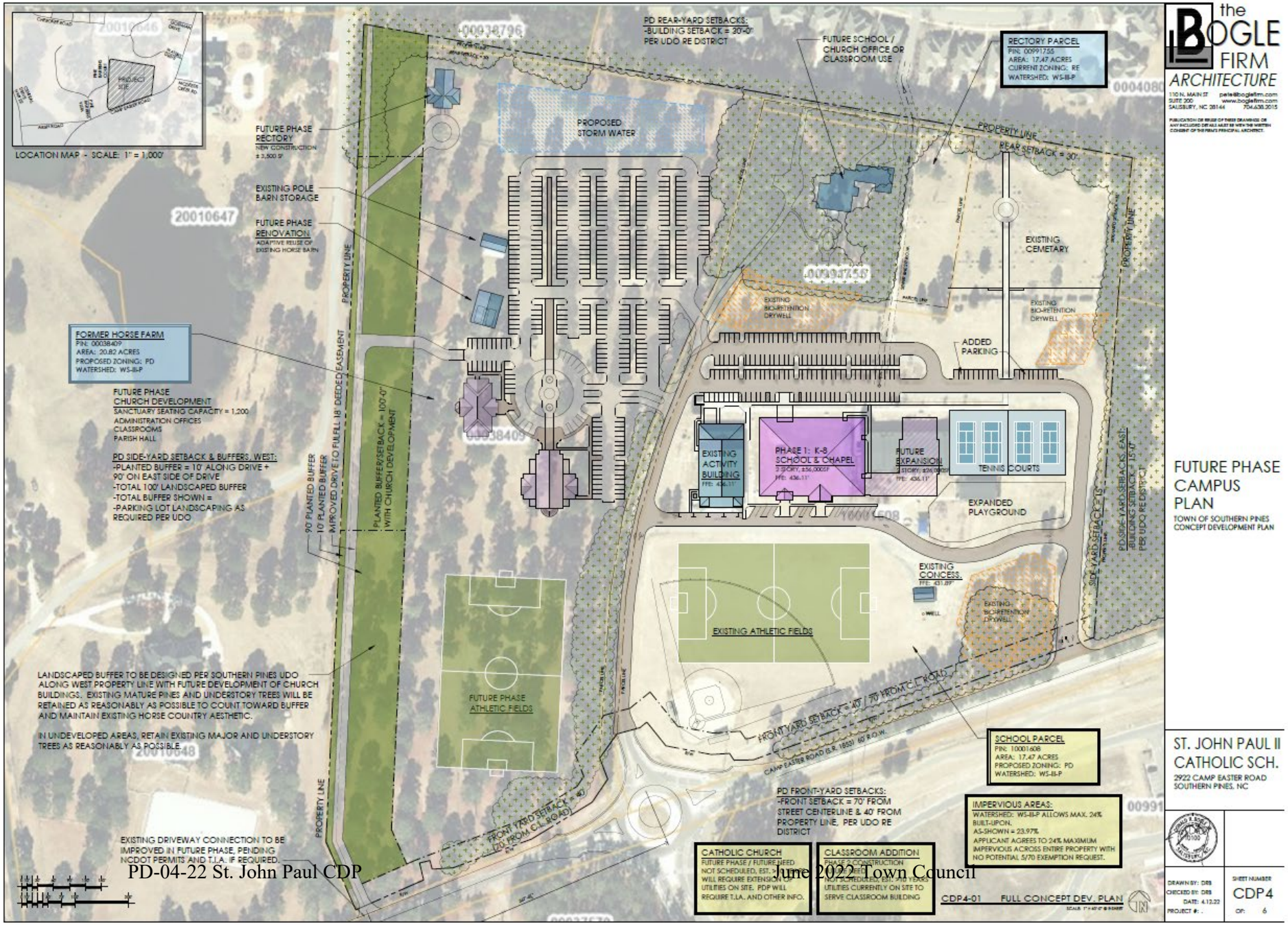
Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

ADJUSTED CDP SITE PLAN



Adjustments made based on comments from Planning Board including:

- Location of Church Development
- Reduction of New Parking
- Addition of 100’ Buffer / Setback
- Revised on-site Traffic Flow
- Maximum 24% Impervious

Town of Southern Pines
Chartered 1887
North Carolina

ATTACHMENT A

PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-04-22

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

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

WHEREAS, the Planning Board conducted a public hearing on March 24th, 2022 for consideration of a Planned Development - Conceptual Development Plan for the St. John Paul Planned Development;

NOW, THEREFORE BE IT RESOLVED that the Planning Board supports the immediate school development purpose of constructing a new classroom building to replace mobile classroom units for St. John Paul II Catholic School. The Planning Board appreciates the need for rezoning the parcel with the existing school as it is inconsistent with the UDO, which only allows Elementary Schools within the RE district. The planning board however finds that this Conceptual Development Plan, PD-04-22, specifically the "Future Phase Church Development" work proposed solely on Parcel ID 00038409, represents an overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 of the CLRP, which is the retention of the aesthetic and functionary characteristics of Horse Country. The planning board finds that the scale, location, and buffering issues surrounding the "Future Phase Church Development" could be inconsistent with the residential future land use designation. The Planning Board also finds that the proposed development's scale may be inappropriate for the area of the Town in which it is located, and is concerned particularly about the impacts on traffic Camp Easter Road and surrounding properties.

AND, THEREFORE, BE IT FURTHER RESOLVED that there were no additional matters considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-04-22:

Findings from Planning Board:

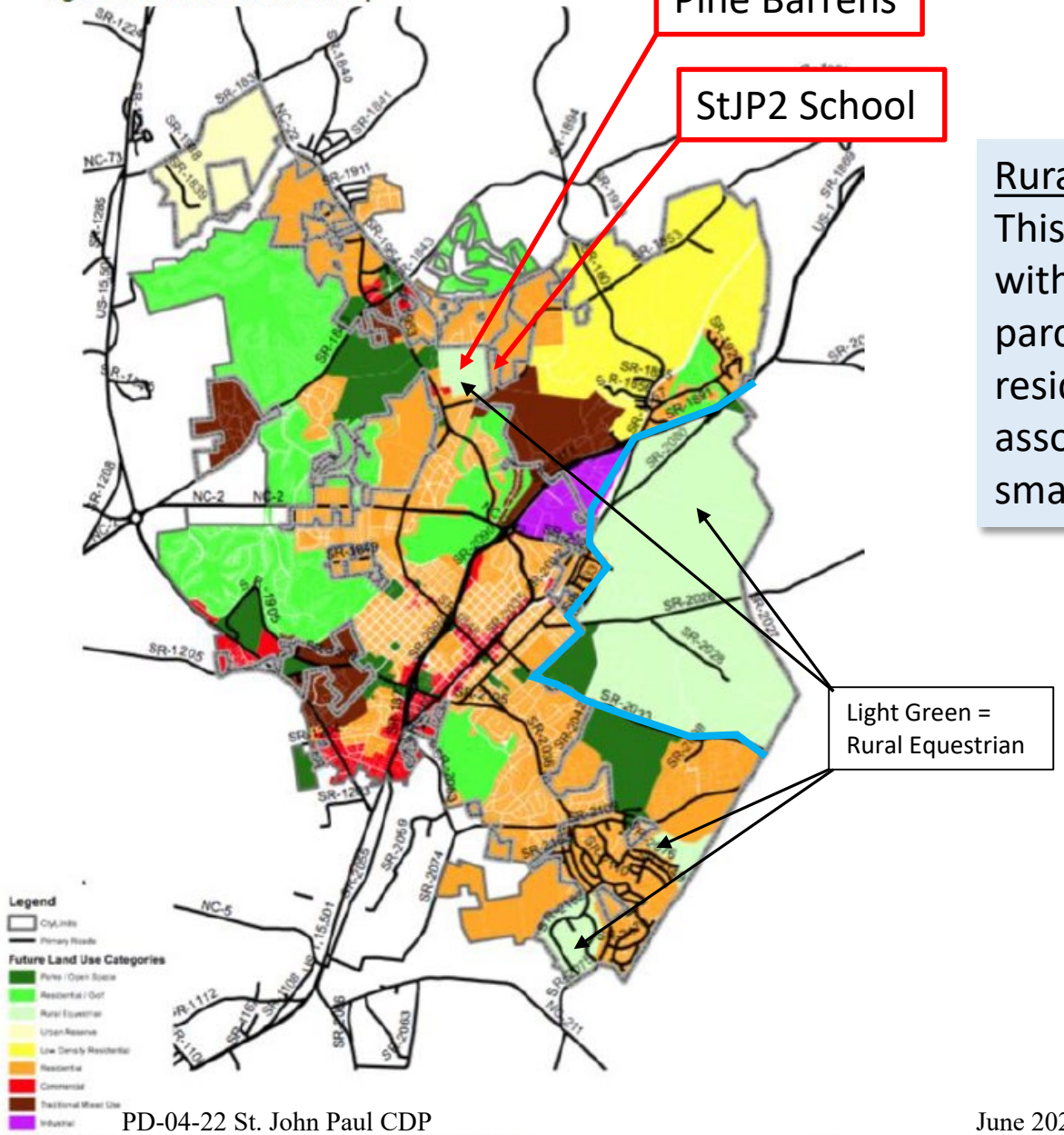
1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
3) "Church Development" on west parcel represents an Overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 which is the retention of the aesthetic and functionary characteristics of Horse Country.
4) Scale, Location, Buffering issues of the future church development "could be inconsistent with the residential future land use designation."
5) Proposed development's scale may be inappropriate for the area of town in which it is located, and is concern particularly about the impacts on traffic Camp Easter Road and surrounding properties."

<u>Answering Planning Board's Identified Findings:</u>

1) Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?
2) Is the Church Development Scale, Location, and Buffering inconsistent with the CLRP residential future land use designation?
3) Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?

Figure 4.6 – Future Land Use Map



Southern Pines Comprehensive Long-Range Plan

dynamic. Enabled by at least two things – mobility and a County-wide retail tax-sharing arrangement – the Town and its neighbors have to a large degree become specialized, each able to focus energies and

Future Land Use Categories

The future land use map included in this

Rural Equestrian Definition

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms, the keeping of large animals or other small-scale agricultural pursuits.

Figure 4.2 - The plan envisions increased density in concert with existing urban patterns. In some areas, neighborhood mixed-use centers could emerge, including commercial offerings such as this restaurant in West Southern Pines. Captioning this image, a participant wrote: "Like - Dining al fresco, local restaurant." (Image source: Camera exercise participant)

It is not surprising that the overall tenor of the Plan and the land use patterns articulated in this chapter is focused on retaining, and where possible, refining or building on Southern Pines existing qualities. The desire to become a more sustainable, diverse, self-reliant and compact place over time, will be balanced by the desire to preserve the Town's assets.

use. While neighborhood parks will exist within other land use designations, the parks and open spaces in this category are generally oriented to regional recreation or open space preservation.

Residential/Golf

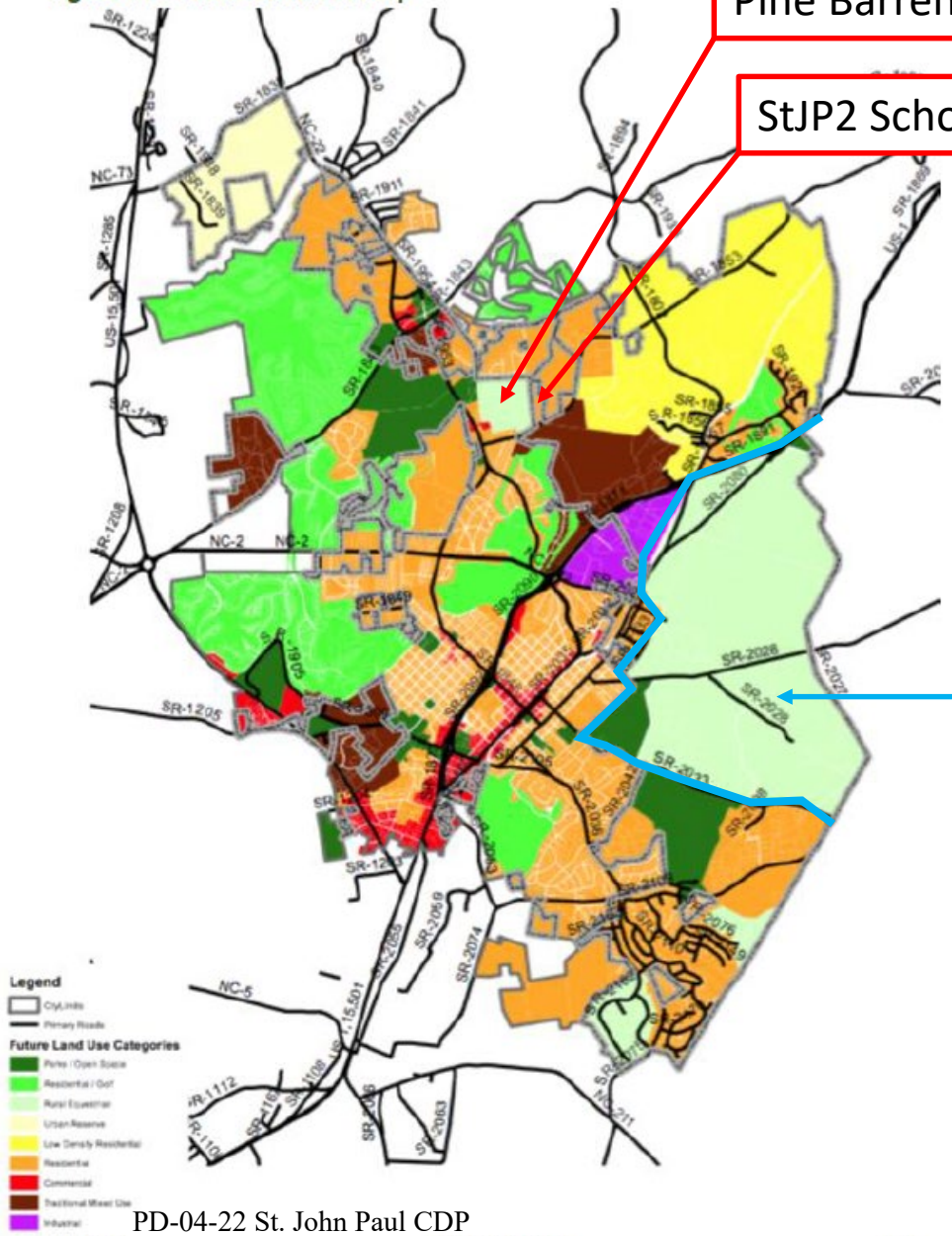
The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.

Rural/Equestrian

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms,

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?

Figure 4.6 – Future Land Use Map



Southern Pines Comprehensive Long-Range Plan

Growth management: A wide range of techniques used in combination to determine the amount, type, and rate of growth and to direct it to designated and appropriate areas.

Hazardous Areas: An area in which a danger is present, or likely to be present, in quantities that require special precautions for construction.

Historic Landscapes: The plantings and arrangement of roads, parks, institutions, and landscaped areas, designated as or consistent with the intentions of Southern Pines' founding design principles.

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities.

Housing Forms: A range of residential types such as: single-family, condominium, multifamily, or town home.

Impacts: Consequences (both good and bad) of an action or decision that occur beyond the site under consideration.

Impervious Surfaces: Those paving, roofing or other impermeable surfaces that impede the flow of rainwater or storm runoff into the ground.

Implementation Measure: Regulatory and non-regulatory measures used to carry out the plan.

Indigenous (Landscaping) Materials: Plants and landscaping materials generally recognized as

<u>CLRP Definition</u>

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities.

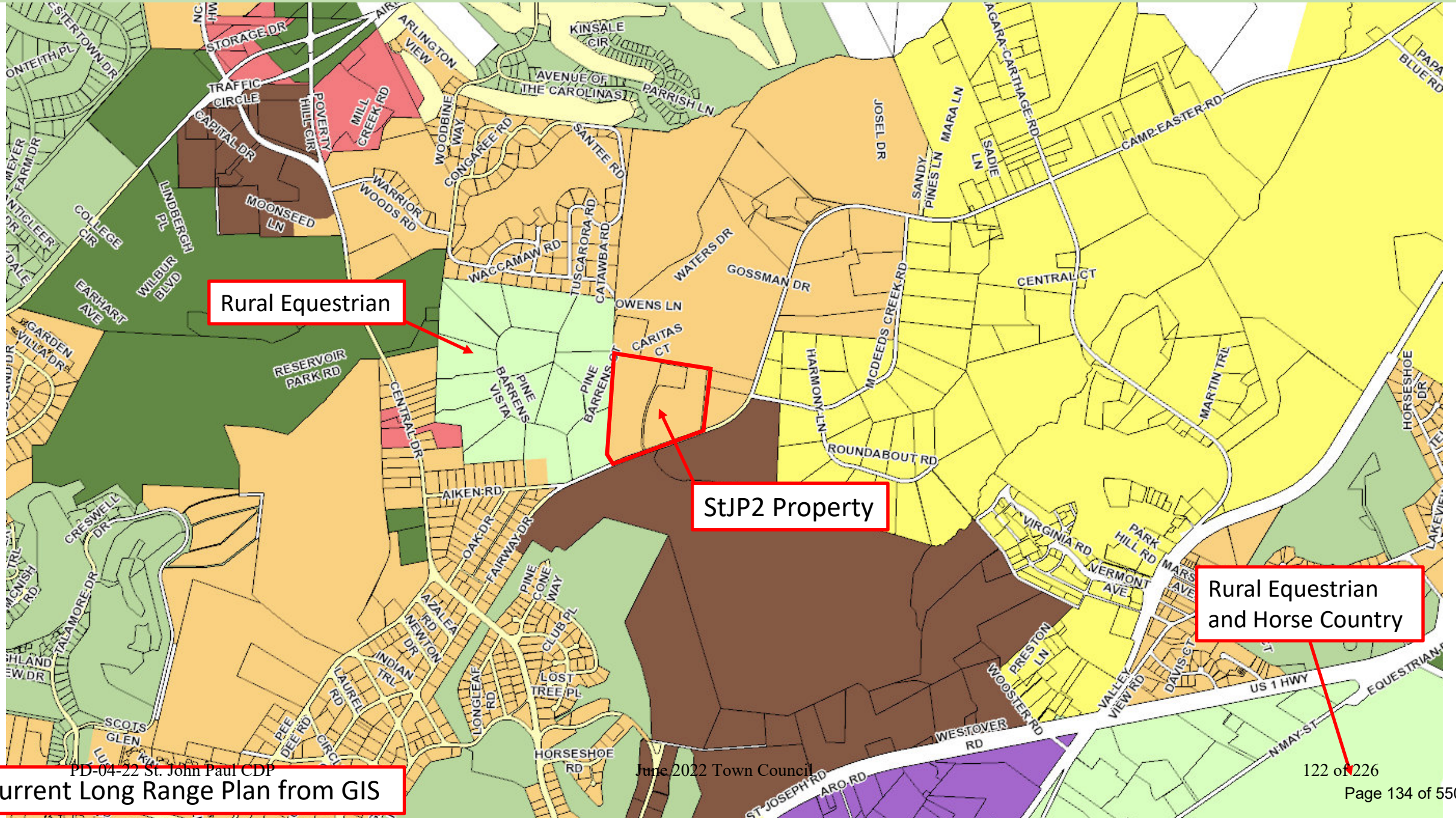
accommodating and dispersing traffic flow.

Land Bank: Land is acquired independently of a specific development project, for the expressed purpose of providing affordable housing at a future time.

Land Conservation: The placement of dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to development.

Land Use: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?



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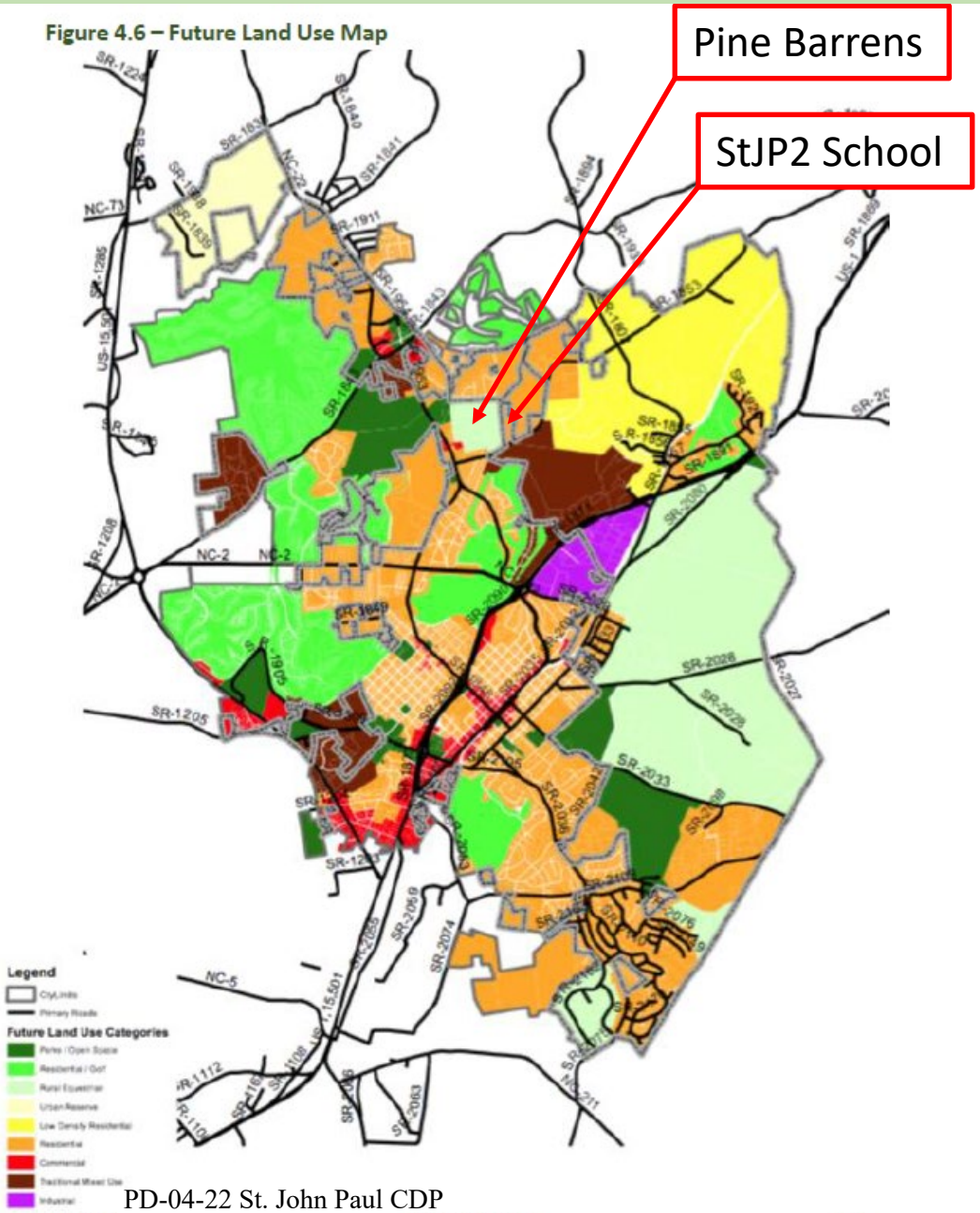
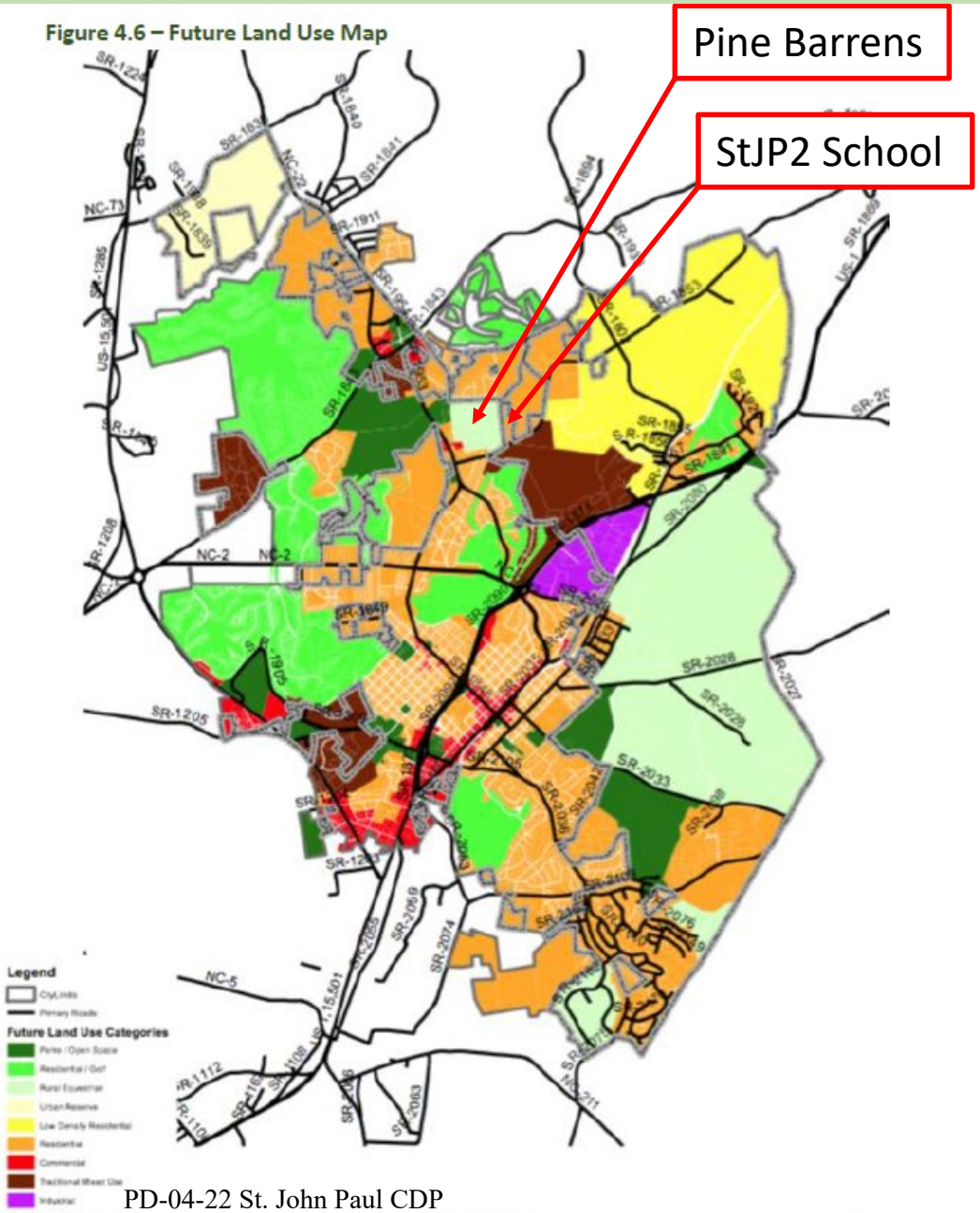


G-5. Horse Country. Retain the aesthetic and functional characteristics of Horse Country.

P-5. Horse Country. Ensure new growth and development in Horse Country is compatible with existing Horse Country use and design characteristics by:

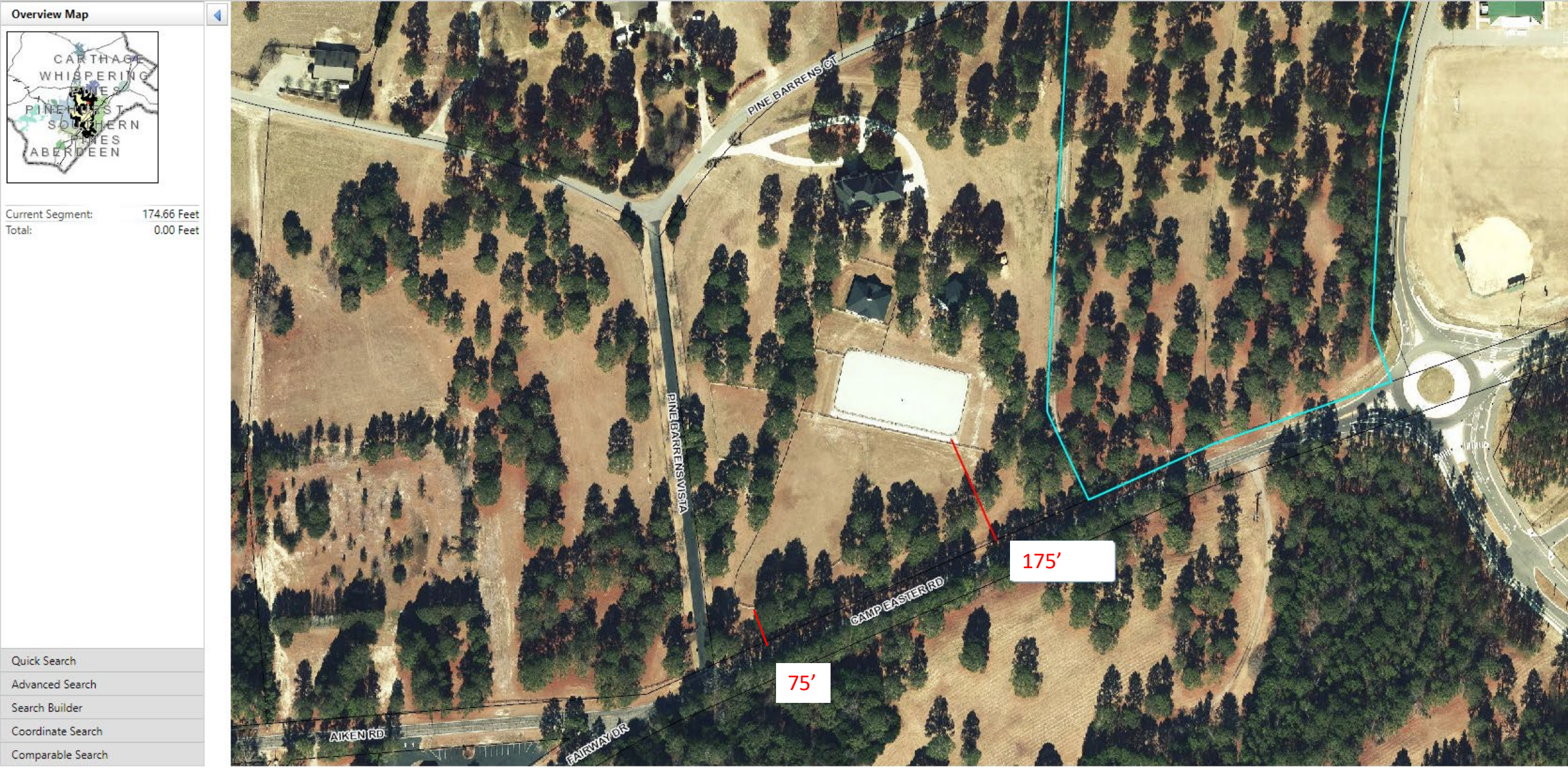
a. Engaging equestrian organizations and property owners;
b. Coordinating with Moore County, land trusts and others on effective land use strategies;
c. Coordinating with NCDOT, Moore County and Fort Bragg on appropriate transportation strategies, such as greenway and trail development in coordination with roadway enhancements; and
d. Minimizing public investment in infrastructure that promotes inappropriate urban encroachment.

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?



Revised CDP Site Plan is not inconsistent with CLRP Goal 5 based on the following:

- StJP2 land is not identified as either Rural Equestrian or Horse Country as defined by the CLRP.
- Adjusted CDP Site Plan includes a 100’ setback and planted buffer to visually screen and physically separate future Church Development from the existing Rural Equestrian designated parcels within Pine Barrens.
- Function of Horse Country: Church development with 100’ planted buffer & setback provides more protection to the function of horse country than is currently established at a recently built riding arena which is 175 feet from Camp Easter Road, with no buffer and few trees.
- Existing topography and natural vegetation provides additional visual separation as seen in these images…



Function: Riding Arena built 175’ from Camp Easter Road ROW. One line of mature pine trees separating riding arena from road. Pasture fencing within 75’ from the road edge.

VISUAL SEPARATION - EXISTING

Pano from west edge of proposed parking

Pano from existing easement looking into Pine Barrens – at pond

Pano from existing easement looking into Pine Barrens – at Currey House

At west boundary of proposed parking area, looking toward Pine Barrens

Images along existing Easement, at proposed parking lot connection, looking into Pine Barrens. Existing trees, grade change, pond area.

Images along existing Easement, at proposed parking lot connection, looking into Church Site.

My Volvo S90 parked in western parking area, viewed from proposed drive connection at existing easement.

100’ Buffer extends roughly to top of rise.

From existing easement / property line, looking toward Mace House

±950 feet from shown Church location to Mace house

From 100 feet into site, viewing toward Currey house.

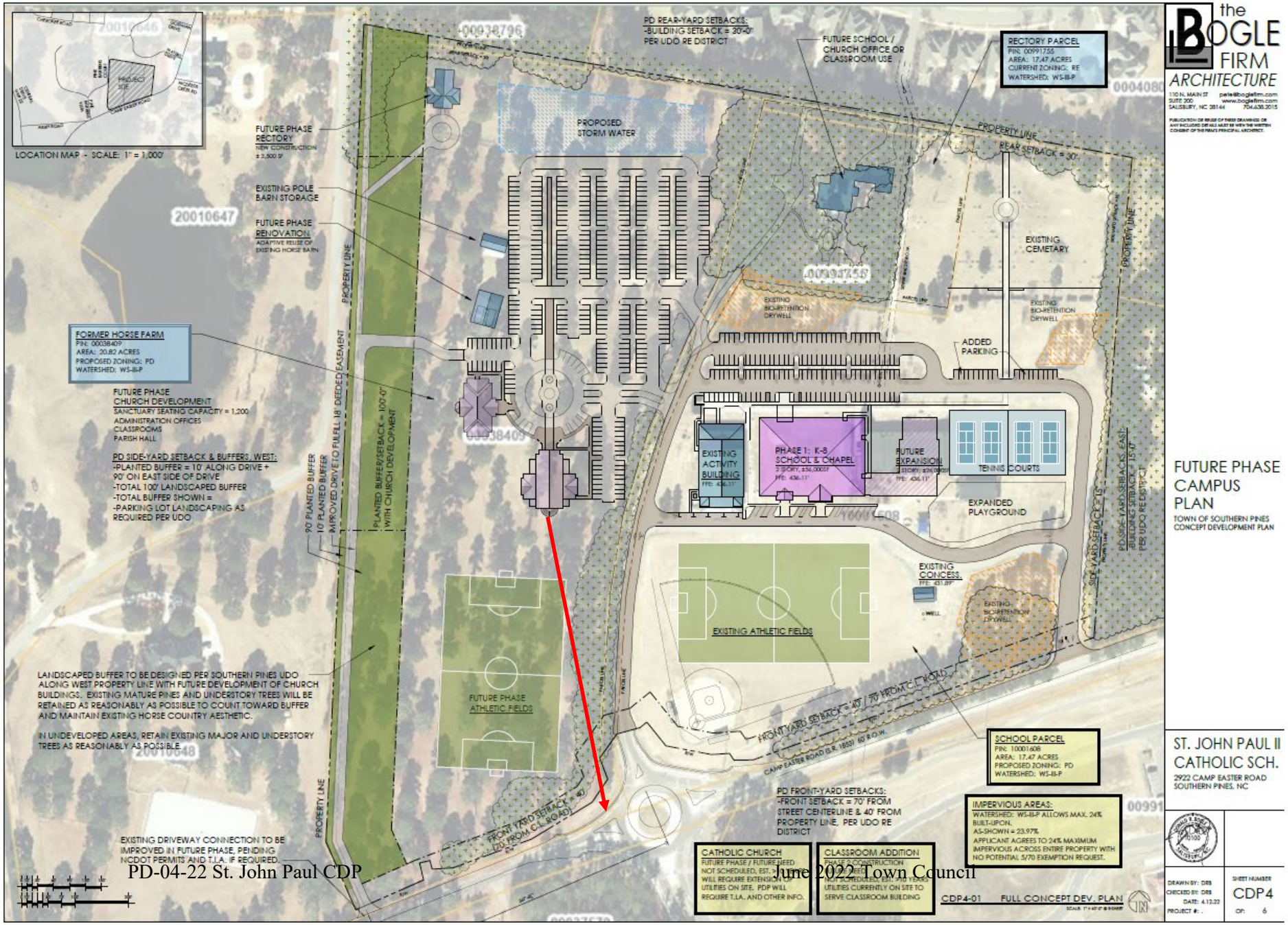
±450’ from Currey house to Athletic field where shown.

From 100 feet into site, parallel to front of Church Development, viewing toward Currey house.

PANO from same spot - 100 feet into site, parallel to front of Church Development, viewing toward Currey & Mace house.

Is the Church Development Scale, Location, and Buffering inconsistent with the CLRP residential future land use designation?

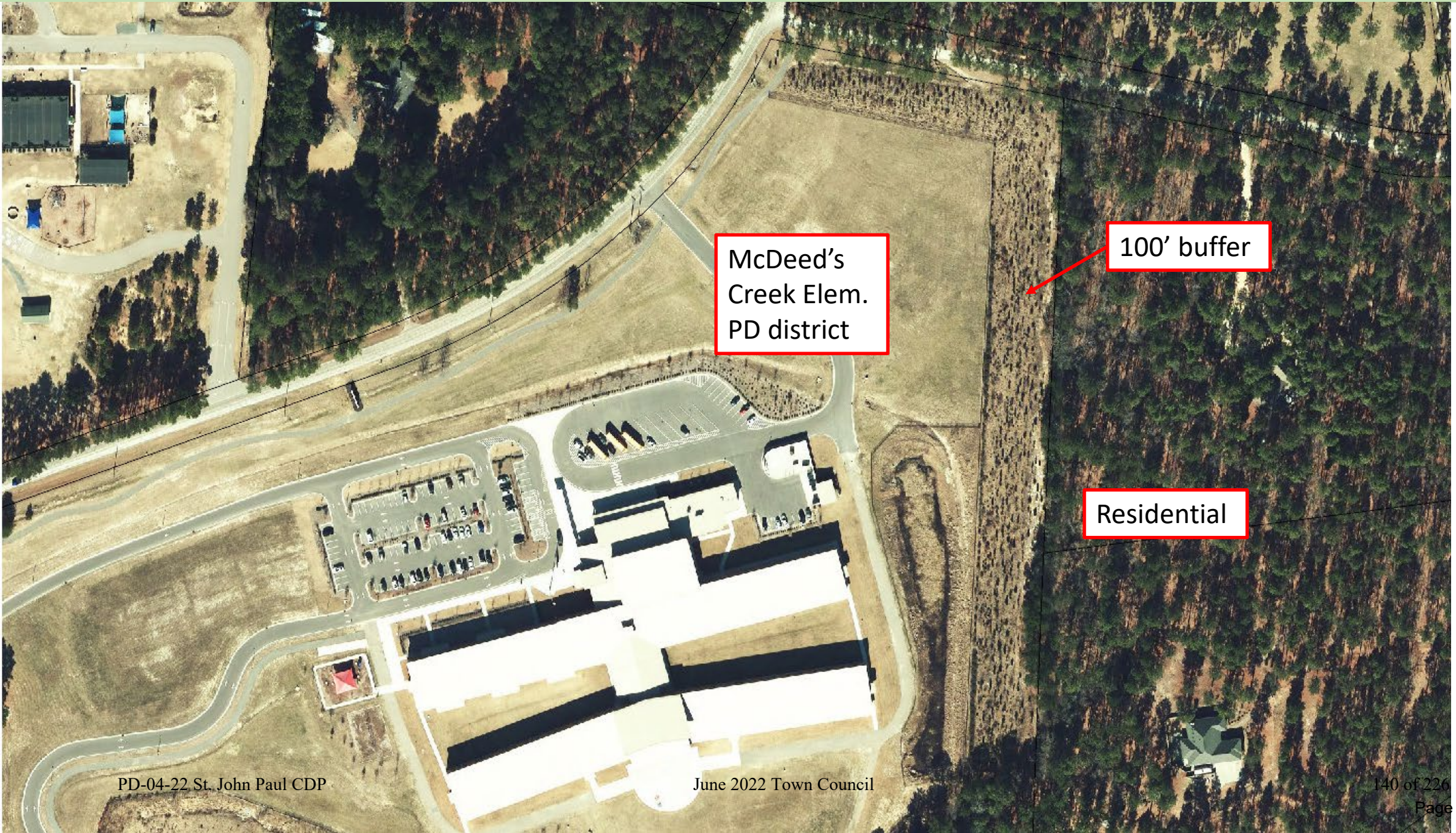
Is the Church Development Scale, **Location**, and **Buffering** inconsistent with the CLRP residential future land use designation?



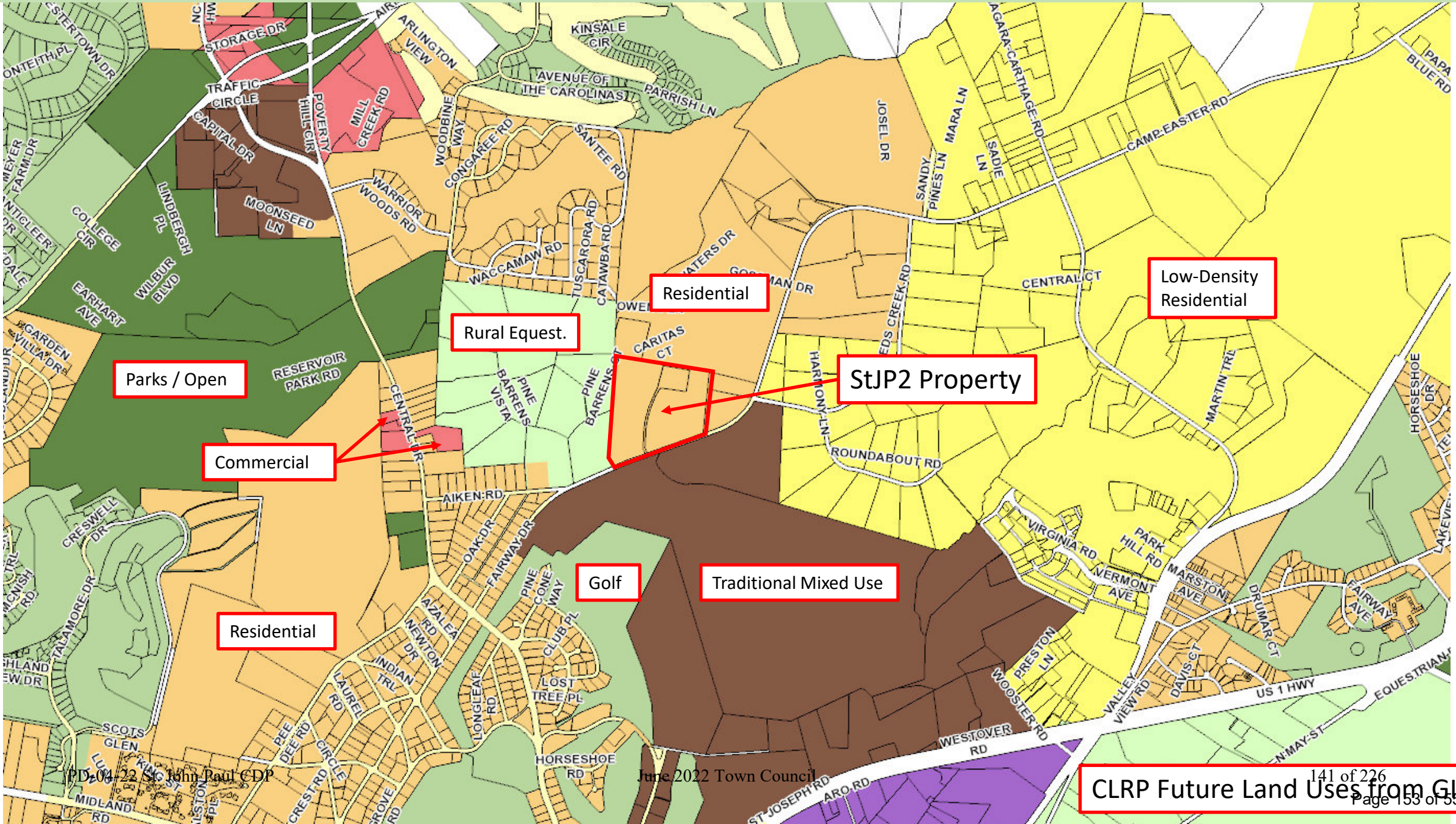
Adjustments made based on comments from Planning Board including:

- Location of Church Development shown at >500' from Camp Easter Road – in line with adjacent school buildings
- Addition of 100' Buffer / Setback

Is the Church Development Scale, **Location**, and **Buffering** inconsistent with the CLRP residential future land use designation?



Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



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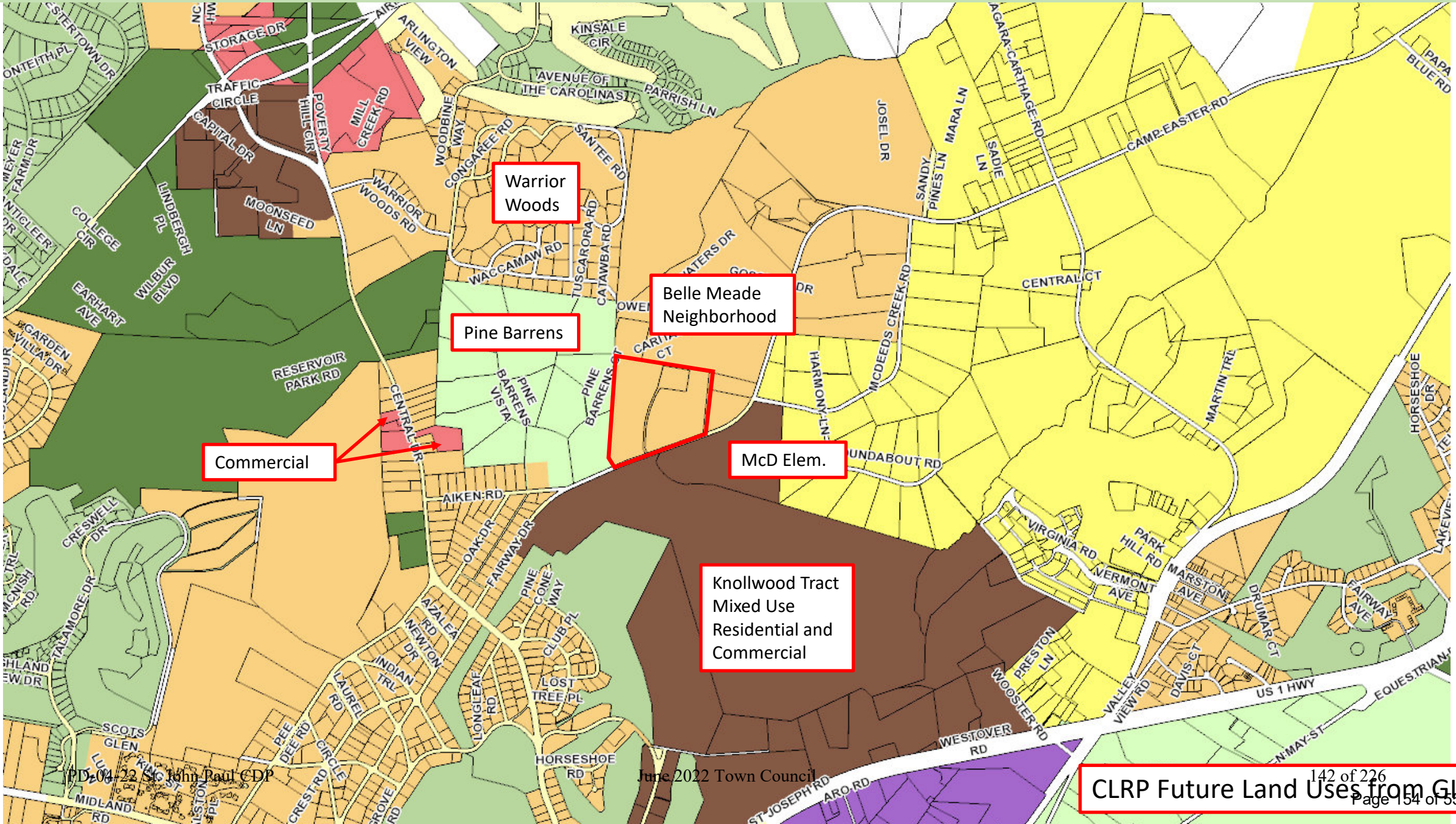

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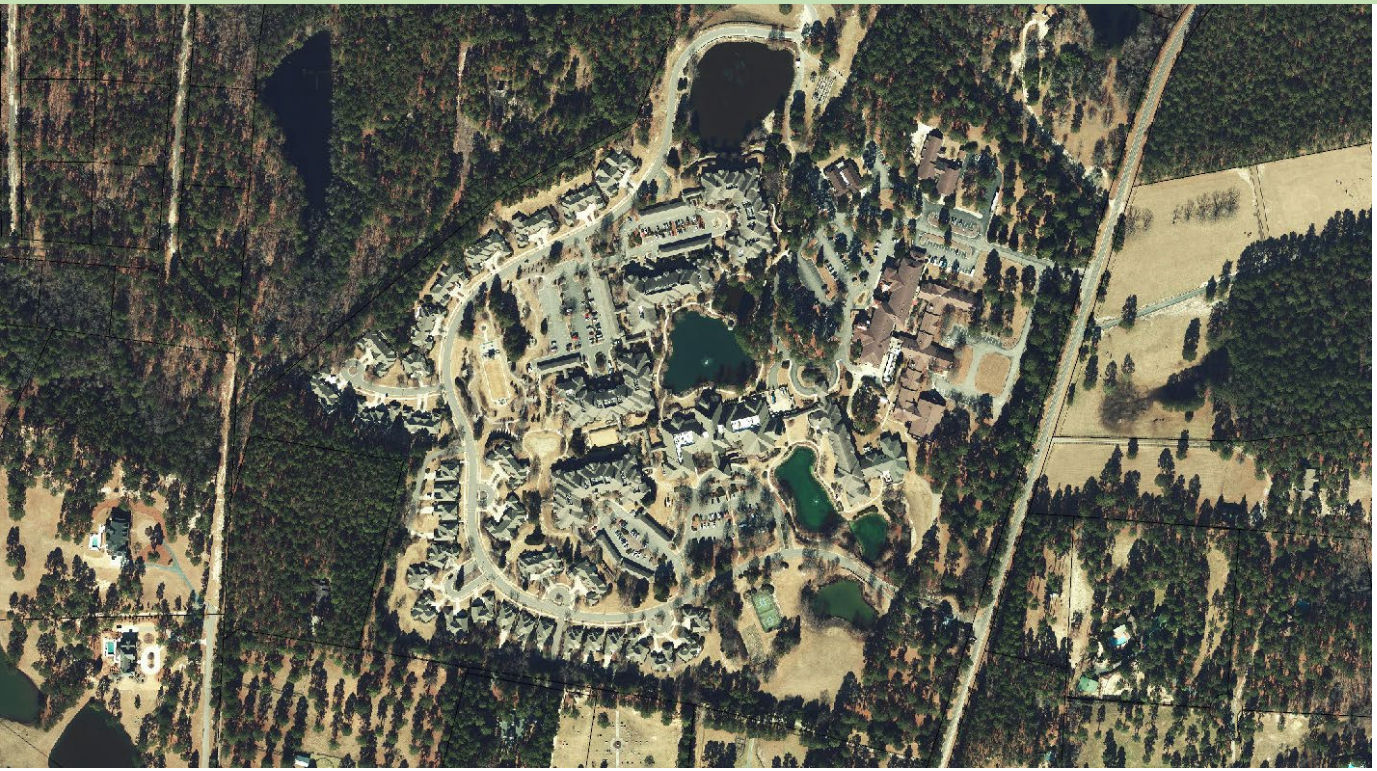


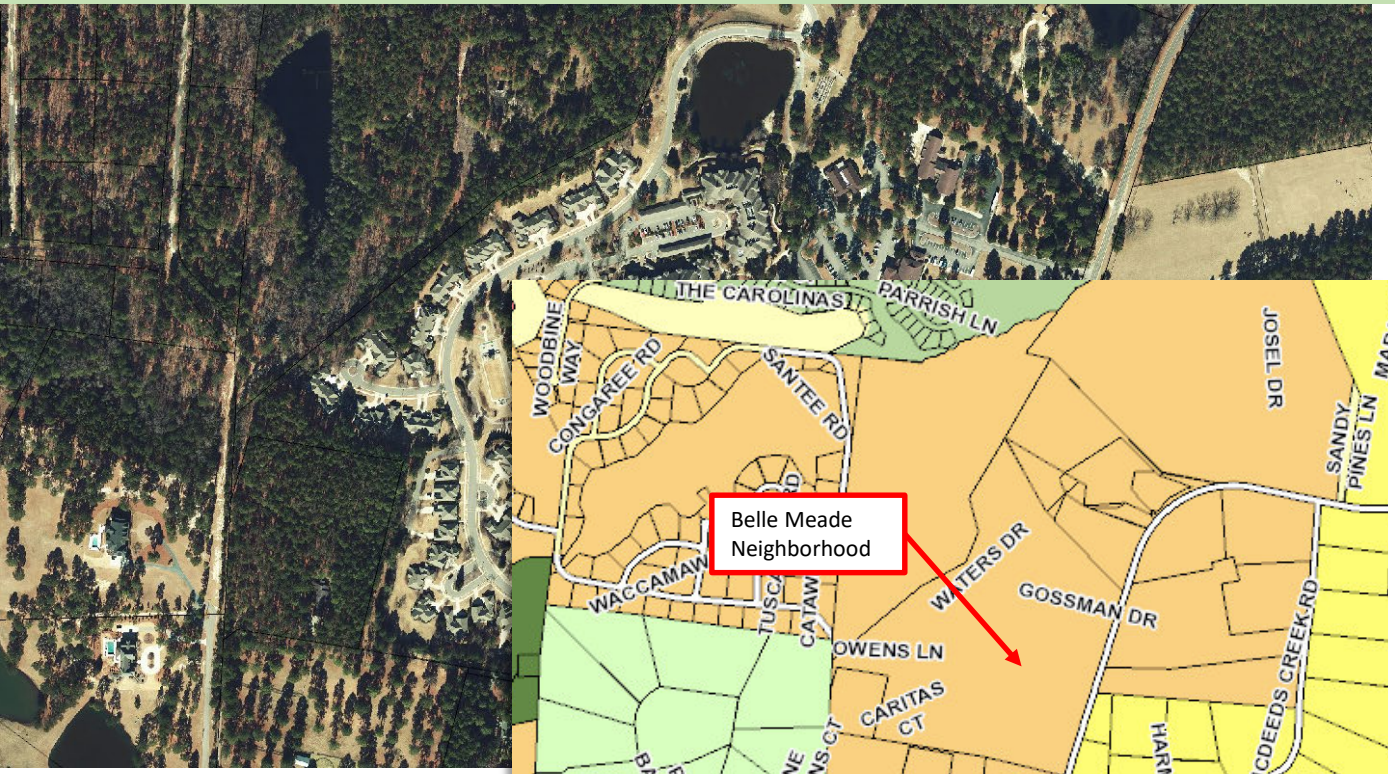
ST. JOSEPH of the PINES

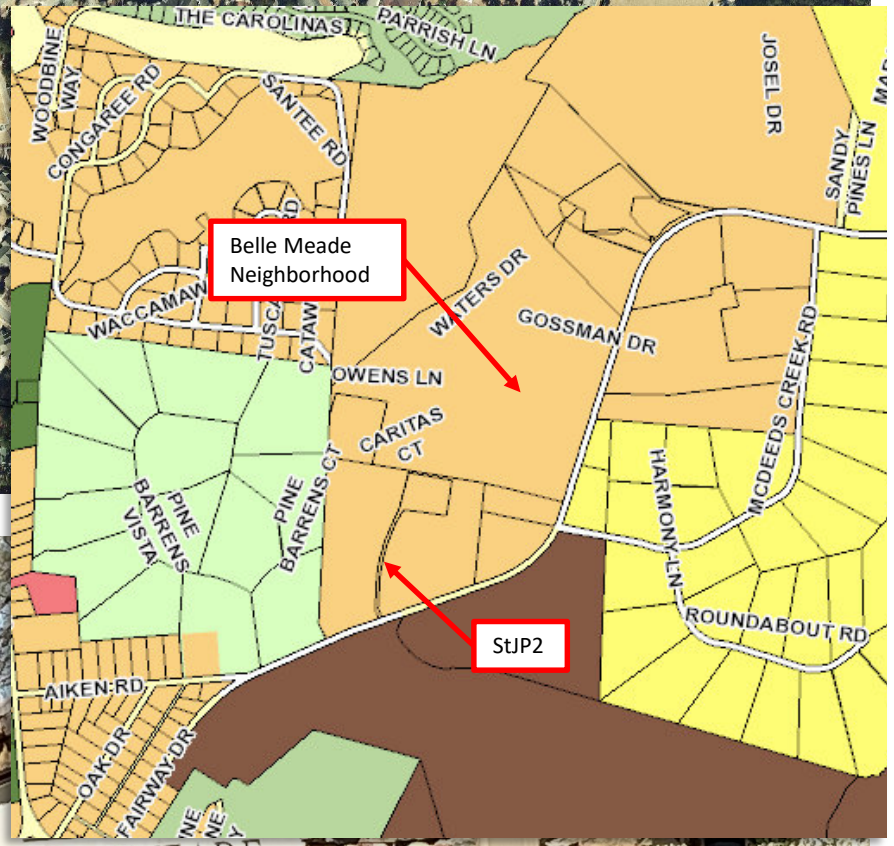
Belle Meade:

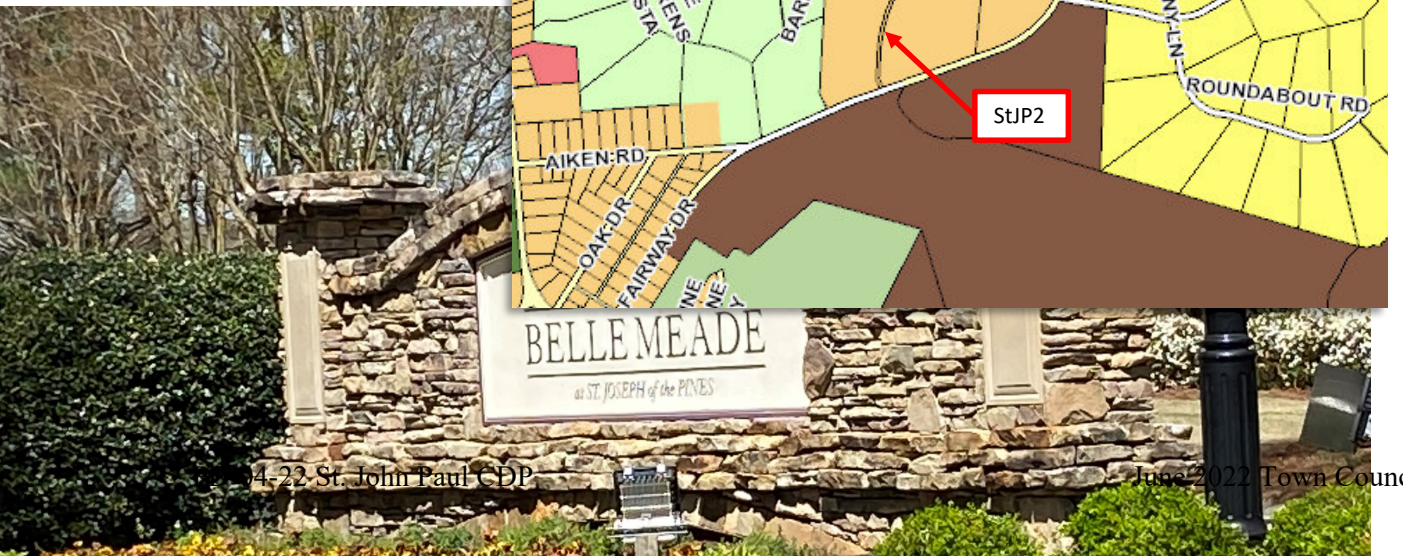
Nestled on almost 100 acres in Southern Pines, North Carolina, Belle Meade is a nationally- accredited Life Plan Community (continuing care retirement community) with a healthy, enriched lifestyle devoted to wellness and personal growth. Select from 48 spacious homes and cottages or 172 lavish apartment residences in a gated, resort-style community in a distinctive location reflective of healthy living

172+48 = 220 dwelling units / 100 acres = 0.45 acres per dwelling unit

Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?







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172+48 = 220 dwelling units / 100 acres = 0.45 acres per dwelling unit

The density and scale of Belle Meade exceeds the density and scale of the proposed Church Development on the StJP2 west parcel.

Belle Meade and StJP2 are both identified under the same Residential land use in the CLRP Future Land Use Plan.

Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?

Knollwood Tract / McDeed's Creek Elementary / Planned Housing

- PD zoning district – Mixed Use, 558 acres

2012 Original PUD

- Planned Unit Development (PUD) approved in 2012
- PUD stated 900 Residential Units in 2012 (single fam., hotel, aptm…)
- 450,000 sf of Commercial Retail and Office, Resort, Rec.

2017 Updated to PD

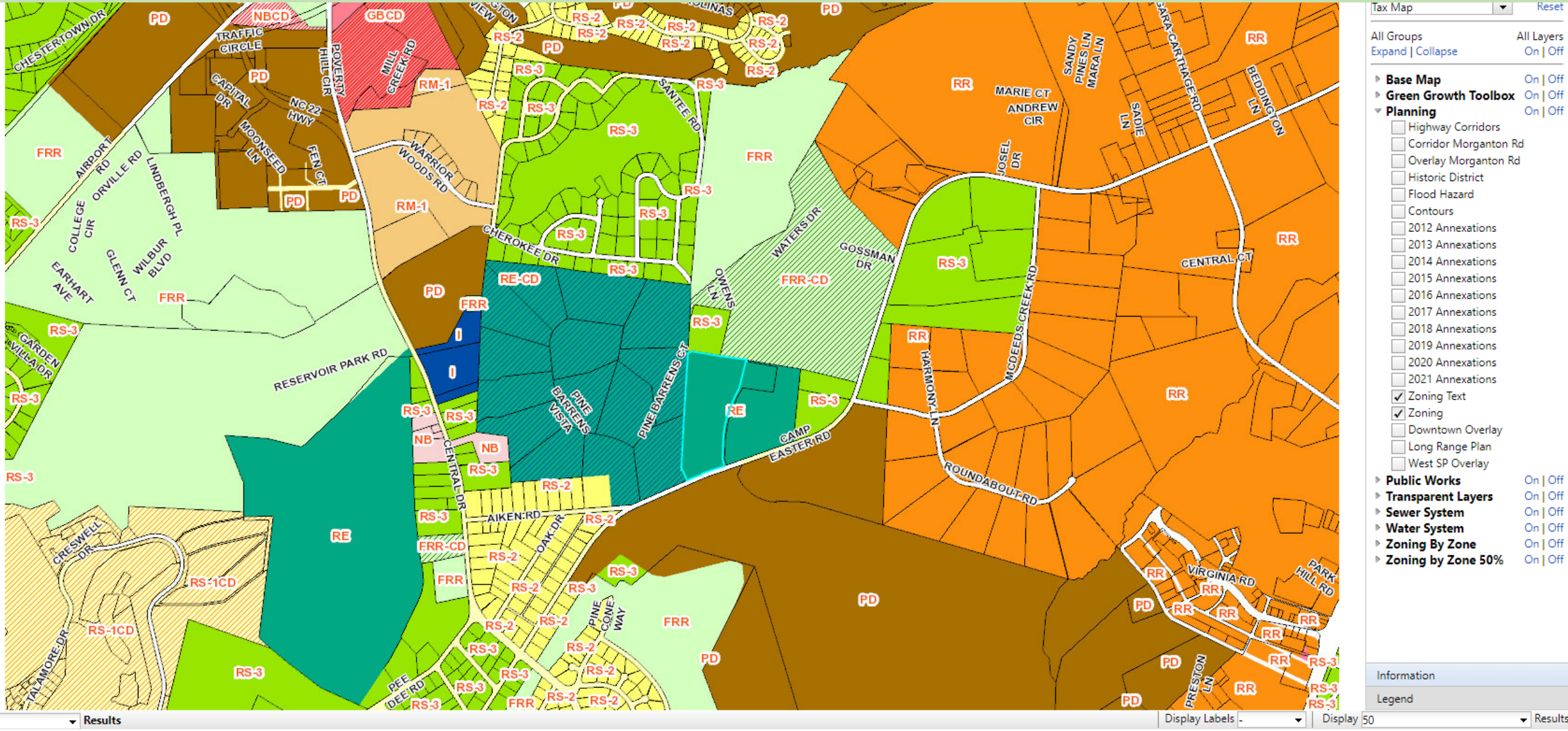
- PD application 2017 – Added an Elementary School to Use Matrix

"The elementary school would be a permitted use in the MUA-2 area on ±37 acres and if an elementary school is developed no combination of residential, hotel or assisted living units could exceed **800 units**. The MUA-2 area would include 600 residential units, but with the addition of an elementary school that would be reduced to 500 residential units. The 700 hotel rooms would reduce to 500 rooms and assisted living units would reduce from 300 to a maximum of 250 units. Mr. Koontz said development will occur in phases with a projected fifteen (15) year buildout."

McDeed's Creek Elementary

- PD zoning district
- 118,500 sf (Moore Co. Tax Office)
- 800 students
- 89 employees (school website)

Is the Church Development Scale, Location, and Buffering inconsistent with the CLRP residential future land use designation?



Neighborhood:

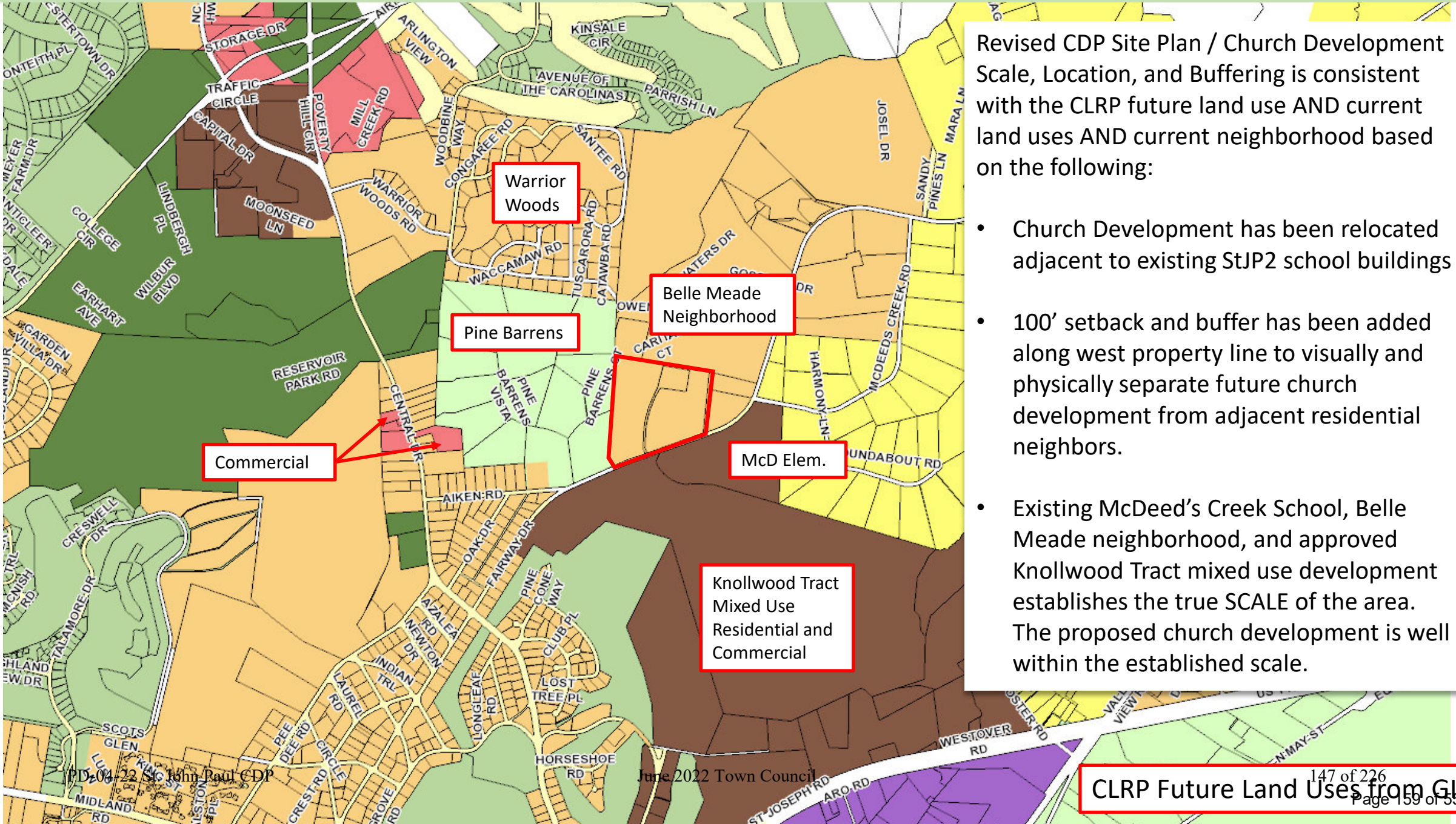
Zoning from Southern Pines GIS

Adjacent and Neighboring Zoning includes PD, RS-3, FRR-CD, NB, I

Nearby Zoning includes large areas of RR. Large Religious Institutions are allowed in RR

Current UDO ZONING from GIS

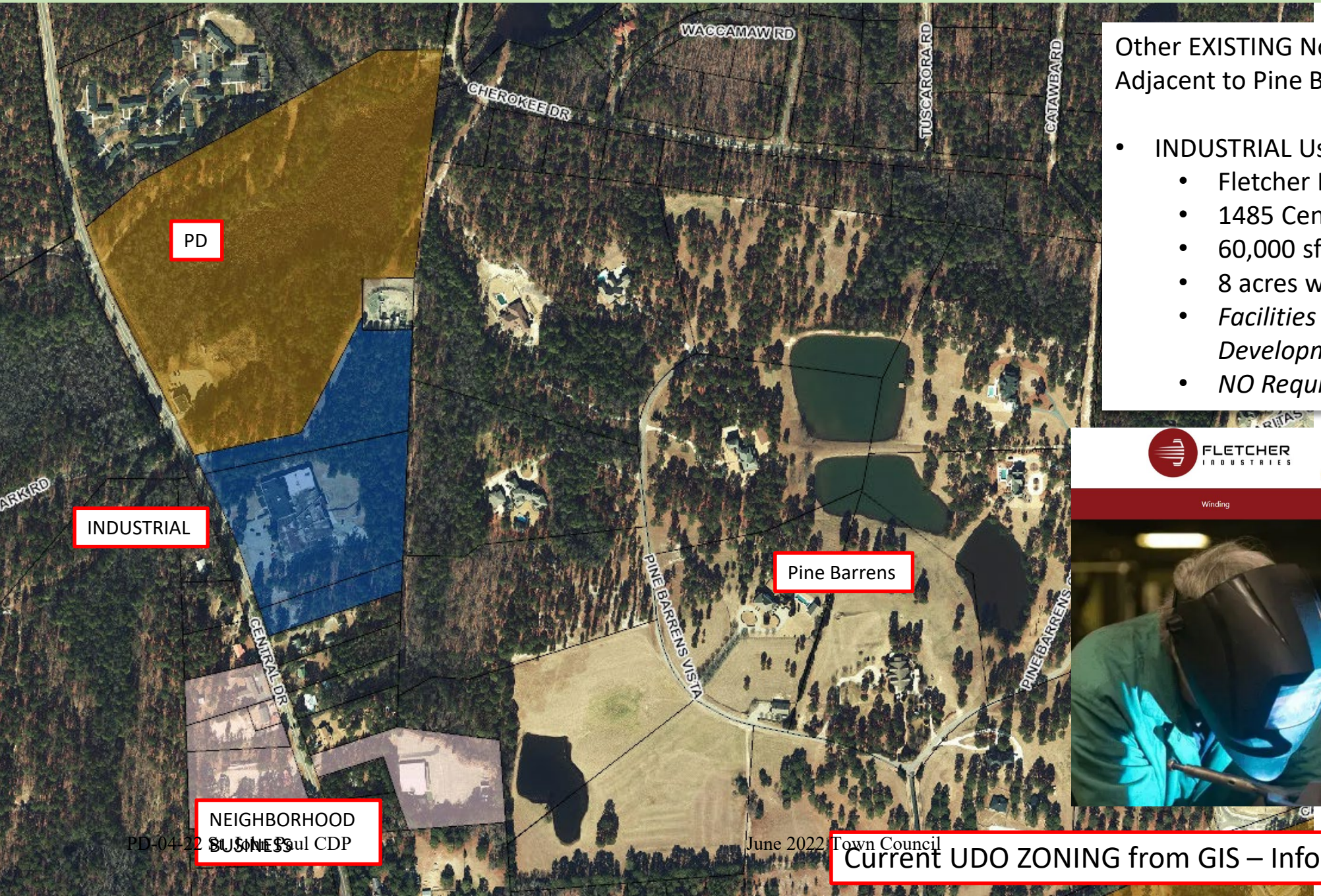
Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



Revised CDP Site Plan / Church Development Scale, Location, and Buffering is consistent with the CLRP future land use AND current land uses AND current neighborhood based on the following:

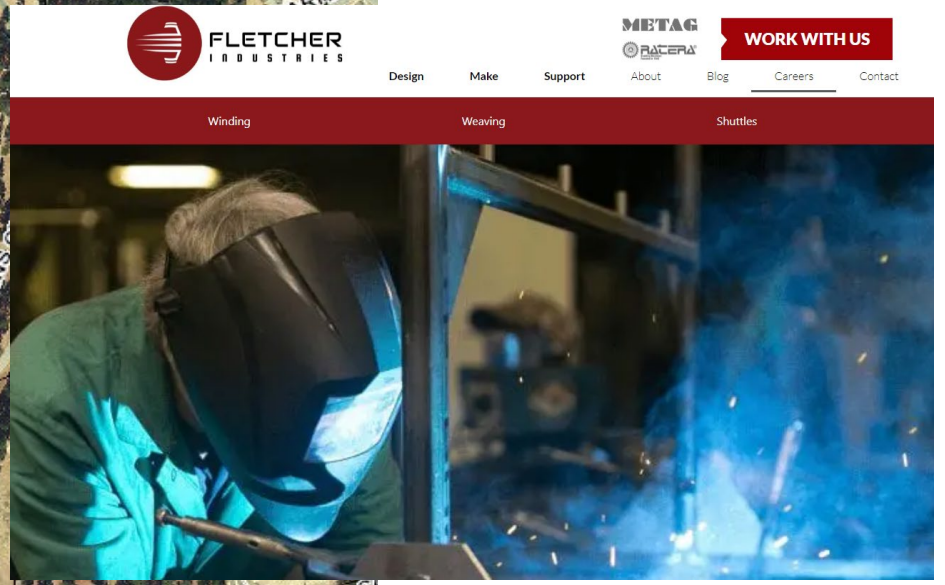
- Church Development has been relocated adjacent to existing StJP2 school buildings
- 100’ setback and buffer has been added along west property line to visually and physically separate future church development from adjacent residential neighbors.
- Existing McDeed’s Creek School, Belle Meade neighborhood, and approved Knollwood Tract mixed use development establishes the true SCALE of the area. The proposed church development is well within the established scale.

Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



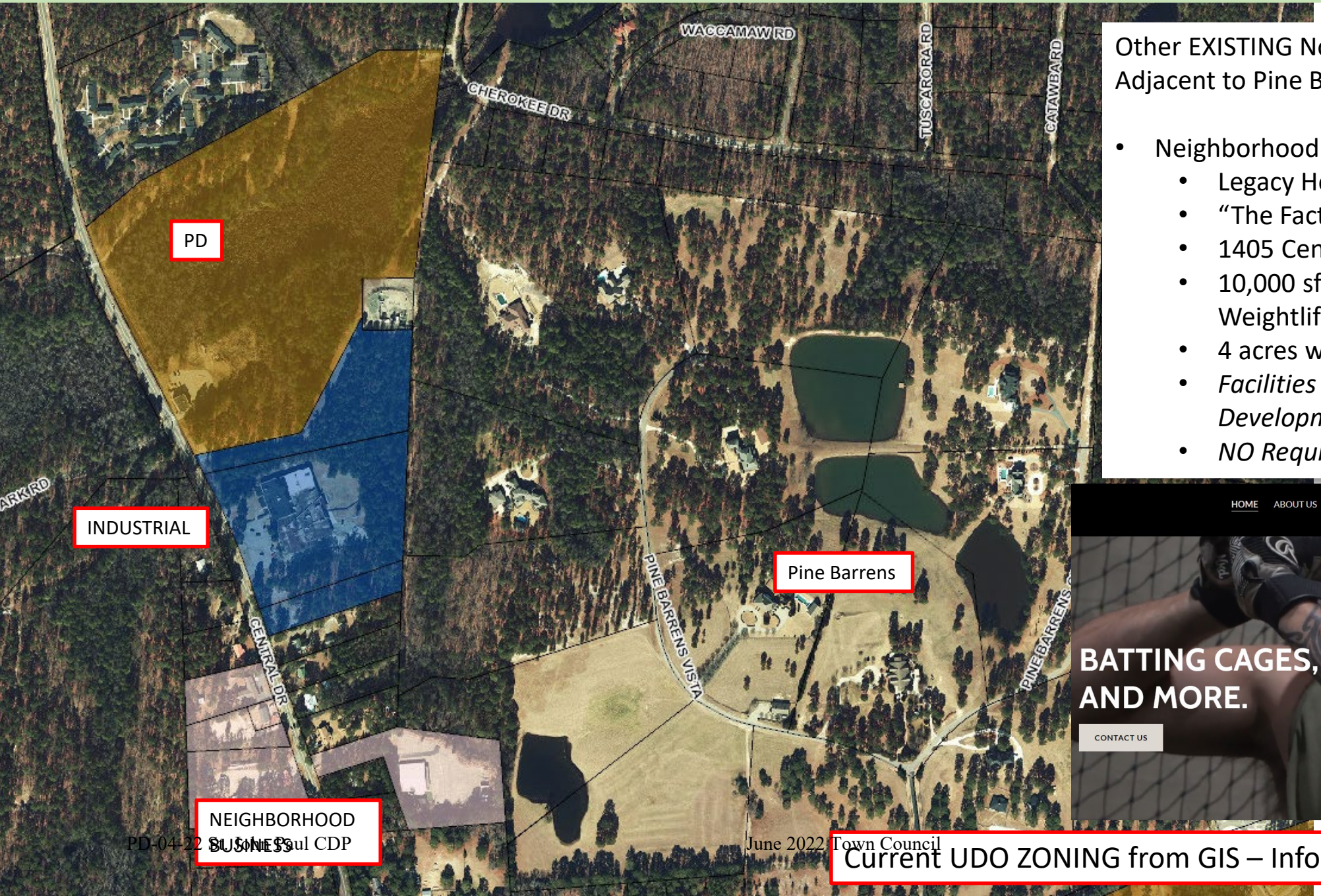
Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens

- INDUSTRIAL Use
  - Fletcher Industrials – Metal Fabricator
  - 1485 Central Drive
  - 60,000 sf Manufacturing Facility
  - 8 acres w/ 21,000 sf paving
  - *Facilities ALL PREDATE Pine Barrens Development.*
  - *NO Required Buffers / Separation*



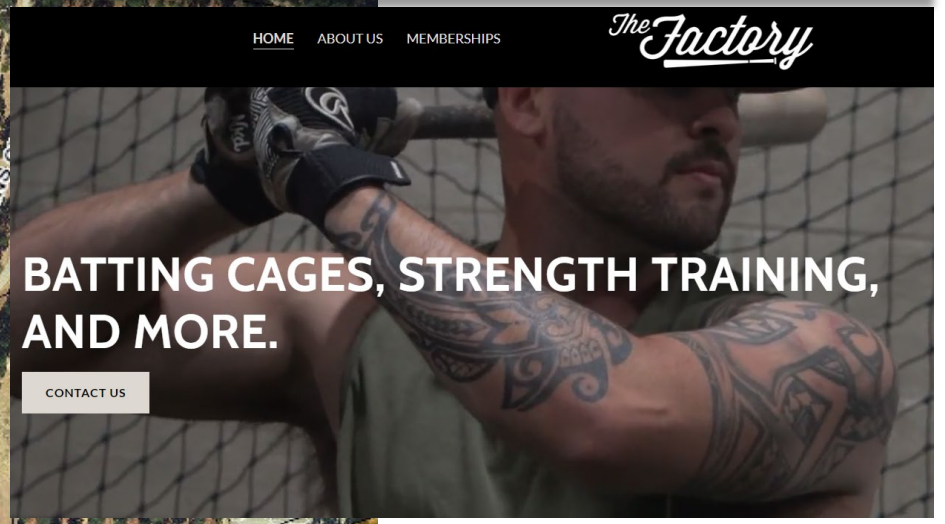
Current UDO ZONING from GIS – Info from Moore County Tax

Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens

- Neighborhood Business Use
  - Legacy Home Construction – Owner
  - "The Factory" Baseball Training
  - 1405 Central Drive
  - 10,000 sf Baseball Training, Weightlifting, Storage facility
  - 4 acres w/ 35,400 sf paving
  - *Facilities PREDATE Pine Barrens Development.*
  - *NO Required Buffers / Separation*



Current UDO ZONING from GIS – Info from Moore County Tax

Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

2.18.4(H) Conceptual Development Plan Criteria

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

Traffic Studies are not required during the CDP but instead, are required during a project's PDP.

Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

Institute of Transportation Engineers

Elementary School
(520)

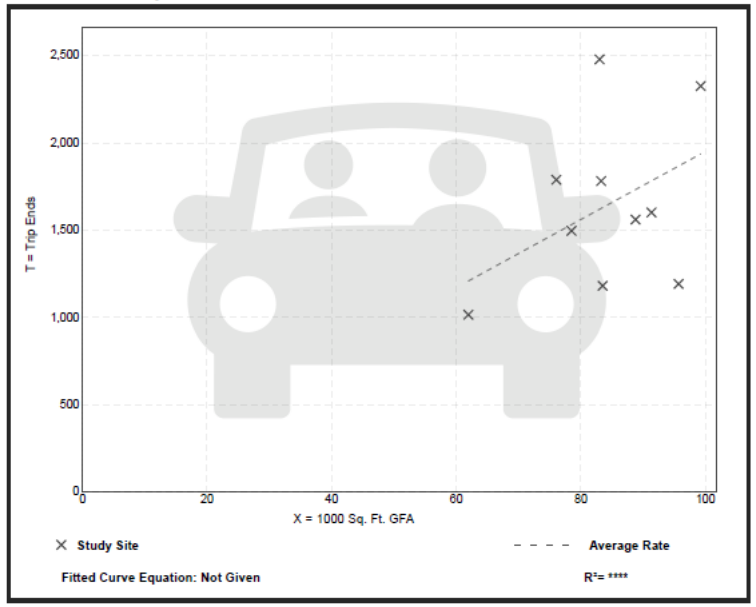
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 10
Avg. 1000 Sq. Ft. GFA: 84
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
19.52	12.46 - 29.87	5.19

Data Plot and Equation



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https://www.itetripgen.org/PrintGraph.htm?code=520&ivlabel=QFQAF&timeperiod=AWDVTE&x=&edition=544&locationCode=General Urban/Suburba

Church
(560)

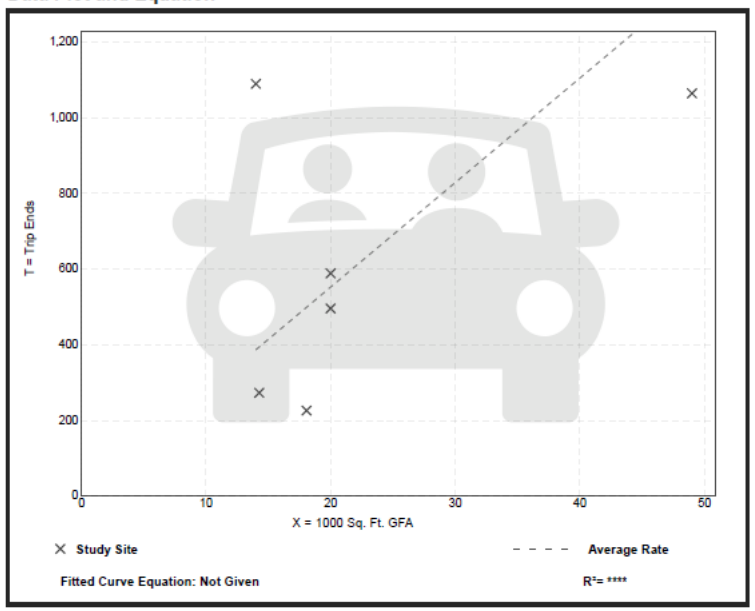
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Sunday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. 1000 Sq. Ft. GFA: 23
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
27.63	12.51 - 77.86	19.39

Data Plot and Equation



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https://www.itetripgen.org/PrintGraph.htm?code=560&ivlabel=QFQAF&timeperiod=TSUN24&x=&edition=544&locationCode=General Urban/Suburban... 1/1

- Current ITE Standard Trip Generation Rates
- Elementary School Weekday
  - Average Rate is 19.52 trips per 1,000 sf
  - McDeeds is 118,600 sf / 1000 sf x 19.52 = **2,315 trips per day**
- Church, Sunday
  - Average Rate is 27.63 trips per 1,000 sf
  - Proposed 10,000 sf Sanctuary + 12,000 sf Parish Hall=22,000 sf / 1,000 x 27.63 trips = **608 trips per day**

Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

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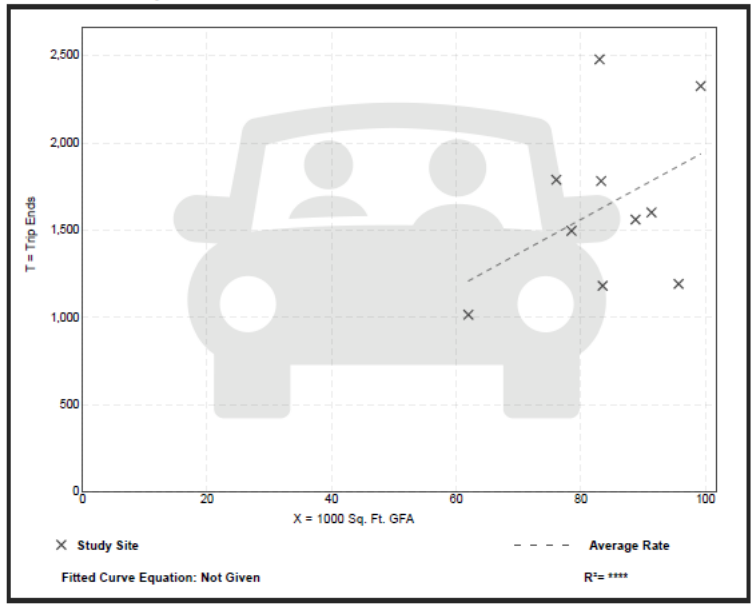

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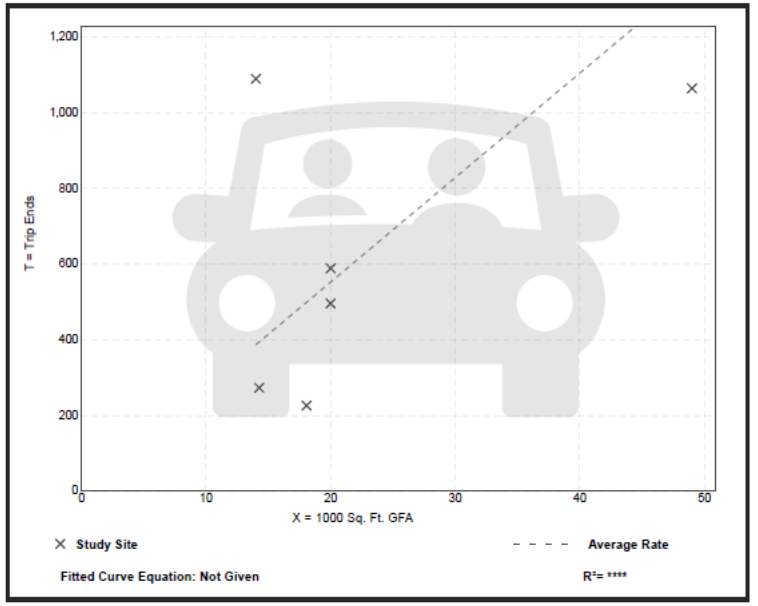

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- McDeeds is 800 students and lists 89 employees
  - 89 employees generation 178 trips per day
  - If 1/4 of the students are Parent Drop Off = 200 students x 4 trips = 800 trips per day
  - 600 students on buses (60 per bus) = 10 x 4 trips = 40 trips
    - (McD's has 10 bus parking spaces)
  - Total = **1,018 trips per day**
- Proposed Church of 1,200 seats – Diocese studies = 1 parking space per 2.5 seats at Max Cap.
  - 480 parking spaces = **960 trips per day**

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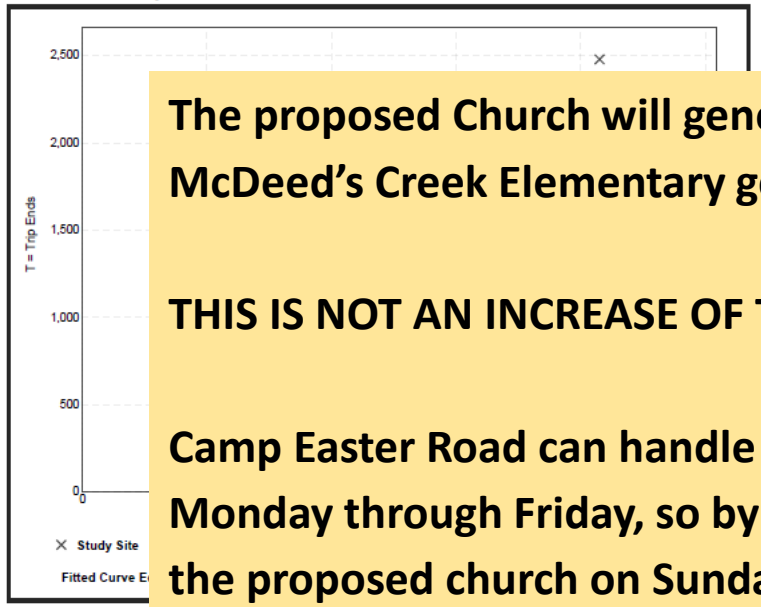

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The proposed Church will generate LESS TRIPS on Sundays than McDeed's Creek Elementary generates every Weekday.

THIS IS NOT AN INCREASE OF TRAFFIC.

Camp Easter Road can handle McDeed's Creek Elementary School on Monday through Friday, so by logic, it can also handle less traffic from the proposed church on Sunday.

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Town of Southern Pines
Chartered 1887
North Carolina

ATTACHMENT A

PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-04-22

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

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

WHEREAS, the Planning Board conducted a public hearing on March 24th, 2022 for consideration of a Planned Development - Conceptual Development Plan for the St. John Paul Planned Development;

NOW, THEREFORE BE IT RESOLVED that the Planning Board supports the immediate school development purpose of constructing a new classroom building to replace mobile classroom units for St. John Paul II Catholic School. The Planning Board appreciates the need for rezoning the parcel with the existing school as it is inconsistent with the UDO, which only allows Elementary Schools within the RE district. The planning board however finds that this Conceptual Development Plan, PD-04-22, specifically the "Future Phase Church Development" work proposed solely on Parcel ID 00038409, represents an overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 of the CLRP, which is the retention of the aesthetic and functionary characteristics of Horse Country. The planning board finds that the scale, location, and buffering issues surrounding the "Future Phase Church Development" could be inconsistent with the residential future land use designation. The Planning Board also finds that the proposed development's scale may be inappropriate for the area of the Town in which it is located, and is concerned particularly about the impacts on traffic Camp Easter Road and surrounding properties.

AND, THEREFORE, BE IT FURTHER RESOLVED that there were no additional matters considered by the Planning B
regarding PD-04-22:

Findings from Planning Board:

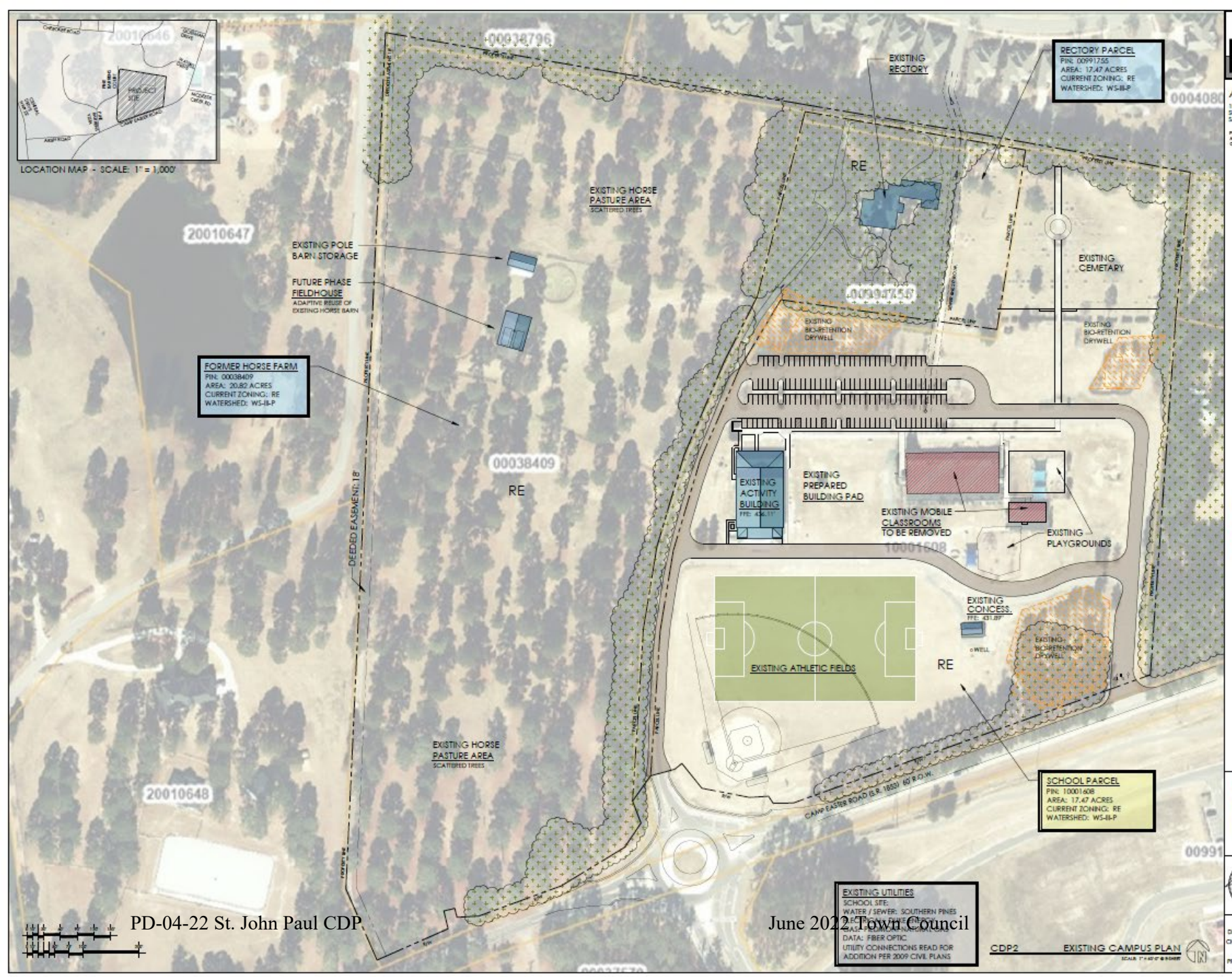
1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
3) "Church Development" on west parcel represents an Overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 which is the retention of the aesthetic and functionary characteristics of Horse Country.
4) Scale, Location, Buffering issues of the future church development "could be inconsistent with the residential future land use designation."
5) Proposed development's scale may be inappropriate for the area of town in which it is located, and is concern particularly about the impacts on traffic Camp Easter Road and surrounding properties."

<u>Answering Planning Board's Identified Findings:</u>

1) Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?
2) Is the Church Development Scale, Location, and Buffering inconsistent with the CLRP residential future land use designation?
3) Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

The adjusted CDP addresses each of the concerns and reasons for denial stated by the Planning Board.

REVISED CDP SITE PLAN



the BOGLE FIRM ARCHITECTURE

110 N. MAIN ST
SUITE 200
SALISBURY, NC 28144

pete@boglefirm.com
www.boglefirm.com
704.630.2015

PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

EXISTING CAMPUS PLAN

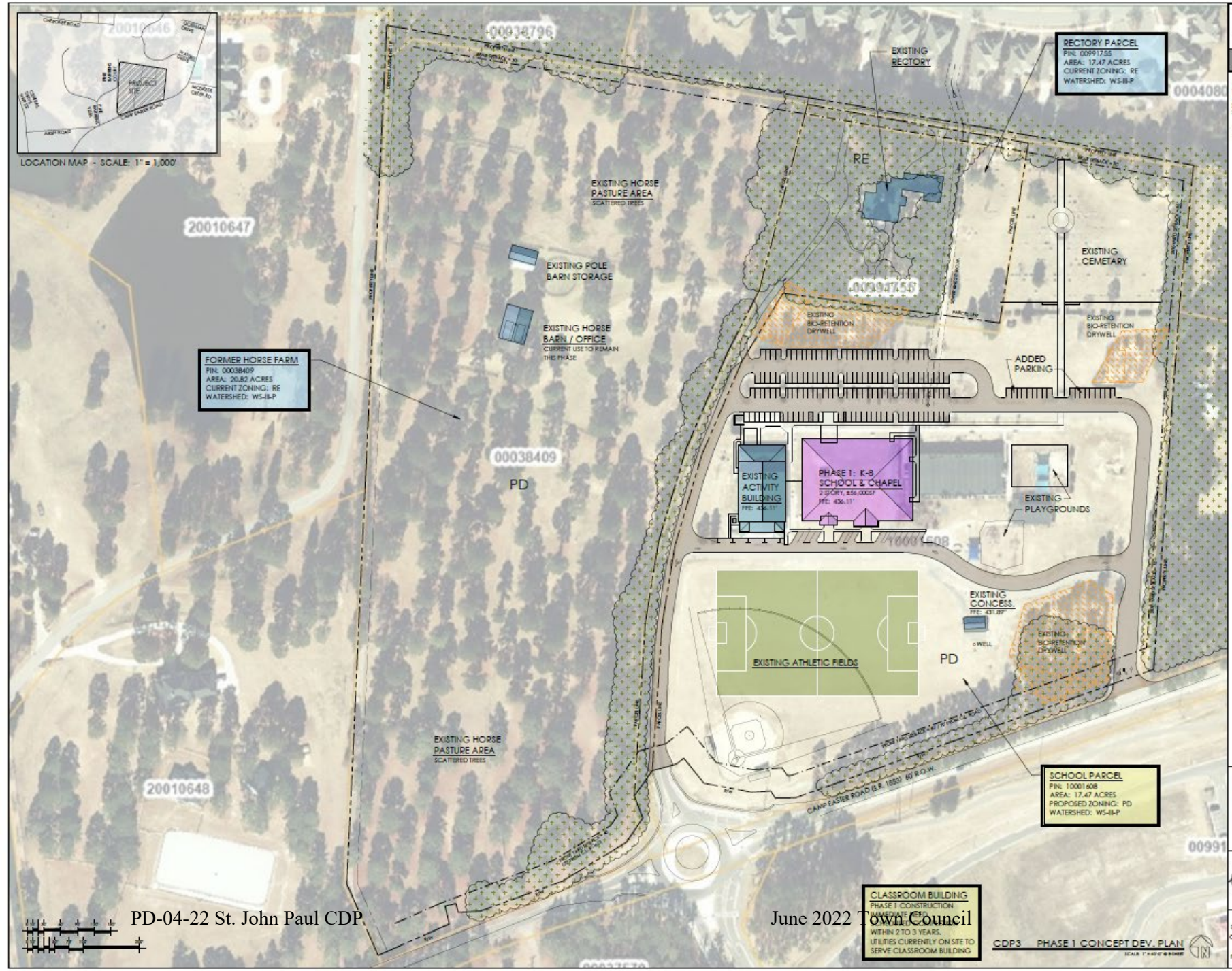
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 4.12.22
PROJECT #: .

SHEET NUMBER
CDP2
OF: 6

CDP2 EXISTING CAMPUS PLAN



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PHASE 1 CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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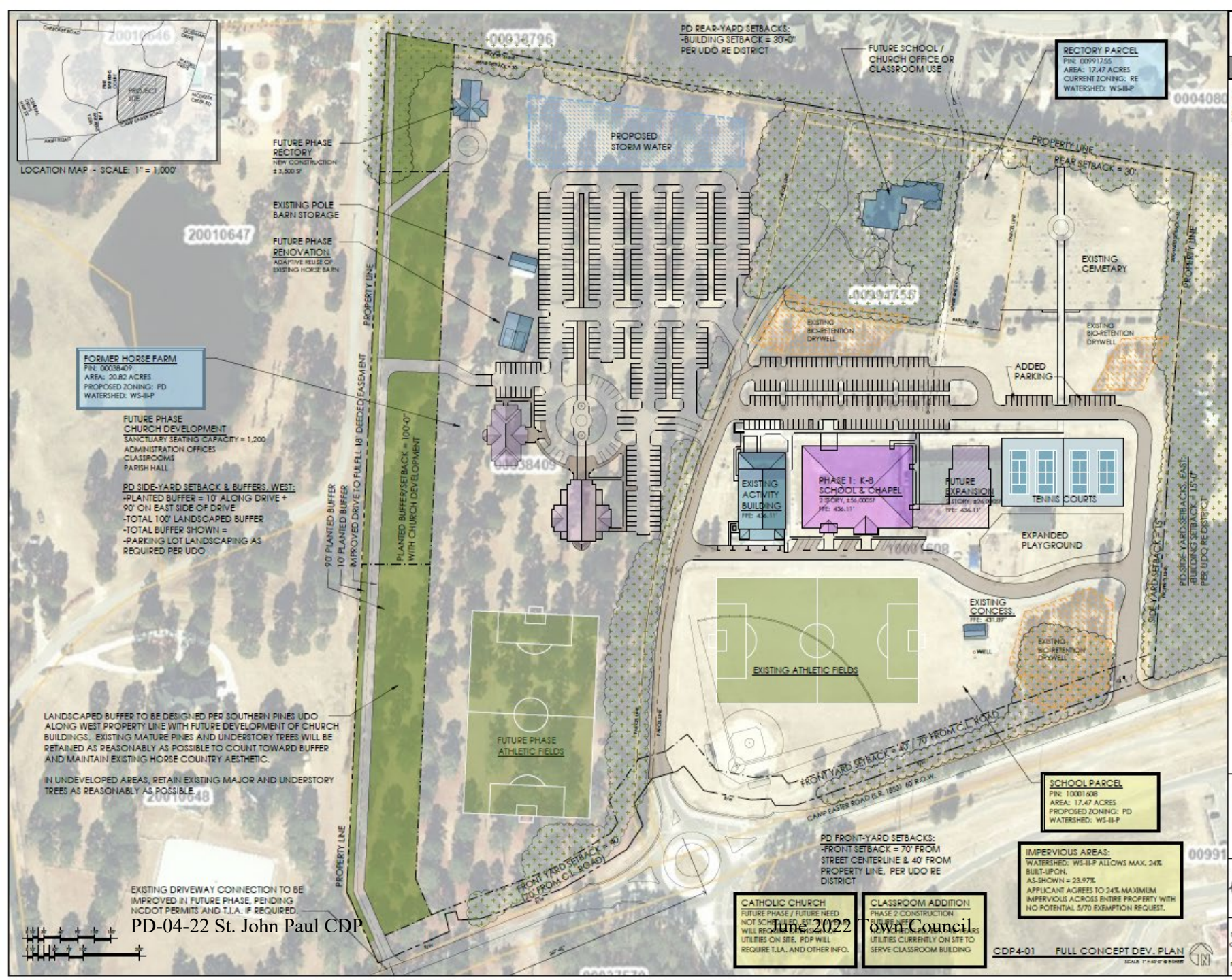
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 4.12.22
PROJECT #: .

SHEET NUMBER CDP3
OF: 6



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FUTURE PHASE CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 4.12.22
PROJECT #: .

SHEET NUMBER
CDP4
OF: 6

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ARCHITECTURE

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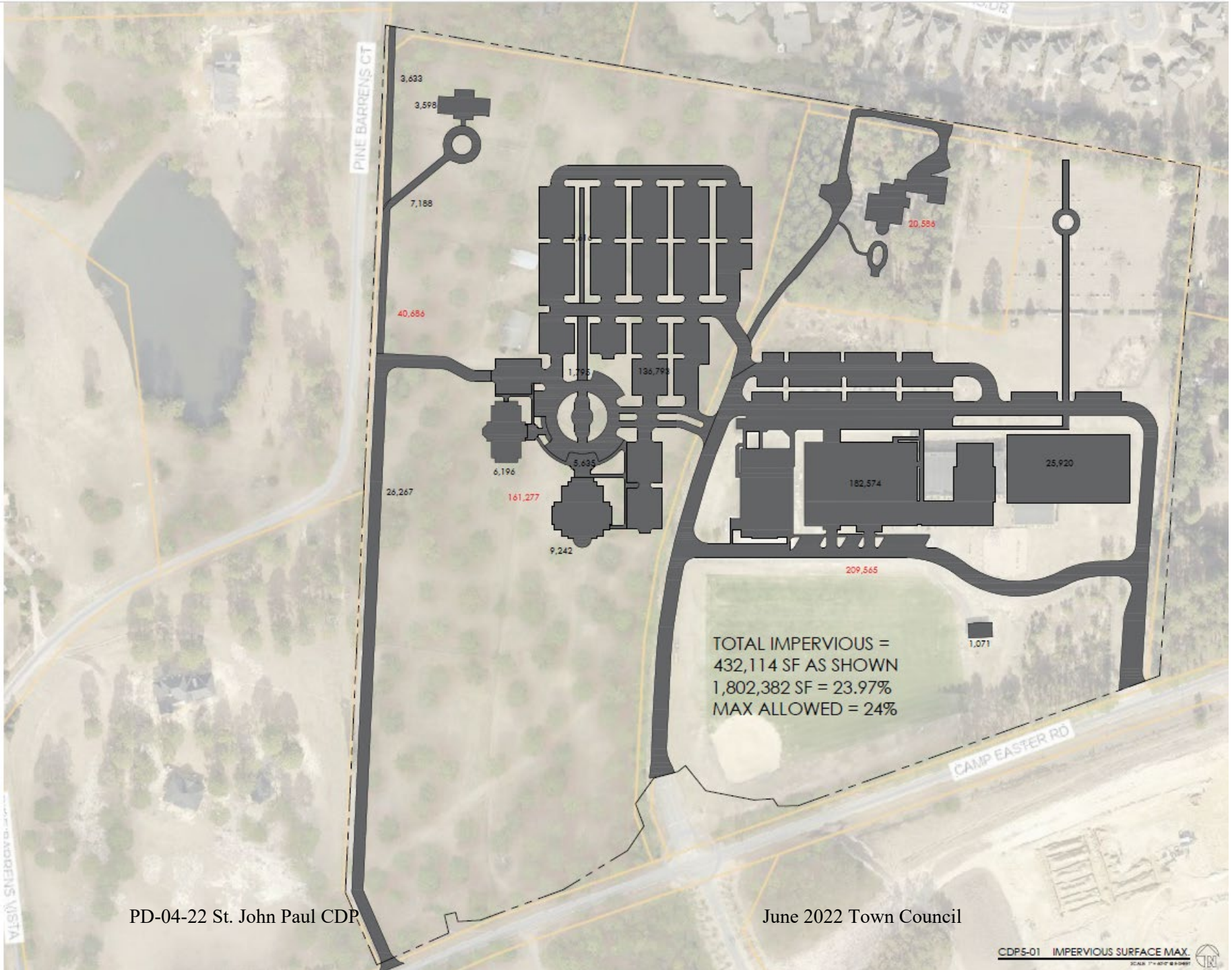
OVERVIEW CONCEPT PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DRB
CHECKED BY: DRB
DATE: 4.12.22
PROJECT #: .

SHEET NUMBER
CDP1
OF: 6



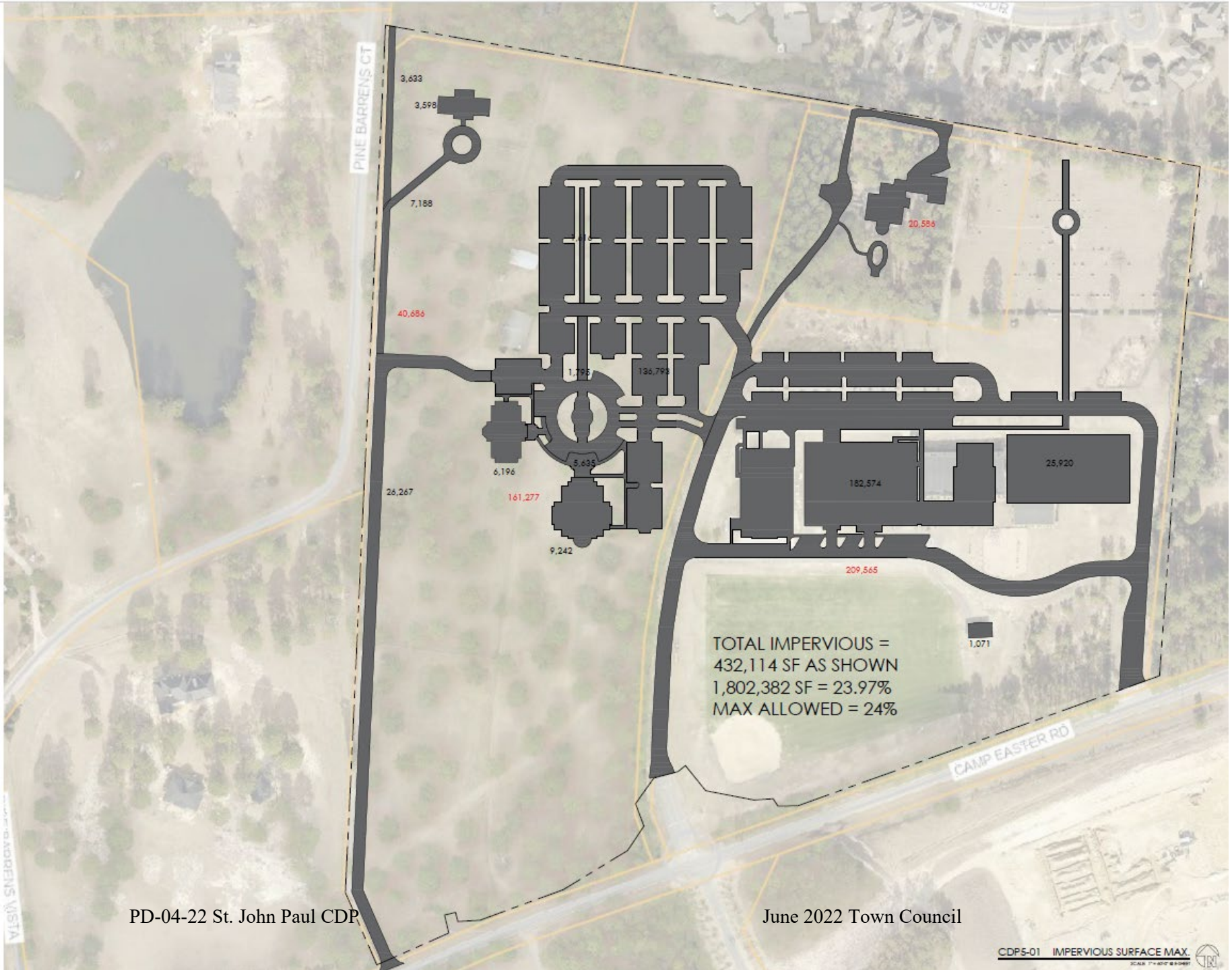
IMPERVIOUS SURFACES AND
STORMWATER MANAGEMENT

Total allowable impervious surface in WS-III-P = 24%

Graphic represents MAXIMUM allowable on site (23.97% shown)

Per UDO requirements, ALL STORMWATER must be managed ON-SITE.

No stormwater runoff is allowed per UDO requirements.



PARKING

Minimum Spaces Required by UDO for Religious Institutions

1 per 4 seats in Sanctuary = 300 spaces

1 per 200 sf of Other Building = 62 spaces

MINIMUM Required by UDO = 362 spaces

Diocese Standards Required

Based on studies of NC regional Catholic Churches

1 per 2.5 seats in Sanctuary = 480 spaces

REVISED CDP SITE PLAN

As shown = 336 spaces west of main drive

Located adjacent to School for shared use

School parking = 150 spaces east of main drive

TOTAL PARKING AS SHOWN = 486 spaces

Meets Diocese needs & stays below required impervious surface max. for WS-III

MATURE PINE TREE COUNT

±400 mature pines on entire site

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±65 mature pines in 100’ buffer along west property line

Est. 50-60 pines to be removed as shown (RCW study will be required)

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BUFFER / UNDISTURBED AREA

UDO Exhibit 4-4

Required planting in buffer

Total buffer = 163,460 sf

Large Tree: 1/400 sf = 408

Small Tree: 1/400 sf = 408

Shrubs: 1/200 sf = 816

This is out of context with horse pasture area but does provide visual screening. Preference?

Option 1: Setback 100' entire west property line, Buffer ONLY parallel to Development.

Option 2: Setback and UNDISTURBED AREA, 100' along entire west property line

Note: Parking lot perimeter landscaping will be installed where required per UDO standards

TOPOGRAPHY

As shown in pictures, topography plays a big role in the actual visual separation between the future Church Development site and the adjacent Pine Barrens parcels

Proposed parking area behind Church Development is adjacent to unbuildable areas within Pine Barrens

CLRP / Religious Institutions:

- At Planning Board, opponents argued that Church Use was not allowed in land designated as Residential in the CLRP.
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- CLRP Chapter 4 lists what is appropriate in each Future Land Use area.
  - CLRP 4-3: **Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.

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Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

If “Church” is a Civic / Institutional Use, then where does the CLRP recommend that a large church be located on the Future Land Use Plan?

Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

- “CIVIC” is used 30 times in the CLRP
  - civic will, civic vitality, civic priorities, civic livelihood, civic festivals, civic desire, civic organizations, civic groups, civic continuity, civic uses, civic responsibility
- Limited number of times “Civic” appears in CLRP in relation to a Building/Facility
  - Policy P-1 “…placement of civic and institutional buildings”
  - Policy P-3 “… Encourage the development of neighborhood mixed use and civic activity centers that are accessible to neighborhoods and located so that traffic, parking, and land use impacts are compatible with surrounding uses.”

P-1. Downtown. Implement and periodically refine the Downtown Neighborhood Development Plan, and more specifically: …
Give first consideration to Downtown for placement of civic and institutional buildings that enhance pedestrian activity and reinforce Downtown’s prominence as the heart of the community.

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- “Institutional” is used 19 times in the CLRP
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  - Parks/Open Space/Public Facilities “…publicly owned institutional facilities…”
  - Low-Density Residential “…small scale institutional uses supporting low density residential…”
  - CLRP Chapter 10 – Area and Corridor Plans / Downtown Neighborhood Development Plan (10-6): “**Surrounding Neighborhoods** – Forum participants expressed varied concerns about the neighborhoods surrounding the Broad Street Corridor, including: **Scale of Institutional Uses**. The unlimited scale of institutional uses, such as churches and schools was a concern for several participants. Specific concerns included parking”
  - CLRP Appendix C, West Southern Pines Area Plan (page 4): “West Southern Pines has several churches, an elementary school, the Douglass Community Center and two neighborhood parks. Along the western boundary of the neighborhood is a social services center that is located in the unincorporated area known as Lost City. These **institutional** uses serve as potential anchors for neighborhood activity centers.
  - CLRP Appendix D, Downtown Area Plan (page 3): “Institutional uses (churches, schools and public uses) occupy a significant percentage of the Downtown’s land area.”
  - CLRP Appendix D, Downtown Area Plan / Central Business District (page 13): **Use limitations** should be established to keep an active street front. Specifically, the CB district should limit the locations and spacing of professional offices, banks and similar passive or automobile-oriented uses that do not generate sufficient pedestrian traffic. Schools and religious uses should not be allowed in this district due to their limited hours of operation.

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  - ***This makes a clear distinction between COMMERCIAL USE that is appropriate in a Central Business District and a School or Religious Use that is not, based on the limited hours of operation***
  - ***Churches are NOT a COMMERCIAL USE as defined in the CLRP.***
  - ***By EVERY reference in the CLRP, a Church Use is identified as and grouped with Civic and Institutional USE.***

Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	C	C											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110			Z		Z	Z	Z	Z	Z	Z				
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		C	C	C	C	C				Z				C
middle or junior	6122										Z				C
senior or high	6123										Z				C
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled									Z				
adult education services	6126										Z				
College or university	6130										Z				C
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
driving education	6144										Z				
fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				
sports and recreation education	6147	Offer instruction in athletic activities									Z				
Public Administration	6200	All government functions, includes federal, state and local government agencies													
Legislative and executive functions	6210	Government and public administrative offices								Z	Z	Z	Z		
Judicial functions	6220	Civilian courts of law and correctional institutions								Z	Z	Z	Z		
court	6221									Z					
correctional institution or jail	6222	Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court												Z	
Other Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments								ZS	ZS			Z	
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services													
Fire and rescue	6410		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Police	6420	Includes combined police and fire departments	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Emergency response	6430	Provide ground or air transportation for medical relief purposes	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Health and Human Services	6500	Provide health care, social assistance, and associated services													
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services													
clinics and health spas (Ord. # 1716)	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers									Z	Z	Z		
family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care													
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging									Z				
blood or organ bank	6514										Z				
Nursing, supervision and other rehabilitative services, except	6520	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes	C	C	ZS										
Hospital	6530														
Health care facility	6540	Maximum of 25 beds for overnight care													
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters													
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services													
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs													
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens													
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims													
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.													
services for elderly and disabled	6566	Does not include housing for the elderly													
veterans affairs	6567														
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services													
homeless shelters	6569	Provide temporary residential or accommodation services													
Religious Institutions	6600	Churches, temples, synagogues, mosques													
small institution		Up to 250 seats in largest seating area		ZS											
other institutions		More than 250 seats in largest seating area		ZS											
Death Care Services	6700	Funeral homes, crematories, cemeteries													
Funeral home and services	6710	Includes funeral homes combined with crematories													
Cemetery or cremation services	6720														
cemetery accessory to religious institution			ZS	ZS											
free-standing cemetery															Z
crematorium														Z	
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations													
Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups										Z	Z	Z	
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession										Z	Z	Z	
Civic, social, or fraternal organization	6830											Z	Z	Z	
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the													

- UDO Definition of Churches / Large Religious Institutions:
- Use Matrix
  - Section of Use Matrix starting on page 3-52
  - Titled Educational, Public Administration, Health Care, and Other Institutions
  - All of the purple is included in this Use Category

Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

- UDO Definition of Churches / Large Religious Institutions:
- Use Matrix

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	C	C											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110			Z		Z	Z	Z	Z	Z	Z				
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		C	C	C	C	C				Z				C
middle or junior	6122										Z				C
senior or high	6123										Z				C
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled									Z				
adult education services	6126										Z				
College or university	6130										Z				C
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
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fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				

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Hospital	6530										C				
Health care facility	6540	Maximum of 25 beds for overnight care									Z	Z			
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters													
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services									Z	Z	Z		
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs									ZS	ZS	ZS		
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens									Z	Z			
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims									Z	Z			
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.									Z	Z			
services for elderly and disabled	6566	Does not include housing for the elderly									Z	Z			
veterans affairs	6567										Z	Z			
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services									Z	Z			
homeless shelters	6569	Provide temporary residential or accommodation services									C				
Religious Institutions	6600	Churches, temples, synagogues, mosques													
small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
other institutions		More than 250 seats in largest seating area		ZS							ZS				

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small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
other institutions		More than 250 seats in largest seating area		ZS							ZS				

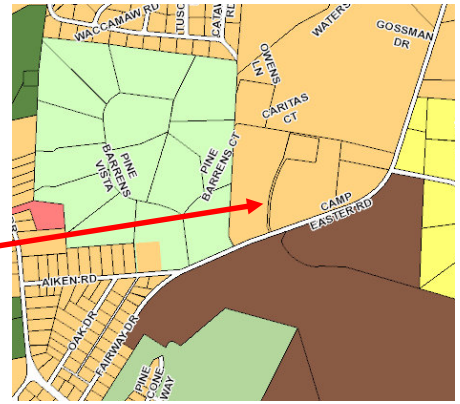
Both CLRP and UDO consistently refer to Churches / Religious Institutions as Civic / Institutional Uses.

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

CLRP 4 Future Land Use Categories

- Chapter defines NINE Land Use Categories
  - Parks/Open Space/Public Facilities
  - Residential/Golf
  - Rural/Equestrian
  - Urban Reserve
  - Low-Density Residential
  - Residential
  - Commercial
  - Traditional Mixed Use
  - Industrial



- **CLRP 4-3: Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.

- ***Is there another more clear definition of where Churches / Religious Institutions should be located within these 9 defined areas?***
  - Parks/Open Space/Public Facilities: “publicly owned institutions”
  - Low-Density Residential: “small scale institutional uses supporting low density residential neighborhoods”
  - “Church” and “Religious” are not listed anywhere ELSE within the nine CLRP Future Land Uses

Southern Pines Comprehensive Long-Range Plan

Future Land Use Categories

The future land use map included in this chapter assigns a general land use category to land within the Town and its ETJ. These broad categories are not intended to serve as zoning districts that list specific uses and development standards. Rather, each of the categories described in this section is intended to describe a range of uses and intensities that are most appropriate for applicable areas.

Parks/Open Space/Public Facilities

This designation applies to large parks owned by the Town, tracts of land held as conservation easements, schools with outdoor recreational facilities, publicly owned institutional uses to other parcels prevented from developing into any other use. While neighborhood parks will exist within other land use designations, the parks and open spaces in this category are generally oriented to regional recreation or open space preservation.

Residential/Golf

The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.

Rural/Equestrian

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms,

8, 2016 4-2

the keeping of large animals or other small-scale agricultural pursuits.

Urban Reserve

The Urban Reserve designation defers development intensity decisions until a later date. The designation conveys an understanding that the land may develop at an urban intensity, but the precise preferred extent and type of which cannot yet be determined. The land may not be well-suited to immediate development due to market demands or utility availability, or it may be best left undeveloped until surrounding conditions provide sufficient guidance on the character and type of development the land should absorb. Development proposals at intensities greater than one unit per five acres require revision of the future land use map in conjunction with corresponding zoning map changes to a designation/intensity befitting the circumstances. Interim low density development in this area should be designed and clustered to facilitate later development at urban intensities.

Low-Density Residential

The Low-Density Residential designation applies to those single-family neighborhoods with development densities of between three-quarters of an acre to five acres per unit, restricting land uses to residential uses, small-scale institutional uses supporting low-density residential neighborhoods, and small-scale agricultural uses. Where residential development is already established at densities between five and twenty acres per unit, this designation anticipates that those properties will not be subdivided further.

Residential

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

Commercial

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

Traditional Mixed Use

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

Industrial

The Industrial designation applies to the Southern Pines Corporate Park, allowing for manufacturing, light industrial and other similar uses. It focuses on providing land for the location of jobs in Southern Pines and draws access from US-1 and the railroad.

Adopted March 8, 2016 4-3

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

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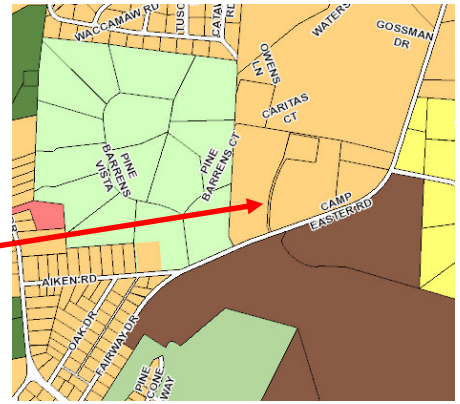

- **CLRP 4-3: Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.

  - ***Thus, “Residential” is already defined as a higher density Future Land Use.***

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

CLRP specifically states that Large Religious Institutions SHOULD BE located within Residential Neighborhoods or General Business

- CLRP Appendix D, Downtown Area Plan (page 15): “**Maximum Intensity of Religious Uses**. Religious uses provide a variety of benefits to the community as a whole and the **neighborhoods** in which they are located. As with other uses, however, they do have the ability to outgrow the sites on which they are located. Within residential neighborhoods, religious uses can destabilize neighborhoods due to traffic generation, parking demands and ongoing activities associated with the religious use or accessory activities (schools, classes, social services, fellowship meetings, etc.). Near the downtown, religious uses can have the added negative impact of displacing existing potential residents on whom local businesses rely. This is in direct conflict with the comprehensive plan’s directive to increase residential densities in the downtown neighborhoods. The UDO should be modified to address the scale of religious uses throughout the Town.”

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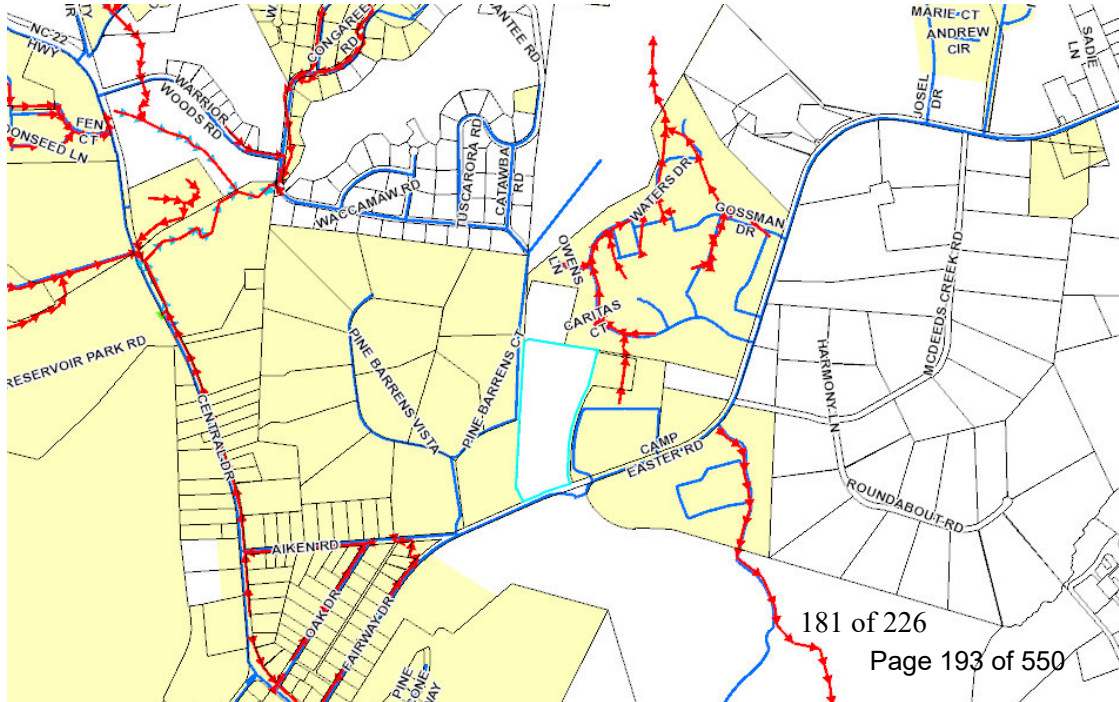
- “**Compatibility depends on the neighborhood and access to the site.** Small institutions (up to 250 seats) may be compatible in outlying areas of the Central Business and Neighborhood Business districts, but **larger religious institutions** and accessory uses, such as schools should be directed to General Business Districts or **Rural Residential Districts** **where existing infrastructure and land use patterns are better suited** to the intensity and range of accessory uses associated with large institutions. The range of allowable accessory uses should depend on the size and location of the site and its ability to accommodate traffic and needed parking.”



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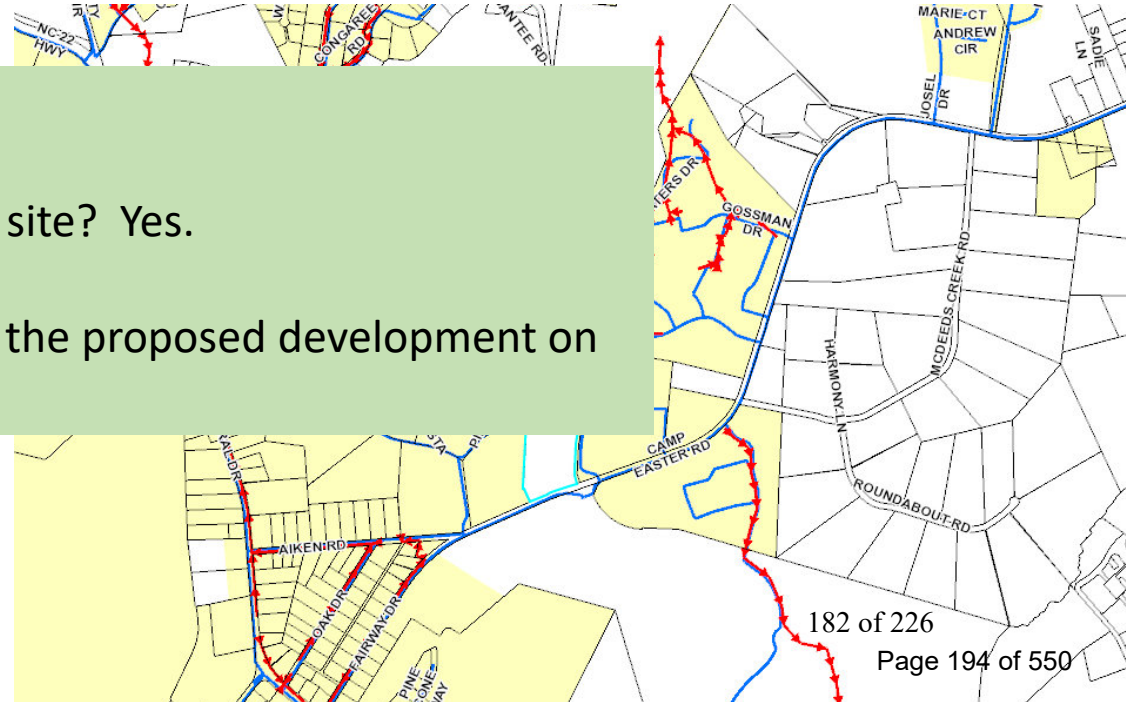
Is the StJP2 site listed as Residential in the CLRP? Yes.

Is there already existing infrastructure available at the site? Yes.

Is there already a land use pattern similar in nature to the proposed development on nearby / adjacent properties? YES



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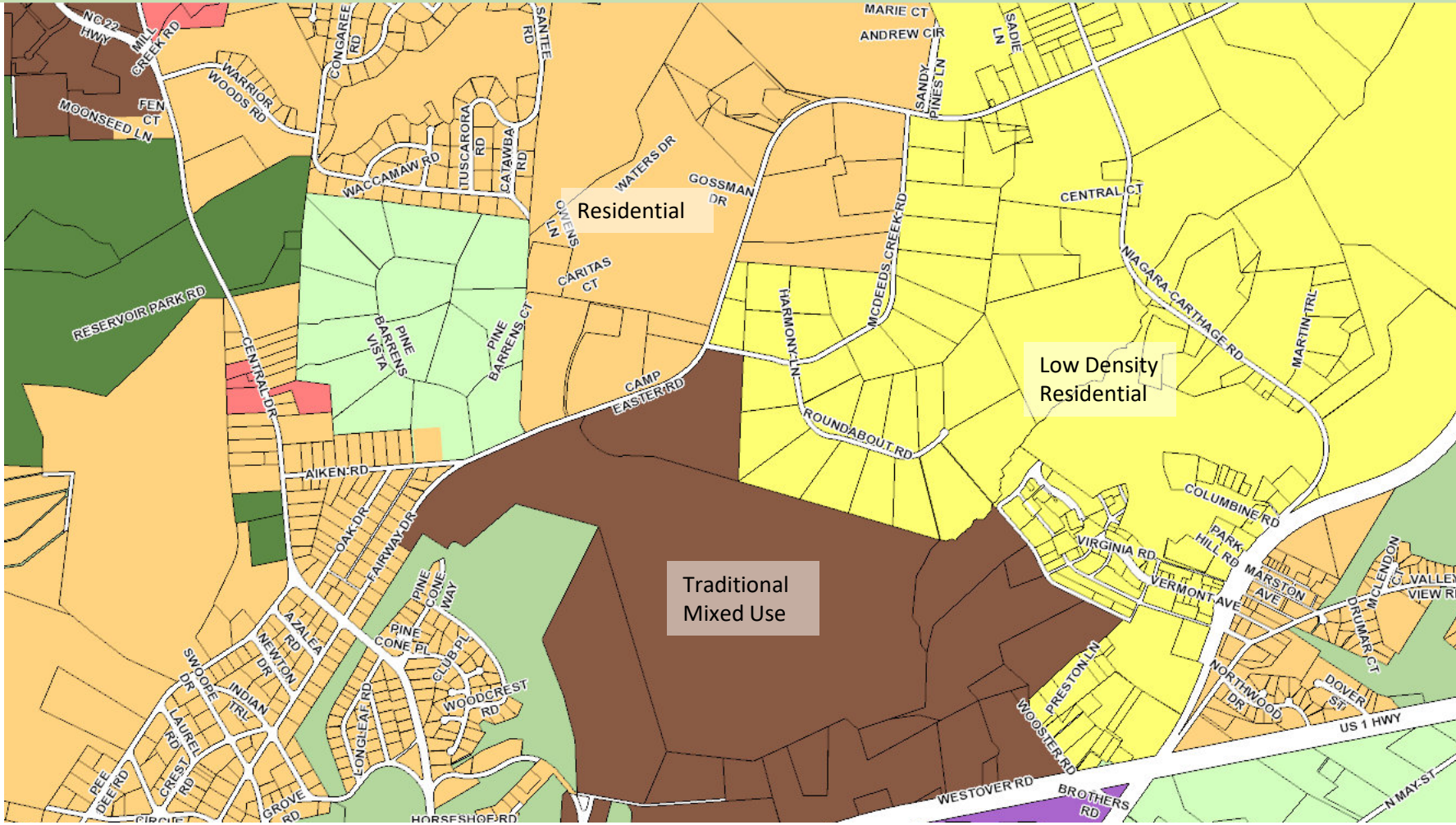
CLRP says large churches SHOULD BE located in rural residential areas (term)

CLRP lists CIVIC functions within the Future Land Use category called “Residential.”

CLRP does NOT list Civic functions within Low-Density Residential.



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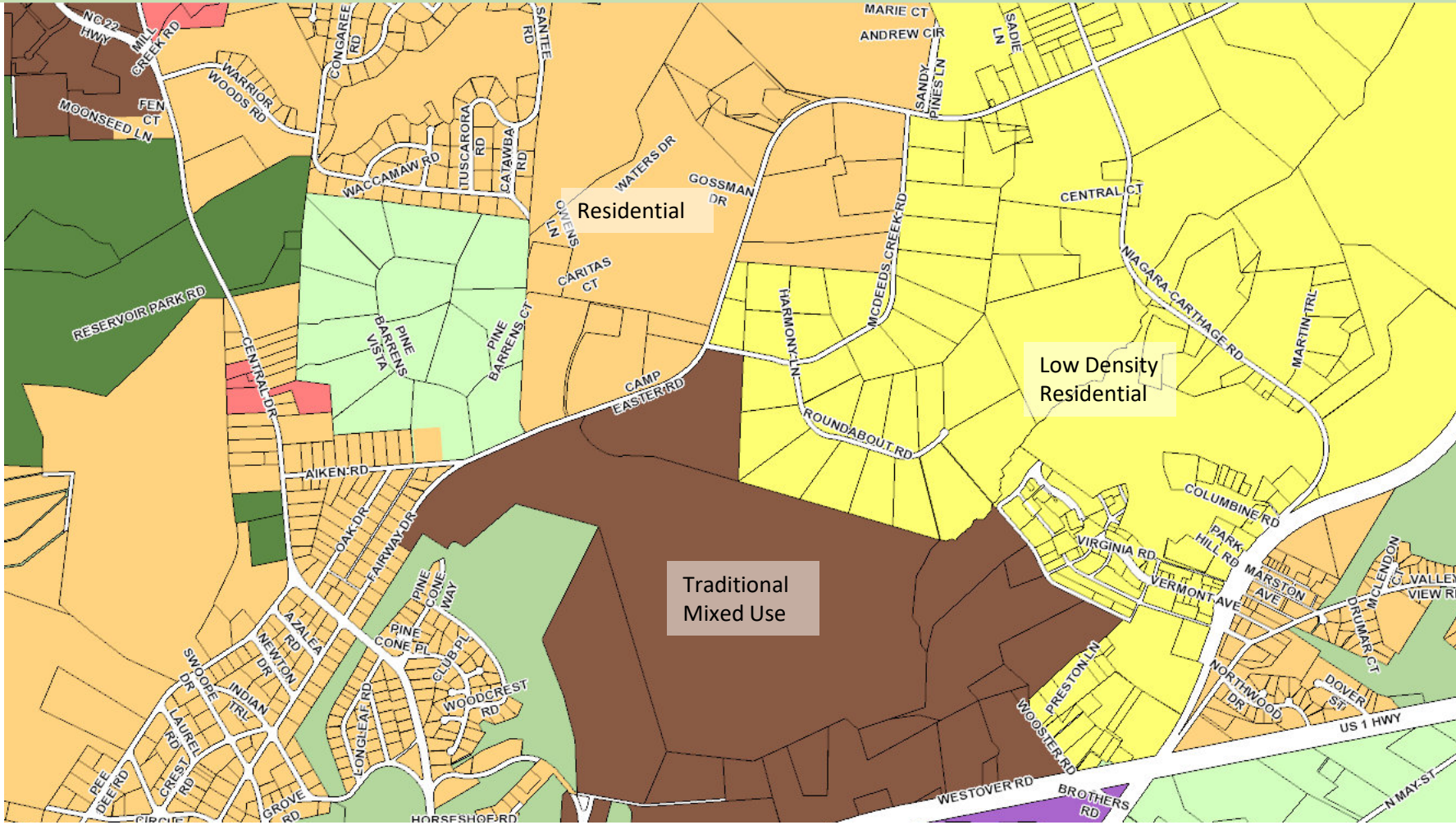
Do not confuse CLRP “Residential” or even the use of the term “rural residential” within the CLRP document with the UDO Zoning District called “Rural Residential”



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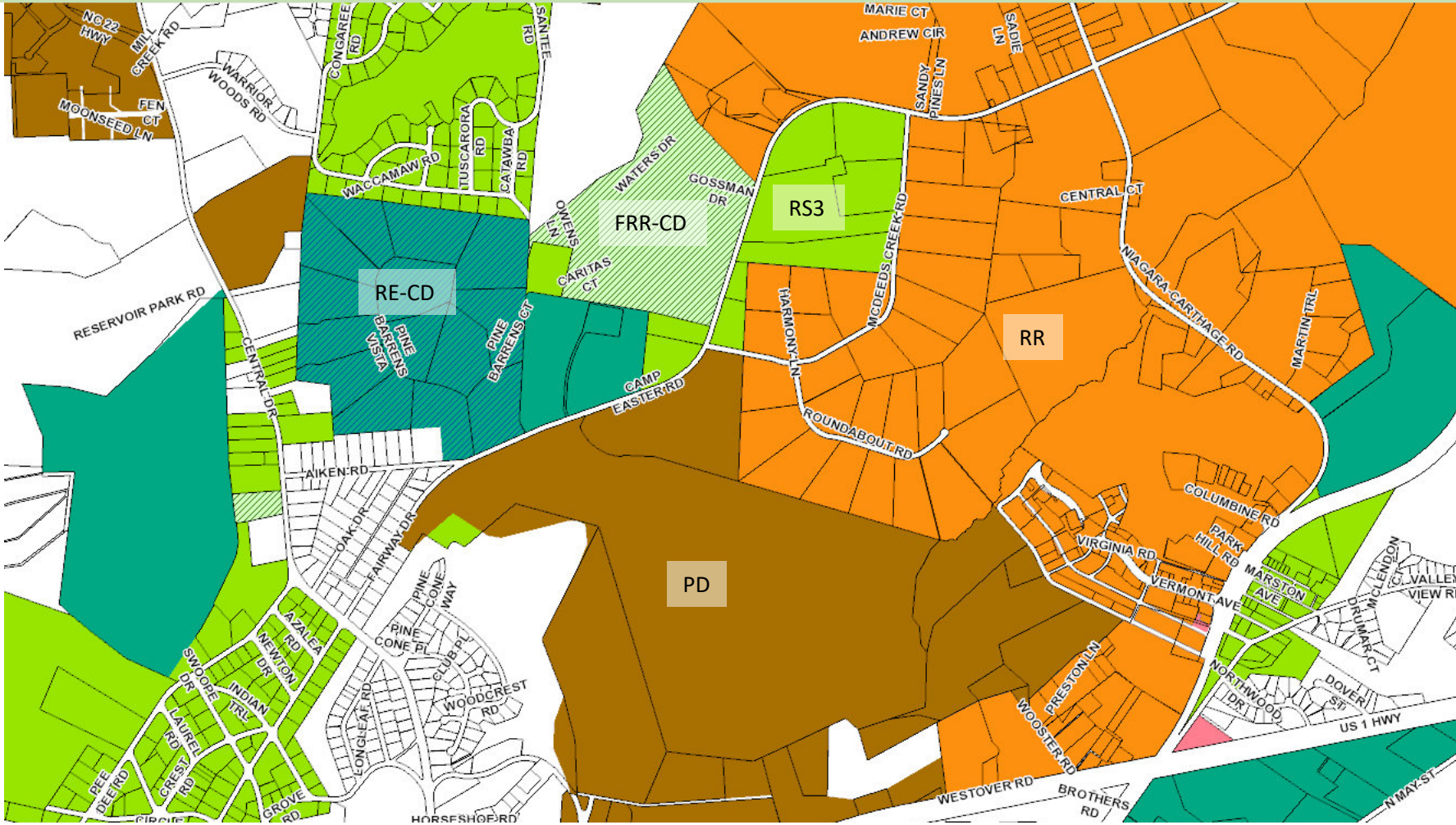
UDO Zoning Map



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...or PD

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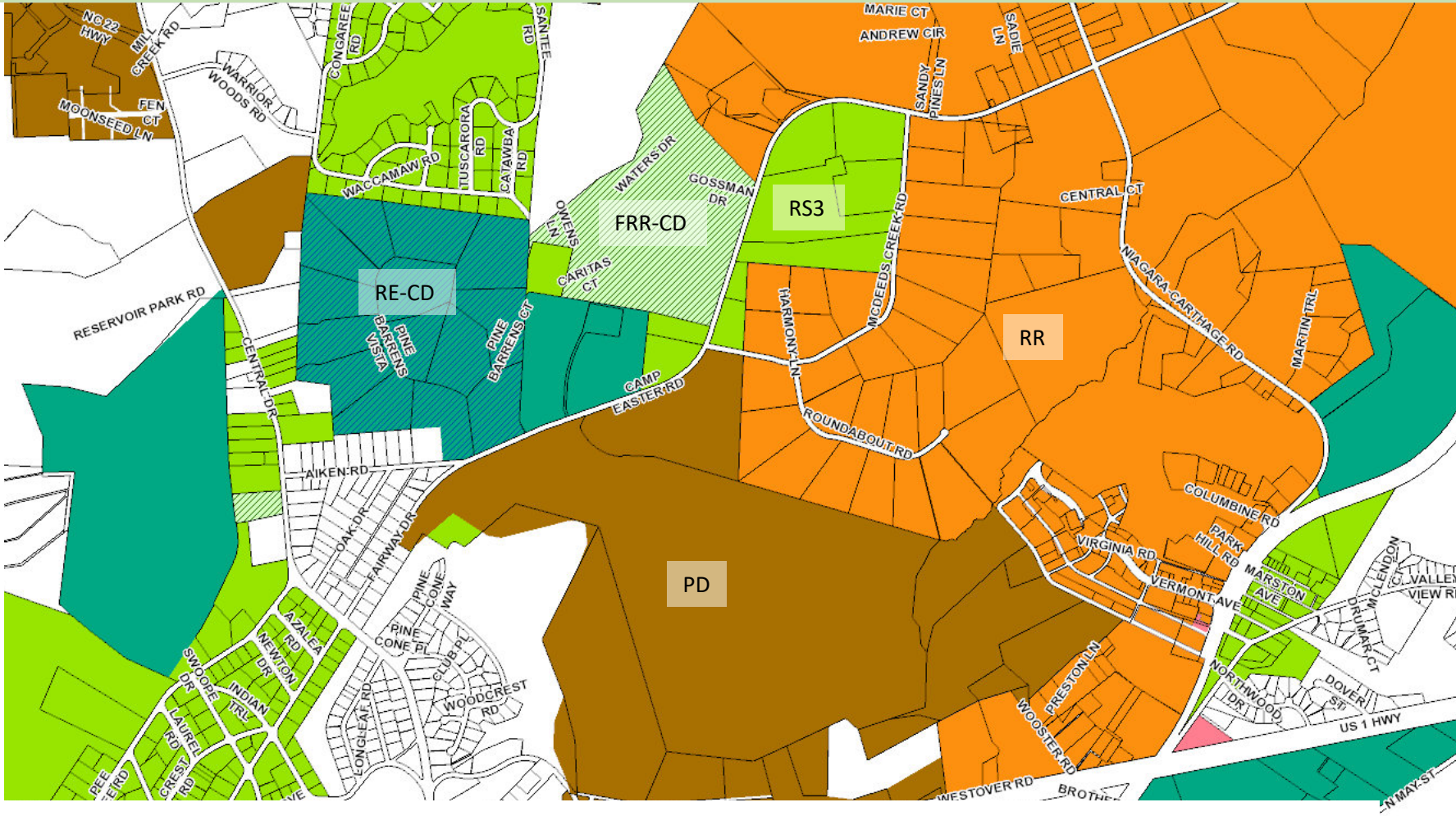

UDO: Large Religious Institutions are only allowed within Rural Residential (RR) or General Business (GB)

- General Business = Pink
- Rural Residential = Orange

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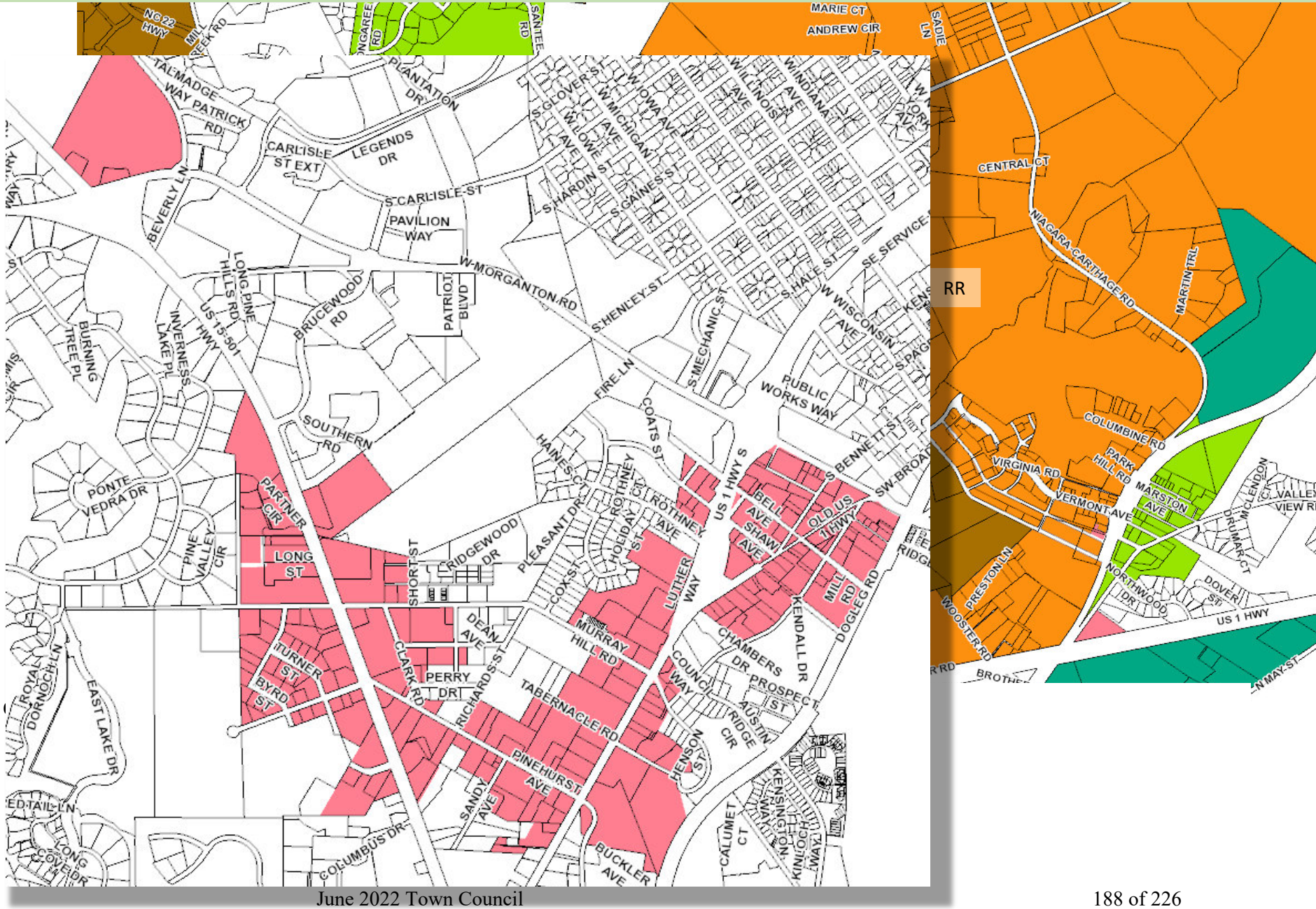

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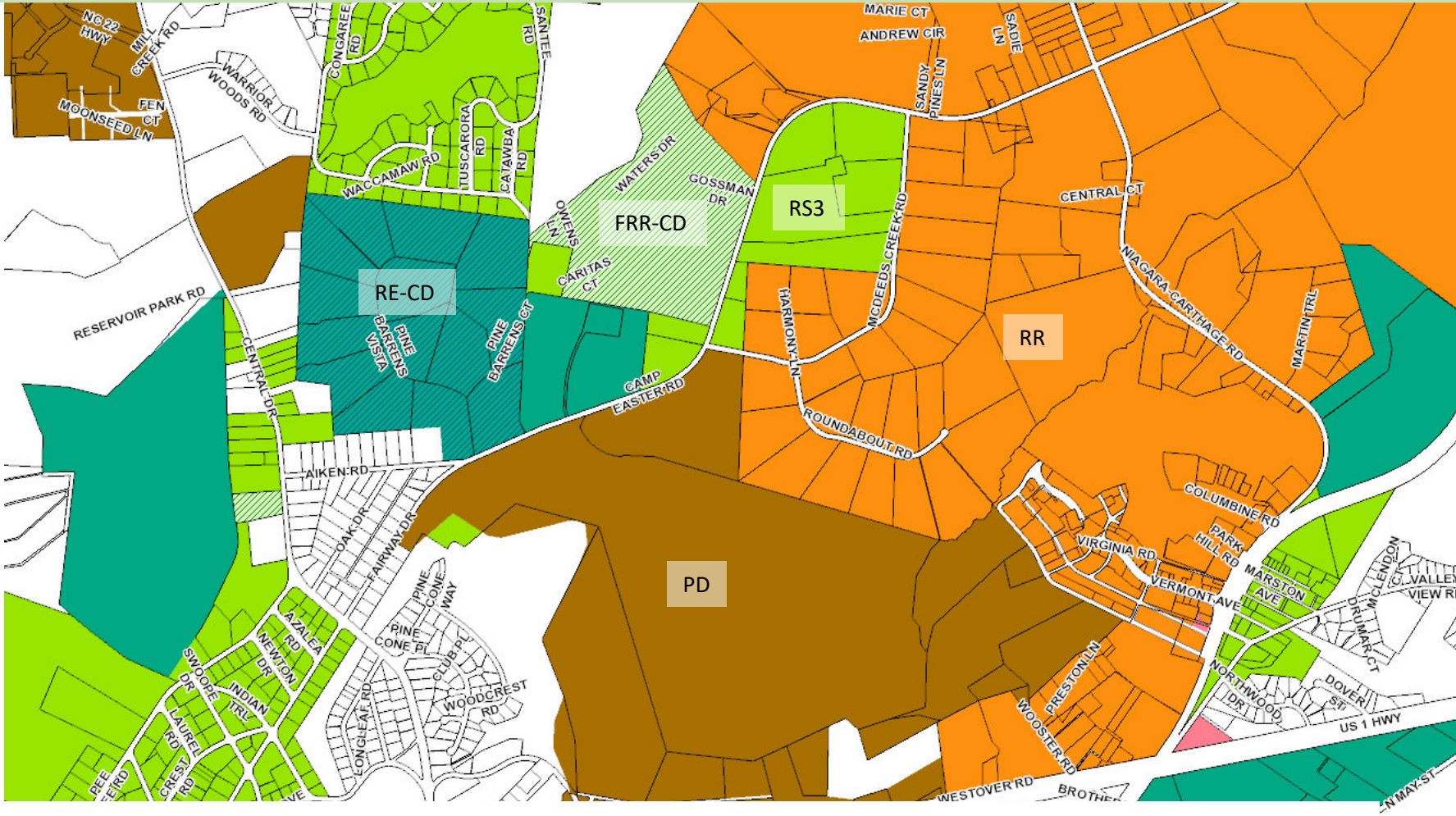

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UDO also allows Large Religious Institutions to be part of a PD site plan

- Note LARGE areas of PD and RR in very close proximity to StJP2 site.
- One major test of a Rezoning Application is whether there are similarly zoned properties adjacent or within close proximity to the site in question.
- PD and RR are clearly well established zoning districts within the area.

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

UDO – How to make a Large Religious Institution FIT

Large Religious Institutions are subject to Supplementary Conditions for Specific Uses per Chapter 5-15.

We address these in the submitted CDP Narrative and Design Guidelines

NOTE: St. John Paul II Catholic School was allowed to build on this site because the ZBA ruled that a Church was established on the site.

The St. John Paul II Catholic School Activity Building was approved and constructed on this site as a K-8 school. This approval also supports the established church.

5.15.2(A): Existing religious institutions that are not authorized shall be considered conforming uses for the purposes of reconstruction or expansion, subject to the provisions of this section.

All of the “provisions of this section” have to do with WHAT REQUIREMENTS a church has to meet – not IF a church is allowed.

Southern Pines Unified Development Ordinance

5.15. Religious Institutions

5.15.1. Authorized Locations

(A) Religious institutions, including, but not limited to churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in subject to the following development approvals based upon size limitations:

Type of Religious Institution	Maximum Seating in the Largest Place of Assembly	Districts Where Authorized
Small Religious Institutions	up to 250	Allowed in RR, NB and GB districts
Other Religious Institutions	251 or more	Allowed in RR and GB districts

(B) Religious institutions shall only be permitted on a lot that fronts onto, a collector or arterial street.

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

(A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.

(B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.

(C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:

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All of the “provisions of this section” have to do with WHAT REQUIREMENTS a church has to meet – not IF a church is allowed.

PD rezoning is INTENDED TO ADDRESS the non-conformance issues with the Church and School at StJP2. The existing uses were MADE non-conforming by the adoption of the CLRP and the updated UDO.

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UDO

2.24. VESTED RIGHTS DETERMINATION

The Applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:

A. In reliance upon lawfully issued Development approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development approval;
B. The Applicant has proceeded in good faith, has relied upon the issuance of the Development approval, and such Development approval has not lapsed or been revoked;
C. The Applicant has established any other factor that may establish Estoppel under state or federal law; and
D. The Applicant has obtained a favorable vested rights determination.

To date, StJP2 has not approached this proposal as a Vested Right. Instead, the Applicant is seeking PD Compliance based on best uses, best context, best protection for neighboring properties.

Would we meet the requirements of Vested Rights?

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To date, StJP2 has not approached this proposal as a Vested Right. Instead, the Applicant is seeking PD Compliance based on best uses, best context, best protection for neighboring properties.

Would we meet the requirements of Vested Rights?

A) StJP2 original school was approved. House was converted into a Rectory and Chapel. Mobile Classrooms were purchased and installed. Second Phase, Activity Building, including grounds, infrastructure, stormwater, and building pad were submitted, approved, and constructed.
B) All construction has been performed in good faith with all required permitting.
C) ---
D) ---

POINT: Everything that we’ve presented shows that both the CLRP and the UDO will support the USE of School and Church on the StJP2 property.

Religious Institution IS an Institutional / Civic Use within the CLRP and the UDO.

How do we provide REASONABLE protections for the adjacent neighbors so that the proposed development is contextual with the ESTABLISHED AREA OF TOWN.

- *Not just specific parcels on one side*
- *Area of Town involves ALL of the existing and approved growth patterns surrounding the property .*

IF NOT A CHURCH, THEN WHAT…?

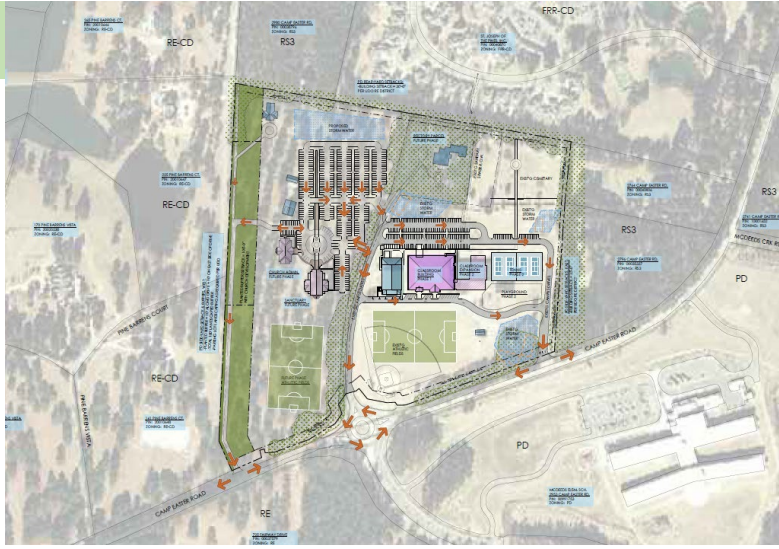
(C = Special Use ; S = Supplemental Conditions)

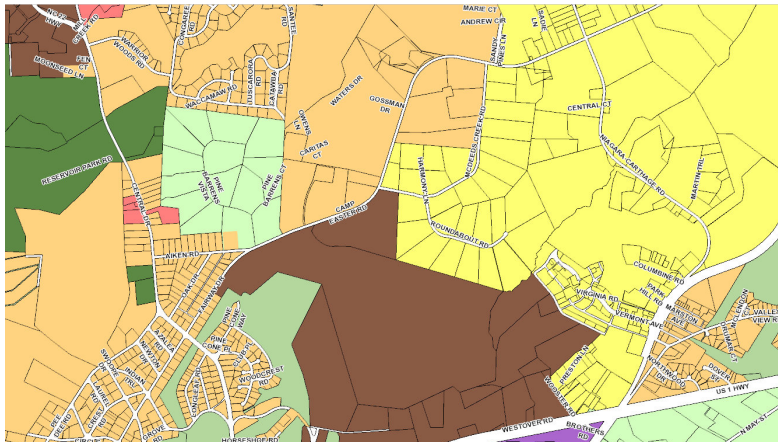
These are uses that are ALLOWED By-Right
<u>within the Current RE Zoning District (No C/S)</u>

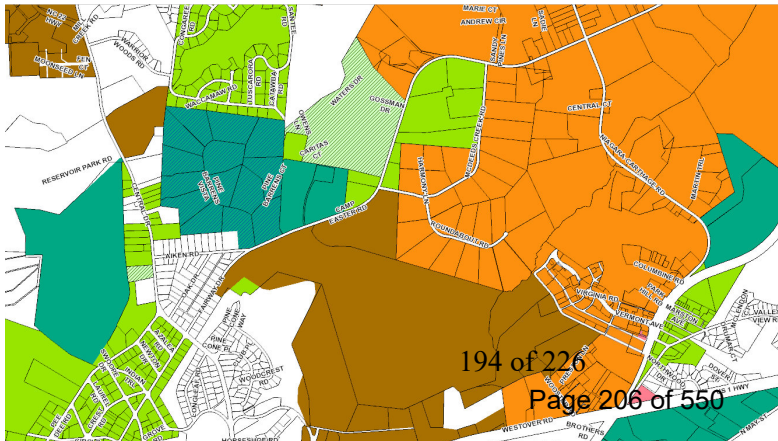
1. Single Family Homes
2. Modular Homes
3. Bed & Breakfast Inn
4. Animal Services – Grooming, Training, Boarding
5. Horse Track (with spectators)
6. Horse Stables (public)
7. Golf Course (public)
8. Fire Station
9. Police Station
10. EMS Station
11. Cattle Ranch
12. Dairy Ranch
13. Hog Farm
14. Poultry and Egg Production (Commercial Facilities)
15. Domestic Backyard Chickens
16. Sheep and Goats
17. Forestry and Logging
18. Fishing, Hunting, Trapping
19. Minor Subdivisions

These are uses that are ALLOWED with C/S
<u>within the Current RE Zoning District</u>

1. Assisted Living – S
2. Bed & Breakfast Home – S
3. Camps / Camping – C
4. Trailer Parks – C
5. Elementary School – C
6. Nursing/Rehab Services – C
7. Cemeteries, Accessory to Churches – S
8. Major Subdivisions – C
9. Home Occupations – S







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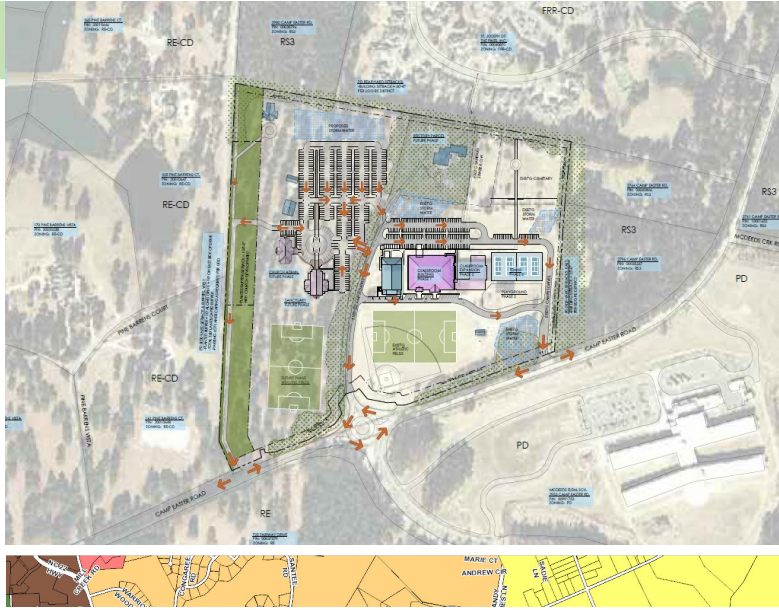
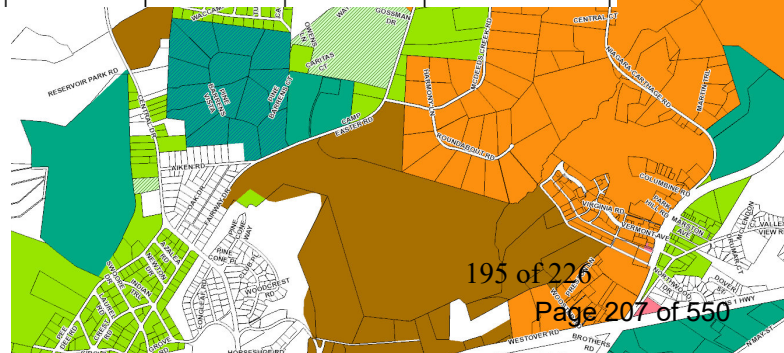


Exhibit 4-1: Building Height, Setbacks and Lot Dimensions

Zoning District	Maximum Height	Front Setback	Setback From Street Centerline	Exterior Side Setback	Interior Side Setback	Rear Setback	Minimum Lot Size	Additional Area Required Per Additional Dwelling Unit	Lot Width
RE	35′	40′	70′	15′	15′[1]	30′[1]	5 acres[4]		100′ min.

Exhibit 4-2: Minimum Buffer Widths

Zoning District or Use of Proposed Development	Zoning/Use of Abutting Development					
	RE, RR, RS-1, RS-2, RS-3	RM-1, RM-2	NB, OS	GB	I	Single-Family Residence
RE, RR, RS-1, RS-2, RS-3	none	none	none	30′	80′	none



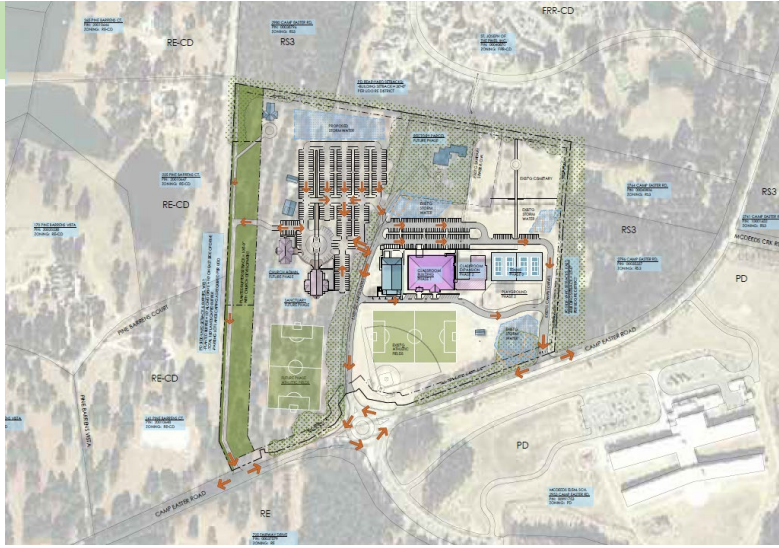
<u>Buffering / Setbacks required for any BY-RIGHT use listed above</u>

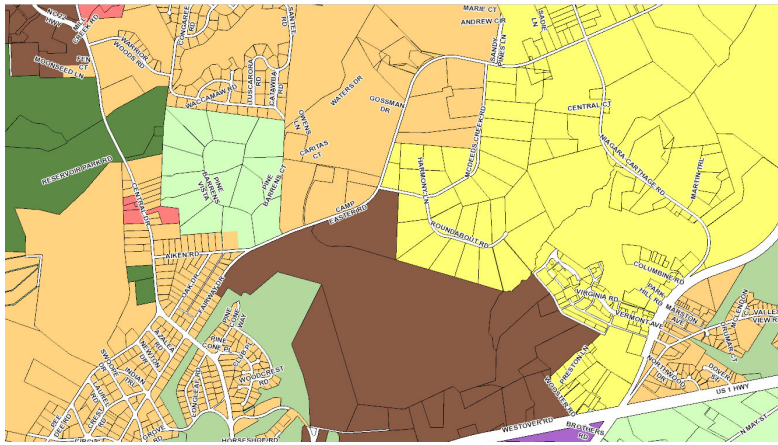
- BUILDING Setback: RE, Interior Side Setback = 15′
- Buffer: RE to RE = NONE
- **Thus ANY of the uses listed above could be established on site, BY RIGHT without ANY planted buffers.**
  - No public hearing, no rezoning – just apply for and pick up a permit.

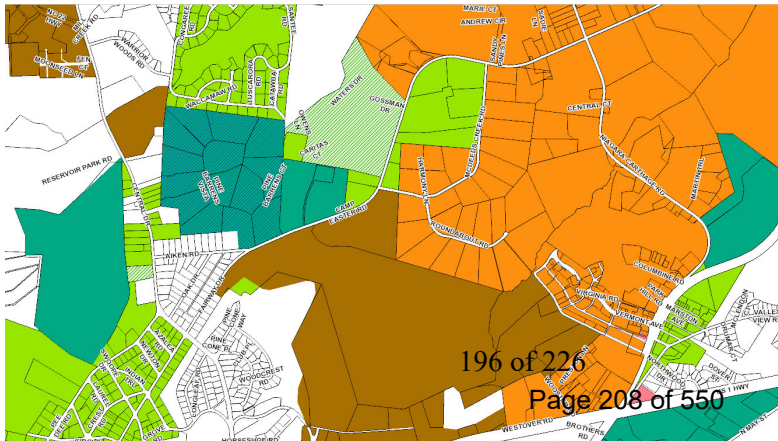
CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

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







CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
   - *Need for Rezoning: Existing Pre-K through 8th grade school is non-compliant with current UDO, which only allows Elementary Schools within RE district. In order to build a permanent Classroom Building and remove mobile units, property must meet current UDO standards. Southern Pines Planning staff recommend rezoning to Planned Development (PD) as is consistent with the recently PD rezoned McDeed's Creek Elementary School directly across Camp Easter Road from the St. John's property. PD will establish zoning criteria to direct future phases of development on the entire 42.2 acre property.*
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
3. The proposed Development is appropriate for the area of the Town in which it is located; and
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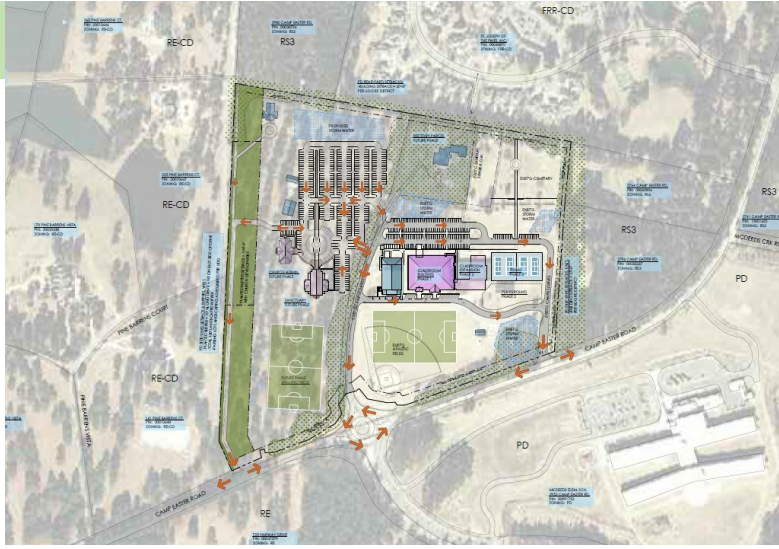

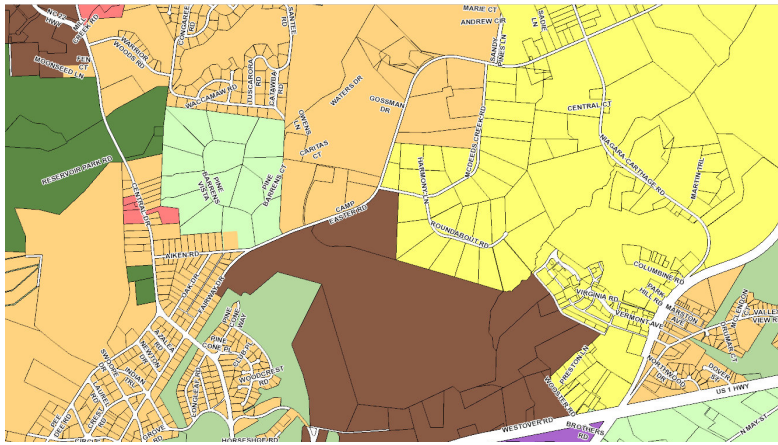

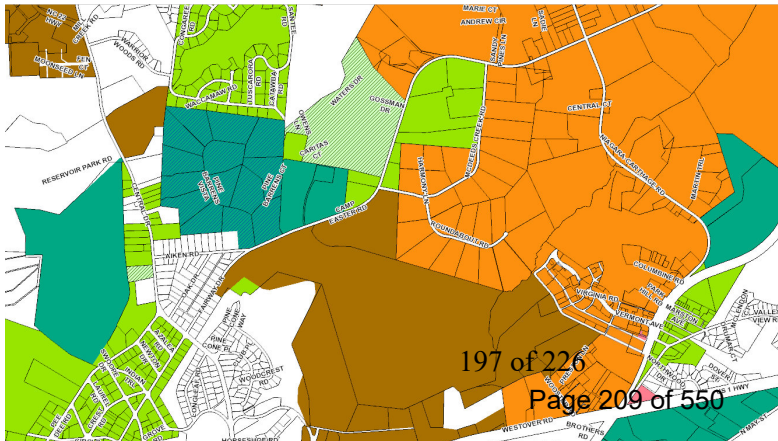

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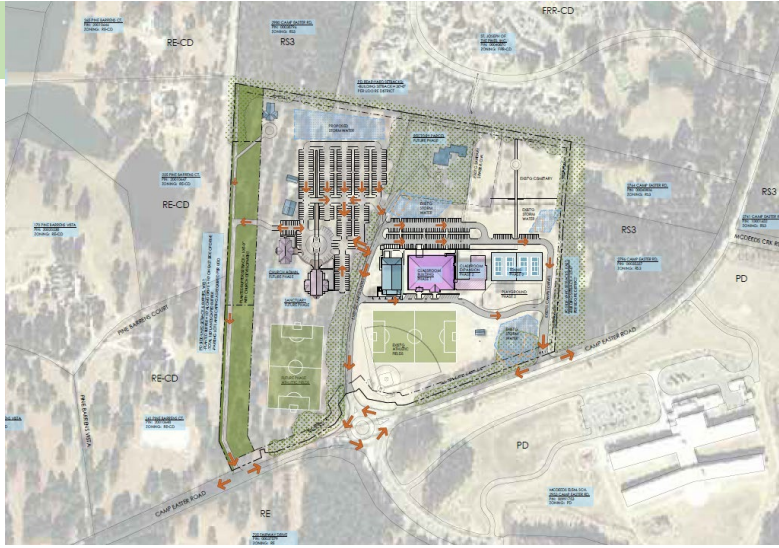
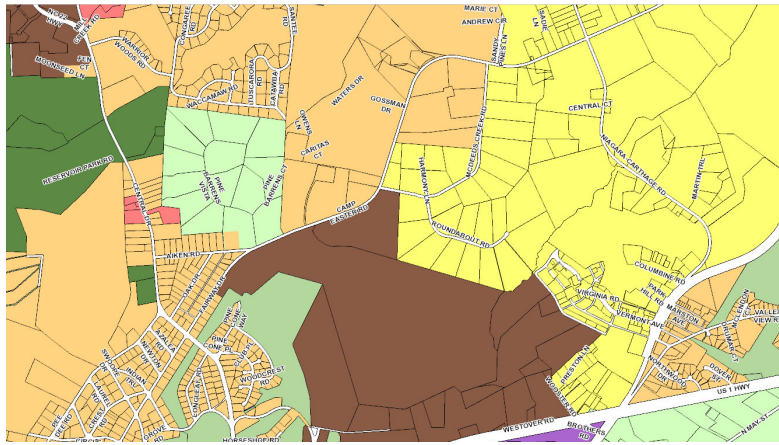
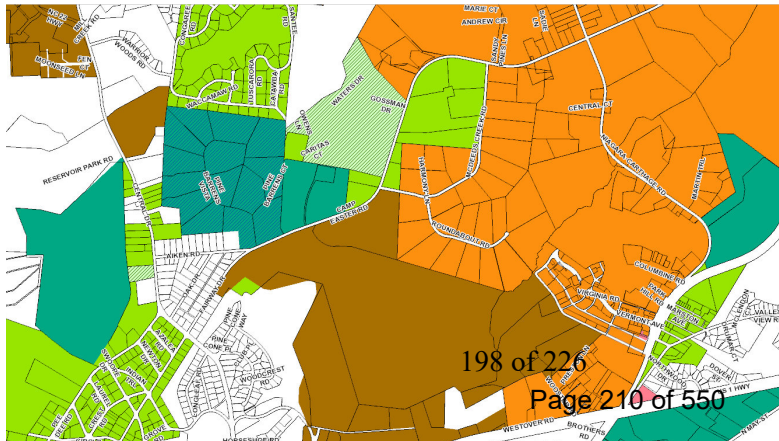
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
   - *The CDP district supports the existing St. John Paul II Catholic School and provides UDO compliant means for expansions through master planned and phased growth.*
   - *The CDP limits the potential uses of the site to only those listed within the PD documents and establishes land areas where these uses may be expected to occur within the Concept Development master plans.*
   - *Existing School, Existing Church use, and Proposed Church Expansion are supported by the CLRP Future Land Use designation of "Residential" and with the application a PD rezoning, are supported by the UDO and Official Zoning Map.*
   - *The CDP establishes setbacks and buffers to minimize impact to adjacent residential properties.*
   - *This CDP establishes these regulations and proposed development patterns in general and requires a PDP process for each of the development phases*
3. The proposed Development is appropriate for the area of the Town in which it is located; and
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.







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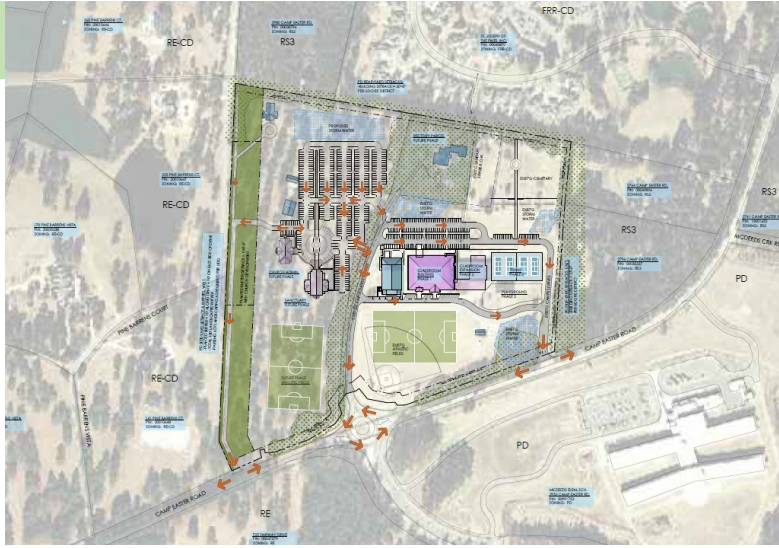
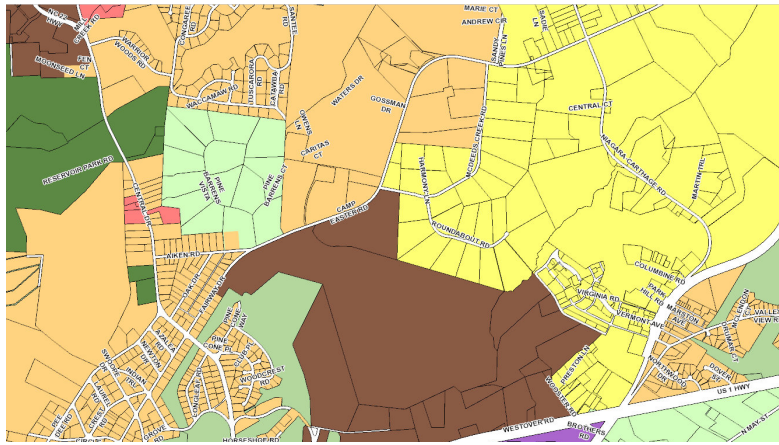
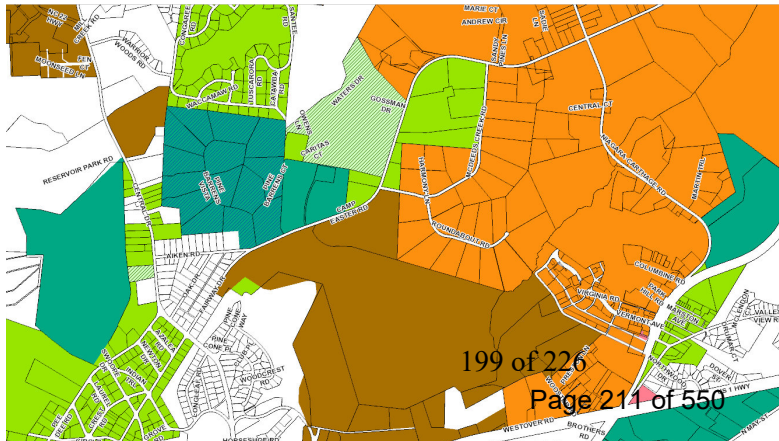
3. The proposed Development is appropriate for the area of the Town in which it is located; and
   - *The School Development portion of this CDP proposes expansion of the existing Pre-K through 8th grade school. McDeed's Elementary School was recently constructed directly across Camp Easter Road from the St. John Paul II site, thus supporting that area is appropriate for educational facilities.*
   - *Development of a Catholic Church adjacent to the Catholic School is a reasonable and congruous use within the 42.2 acre total site. The proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods. Churches traditionally serve communities and thus are appropriately developed within growing residential areas. Care will be taken to assure that the future church is developed with minimal adverse effects to existing residences.*
   - *Camp Easter Road, the new traffic circle, and the planned extension road from the traffic circle, south, will be studied during the Church Development PDP to assure transportation support is adequate or to identify additional needs, remembering that traffic for Church use is heavy only at very limited times through the week, which are also generally times when other traffic is light.*
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.







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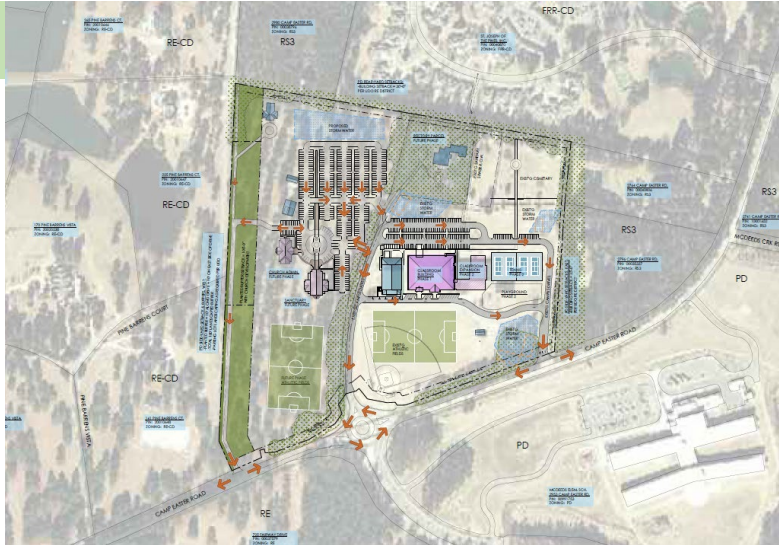
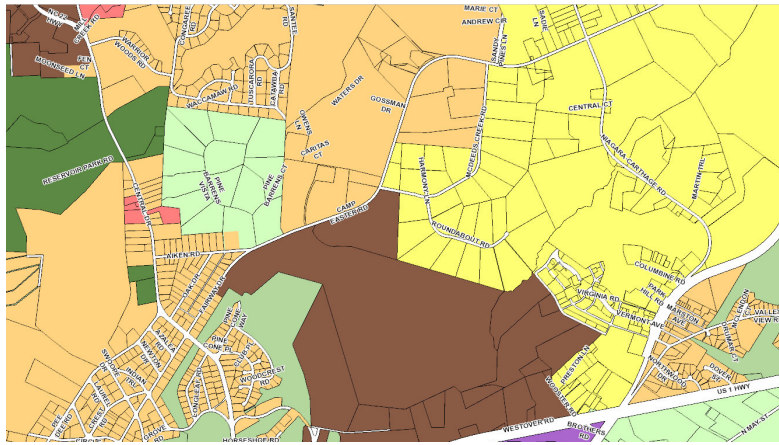
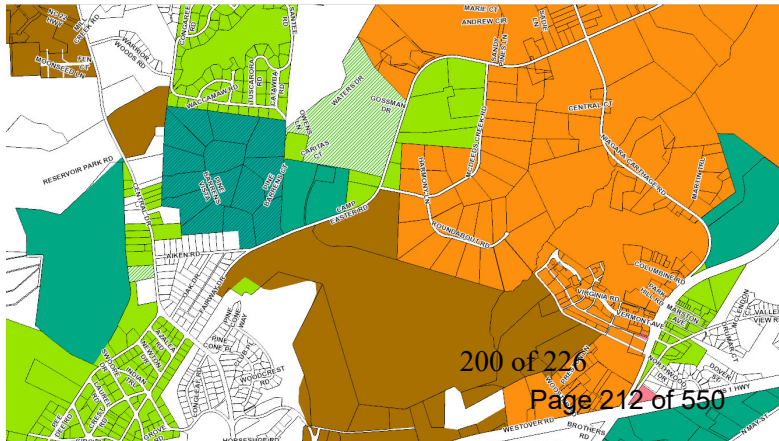
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.
    - *The site has access to public water, sewer, electrical, gas, telephone/data and other utilities currently being used on site by the Catholic School. The proposed CDP will not require public utility extensions.*

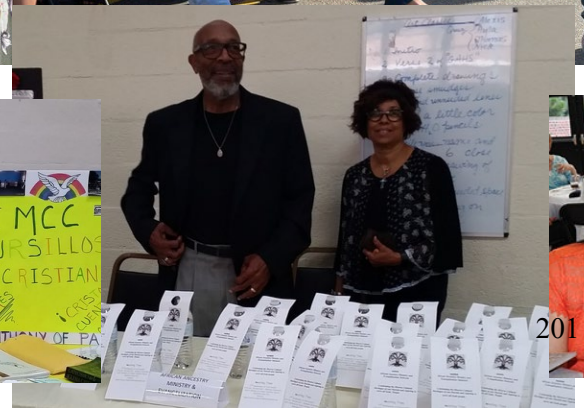


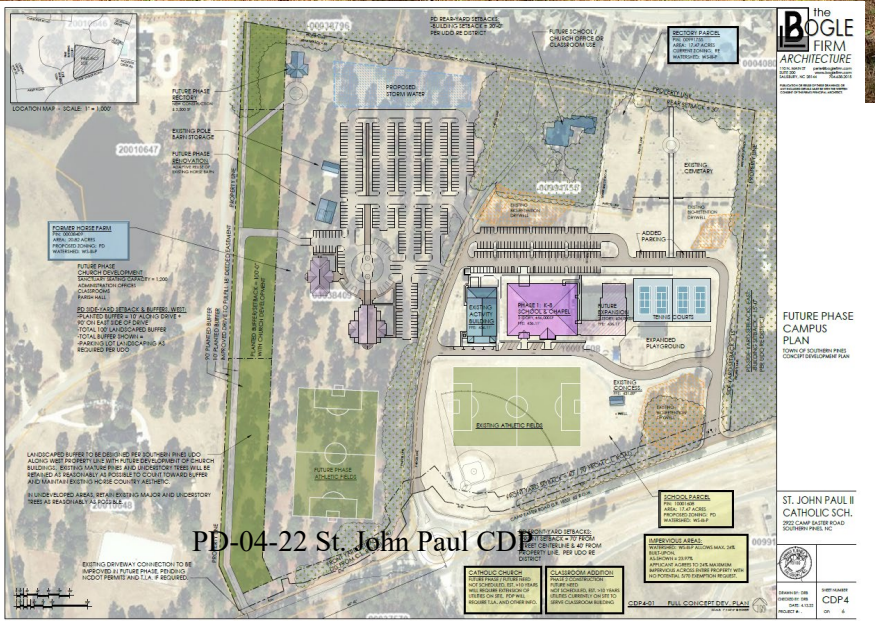




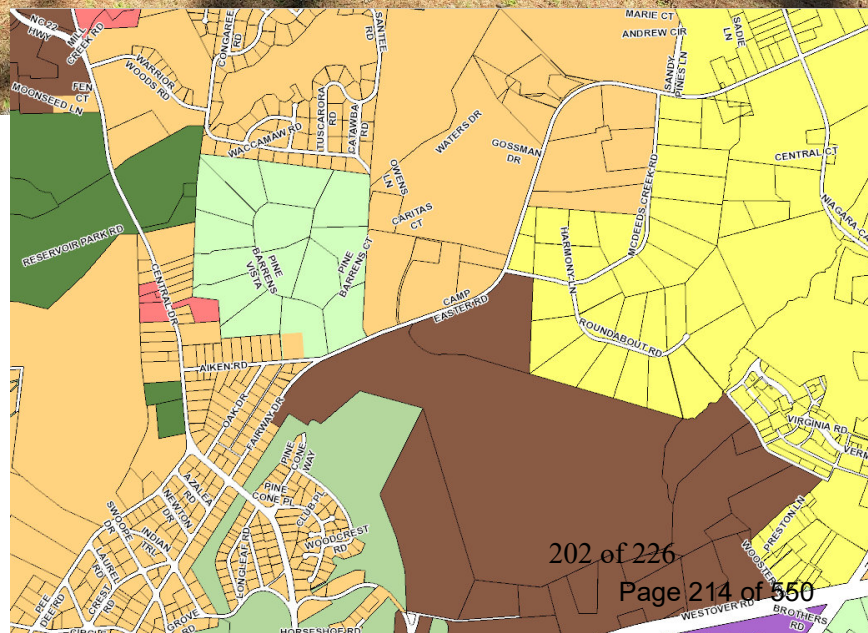
SOUTHERN PINES CATHOLIC HERITAGE:

- Southern Pines has a deep-rooted Catholic heritage with many Catholic owned facilities in and around town.
- St. Anthony of Padua Roman Catholic Church was established in Southern Pines in 1885
- The Catholic church is here to serve the community – look at the St. Anthony's website to see the multiple programs they offer for community assistance, Hispanic ministries, family support, charities – it's a long list, but at its core
  - a CHURCH exists to SERVE the COMMUNITY
- There's a growing Catholic population of citizens and voters – otherwise, there would be no need to consider building a new Catholic church.
- Catholic Heritage is not listed as a planning goal within the CLRP simply because it's not a land use issue.
- However, preserving the supporting the growth of Catholic heritage within Southern Pines affects a vast amount of your citizens now and into the future.
- They've invested on this site. They've shown more than is required in a CDP process in order to be as transparent as possible and in efforts of coming to the best possible growth mechanisms to help protect the adjacent property owners while best serving the neighborhood and community at large – because that's what a Catholic Church does. It's there to SERVE the community.




the BOGLE FIRM ARCHITECTURE
FUTURE PHASE CAMPUS PLAN
TOWN OF SOUTHERN PINES CONCEPT DEVELOPMENT PLAN
ST. JOHN PAUL II CATHOLIC SCH.
2955 CAMP EASTER ROAD SOUTHERN PINES, NC
CDP4
PROPOSED STORM WATER
EXISTING CEMETERY
ADDED PARKING
EXPANDED PLAYGROUND
TENNIS COURTS
EXISTING ATHLETIC FIELDS
FUTURE PHASE ATHLETIC FIELDS
FUTURE SCHOOL / CHURCH OFFICE OR CLASSROOM USE
RECTORY PARCEL
FORMER HORSE FARM
EXISTING DRIVEWAY CONNECTION TO BE IMPROVED IN FUTURE PHASE. PENDING NCDOT PERMITS AND T.I.A. IF REQUIRED.
CATHOLIC CHURCH
CLASSROOM ADDITION
SUPERVISOR AREAS:
CDP4-01 FULL CONCEPT DEV. PLAN

20010646
00038796
20010647
00991758
10001608
20010648
+/- 400 MATURE PINES ON ENTIRE SITE
+/- 65 MATURE PINES IN 100' BUFFER AREA
50-60 MATURE PINES TO BE REMOVED
BUILT AS SHOWN.


NC 22 HWY
MOONSEED LN
WARRIOR WOODS RD
CONGAREE RD
SANTEE RD
MARIE CT
ANDREW CIR
SADIE LN
SANDY PINES LN
WACCAMAW RD
TUSCARORA RD
CATAWBA RD
WATERS DR
GOSSMAN DR
OWENS LN
CARITAS CT
CENTRAL CT
MCDEEDS CREEK RD
RESERVOIR PARK RD
PINE BARRENS VISTA
PINE BARRENS CT
CAMP EASTER RD
HARMONY LN
ROUNDABOUT RD
AIKEN RD
CENTRAL DR
FAIRWAY DR
VIRGINIA RD
PINE CONE TRL
AZALEA RD
WEWOKA DR
INDIAN TRL
SWOOPE DR
LAUREL RD
WOODCREST RD
PRESTON LN
WESTOVER RD
BROTHERS RD

Southern Pines Town Council

May 10, 2022 Meeting
Public Hearing

Received @ 5/10/22 Hearing on PD-04-22 from Andrew Petesch.

St. John Paul II School and Church
Conceptual Development Plan

Neighbor Opposition to CDP Application & Analysis of UDO and CLRP

Prepared on behalf of:

Jim and Fran Currey
141 Pine Barrens Court
Southern Pines, North Carolina

Lloyd and Sheri Sullivan
225 Pine Barrens Ct.
Southern Pines, NC 28387

Tricia and Bill Bissett
355 Pine Barrens Vista
Southern Pines NC 28387

Prepared by:

Andrew J. Petesch
Petesch Law
127 W. Hargett Street
Raleigh, NC 27601
T: 919-747-8611
E: andy@peteschlaw.com

LEGEND

- UDO & CLRP Text in black or red
- Application responses in green
- Neighbor comments in blue

I. Unified Development Ordinance

Ch. 2 Development Processes

2.18. Planned Development

2.18.4. Conceptual Development Plan 2-25

(H) Criteria[1]

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

This CDP conforms to all applicable provisions of Chapter 2 of the Southern Pines UDO. The narrative describes compliance and is further demonstrated by responses to UDO Section 2.17.9 Criteria for Zoning Map Amendments below.

2.17.9. *Criteria for Zoning Map Amendments* [2]

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

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

See CLRP analysis below (pp. 19-20, infra)

B. Adverse Impacts on Neighboring Lands. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings may promote mixed uses subject to a high degree of design control.

- The proposed School Development is an expansion of the site's current use. The proposed rezoning to PD will not change the use, but instead will allow the existing school to replace their mobile classroom units with a permanent

[1] Applicant's verbatim responses taken from Application Appendix 2 (Town Council's April 2022 Agenda Packet p. 30).
[2] Applicant's verbatim responses taken from Application Appendix 3 (Town Council's April 2022 Agenda Packet pp. 31-33).

building and to expand the study body to their goal of 450 to 500 students, as was outlined by the school in their approved 2017 Activity Building project.

Applicant's response ignores impacts of Church development, athletic fields, easement access, and parking lot. Response also fails to consider the character and use of adjoining properties.

C. Suitability as Presently Zoned. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.

- Adjacent property to the south of the site was rezoned PD for the new McDeed's Creek Elementary School.
- Church Development adjacent to the school is an appropriate connection of uses.
- St. Joseph of the Pines, a large, Catholic-based senior living community owned by the Diocese, is located adjacent to the project site.

Response does not address the questions of the Tract's suitability for the uses it's currently zoned for – in this case the largely undeveloped horse farm parcel is well-suited for its current RE zoning. No reference to substantially changed conditions or important policies is made.

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

- School Development will provide private education opportunities to more students within a permanent structure. In comparison to the mobile classrooms currently being used, this new structure will be visually more attractive, will provide greater safety for students, be more energy efficient, and provide a healthier interior environment for students and staff.
- Church Development will provide worship opportunities to fit the needs of the growing Catholic population of the area. Churches, by nature, promote the health, safety, and welfare of the community.
- No historic or cultural places will be affected by the proposed development.

To the extent that a school and church fit this element as claimed by the Applicant, the adverse impacts to adjoining equestrian and low-density residential properties offset that relationship.

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

- The planned growth of St. John Paul II Catholic School will allow provide private education opportunities to more students, thus serving a greater number of families to help meet the growing residential population in Southern Pines.
- Future Church Development will respond to the growing Catholic population in the Southern Pines area.

The Applicant does not identify any specific public policies in favor of the church development. The connection of the school expansion to a specific policy is not clearly made either. In no case does the Applicant reference the neighborhood area or any specific Town plans.

F. Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

- Existing property is a total of approximately 42.2 acres. Existing site Built-Upon / Impervious areas calculate to approximately 9%.
- Built-Upon / Impervious Areas are projected as follows at the completion of each phase as listed:
    - PHASE 1 Classroom Building = 12% Impervious Maximum
    - FUTURE PHASE Classroom Expansion and Tennis Courts = 15% Impervious Maximum
    - FUTURE PHASE Church Development = 30% Impervious Maximum
        - Note: 5/70 Exemption will be required for WS-III-P compliance once built-upon areas exceed 24%.

Applicant's response makes no reference to the relation of the tract to affected neighboring lands.

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

- None submitted.

H. Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the

change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.

- The proposed PD district does not increase the range of permitted uses on the site, rather limits the uses and adds control to the site based on the required master plan. Therefore, a possible range of uses is not of concern.

  Applicant asserts that the permitted uses within the PD would not increase the range of uses currently operating on the property. That is not accurate as the PD would allow a Religious Institution (more than 250 seats), which would be an additional primary use. The response also ignores two key issues:

  1. All of the current uses are prohibited in RE zoning districts except for elementary schools, which require a Special Use Permit; and

  2. a comparison proposed PD uses to existing RE uses.

2-22, 2-23

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

This CDP seeks consistency with the goals and policies of the UDO by the following:

a) The CDP district supports the existing St. John Paul II Catholic School and provides UDO compliant means for expansions through master planned and phased growth.

b) The CDP limits the potential uses of the site to only those listed within the PD documents and establishes land areas where these uses may be expected to occur within the Concept Development master plans.

c) The CDP establishes setbacks and buffers to minimize impact to adjacent residential properties.

d) This CDP establishes these regulations and proposed development patterns in general and requires a PDP process for each of the development phases.

Applicant provides conclusory responses that do not address the question presented.

Notably, the official zoning map shows not only that this property is zoned RE, but that it shares its entire western boundary with other land that is zoned RE. If the official zoning map references the FLUM and not current zoning, the subject property is designated

Residential, which only encourages elementary schools and civic. It is uncontroverted that the request seeks to include a Middle School. It is also questionable – at a minimum – as to whether "civic uses" contemplates the inclusion of large religious institutions.

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

The School Development portion of this CDP proposes expansion of the existing Pre-K through 8th grade school. McDeed's Elementary School was recently constructed directly across Camp Easter Road from the St. John Paul II site, thus supporting that area is appropriate for educational facilities.

Development of a Catholic Church adjacent to the Catholic School is a reasonable and congruous use within the 42.2 acre total site. The proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods. Churches traditionally serve communities and thus are appropriately developed within growing residential areas. Care will be taken to assure that the future church is developed with minimal adverse effects to existing residences.

Camp Easter Road, the new traffic circle, and the planned extension road from the traffic circle, south, will be studied during the Church Development PDP to assure transportation support is adequate or to identify additional needs, remembering that traffic for Church use is heavy only at very limited times through the week, which are also generally times when other traffic is light.

The Applicant focuses its response on the existence of McDeed's Elementary School on the south side of Camp Easter Road, but largely ignores the properties on the north side.

In addition, the Applicant states the "proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods." However, the UDO itself prohibits all religious institutions in all residential zoning districts except RR-Rural Residential. The area north of Camp Easter is significantly zoned RE and RS-3, which is indicative that such a use is not, by its nature, appropriate for the area. (UDO p. 3-54)

Applicant states "[c]are will be taken to assure that the future church is developed with minimal adverse effects to existing residences." Original plan shows that this did not occur. Nor has the Applicant made good faith efforts to address this issue subsequent to the Planning Board meeting.

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

The site has access to public water, sewer, electrical, gas, telephone/data and other utilities currently being used on site by the Catholic School. The proposed CDP will not require public utility extensions.

2-27

Ch. 3 Zoning

3.5. *Conventional Zoning Districts*

3.5.1. RE – Rural Estate

(A) Purpose: The **RE** district is established as a district in which the Principal Use of land is for low-density residential purposes and for horse farms, horse stables and related activity purposes. The regulations of this district are intended to:

(1) Preserve the existing scale of the low-density residential and agricultural character of Development in the area referred to as "Horse Country";

(2) Discourage the conventional subdivision of existing large Tracts into small building Lots;

(3) Preserve existing horse farms and agricultural uses; and

(4) Discourage traditional urban Development uses that require major utility extensions and street improvements.

(B) The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

- *Private Recreational Sports Facilities: Prohibited*
- *Elementary School: SUP*
- *Middle School: Prohibited*
- *High School: Prohibited*
- *Specialty School – Sports & Recreation Education: Prohibited*
- *Religious Institution (251+ Seats): Prohibited*

3.5.14. *PD - Planned Development District*

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

(1) Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;

(2) Exclude heavy commercial and heavy industrial land uses;

(3) Encourage Development in areas located on major thoroughfares and collector streets;

(4) Encourage vehicular access from service drive and other local streets;

(5) Provide performance standards to help ensure compatible land uses;

(6) Encourage common or shared parking;

(7) Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;

(8) Facilitate clustering of Development thereby increasing the amount of saved land;

(9) Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;

(10) Improve connectivity within and between Developments to promote mobility and enhance walkability;

(11) Integrate public spaces and amenities to promote community gatherings and activities;

(12) Establish coordinated land plan and consistent treatment of common design elements;

(13) Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and

(14) If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.

…

(B) Applicability: A **PD** district may be established to accommodate large-scale, master-planned, mixed-use Developments that cannot be accomplished through conventional zoning districts. Development within a PD district shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained within other sections of the UDO. Such conditions and standards shall be applicable only to the specific Parcel of land that comprises that PD District, and shall run with the land regardless of ownership.

(D) Land Use Mix: Each PD district approval shall identify the authorized land uses, which may include a mix of residential, retail, office, recreational or light industrial uses. The type and location of any and all uses within the PD District must be demonstrated to be appropriate for the project area and surrounding area. All land uses listed in the approved zoning application are permitted subject to the conditions established through the rezoning process.

…

(F) General Provisions

(1) Minimum Size and Contiguity: The PD district shall encompass a sufficient area to accommodate the proposed mix of Uses and ensure compatibility between both internal and external land uses.

(3) Relationship to the UDO: Each proposal for Development under the PD district is anticipated to be unique. Except as provided by this section and the PD approval, PD district Development shall be subject to all of the applicable standards, procedures, and regulations in other sections of this UDO. Development Conditions approved as part of the PD District zoning application shall supersede conflicting UDO regulations, unless otherwise prohibited by law. Alternative standards may be approved for Development within the PD district if they:

a. Meet or exceed the general intent of the UDO standards for base zoning districts;

b. Are appropriate given the specific mix of uses and character of the Development; and

c. Achieve a more efficient, safe or economical land use without detracting from the quality of the Development or detrimentally impacting its surrounding Development or the community as a whole.

3-19 to 3-22

5.15 *Religious Institutions*

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

(A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.

(B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.

(C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:

1. Parking on an existing parking lot that complies with the UDO requirements for shared or satellite parking. For purposes of this paragraph, existing parking lots include parking lots established prior to adoption of the UDO; or
2. Parking on a site in a GB district located within 600 feet of the entry to the religious institution; or
3. Parking on a site further than 600 feet from the entry to the religious institution and the institution establishes and agrees to maintain a shuttle service from the remote parking area.

5-16

5.15.4. General Requirements for Accessory Uses

(A) Accessory uses shall meet the following requirements:

(B) Accessory structures and uses shall meet the setback and buffer requirements that apply to the principal structure(s).

(C) Accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with nonreligious uses, they shall also be forbidden in association with religious uses. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

(D) The accessory use shall be owned and operated only by the owner of the primary use.

(E) The facility housing the accessory use shall meet all local, State or federal standards.

(F) The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.

(G) Outdoor play or activity areas shall be no closer than fifty (50) feet from a residential zoning district.

(H) Except in the **RR** and **GB** districts, the following activities shall be prohibited in association with religious institutions: retreat centers; overnight lodging facilities or other temporary sleeping quarters; and any use not specifically identified as an allowable accessory use. Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage pursuant to paragraph J.

(I) Child day care, adult day care, preschool or child nursery uses are allowable accessory use subject to the following standards:

(1) The total floor area allocated to the child day care, adult day care, preschool or nursery Uses shall not exceed ten (10) percent of the total floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities and related mechanical and support facilities.

(2) An off-street drop-off area for persons served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.

(J) A fellowship hall is an allowable accessory use subject to the following standards:

(K) Dining, including dining open to the public as a "soup kitchen," is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:

(1) The owner of the religious use ensures that meal recipients remain on the site except during travel to and from the fellowship hall; and

(2) No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.

(L) The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.

(M) The entrance to the fellowship hall shall not be located on a Street providing primary Access to residences, unless such Street is classified as a collector or arterial.

(N) One (1) residential Dwelling Unit is allowable to serve as a parsonage, subject to the following standards:

(O) A minimum Lot area for the Dwelling Unit ("parsonage lot") shall be 6,000 square feet. The parsonage lot shall be used exclusively for the Dwelling Unit and shall not include any primary or other accessory use allowable on the site. the parsonage lot shall not be used for any

support activity to the primary or accessory uses, such as outdoor play areas, storage or parking, other than as specifically provided below.

(1) Two (2) parking spaces shall be provided within the parsonage lot.

(2) The maximum building height on the parsonage lot shall be thirty-five (35) feet.

(3) The parsonage lot may contain children's outdoor play equipment, in a size and quantity typical of a single-family residential use.

5-16 to 5-18

9.3. *Definitions*

Building, Accessory or Accessory Structure: A building or structure that is located on the same Lot as a Principal Building or Structure, used incidentally to a Principal Building or used for purposes that are secondary the Principal Use of the site. For example, a storage shed is considered an Accessory Building when located on a Lot with a Single-Family residence.

Building, Principal or Principal Structure: The building or structure on a Lot that houses the Principal Use. For example, in the example for the previous definition, the Single-Family home would be the Principal Building

Compatible/Compatibility: A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design and intensity of nearby structures, uses and activities.

Light Pollution: Any adverse effect of manmade light including, but not limited to, Light Trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Special Events: Temporary, organized events that:

(A) Run no longer than two weeks;

(B) Are intended to or likely to attract substantial crowds; and

(C) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Use, Accessory: A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

Use, Principal: The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

II. Comprehensive Long-Range Plan

Chapter 1: Introduction

Purpose

This Plan is a guide for local decision-makers to help Southern Pines grow and prosper.

Pressures have emerged that seem to threaten the very qualities that have defined Southern Pines for so many years – qualities most residents hope never to lose.

This updated Plan addresses those concerns and identifies opportunities to ensure that change and preservation efforts improve the quality of life for the Town's residents over time.

1-1

Using This Document

The roles of this Plan are to:

- Articulate a common vision, goals and policies that serve as an agreement with the public and establish expectations regarding the Town's actions;
- Guide elected . . . leaders as they make decisions about . . . specific development projects

1-5

Chapter 2: Community Vision, Goals and Policies

The vision may be considered the foundation for everything else in the Plan.

Goals describe desired outcomes or broad public purposes that policies and strategies are intended to help to achieve.

Policies provide operational guidance by describing how the Town will respond to certain circumstances

The Future Land Use Map (FLUM) guides for future zoning and public improvement decisions. The FLUM is intended to be used in concert with the vision, goals and policies to determine whether a specific zoning category is appropriate in time and location

2-1

Goals

While each goal is written as a directive to the Town, most of the goals can only be achieved through coordination with other public and private entities, including the Town's residents and business owners.

- G-1. **Community Well-Being**. Improve the personal health and security of our residents and promote neighborhoods and commercial areas that are safe, secure and healthy. [Note: for purposes of this goal, security encompasses both physical and financial security. Health refers to physical health and mental health, which includes opportunities for life-long learning.]

- G-4. **Neighborhoods**. Protect and enhance the civic vitality, function, stability and character of Southern Pines commercial and residential neighborhoods.

- G-10. **Economy**. Achieve a sustainable, resilient, balanced economy, providing community prosperity and fiscal health.

- G-13. **Growth**. Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines' residents.

- G-14. **Community Involvement**. Involve the community in public decision-making processes to help achieve the Town's vision and goals.

2-6, 2-7

Policies

The following policies are intended to guide the Town's decision-makers as they allocate resources, act on development proposals, create or modify regulations, enter into agreements for the provision of services or public facilities and take other actions affecting the short-term and long- term future of Southern Pines.

- P-2. **Neighborhoods**. Ensure that new development and redevelopment are compatible with the overall scale, architectural, transportation and public-space characteristics of the neighborhood in which it occurs.

- P-4. **Future Land Use**. Use the future land use map in Chapter 4 of this Plan as a guide for zoning decisions. Recognizing that the map accommodates projected growth through the year 2040, decisions to approve zoning map amendments, proposed development and infrastructure extensions need to consider both the proposed future land use and whether the timing of the action is consistent with the Town's other goals and policies.

2-7, 2-8

Chapter 3: Community Design

Community Design Issues

This section describes community design challenges that will face the Town as it implements this Plan. These issues are intended to help the Town balance competing objectives as it makes decisions about specific regulations, development proposals and resource allocation decisions.

3-3

Protecting Neighborhood Integrity and Vitality

One of the key concerns for residents is ensuring that growth and change do not degrade the quality of existing neighborhoods. In all neighborhoods, this means:

- Maintaining compatible scales and intensities of development;
- Designing and maintaining safe streets that serve motorists, bicyclists and pedestrians at appropriate levels of service;
- Preventing or mitigating potentially blighting influences; and
- Retaining trees.

In suburban areas, densities should remain moderately low and a combination of open space, buffers and limits on building scale should be used as transitions between uses.

3-3, 3-4

Chapter 4: Land Use

Context for Planning

This chapter contains a brief overview of the Town's existing conditions and lists the challenges related to land use. This chapter also describes future land used categories and includes a future land-use map that is intended to be a graphic policy to guide future land use, zoning and public facility decisions. The map generally reflects existing land use patterns in developed areas and recommends land uses in currently vacant and underdeveloped areas that are more than adequate to meet the needs of projected residential and non-residential growth through the year 2040 in a manner that is consistent with the vision goals and policies in Chapter 2 of this Plan.

Change is part of all living communities . . . . This chapter recognizes this fact, establishing a pattern of land uses that accommodates anticipated changes while preserving those essential characteristics that make Southern Pines unique.

4-1

Future Land Use Categories

Each of the categories described in this section is intended to describe a range of uses and intensities that are most appropriate for applicable areas.

- ***Rural/Equestrian***

  This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms, the keeping of large animals or other small- scale agricultural pursuits.

- ***Residential***

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

4-2, 4-3

Future Land Use Map

The future land use map (Figure 4.5) is a graphic expression of this Plan's land-use policy. Provided to guide decisions on land use, the map reflects both current uses - categorized more generally than with the Town's zoning map - as well as uses the Town sees as conducive to the community's long-range goals. As opportunity and interest emerge for changes in land use and development regulation, the map should be referenced to ensure those changes meet overall planning goals. In contrast to the Town's parcel-specific zoning map adopted as part of the Town's Unified Development Ordinance, the future land use map is presented with soft-edged use boundaries, which are intended to identify future land use designations but at the same time reflect the fact that as policy, specific boundaries are less critical than the map's overall intent, including development type, intensities and their relative arrangement.

4-4

Land Use Issues

This section describes land use challenges that will face the Town as it implements this Plan. These issues are intended to help the Town balance competing objectives as it makes decisions about specific regulations, development proposals and resource allocation decisions.

4-6

Accommodating Projected Growth

This Plan anticipates population and employment growth and allocates adequate land to accommodate a diverse mix of housing, mixed-use and non-residential development required to serve the projected population.

The intent of this Plan is to accommodate growth, while ensuring that new development and redevelopment are compatible with the desired community character of affected neighborhoods and consistent with the resources needed to provide public facilities and services in a fiscally responsible manner.

4-6

Establishing Compatible Transitions Between Uses

Mixed-use and infill development at higher intensities can be detrimental to neighborhood integrity unless buildings and sites are designed so that there are compatible transitions between uses. This means that the Town will need to ensure that in mixed-use and on parcels where land uses are transitioning, the scale, orientation and intensity of buildings is compatible with adjacent development and that higher intensity development sites are designed to minimize negative visual, noise and traffic impacts on neighboring properties.

4-6

Chapter 6: Economic Development

The local economy relies on multiple economic sectors, demographic variety in employment, and entrepreneurship.

6-1

Economic Development Issues

- ***Capitalizing on Tourism.***

  Tourism will continue to be an important element of Southern Pines' economy. In addition to being a nationally known center for golf and equestrian activities, Southern Pines serves as a regional retail center and has an Historic Downtown that is the envy of many communities hoping to attract tourism. To capitalize on these resources, the Town should support promotional efforts, as well as efforts to retain their integrity.

  6-6

Appendix A: Terminology

Definitions

Aesthetic: The visual quality of a place or thing that creates the sensory experience of the sublime. A-2

Buffer: An area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, compatibility and stability of the area or land. A-3

Compatible: Capable of existing without diminishing the use or enjoyment of abutting and adjacent properties. Compatibility is not intended to be construed as homogeneity – it is intended to allow for gradual transitions in the intensity, nature, scale and design of uses. In higher intensity, mixed-use settings, design, orientation and scale can be used to achieve compatibility between dissimilar uses, in lower density areas, buffers may be used to ensure that transitions are compatible. A-3, A-4

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities. A-6

Impacts: Consequences (both good and bad) of an action or decision that occur beyond the site under consideration. A-6

Landscaping Buffers: The separation of land uses from other land uses or sensitive environmental areas by a strip of unoccupied land, reducing potential conflicts and negative impacts by putting distance and screening between the two. A-7

Preserve: To save from change or loss and reserve for a special purpose. A-8

Viewshed: The landscape or area that can be seen directly from a defined viewpoint or along a transportation corridor. A-12

CLRP Analysis

This CDP is consistent with the Comprehensive Plan – Southern Pines' Vision (Chapter 2) [3]

- **Recreational opportunities meeting the diverse needs of residents will be met through public and private facilities and services:**

Athletic fields are currently made available to outside groups who are connected to the school or Catholic community.

Use of athletic fields in proximity to RE zoning property raises significant compatibility issues.

- **Goal G4 – Neighborhoods:**

School Development is built within the center of the existing campus and will have no adverse impact on neighboring properties. Proposed PD establishes setbacks, buffers, and landscaping requirements that minimize impact to neighbors for the Church Development phase. Traffic studies will be performed during PDP of Church Development, bearing in mind that heavy traffic for a church happens at minimal hours each week and is generally during low traffic volume days and times.

Not well-considered.

- **Goal G6 – Parks & Open Space:**

The proposed CDP maintains large open spaces to be used as athletic fields, playgrounds, and other outdoor spaces for the school. The existing cemetery will be a permanent open space.

Based on description, use of open space may be detrimental to adjacent RE properties.

[3] Applicant's verbatim responses taken from Application Appendix 3, Part A (Town Council's April 2022 Agenda Packet pp. 31-32).

- **Goal G10 – Economy:**

The expanded school will employ more teachers, but of greater impact is that the expanded school will provide additional private schooling options to help attract more families to seek jobs within the area. Church development will have a similar economic affect.

Speculative as to the economic effect, but should be balanced with economic contribution from equestrian community, which the CLRP expressly establishes as an essential element of the Town.

- **G-13 Growth:**

The proposed School Development and Church Development will serve as a catalyst for growth of families considering a move to the area as both school and church will be able to serve a larger population.

A conclusory statement without any research or evidence. To the extent that the church and school do contribute to growth, any such value should be weighed against the growth that the Town's commitment to the equestrian community provides.

Town of Southern Pines
Chartered 1887
North Carolina

Planned Development District
Conceptual Development Plan Application

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

Project Information:

Project Name: St. John Paul II Catholic School& Future Church

Physical address: 2878, 2952, & 2978 Camp Easter Road, Southern Pines

PIN: 858315538280, 858315635655, & 858315635197 Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres Zoning: RE

Applicant:

Name(s): Very Reverend John J. Forbes, VF

Email: fr.john.forbes@raldioc.org Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

Name(s): Pete Bogle, AIA - Principal/Owner - Bogle Firm Architecture, PLLC

Email: pete@boglefirm.com Phone: 704.638.2015

Mailing Address: 110 N Main St., Suite 200, Salisbury, NC 28144

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

Name(s): Luis Rafael Zarama, Bishop of the Roman Catholic Diocese of Raleigh, NC

Email: Michael.Wengenroth@raldioc.org Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

Owner's Contact: Michael Wengenroth, AIA
Dir. of Property, Construction and Risk Management
The Catholic Diocese of Raleigh

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Conceptual Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NORTH side of CAMP EASTER RD. (St./Ave.), between PINE BARRENS VISTA (St./Ave.) and MCDEEDS CREEK (St./Ave.). The property has a frontage of ± 1,435 feet and a depth of ± 925 TO 1,630 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance.**
The proposed use of the property is as follows:
Private Catholic School PreK-8th (existing use), Rectory (existing use), Cemetary (existing use),
Athletic Fields (as part of 6120 current use), Religious Institution (existing use - chapel in Rectory and School)
Religious Institution, large curch (proposed future use). See below for LBCS.

Date: 5.15.22

Applicant

Proposed Property Uses:

PRIMARY USES:
Private Catholic School PreK-8th Grades (LBCS 6110, 6121, 6122, 6125)
Religious Institution (large church) LBCS 6600
Residential, single family home (Rectory) LBCS 1111

ACCESSORY USES:
Administrative Services (associated with the school / Church) LBCS 2421
Athletic Fields / Tennis Courts / Playgrounds (associated with school / church
Cemetery (accessory to religious institution LBCS 6720
Temporary Uses (subject to UDO 5.18 and 5.22 with permitting)
Accessory Uses (subject to UDO 5.3)

Other uses not listed here are excluded from this PD.

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner

The undersigned owner(s), Luis Rafael Zarama, Bishop, hereby appoint(s) Bogle Firm Architecture as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:
Russell C Elmay

Property Owner

Property Owner

Agent

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), Luis Rafael Zarama, Bishop, hereby appoint(s) Tony Bornhorst Rhetson Companies, Inc. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:
Russell C Elmaya
Property Owner

Property Owner

Agent

8-27-21

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Pamela Graham, Principal Planner**

Subject: **PD-07-22: A Planned Development District - Preliminary Development Plan for 269 Multi-Family Units; Applicant: Zimmer Development Company, Adam Tucker; Bob Koontz of KoontzJones Design PLLC, Authorized Agent; Owners: Hyperactive Commercial Investments, LLC, and Morganton Road Enterprises, LLC, Thomas M. Van Camp, Trustee**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz has submitted an application on behalf of Zimmer Development Company for a Planned Development - Preliminary Development Plan in association with the Morganton Park South mixed-use development proposal approved in September of 2021. The application for this second phase of the Morganton Park South CDP proposes 269 multi-family residential units on a 13.18 acre portion of two parcels. The approved CDP calls for the following:

- Project total acreage = +/- 98.9;
- 650 total residential units, which may be multi-family, townhomes, or single family detached up to a density of 16 dwelling units per acre;
- Up to 700,000 square feet of office and/or commercial/retail;
- The multi-family residential development proposed for the subject project area is identified as Phase 2, following the Phase 1 retail component, which received PDP approval in October of 2021.

II. PLANNING BOARD REVIEW:

On May 18, 2022, the Planning Board held a Preliminary Forum regarding PD-07-22 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a brief presentation by town staff regarding Morganton Park South Phase 2, the applicant also presented an overview of the project and detailed information and statements regarding the justification for design elements that deviate from the approved CDP and the UDO. Mr. Koontz, Mr. Adam Tucker with Zimmer Development, and Mr. Travis Fluitt with Kimley-Horn were available to respond to questions from Planning Board members.

On a unanimous vote of 4-0, the Planning Board adopted the following list of issues to transmit to the Town Council for that body to consider in applying the criteria for a PDP to application PD-07-22:

1. That the deviations that were requested by the developer were the orientation of the buildings, the increase in the permitted dwelling units per acre for development in this phase, and the decrease in the number of parking spaces.
2. That access paths to the soccer fields be pursued and added to this proposal.
3. That, as a general comment, future proposals for development in Morganton Park South and Morganton Park North, and the impacts of the traffic to Morganton Road and surrounding neighborhoods always be a consideration when approving these proposals.

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 PD-07-22.

III. PROJECT INFORMATION:

A. Property Owners(s)

1. PIN 857100562348 (PARID 00049222)
Owned by Hyperactive Commercial Investments (HCI), LLC
25 Shaw Road
Pinehurst, NC 28374

2. PIN 857100575720 (PARID 98000749)
Owned by Morganton Road Enterprises, LLC, Thomas M. Van Camp, Trustee
PO Box 1389
Pinehurst, NC 28370

B. Applicant(s)

Zimmer Development Company c/o Adam Tucker
150 South Page Street
Southern Pines, NC 28387

C. Authorized Agent

Bob Koontz
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28387

D. Property Information:

1. **Street Address:**
   The subject property currently contains two street addresses: 10693 and 10695 US 15-501 Highway.

2. **Size of Property:**

Total acreage in approved CDP:	98.9
Area being developed in current PDP (Phase 2):	13.18

3. **Subject Property Description:**
   The subject property is a portion of, and 2nd phase of, the Morganton Park South CDP and is located near the center of the CDP total project area, immediately adjacent to the Phase 1 retail portion of the plan approved in 2021. The Phase 2 project area currently has no road access, and will be accessed via the Parkway Connector road that is required to be constructed concurrent with Phase 1.

Figure 1: Aerial image taken over US 15-501, looking northeast towards subject property (approximate location shown in yellow)

Figure 2: Aerial image, looking north towards subject property (approximate location shown in yellow) – Lowe's Grocery and Kohl's shown in distance

Figure 3: Aerial image, looking northwest towards subject property (approximate location shown in yellow)

4. **Jurisdiction**
   Annexation of the subject parcels that make up the CDP area was completed in February of this year. The CDP approval was conditioned on annexation of the entirety of the CDP area prior to issuance of the first building permit for construction for any phase.

5. **Property Zoning Classification:**
   The zoning of the subject property is PD-Planned Development (See Figure 4: Vicinity & Zoning Map below). A Conceptual Development Plan (CDP) for Morganton Park South was approved by the Town of Southern Pines Town Council on September 14, 2021 as file PD-08-21. The current and all future Preliminary Development Plan (PDP) applications must be consistent with the approved CDP or must request and be granted deviations from the CDP as part of the PDP review and approval process.

Figure 4: Current Zoning Vicinity Map (Overall CDP outlined in Red, Phase 2 PDP outlined in yellow)

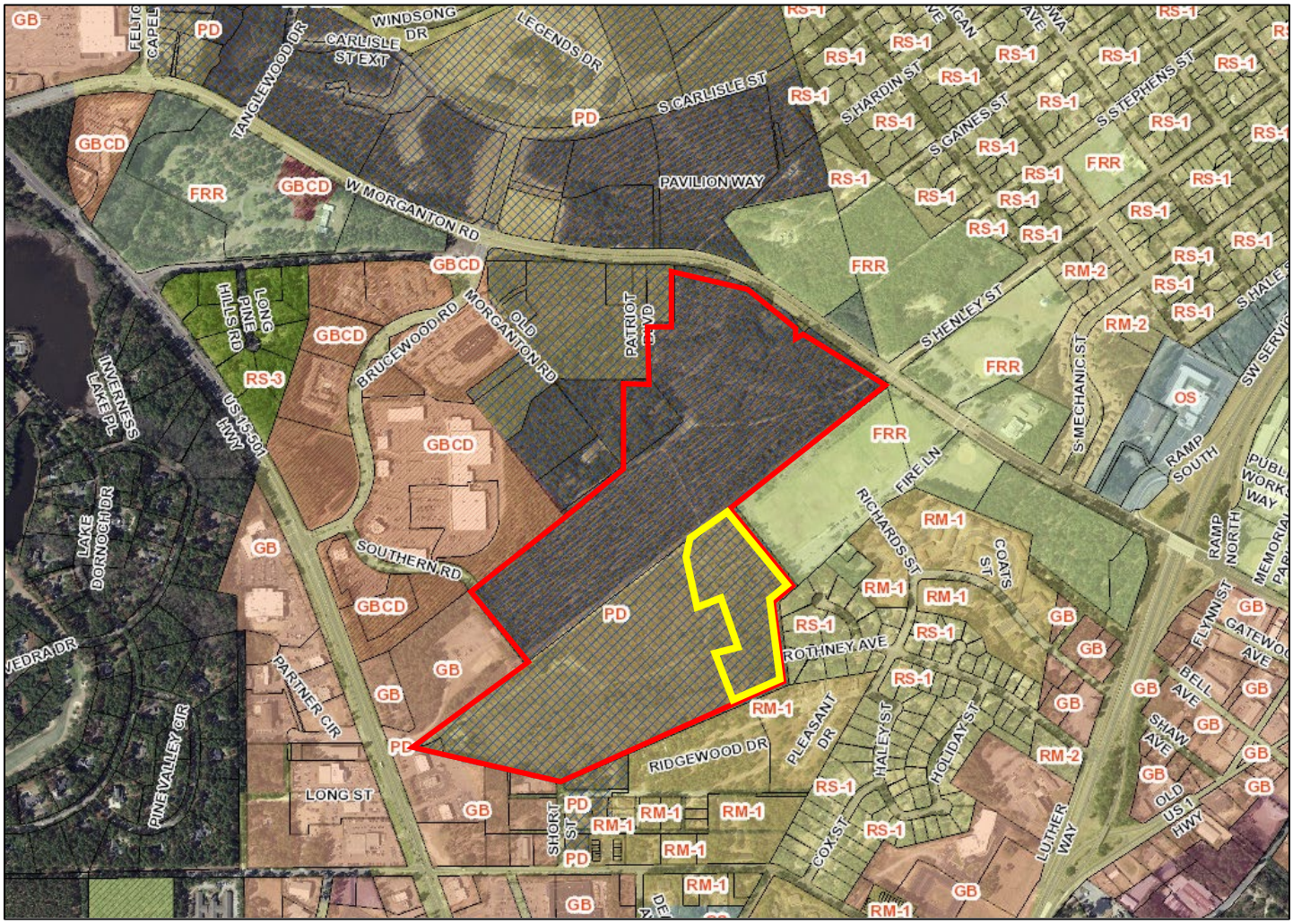
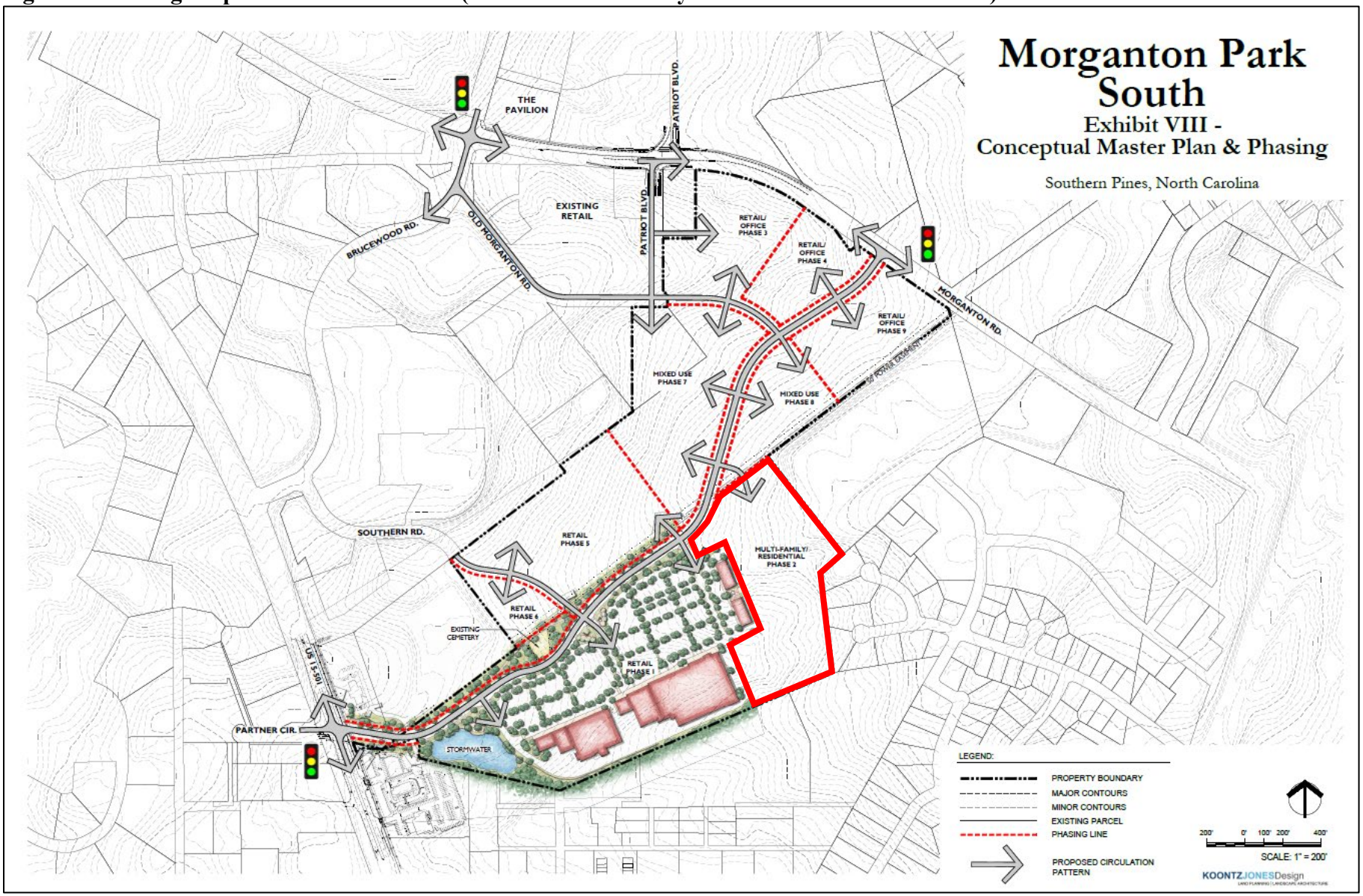


Figure 5: Phasing Map from CDP Submittal (Phase 2 Multi-Family is outlined with solid red line)



IV. STAFF REVIEW:

I. Review Process:

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

II. Summary of Procedural Requirements:

- PDP Application Submitted: April 11, 2022
- PDP Application Complete: April 21, 2022
- Notice of May 18, 2022 Planning Board Public Hearing:
  - Posted On-site: May 3, 2022
  - Mailed: May 2, 2022
  - Internet: April, 28, 2022
  - Newspaper: May 4, 2022 and May 11, 2022
- Planning Board Agenda Meeting: May 12, 2022.
- Planning Board Preliminary Forum: May 18, 2022 as a Special Called Meeting
- Notice of June 14, 2022 Town Council Public Hearing:
  - Posted On-site: May 3, 2022
  - Mailed: May 23, 2022
  - Publication Dates: June 1 and June 8, 2022
- Town Council Agenda Meeting: June 8, 2022
- Town Council Regular Meeting: June 14, 2022

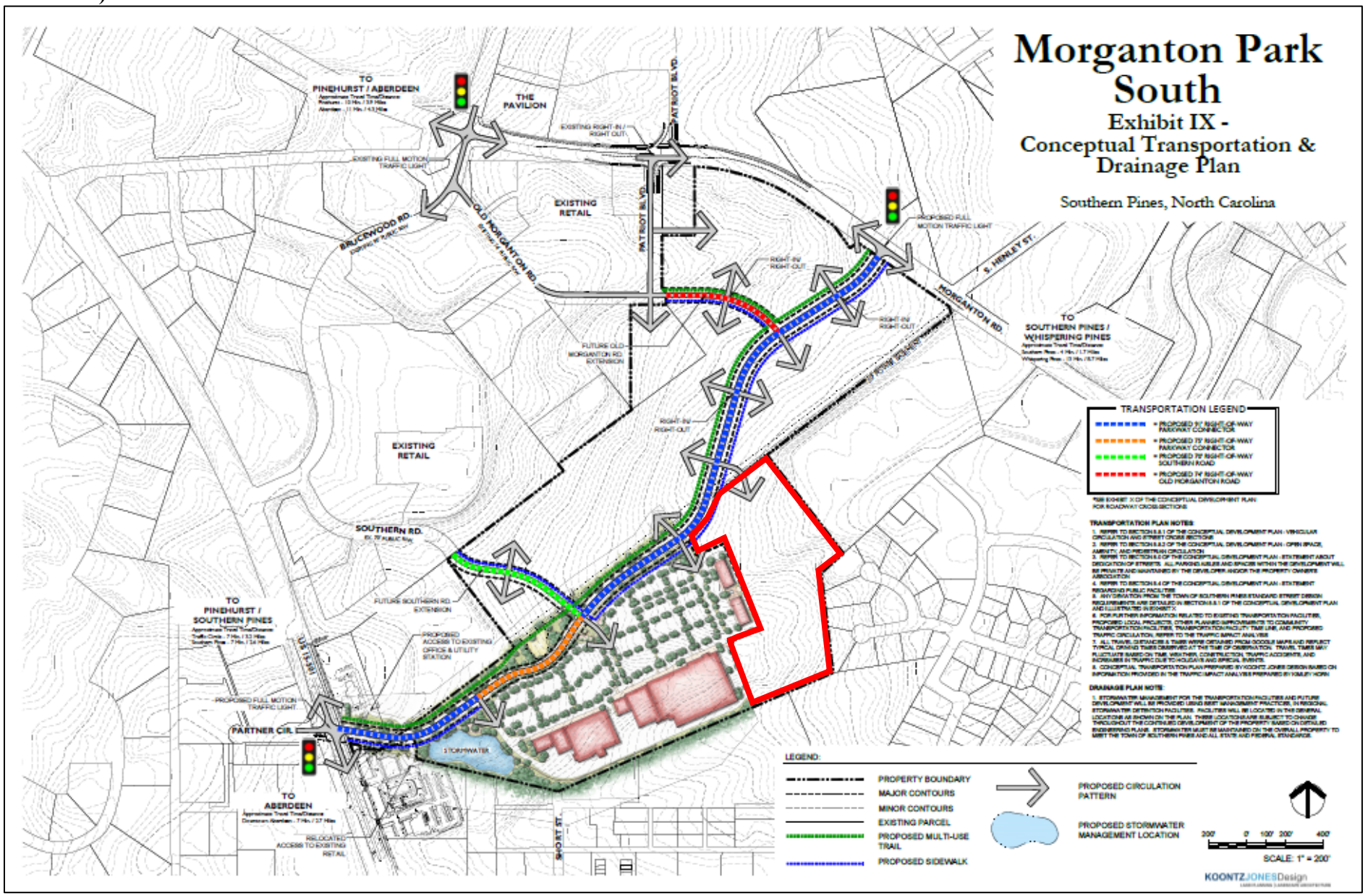
III. Applicable Criteria for Review:

The criteria for review and approval of a PDP are found in Chapter 2, §2.18.5(H), of the Town of Southern Pines Unified Development Ordinance. Staff analysis of how the application addresses these criteria is included in Section IV-2 of this document.

Preliminary Development Plan:

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

Figure 6: Conceptual Transportation & Drainage Plan from CDP Submittal (Phase 2 Multi-Family is outlined with solid red line)



IV. Town Staff Review and Comments:

1. Consultation with Technical Review Committee

The proposed development was presented multiple times to the Town of Southern Pines Technical Review Committee (TRC) during the CDP stage. A formal site plan review for this phase will occur following approval of the PDP by Town Council.

2. Consistency with Criteria for a Preliminary Development Plan:

The criteria against which a PDP shall be reviewed are found in UDO §2.18.5(H). The applicants have provided a Narrative and a Justification document addressing the criteria for a PDP as required by the UDO, which is enclosed with this report. Staff analysis of the application's ability to meet the criteria is as follows.

1. *The application demonstrates that it will achieve the purposes of the Planned Development District (PDD) and this section of the UDO.*
   The purpose, intent, and general requirements for the Planned Development (PD) District are found in Chapter 3, §3.5.14, and are included in the paragraphs that follow.

   The stated purpose for the District is *"to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5"*.
   The PDP currently being reviewed constitutes Phase 2 of a development plan for Morganton Park South that includes a mix of uses including residential, office, and commercial. The future land use map indicates Traditional Mixed Use for the subject project area.

   The stated intent for the District is *"to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can readily be extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development.*
   Public water is available at multiple locations adjacent to the site, including Morganton Road, US 15-501, Southern Road, and to the Old Morganton Road/Patriot Boulevard intersection. Public gravity sewer is available at all of these locations with the exception of Morganton Road. Additionally, Southern Pines' Town Engineer has certified that the Town's existing water and sewer systems have the capacity to serve the CDP. With regard to the adequacy of the street system, in addition to the existing roads that provide access to the overall CDP, a four-lane Parkway Connector is scheduled for construction concurrent with the development of Phase 1. This connector road, which will provide direct access to the Phase 2 property, is described in the CDP as being a connection between US Highway 15-501 and Morganton Road at signalized intersections, and will create an important

cross connection that will provide alternative routes that will help disperse traffic in the area, enhancing the overall vehicular circulation patterns and mobility throughout the area. A traffic impact analysis (TIA) was required for Phases 1 (Retail) and 2 (Apartments) and a copy of the executive summary and recommendations is attached to this report. A copy of the applicant's full TIA is available from planning staff upon request. Please refer to Figure 6, (Exhibit IX from the approved CDP), for a diagram of the proposed transportation plan, and "Noteworthy Project Elements", provided in this document, for additional information regarding the TIA.

The UDO's stated intent of the regulations for the District is to:

a. *Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;*
b. *Exclude heavy commercial and heavy industrial land uses;*
c. *Encourage Development in areas located on major thoroughfares and collector streets;*
d. *Encourage vehicular access from service drive and other local streets;*
e. *Provide performance standards to help ensure compatible land uses;*
f. *Encourage common or shared parking;*
g. *Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;*
h. *Facilitate clustering of Development thereby increasing the amount of saved land;*
i. *Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;*
j. *Improve connectivity within and between Developments to promote mobility and enhance walkability;*
k. *Integrate public spaces and amenities to promote community gatherings and activities;*
l. *Establish coordinated land plan and consistent treatment of common design elements;*
m. *Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and*
n. *If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.*

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

The UDO sets the expectation for uniqueness in the design and development of Planned Developments in §3.5.14, allowing for a significant degree of deviation from the UDO. In §3.5.14(F)(3), the UDO specifically allows for alternative standards as long as the proposal:

- Meets or exceeds the general intent of the UDO standards for the base districts;
- Is appropriate given the specific mix of uses and character of the development; and
- Achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

In comparing the PDP proposal with the approved CDP, staff analyzed the following CDP provisions that are relevant to Phase 2. The location within the CDP where the information can be found is also included for reference.

a. *The "center portion" of the CDP development area will provide mixed-use development, which may include multi-family residential, retail, commercial, and office development. (CDP Section 2.2 – Vision)*
   The Phase 2 area is within the "center portion" of Morganton Park South, and proposes multi-family residential uses.
b. *Street standards approved in the CDP include four distinct cross-sections (CDP Exhibits IX and X and included as attachments to this report).*
   The 91' wide right-of-way cross-section was proposed for the area of the Parkway Connector that will provide access to Phase 2. The PDP plans indicate no change to this proposal.
c. *Open space, amenity, and pedestrian circulation is addressed in CDP Section 5.5.2.*
   The CDP proposed a linear park running adjacent to the Parkway Connector on each side, with the park's total width (calculating both sides of the road) to be no less than eighty feet (80'). While the total width at any point must be no less than 80', it is not required to have a uniform width on each side of the roadway, and may be no less than 20' on one side at any point. The Parkway Connector section that fronts Phase 2 indicates the linear park measuring 60' of width along most of the frontage, narrowing to 40' along a +/- 150' long section, to avoid a conflict with the proposed parking lot. The remaining width needed to meet the 80' standard will be provided on the opposite side of the Parkway Connector during development of subsequent phases. Amenities, as required by the CDP, include a bench, a sidewalk, and landscaping. The opposite side of the connector road has not yet been designed; staff will monitor as additional phases are submitted to ensure that the total 80' width is maintained along both sides of the connector.

3. *The proposed Development is located in an area of the Town that is appropriate.*
   The CDP proposes in Section 1.0 to encourage a variety of land uses and building types including residential, commercial, and office uses, which will result in a master planned development, and discourage disjointed, piecemeal development. In approving the CDP, Town Council determined that the proposed development was consistent with the Comprehensive Long Range Plan (CLRP) which indicates Traditional Mixed Uses for the project area. More specifically, the CLRP describes the Traditional Mixed Use category as follows:

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

4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*
   The parcels for development of Phase 2 were annexed in February of this year. Prior to annexation, the property was considered extra-territorial jurisdiction (ETJ) and was surrounded by in-town properties on three sides. James Michel, Town Engineer, has certified that the Town's existing water and sewer systems have the capacity to serve the proposed development and extension of town services such as police and fire protection do not create an undue burden due to the adjacency of properties already served.

3. Requested Deviations from the Approved CDP:

1. For the PDP application for Phase 2, the following deviations are being requested and are included in the applicant's narrative.

   - UDO Section 4.5 addresses parking requirements for development within the Town. Multi-family developments require 1 parking space per dwelling unit for all 1-bedroom units and two spaces per unit for 2 and 3-bedroom units. Also required is one parking space per each five units to accommodate visitors. The proposed development would require 507 parking spaces based on the UDO and the proposed number of bedrooms and units. The applicant seeks to reduce the minimum required number of parking spaces from 507 to

434 but states that they are willing and able to incorporate the full number of required spaces if the request is not granted. The CDP did not grant parking reductions, except where shared parking may be appropriate. This PDP does not propose shared parking.

- Residential units were capped at 650 total units by the CDP, and may be multi-family, townhomes, and single-family detached up to a density of sixteen dwelling units per acre, a maximum density that is imposed by the Morganton Road Overlay District where the project area exists. Phase 2 represents the first proposal for residential units for the development, and includes 269 multi-family dwelling units on 13.18 acres, which calculates to more than 20 units per acre. The applicant has requested an increase in the allowable density for Phase 2 to 20.4 units per acre, as stated in the attached narrative, "because of the proximity to the adjacent shopping center", and to accommodate walkability between the retail and residential uses in these initial two phases. There is no request to increase the allowable number of total dwelling units for the overall development, which is capped at 650. If Phase 1 is allowed the 269 units in the design, 381 units will remain in the total allocation, to be distributed among future phases where residential uses are anticipated. However, the 16 dwelling units per acre limitation that is required by our LDO and is stated as a standard in the CDP, is being exceeded by the Phase 2 proposal.

4. Noteworthy Project Elements for Town Council Consideration

- Approval of the Morganton Park Phase 2 PDP as proposed will allow 269 multi-family units in three buildings with a leasing office/clubhouse, associated parking at a total count of 434 spaces, and other amenities such as a swimming pool and clubhouse/leasing office, arranged in the manner depicted in Preliminary Development Plan Sheet L1.1 to proceed to engineering plan (site plan) review with town staff. Sheet L1.1 is included as an attachment to this document.

- Though not included in the list of deviation requests made by the applicant, reviewers of the proposal should note that a building orientation requirement that was set forth in the CDP approval is applicable to the Phase 2 design layout. The submitted orientation of building in Phase 2 is considered by staff to be inconsistent with both the CDP and the UDO. The CDP Exhibit XIII – Master Plan Development Waivers document states: "Due to the type of development proposed and the site constraints (dimensions and topography), buildings will be oriented toward the street, however, they will not be required to be close to the street frontage". This waiver grants relief from UDO §3.6.6(C)(3), the Morganton Road Overlay, which requires that buildings other than large scale retail development should be oriented to and located close to the street frontage with parking

lots on the side or rear. The applicant's narrative describes the orientation of the buildings in Phase 2 as being "toward the shopping center and adjacent recreation areas. This configuration provides an ideal opportunity for pedestrian connections to these areas and will encourage walking within the community." The plan orients the buildings toward the internal private street and provides direct access to adjacent open space for some units. The decision must be made as to whether the UDO language intends to draw the buildings towards the public, connector road that provides access to the apartment complex, rather than the internal, private road that winds its way through the Phase 2 development.

IV. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, Sandhills Community College, Moore County Airport Authority, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on April 28, 2022.

- Dago Juarez Pozos, NCDOT District Engineer, responded on May 5, 2022 that they have no additional comments on this development, as it was accounted for in the TIA previously reviewed that included both the Phase 1 and Phase 2 development proposals.

- Vagn Hansen, RLUAC's Executive Director, responded on May 3, 2022 that the agency had no comments regarding this proposal.

- A Traffic Impact Analysis (TIA) was prepared and provided by the applicants prior to Phase 1 PDP approval, and studied traffic for both Phases 1 and 2. A copy of the Executive Summary of the TIA is attached. An updated Trip Generation Memo dated March 24, 2022 was generated by the traffic engineer to account for the increase of multi-family units from 260 to 269 in Phase 2 and is also attached to this staff report. Town Engineer James Michel has reviewed the memo and has verified that the increase of nine units does not warrant additional concern.

V. ATTACHMENTS:

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

1. Morganton Park South Phase 2 PDP Application
2. Reference: Morganton Park South CDP Land Use Plan (Exhibit VII)
3. Reference: Morganton Park South CDP Exhibit IX - Conceptual Transportation and Drainage Plan and Exhibit X - Street and Sidewalk Standards
4. Applicant's PDP Narrative and Justification Documents
5. Applicant's Phase 2 Preliminary Development Plan (Sheet L-1.1)

6. Morganton Park South Phases 1 & 2 Traffic Impact Analysis – Executive Summary w/ Recommendations (A full copy of the applicant's 338-page TIA is available from planning staff upon request)
7. Morganton Park South Trip Generation Memo
8. NCDOT Comments
9. RLUAC Response

VI. TOWN COUNCIL ACTION:

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

- The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case.

- The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4.

    - Staff has drafted two options for the findings: **Attachment A** (Option 1) assumes a favorable decision by Council, and **Attachment B** (Option 2) assumes an unfavorable decision. Each option also addresses the potential for Council to make modifications to the draft findings at their discretion. The Town Council may also provide an alternative to either of the drafted findings and related motions.

I move to:

1. Adopt **Attachment A** of the staff report as drafted as Findings of Fact regarding the proposed Preliminary Development Plan PD-07-22.

    - OR -

2. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-07-22, with the following changes: _____
    _____
    _____.

    - OR-

3. Adopt **Attachment B** of the staff report as drafted as Findings of Fact regarding the proposed Preliminary Development Plan PD-07-22.

    - OR –

4. Adopt **Attachment B** of the staff report regarding the proposed Preliminary Development Plan PD-07-22, with the following changes:
   _____
   _____
   _____.

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

I move to:

1. Approve the Preliminary Development Plan for PD-07-22;

2. Deny the Preliminary Development Plan for PD-07-22;

3. Approve the Preliminary Development Plan for PD-07-22 with the following additional conditions:
   _____
   _____
   _____.

ATTACHMENT "A"
Draft Town Council Findings of Fact – OPTION 1
Preliminary Development Plan Application PD-07-22

Finding of Fact #1:

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

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section.**
   The Town Council finds that the Preliminary Development Plan (PDP) for Morganton Park South Phase 2 implements the purposes of the Planned Development District because the proposed mix of land uses is supported by the stated purpose of the district as being "to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of the UDO. Furthermore, the design of the PDP is consistent with the majority of the fourteen stated intentions of the Planned Development District regulations as set forth in Chapter 3 of the UDO.

2. **The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.**
   The Town Council finds that the PDP is consistent with the Morganton Park South Conceptual Development Plan (CDP) with the exception of the deviations specifically requested by the applicant as part of the PDP application. Furthermore, deviations that vary from standards that are contained in the UDO are allowed, to provide for the application of unique conditions and standards during the process of rezoning to a Planned Development District, and that the Town Council deems the requested deviations to satisfy the following general provisions for the PD District found in UDO §3.5.14(F)(3):
   - meets or exceeds the general intent of the UDO standards for the base district;
   - is appropriate given the specific mix of uses and character of the development; and
   - achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

3. **The proposed Development is located in an area of the Town that is appropriate.**
   Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development may be served by existing public utilities and is providing a desirable connection between two significant roadways (West Morganton Road and US Highway 15-501). Additionally, the project is located in an area of town with existing access to necessary utility infrastructure and where the street system is adequate, or can be improved to be adequate, to accommodate the projected traffic volumes.

4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**
   Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and the Town Engineer has determined that the systems have the capacity to serve the proposed development. Furthermore, the development will be accessed by a new town roadway that creates a connection between existing roadways, providing options to drivers that is likely to assist with the dispersal of traffic.

ATTACHMENT "B"
Draft Town Council Findings of Fact – OPTION 2
Preliminary Development Plan Application PD-07-22

Finding of Fact #1:

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

Finding of Fact #2:

The Town Council finds that the application does not comply with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section.**
   The Town Council finds that the Preliminary Development Plan (PDP) for Morganton Park South Phase 2 implements the purposes of the Planned Development District because the proposed mix of land uses is supported by the stated purpose of the district as being "to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of the UDO. Furthermore, the design of the PDP implements the majority of the fourteen stated intentions of the Planned Development District as set forth in Chapter 3 of the UDO.

2. **The Preliminary Development Plan is not consistent with the Conceptual Development Plan and does not conform to all applicable provisions of this UDO.**
   The Town Council finds that the PDP is inconsistent with the Morganton Park South Conceptual Development Plan (CDP)and with the UDO with regard to the CDP and UDO allowing for a maximum density of sixteen dwelling units per acre and the density proposed by the PDP being 20.4 units per acre. Furthermore, the proposed PDP is not compliant with two UDO requirements: 1) the proposed number of parking spaces are lower than the calculated parking requirements for the multi-family use proposed by 73 spaces, and 2) the orientation of the proposed structures is not to the street frontage as required for properties located in the Morganton Road Overlay District. It should also be noted that this last item is also inconsistent with the statement in the CDP that "due to the type of development proposed and the site constraints (dimensions and topography), buildings will be oriented toward the street, however, they will not be required to be close to the street frontage". The Town Council further finds that these deviations do not satisfy the following general provisions for the PD District found in UDO §3.5.14(F)(3):

- meets or exceeds the general intent of the UDO standards for the base district;
- is appropriate given the specific mix of uses and character of the development; and
- achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

3. **The proposed Development is located in an area of the Town that is appropriate.**
   Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development may be served by existing public utilities and is providing a desirable connection between two significant roadways (West Morganton Road and US Highway 15-501). Additionally, the project is located in an area of town with existing access to necessary utility infrastructure and where the street system is adequate, or can be improved to be adequate, to accommodate the projected traffic volumes.

4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**
   Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and the Town Engineer has determined that the systems have the capacity to serve the proposed development. Furthermore, the development will be accessed by a new town roadway that creates a connection between existing roadways, providing options to drivers that is likely to assist with the dispersal of traffic.

Town of Southern Pines North Carolina

Planned Development District Preliminary Development Plan Application

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

Project Information:

Project Name: MORGANTON PARK SOUTH APARTMENTS - PDP

Physical Address: BETWEEN W. MORGANTON RD AND US-15-501 HWY

PIN: 857100562348; 857100575720 Parcel ID: 00049222; 98000749

Site Size: ±12.85 AC Zoning: PD

Applicant:

Name(s): ZIMMER DEVELOPMENT COMPANY C/O ADAM TUCKER

Email: ADAMTUCKER@ZDC.COM Phone: 910-763-4669

Mailing Address: 111 PRINCESS STREET WILMINGTON, NC 28401

Authorized Agent, if different from Applicant:

Name(s): KOONTZ JONES DESIGN C/O BOB KOONTZ

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

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

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

Name(s): HYPERACTIVE COMMERCIAL INVESTMENTS, LLC; MORGANTON ROAD ENTERPRISES, LLC

Email: Nconti@pinehurstsurgical.com; thomasv@vancamplaw.com Phone: 910-315-8514; 910-295-2525

Mailing Address: 25 Shaw Road Pinehurst, NC 28374; PO Box 1389 Pinehurst, NC 28370

1/12/22

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Preliminary Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the EAST side of US-15-501 (St./Ave.), between W MORGANTON RD (St./Ave.) and US-15-501 (St./Ave.). The property has a frontage of ±545 feet and a depth of ±1360 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance.** The proposed use of the property is as follows:

MULTI-FAMILY RESIDENTIAL DEVELOPMENT

Date: 4/8/22

Applicant (manager)

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

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), ZIMMER DEVLOPMENT COMPANY, hereby appoint(s) KOONTZ JONES DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 8th day of April, 2022.

(manager)
~~Property Owner~~ Applicant

~~Property Owner~~

Agent

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), HYPERACTIVE COMMERCIAL INVESTMENTS, LLC, hereby appoint(s) KOONTZ JONES DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 7 day of April, 2022.

Member / manager
Property Owner

Property Owner

Agent

1/12/22

APPOINTMENT OF AGENT

MORGANTON ROAD ENTERPRISES, LLC

The undersigned owner(s), THOMAS M VAN CAMP TRUSTEE & OTHERS, hereby appoint(s) KOONTZ JONES DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 6 day of April, 2022.

Property Owner

Property Owner

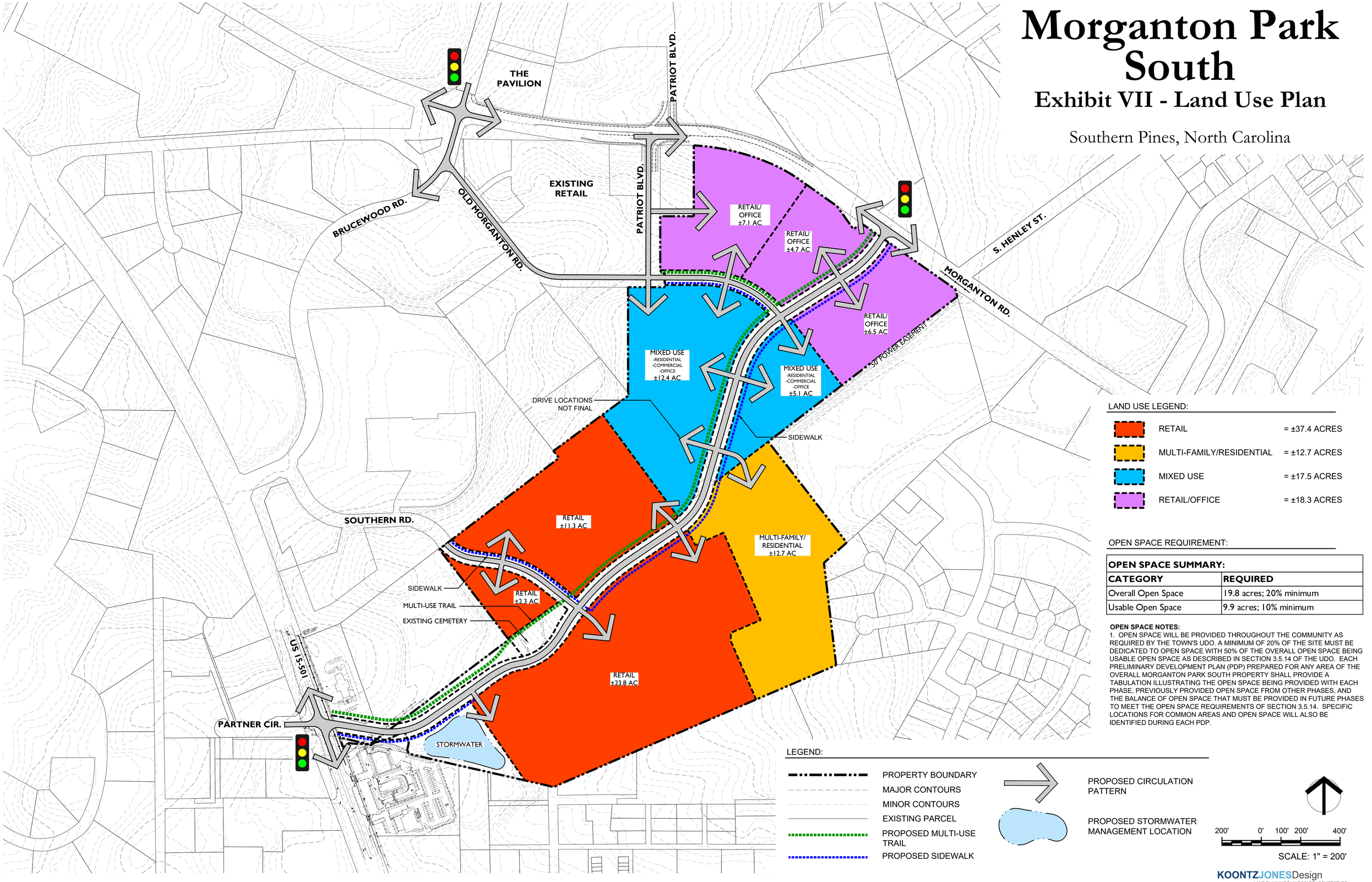
Agent

1/12/22

Morganton Park South

Exhibit VII - Land Use Plan

Southern Pines, North Carolina



LAND USE LEGEND:

	RETAIL	= ±37.4 ACRES
	MULTI-FAMILY/RESIDENTIAL	= ±12.7 ACRES
	MIXED USE	= ±17.5 ACRES
	RETAIL/OFFICE	= ±18.3 ACRES

OPEN SPACE REQUIREMENT:

OPEN SPACE SUMMARY:	
CATEGORY	**REQUIRED**
Overall Open Space	19.8 acres; 20% minimum
Usable Open Space	9.9 acres; 10% minimum

OPEN SPACE NOTES:

1. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK SOUTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH EACH PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES, AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14. SPECIFIC LOCATIONS FOR COMMON AREAS AND OPEN SPACE WILL ALSO BE IDENTIFIED DURING EACH PDP.

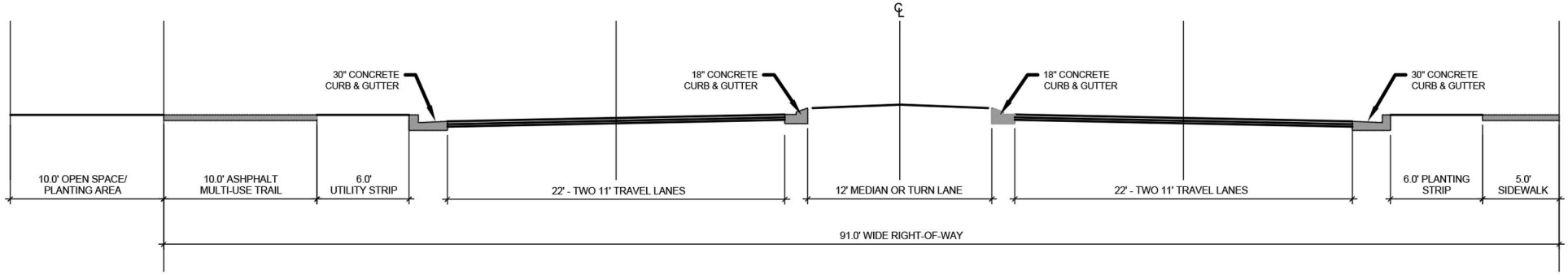
LEGEND:

- PROPERTY BOUNDARY
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING PARCEL
- PROPOSED MULTI-USE TRAIL
- PROPOSED SIDEWALK
- PROPOSED CIRCULATION PATTERN
- PROPOSED STORMWATER MANAGEMENT LOCATION

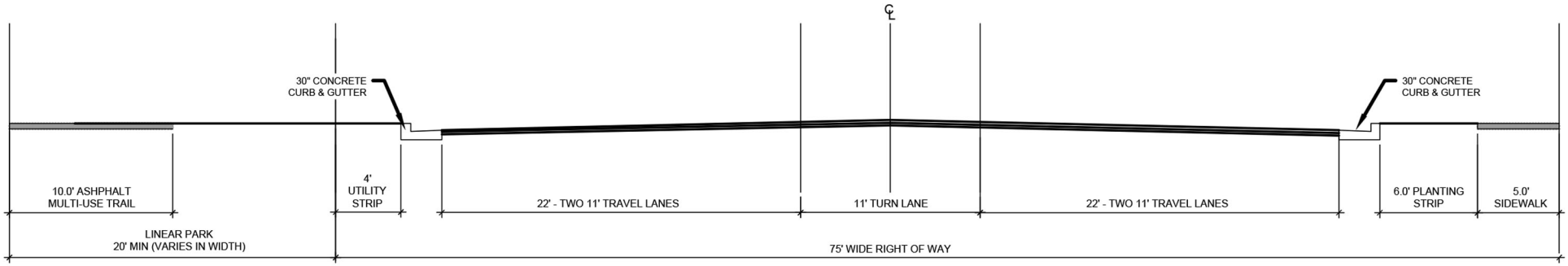
200' 0' 100' 200' 400'

SCALE: 1" = 200'

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE



91' Right-of-Way (Parkway Collector Street) NOT TO SCALE

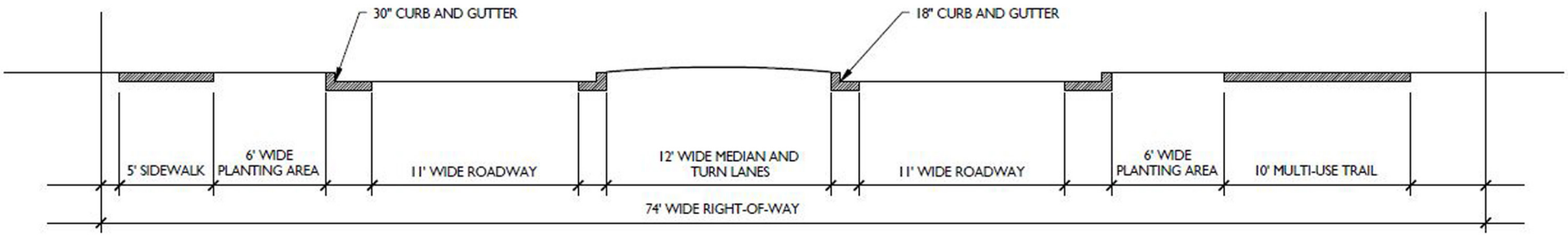


75' Right-of-Way (Parkway Collector Street) NOT TO SCALE

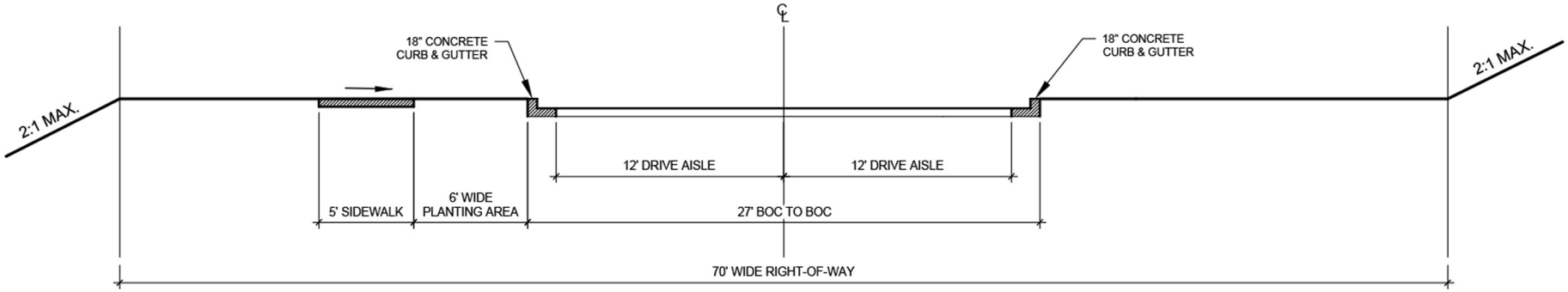
Morganton Park South

Exhibit X- Street and Sidewalk Standards | Sections
Southern Pines, North Carolina

Exhibit X



74' Right-of-Way (Old Morganton Road) NOT TO SCALE
*OR TO MATCH EXISTING OLD MORGANTON ROAD CROSS SECTION



70' Right-of-Way (Southern Road) NOT TO SCALE
*OR TO MATCH EXISTING SOUTHERN ROAD CROSS SECTION

Morganton Park South

Exhibit X- Street and Sidewalk Standards | Sections
Southern Pines, North Carolina

MORGANTON PARK SOUTH MULTI-FAMILY
PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the proposed phase 2 development of the Morganton Park South Conceptual Development Plan (CDP) which will include the Morganton Park South multi-family residential community. Multi-family units as proposed for the Morganton Park South multi-family residential community are consistent and meet all standards of the Morganton Park South CDP (PD-08-21) as approved on September 14, 2021. As stated in the Town of Southern Pines Unified Development Ordinance (UDO) in Section 2.18.5(A), the PDP is intended to show, with greater detail, the proposed portion of development and illustrate how "proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PDD and the approved Conceptual Development Plan". The following narrative will provide information related to the submitted plans and provide details of the proposed multi-family residential community. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). The multi-family residential community is consistent with the PD zoning district, CDP and the Town's Comprehensive Long-Range Plan (CLRP). The property and overall Morganton Park South properties are indicated as Traditional Mixed Use in the Town's CLRP.

The multi-family residential community, as described in this PDP application, is intended to include the second phase of development of the Morganton Park South CDP and includes 269 multi-family residential units. The CDP permits up to 650 multi-family units within the overall Morganton Park South CDP area. This development conforms with the Development Program in Section 5.1 – Table 1.1, the multi-family design standards approved as part of the CDP and all other standards indicated in the approved CDP for the property. A tabulation is provided on sheet L-1.1 of the submission documents indicating conformance to the development program and open space requirements as described in the CDP. Following is a description of the individual phase and overall design elements of the PDP.

Walkability

Walkability is an important component of the proposed multi-family community. Concrete sidewalks are provided throughout the neighborhood to provide convenient access to multi-family buildings. An interconnected network of walkways and sidewalks provide access throughout the community and link amenities and recreation areas. In addition, sidewalk connections will be made to the adjacent shopping center and linear park greenway trail area that will be located along the parkway which connects US 15/501 and Morganton Park. These connections will promote bicycle and pedestrian travel for shopping, dining and recreational opportunities.

Amenities

Amenities will be provided throughout the community. Amenities will include a community clubhouse, pool, fitness center and other community rooms, a dog park, children's playground, car wash area and other passive park spaces. The site's proximity to the

adjacent Town of Southern Pines soccer fields and the linear park located on the connecting parkway will provide residents with additional recreational opportunities. The proposed development connects to the adjoining retail and dining opportunities.

The project frontage along the Parkway Connector is required to provide a minimum 20' linear park. Plans include a 40'-60' linear park along the parkway frontage and will include a trellised sitting area for the park as required. Landscaping within the linear park area will comply with the CDP requirements.

Parking Areas

Parking for the multi-family residential buildings will be provided through a combination of surface parking and free-standing garages. UDO standards are as follows from Section 4.5 of the Town's UDO:

Land Use	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Multi-Family		
0-1 bedrooms	1 space per Dwelling Unit	
2-3 bedrooms	2 spaces per Dwelling Unit	1 space per 10 Dwelling Units
Visitor Parking	1 space per 5 units	

Based on the parking standards above, the proposed development would require 507 parking spaces (1.88 spaces per unit). In consultation with the Planning Staff, Applicant seeks to reduce the minimum required number of parking spaces from 507 to 434 but is willing and able to incorporate the full number of required parking spaces if required by the Town.

Proposed parking for the development is as follows:

Parking Proposed: Total = 434 (1.61/Unit)
Surface Parking = 413
Garage Parking = 21

Stormwater Management

Stormwater management for the development will be provided per Section 5.5.10 of the CDP booklet. All stormwater will be directed toward the pond located near 15/501 and being constructed for the adjacent shopping center. Appropriate state and local stormwater and erosion control permits will be required by the Town prior to any land disturbance activity on the site.

Lighting

All lighting on the property will follow Section 4.5.6 of the CDP and Section 4.8 of the UDO. Lighting levels in parking areas and throughout the community will be provided to meet

the UDO standards for safety. All light will be projected downward to limit any light spilling onto adjacent properties.

Density and Buildings

While the proposed density for this project exceeds the 16 dwelling units per acre standard as defined in the Morganton Road Overlay district and noted in the approved CDP, the proposed unit count is still consistent with the approved overall development program. The CDP allows for a total of 650 residential units in the Morganton Park South development. The development as proposed in this PDP consists of 269 multi-family residential units on 13.18 acres, or 20.4 dwelling units per acre.

The applicant seeks to increase the allowable density for this phase to 20.4 units per acre because of the proximity to the adjacent shopping center. As proposed the project is consistent with the scale of the adjacent retail development CDP. Walkability from the multi-family development to the adjacent shopping center should be encouraged. More units that can take advantage of walking and biking between the adjacent shopping center and recreation areas, including the linear park, has the effect of reducing the number daily car trips. This location, adjacent to the large retail and entertainment center is ideal for the proposed density. Any, future multi-family projects within the CDP area will not have the proximity advantage that this community will possess.

Buildings have been placed on the property to orient toward the shopping center and adjacent recreation areas. This configuration provides an ideal opportunity for pedestrian connections to these areas and will encourage walking within the community. In addition, the buildings orient toward the main internal private street and several large areas of open space within the parking areas are provided to break up the parking areas and provide a more open feeling for the parking areas. These larger parking islands will be planted with shade trees and serve to break up the parking fields.

Open Space

Required open space for Morganton Park South CDP area is 20%. Open space is not required for each individual parcel within Morganton Park South, however, the Morganton Park South Apartments will provide 19.7 % open space as indicated on the site plan.

An updated ‘running’ tabulation for the overall Morganton Park South property has been provided on Sheet L.1.1 of the submission set and includes the linear park along the parkway connector.

Signage

A single subdivision sign for the multifamily development will be placed along the parkway at the main entrance. One additional sign may be placed at the shopping center access location. All signs will indicate the name of the community and/or business. Any additional directional or on-site signage for parking areas, parks or amenities will follow the Town of Southern Pines sign standards in Section 4.6 for size, materials, and height.

Environmental and Endangered Species

The project area is located outside of any high-quality watershed and 100-year floodplain areas. There are no threatened or endangered species on the property. All requirements of federal, state and local agencies for environmental standards will be met and any permits or authorization to proceed obtained prior to construction.

Utilities

This PDP follows the criteria described in Sections 5.5.5 of the CDP booklet. Water and sewer utilities are readily available for the project and will be connected to the adjacent shopping center development. The community will connect to readily available water and sewer utilities, the cost of which will be borne by the developer.

Vehicular Circulation

Vehicular circulation and access will be constructed in accordance with Section 4.5.1 of the CDP document. A Traffic Impact Assessment (TIA) has been provided showing the proposed exterior roadway improvements required. This project will be accessed from the parkway at a designated median break which was located during the parkway design and included in the CDP document. The parkway design was approved as part of the PDP for Phase 1 and included a full motion intersection at the main access location. In addition, a vehicular access location has been provided from the adjacent shopping center for emergency access and convenient access to the retail and dining opportunities.

In summary, the proposed PD – PDP is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Traditional Mixed-Use. This PDP contains a 269-unit multi-family residential community as permitted in the approved CDP. The proposed community design meets the standards of the approved CDP. The development as proposed in this PDP is the commencement of the second phase of development for the Morganton Park South CDP area. The proposed PDP meets the description of the vision described in Section 2.2 of the CDP and will create new residential housing, adjacent to a new shopping center and in the middle of a large mixed-use development as prescribed in the approved Morganton Park South CDP.

EXHIBIT A

Morganton Park South Multi-Family
Preliminary Development Plan Justification

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

(1) The application demonstrates that it will achieve the purposes of the PDD and this section;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The documents included with the approved CDP demonstrate the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the approved Morganton Park South CDP all encourage a mixed-use development that reflects the standards of the existing area which includes and surrounds the phase of development described in the PDP. The PDP submitted meets these goals.

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

The PDP is consistent with and meets all standards and requirements provided in the CDP plans and documents. In addition, plans conform to the standards of the UDO, which are applicable and not described in the CDP. All uses are consistent with the proposed development program and allowable uses in the CDP contained in Section 5.1 – Table 1.1 of the approved document. The development of a 269-unit multi-family residential community is consistent with vision described in Section 2.2 of the Project Narrative and Design Standards approved as part of the CDP. The multi-family residential units follow all standards of the CDP.

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

The PDP is consistent with the CDP, surrounding community and the Morganton Park South mixed-use development which includes a mixed-use, office, residential, retail and restaurant uses. The CLRP, which takes in to account surrounding land uses, designates this property as traditional mixed-use. The continued development of the Morganton Park South CDP, as described by the PDP documents is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

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

Water and sewer utilities are readily available to serve the project and will be connected to this site during the construction of the parkway connector, which will be installed during the first phase of development of the Morganton Park South CDP. Water and sewer utilities will be located within the right-of-way for the new parkway connector, which will serve this property. No additional extension of public utilities will be necessary to connect to this property. Stormwater management facilities to serve this property were designed in a regional facility on the southwestern portion of the Morganton Park South first phase and will be constructed to accommodate this property.

VICINITY MAP

GENERAL NOTES:

1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.5.6 OF THE CDP AND SECTION 4.8 OF TOWN'S UDO
2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS AS ESTABLISHED IN SECTION 5.5.7 OF THE CDP

DRAINAGE NOTES:

1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
2. DRAINAGE WILL BE RETAINED BY EXISTING REGIONAL STORMWATER MANAGEMENT POND WITHIN THE MORGANTON PARK SOUTH DEVELOPMENT. DETAILED STORMWATER MANAGEMENT PLANS AND CALCULATIONS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT

FLOODPLAIN DATA

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

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

CAUTION

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

PROPERTY INFORMATION

PROPERTY OWNER(S):
PARCEL 1:
MORGANTON ROAD ENTERPRISES, LLC
THOMAS VAN CAMP, TRUSTEE, & OTHERS
PO BOX 1389
PINEHURST, NC 28370

PARCEL 2:
HYPERACTIVE COMMERCIAL INVESTMENTS, LLC
25 SHAW ROAD
PINEHURST, NC 28374

APPLICANT:
ZIMMER DEVELOPMENT COMPANY
C/O ADAM TUCKER
111 PRINCESS STREET
WILMINGTON, NC 28401

TOTAL ACREAGE: ±13.18 AC

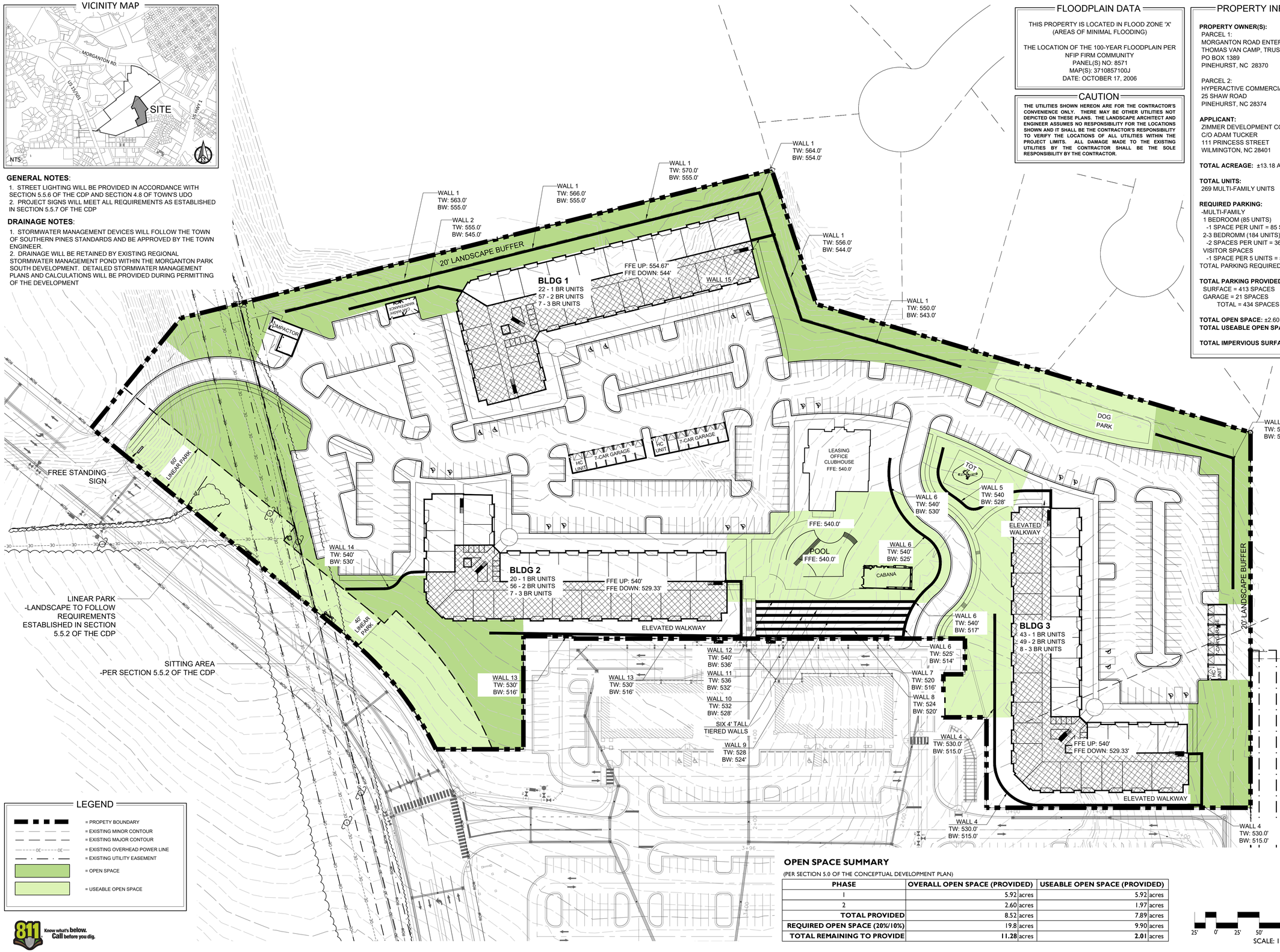
TOTAL UNITS:
269 MULTI-FAMILY UNITS

REQUIRED PARKING:
-MULTI-FAMILY
1 BEDROOM (85 UNITS)
-1 SPACE PER UNIT = 85 SPACES
2-3 BEDROMM (184 UNITS)
-2 SPACES PER UNIT = 368 SPACES
VISITOR SPACES
-1 SPACE PER 5 UNITS = 54 SPACES
TOTAL PARKING REQUIRED = 507 SPACES

TOTAL PARKING PROVIDED =
SURFACE = 413 SPACES
GARAGE = 21 SPACES
TOTAL = 434 SPACES (1.61 SPACES/UNIT)

TOTAL OPEN SPACE: ±2.60 AC (19.7%)
TOTAL USEABLE OPEN SPACE: ±1.97 AC (14.9%)

TOTAL IMPERVIOUS SURFACE: ±8.15 AC (61.8%)



LEGEND

- = PROPETY BOUNDARY
- = EXISTING MINOR CONTOUR
- = EXISTING MAJOR CONTOUR
- = EXISTING OVERHEAD POWER LINE
- = EXISTING UTILITY EASEMENT
- = OPEN SPACE
- = USEABLE OPEN SPACE

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

OPEN SPACE SUMMARY

(PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)

PHASE	OVERALL OPEN SPACE (PROVIDED)		USEABLE OPEN SPACE (PROVIDED)	
1	5.92	acres	5.92	acres
2	2.60	acres	1.97	acres
TOTAL PROVIDED	8.52	acres	7.89	acres
REQUIRED OPEN SPACE (20%/10%)	19.8	acres	9.90	acres
TOTAL REMAINING TO PROVIDE	**11.28**	acres	**2.01**	acres

25' 0' 25' 50' 100'
SCALE: 1" = 50'-0"

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:

MORGANTON PARK SOUTH MULTI-FAMILY
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 04-11-2022
DESIGNED BY: PJS
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KJD21107

SHEET NUMBER#:
L-1.1

Traffic Impact Analysis

Pine Ridge Commercial

Southern Pines, NC

Prepared for:

LKC Engineering, PLLC

Kimley»Horn

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Traffic Impact Analysis for

Pine Ridge Commercial

Southern Pines, North Carolina

Prepared for:

LKC Engineering

Aberdeen, NC

Prepared by:

Kimley-Horn and Associates, Inc.

NC License #F-0102
421 Fayetteville Street, Suite 600
Raleigh, NC 27601
(919) 677-2000

July 2021

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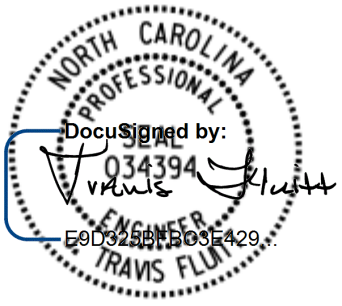

7/23/2021

This document, together with the concepts and designs presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

Executive Summary

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis (TIA) for the proposed Pine Ridge Commercial development located between US 15/501 and Morganton Road east of the Southern Pines Village shopping center in Southern Pines, NC. The site is currently vacant. As currently envisioned, the development is proposed to include up to 260 multi-family residential units, 20,000 square feet (SF) of office space, and 220,000 SF of shopping center space. The site is proposed to be accessed by the new Pine Ridge Parkway, which will extend from US 15/501 at Partner Circle to Morganton Road at the proposed S. Stephens Street Extension. Build-out of the development is anticipated in 2024.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development. The Town of Southern Pines' Unified Development Ordinance (UDO) requires the study of the build-out traffic conditions for both the site build-out and 10-year projections. Therefore, the traffic conditions studied include the existing (2021) and projected (2024 and 2031) background and build-out traffic conditions for the AM and PM peak hours.

As shown in Table ES-1, the site has the potential to generate approximately 7,832 net new daily trips, 382 net new external trips during the AM peak hour, and 685 net new external trips during the PM peak hour.

Table ES-1
ITE Traffic Generation (Vehicles)

Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
221	Multifamily Housing (Mid-Rise)	260	d.u.	1,416	23	64	68	43
710	General Office Building	20,000	s.f.	224	39	6	4	21
820	Shopping Center	220,000	s.f.	10,278	162	100	468	506
Subtotal				11,918	224	170	540	570
Internal Capture Reduction				*784*	*6*	*6*	*56*	*56*
Pass-By Reduction				*3,302*	*0*	*0*	*152*	*161*
Total Net New External Trips				**7,832**	**218**	**164**	**332**	**353**

Intersection capacity analyses were performed using Synchro/SimTraffic Version 10.3 software. Table ES-2 summarizes the operation of the overall study intersections for the AM and PM peak hours.

Table ES-2 Level-of-Service Summary		
Condition	**AM Peak Hour LOS (Delay)**	**PM Peak Hour LOS (Delay)**
US 15/501 at Brucewood Road (Signalized)		
Existing (2021) Traffic	A (7.5)	C (20.4)
Background (2024) Traffic	A (8.2)	C (23.8)
Build-Out (2024) Traffic	A (7.1)	C (25.6)
Background (2031) Traffic	A (9.7)	C (25.1)
Build-Out (2031) Traffic	A (9.9)	C (26.3)
US 15/501 at Pine Ridge Parkway North U-Turn (Signalized)		
Background (2031) Traffic	A (7.3)	B (14.0)
Build-Out (2031) Traffic	A (8.9)	C (20.7)
US 15/501 at Partner Circle / Pine Ridge Parkway		
Existing (2021) Traffic – *Unsignalized, Full Movement*	EB – D (33.7) WB – F (72.6) NBL – B (10.8) SBL – B (10.7)	EB – F (77.4) WB – F (>500) NBL – B (14.2) SBL – B (12.8)
Background (2024) Traffic – *Unsignalized, Full Movement*	EB – E (46.7) WB – F (85.8) NBL – B (11.5) SBL – B (11.4)	EB – F (143.0) WB – F (>500) NBL – C (15.8) SBL – B (13.9)
Build-Out (2024) Traffic – *Signalized, Full Movement*	A (7.4)	B (12.5)
Background (2031) Traffic – *Signalized, Superstreet*	NB Side - A (7.2) SB Side - B (10.7)	NB Side - A (9.8) SB Side - B (16.3)
Build-Out (2031) Traffic – *Signalized, Superstreet*	NB Side - B (10.2) SB Side - B (10.6)	NB Side - C (21.4) SB Side - C (12.9)
US 15/501 at Murray Hill Road (Signalized)		
Existing (2021) Traffic	C (32.2)	F (90.8)
Background (2024) Traffic	D (39.1)	F (109.8)
Build-Out (2024) Traffic	D (40.5)	F (111.3)
Background (2031) Traffic - *Superstreet*	NB Side - B (15.9) SB Side - B (11.4)	NB Side - C (32.2) SB Side - D (37.3)
Build-Out (2031) Traffic - *Superstreet*	NB Side - B (16.6) SB Side - B (14.3)	NB Side - D (43.3) SB Side - D (50.9)

Table ES-2 (cont.) Level-of-Service Summary		
Condition	**AM Peak Hour LOS (Delay)**	**PM Peak Hour LOS (Delay)**
Morganton Road at Brucewood Road (Signalized)		
Existing (2021) Traffic	B (11.2)	B (15.1)
Background (2024) Traffic	C (26.3)	C (32.0)
Build-Out (2024) Traffic	C (26.4)	C (32.0)
Background (2031) Traffic	C (28.7)	C (32.1)
Build-Out (2031) Traffic	C (28.9)	C (32.5)
Morganton Road at S. Stephens Street Extension / Pine Ridge Parkway		
Background (2024) Traffic – *Unsignalized*	NB – F (63.3) SB – E (49.4) EBL – B (11.2) WBL – B (10.3)	NB – F (74.3) SB – F (118.0) EBL – B (11.1) WBL – B (10.6)
Build-Out (2024) Traffic – *Signalized*	A (5.8)	A (9.0)
Background (2031) Traffic – *Signalized*	A (7.2)	B (11.0)
Build-Out (2031) Traffic – *Signalized*	A (8.7)	C (23.3)
Pine Ridge Parkway at Site Driveway 1 (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.6) WBL – A (7.5)	NB – B (12.8) WBL – A (8.0)
Build-Out (2031) Traffic	NB – C (16.2) WBL – A (8.8)	NB – E (45.3) WBL – A (9.5)
Pine Ridge Parkway at Southern Road / Site Driveway 2 (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.4) WBL – A (7.5)	NB – B (12.5) WBL – A (8.0)
Background (2031) Traffic	SB – B (12.0) EBL – A (7.9)	SB – C (16.7) EBL – A (8.7)
Build-Out (2031) Traffic	NB – C (17.8) SB – C (16.3) EBL – A (8.1) WBL – A (8.7)	NB – F (136.5) SB – F (59.9) EBL – A (9.1) WBL – A (9.3)
Pine Ridge Parkway at Site Driveway 3 / Phase 5 East Driveway (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.1) WBL – A (7.4)	NB – B (10.6) WBL – A (7.8)
Background (2031) Traffic	SB – B (11.8) EBL – A (8.1)	SB – C (23.7) EBL – A (8.8)
Build-Out (2031) Traffic	NB – C (17.2) SB – C (15.4) EBL – A (8.3) WBL – A (8.3)	NB – F (62.5) SB – F (72.4) EBL – A (9.5) WBL – A (8.7)

Table ES-2 (cont.) Level-of-Service Summary		
Condition	**AM Peak Hour LOS (Delay)**	**PM Peak Hour LOS (Delay)**
Pine Ridge Parkway at Site Driveway 4 / Phase 7 Driveway (Unsignalized)		
Build-Out (2024) Traffic	NB – A (9.2) WBL – A (7.4)	NB – B (10.9) WBL – A (7.8)
Background (2031) Traffic	NB – B (13.5) SB – B (10.9) EBL – A (7.8) WBL – A (7.9)	NB – C (15.9) SB – B (12.9) EBL – A (8.2) WBL – A (7.9)
Build-Out (2031) Traffic	NB – B (16.5) SB – B (12.0) EBL – A (8.0) WBL – A (8.1)	NB – D (33.1) SB – C (18.8) EBL – A (8.9) WBL – A (8.6)
Pine Ridge Parkway at Old Morganton Road Extension		
Background (2031) Traffic	EB – B (11.0) WB – B (11.7) NBL – A (7.7) SBL – A (7.6)	EB – B (12.4) WB – B (10.8) NBL – A (7.8) SBL – A (7.7)
Build-Out (2031) Traffic	EB – B (12.0) WB – B (13.2) NBL – A (8.0) SBL – A (7.8)	EB – C (18.4) WB – B (14.4) NBL – A (8.4) SBL – A (8.2)

The following improvements are recommended to be performed as part of the proposed Pine Ridge Commercial development:

US 15/501 at Partner Circle / Pine Ridge Parkway:

- Provide an exclusive left-turn lane and a shared through/right lane on westbound Pine Ridge Parkway
- Install a temporary wood-pole traffic signal

Morganton Road at S. Stephens Street / Pine Ridge Parkway:

- Provide an exclusive left-turn lane and a shared through/right-turn lane on the northbound approach of Pine Ridge Parkway
- Construct a westbound left-turn lane on Morganton Road (and convert the existing intersection of Morganton Road at S. Henley Street to right-in/right-out only)
- Install a traffic signal when warranted

Pine Ridge Parkway at Site Driveway 1:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 2:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 3:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

Pine Ridge Parkway at Site Driveway 4:

- Provide an exclusive westbound left-turn lane on Pine Ridge Parkway
- Provide separate left and right-turn lanes exiting the Site Driveway

The following additional improvement is recommended to be incorporated into STIP Project U-5814:

US 15/501 at Partner Circle / Pine Ridge Parkway:

- Construct a northbound right-turn lane on US 15/501 with a minimum of 100 feet of storage and appropriate tapers

With the recommended improvements in place, all of the study intersections except for the intersection of US 15/501 at Murray Hill Road are expected to operate acceptably in the build-out traffic conditions. US 15/501 at Murray Hill Road currently operates at LOS F in the PM peak hour due to the lack of turn lanes on Murray Hill Road. It is anticipated that the commercial development proposed on the northeast quadrant of the intersection will provide at least a right-turn lane on the westbound approach. When the superstreet is implemented on US 15/501 with NCDOT STIP Project U-5814, the intersection is expected to operate at acceptable levels of service.

While some unsignalized intersections are expected to operate with long delays, it is typical for stop sign controlled side streets and driveways intersecting major streets to experience long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay. SimTraffic simulations also show no significant queuing issues as any of these intersections.

The recommended 2024 roadway laneage is shown on **Figure ES-1**, and the committed and recommended 2031 roadway laneage is shown on **Figure ES-2**.

NOT TO SCALE

US 15–501

BRUCEWOOD RD.

MORGANTON ROAD

PINE RIDGE PARKWAY

MURRAY HILL RD.

(TWLTL) CONT.

CONT. (TWLTL)

(TWLTL) 150'

100'
300'
300'
100'
150'
550' (TWLTL)
200'
175'
200'
150'
75'
75'
275'
50'
275'
100'
125'
100'
100'
125'
100'
125'
100'
115'
SITE DRWY 1
SITE DRWY 2
SITE DRWY 3
SITE DRWY 4
SITE

LEGEND

- EXISTING LANE
- XX' STORAGE LENGTH
- EXISTING STOP SIGN
- EXISTING TRAFFIC SIGNAL
- RECOMMENDED LANE
- RECOMMENDED STOP SIGN
- RECOMMENDED TRAFFIC SIGNAL
- COMMITTED LANE (BY OTHERS)

FIGURE ES–1

COMMITTED AND RECOMMENDED ROADWAY LANEAGE – 2024 BUILD–OUT YEAR

PINE RIDGE COMMERCIAL
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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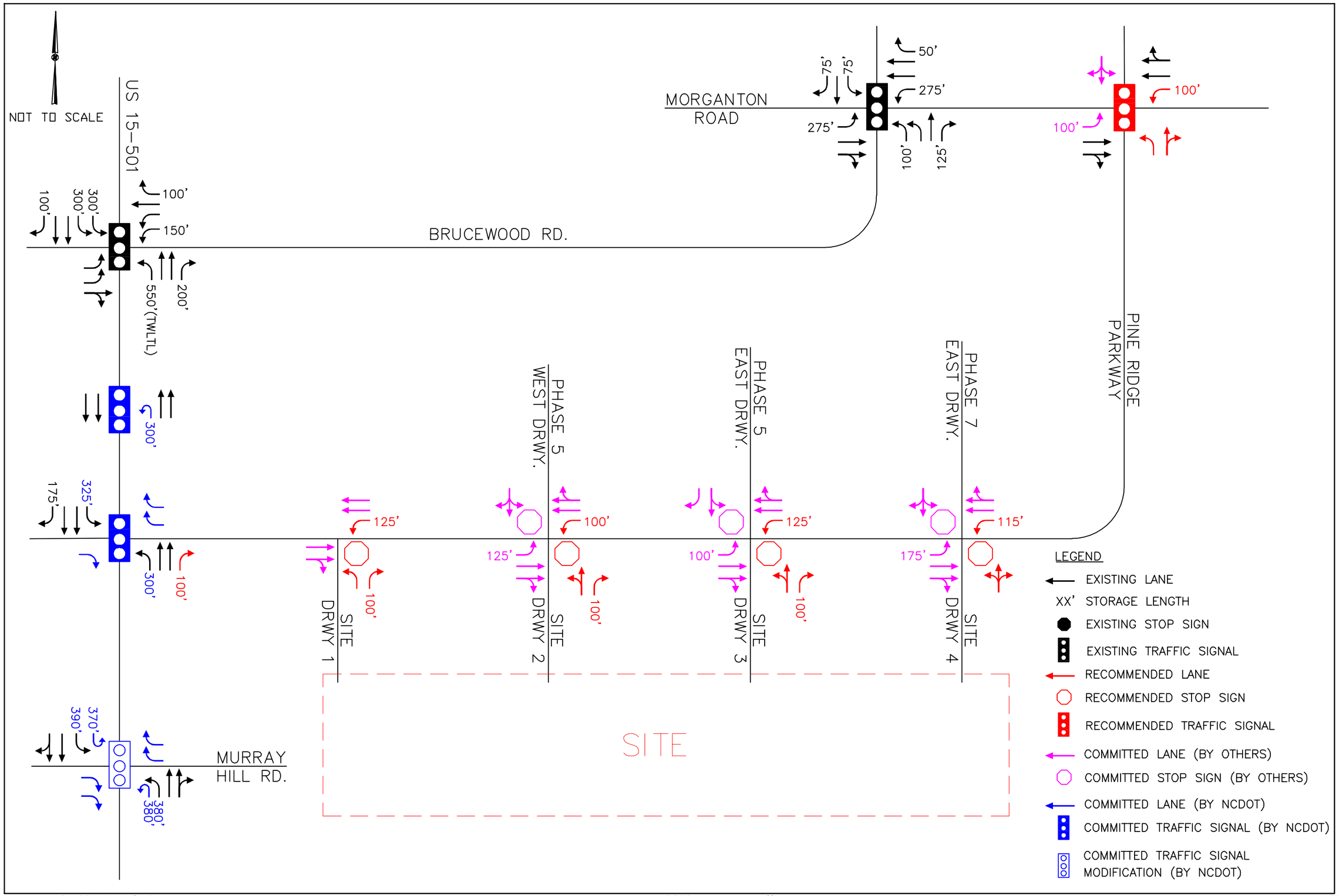

FIGURE ES-2

COMMITTED AND RECOMMENDED ROADWAY LANEAGE – 2031 HORIZON YEAR

PINE RIDGE COMMERCIAL
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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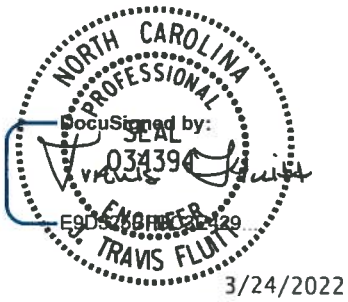

MEMORANDUM

To: James Michel, PE, Town of Southern Pines

From: Travis Fluitt, PE, Kimley-Horn

Date: March 24, 2022

Subject: ***Morganton Park South Apartments, Southern Pines, NC – Trip Generation Memo***

The *Pine Ridge Commercial TIA* (Kimley-Horn, July 2021) analyzed the projected traffic impacts of a mixed-use development consisting of 260 mid-rise multifamily units, 20,000 square feet (SF) of general office space, and 220,000 SF of retail space located between US 15/501 and Morganton Road east of the Southern Pines Village shopping center in Southern Pines, North Carolina.

An updated site plan for the development's residential portion includes 269 mid-rise multifamily units, which is 9 more units than included in the July 2021 TIA. Consistent with the TIA, the trip generation potential of the proposed development was calculated using the data published in *Trip Generation* (Institute of Transportation Engineers, Tenth Edition, 2017). As shown in Table 1 below, the updated development plan has the potential to generate approximately 34 additional daily external trips, 3 additional AM peak hour external trips, and no additional PM peak hour external trips compared to the development studied in the *Pine Ridge Commercial TIA*.

Table 1
Traffic Generation (Vehicles)

LUC	Land Use	Intensity	Daily	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
220	Multifamily (Low-Rise)	269 d.u.	1,970	23	67	70	45
710	General Office	20,000 s.f.	224	39	6	4	21
820	Shopping Center	220,000 s.f.	10,278	162	100	468	506
Subtotal			11,966	224	173	542	572
Internal Capture			*1,054*	*6*	*6*	*58*	*58*
Total External Trips			11,418	218	167	484	514
Total External Trips from July 2021 TIA			11,384	218	164	484	514
Net Increase			**34**	**0**	**3**	**0**	**0**

Given the minor increase in trip generation potential and that the *Pine Ridge Commercial TIA* also analyzed the future build-out of the entire Pine Ridge Master Plan, the improvements recommended in the *Pine Ridge Commercial TIA* should adequately address the projected site traffic demands of the updated Morganton Park South Apartments site plan.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Attachments: *Trip Generation*

Pine Ridge Commercial

Table 1 - Trip Generation

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
221 Multifamily Housing (Mid-Rise)	260 d.u.	1,904	952	952	87	23	64	111	68	43
710 General Office Building	20,000 s.f.	224	112	112	45	39	6	25	4	21
820 Shopping Center	220,000 s.f.	10,278	5,139	5,139	262	162	100	974	468	506
Subtotal		**12,406**	**6,203**	**6,203**	**394**	**224**	**170**	**1,110**	**540**	**570**
Internal Capture										
221 Multifamily Housing (Mid-Rise)		464	230	234	2	0	2	51	31	20
710 General Office Building		78	49	29	5	3	2	7	3	4
820 Shopping Center		480	232	248	5	3	2	54	22	32
Internal Capture Total		*1,022*	*511*	*511*	*12*	*6*	*6*	*112*	*56*	*56*
Total External Trips		**11,384**	**5,692**	**5,692**	**382**	**218**	**164**	**998**	**484**	**514**

Morganton Park South Apartments

Table 2 - Trip Generation vs. TIA

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
221 Multifamily Housing (Mid-Rise)	269 d.u.	1,970	985	985	90	23	67	115	70	45
710 General Office Building	20,000 s.f.	224	112	112	45	39	6	25	4	21
820 Shopping Center	220,000 s.f.	10,278	5,139	5,139	262	162	100	974	468	506
Subtotal		**12,472**	**6,236**	**6,236**	**397**	**224**	**173**	**1,114**	**542**	**572**
Internal Capture										
221 Multifamily Housing (Mid-Rise)		480	238	242	2	0	2	53	32	21
710 General Office Building		79	50	29	5	3	2	7	3	4
820 Shopping Center		495	239	256	5	3	2	56	23	33
Internal Capture Total		*1,054*	*527*	*527*	*12*	*6*	*6*	*116*	*58*	*58*
Total External Trips		**11,418**	**5,709**	**5,709**	**385**	**218**	**167**	**998**	**484**	**514**
Total External Trips from TIA		***11,384***	***5,692***	***5,692***	***382***	***218***	***164***	***998***	***484***	***514***
Difference		**34**	**17**	**17**	**3**	**0**	**3**	**0**	**0**	**0**

Internal Capture Reduction Calculations

Methodology for A.M. Peak Hour and P.M. Peak Hour
based on the *Trip Generation Handbook* , 3rd Edition, published by the Institute of Transportation Engineers

Methodology for Daily
based on the average of the Unconstrained Rates for the A.M. Peak Hour and P.M. Peak Hour

SUMMARY

GROSS TRIP GENERATION

INPUT

Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Enter	Exit	Enter	Exit	Enter	Exit
Office	112	112	39	6	4	21
Retail	5,139	5,139	162	100	468	506
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	985	985	23	67	70	45
Hotel	0	0	0	0	0	0
	6,236	6,236	224	173	542	572

INTERNAL TRIPS

OUTPUT

Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Enter	Exit	Enter	Exit	Enter	Exit
Office	50	29	3	2	3	4
Retail	239	256	3	2	23	33
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	238	242	0	2	32	21
Hotel	0	0	0	0	0	0
	527	527	6	6	58	58
% Reduction	8.5%		3.0%		10.4%	

EXTERNAL TRIPS

OUTPUT

Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Enter	Exit	Enter	Exit	Enter	Exit
Office	62	83	36	4	1	17
Retail	4,900	4,883	159	98	445	473
Restaurant	0	0	0	0	0	0
Cinema/Entertainment	0	0	0	0	0	0
Residential	747	743	23	65	38	24
Hotel	0	0	0	0	0	0
	5,709	5,709	218	167	484	514

From: Cindy Williams
To: BJ Grieve; Pam Graham; Jennifer Hunt
Subject: FW: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices
Date: Thursday, May 5, 2022 3:33:33 PM

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Thursday, May 5, 2022 3:26 PM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Cindy,

No comments from our end on either one of the two developments.

The development inside the Pine Ridge Site was accounted for in the TIA that we reviewed and the development off of Murray Hill Rd. (Non-SR) does not connect to a an NCDOT road or intersection.

Dago

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Thursday, April 28, 2022 1:41 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; ISTRE, RONALD <ristre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

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

Good afternoon,

The attached applications are scheduled to be presented at one of the two May Planning Board meetings scheduled for May 18th and 19th. Please respond with any comments or concerns you may have at your earliest convenience.

Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department

Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

From: Cindy Williams
To: BJ Grieve; Pam Graham; Jennifer Hunt
Subject: FW: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices
Date: Tuesday, May 3, 2022 1:31:05 PM

BJ, Pam and Jennifer,

Please see RLUAC's response below.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: RLUAC Executive Director <director@rluac.com>
Sent: Tuesday, May 3, 2022 1:29 PM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Cindy,

RLUAC does not have any comments on these cases.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

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Campbell <director@rluac.com>; Ron Istre <RIstre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
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Cindy Williams, CZO
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Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Jennifer Hunt, Planner I**

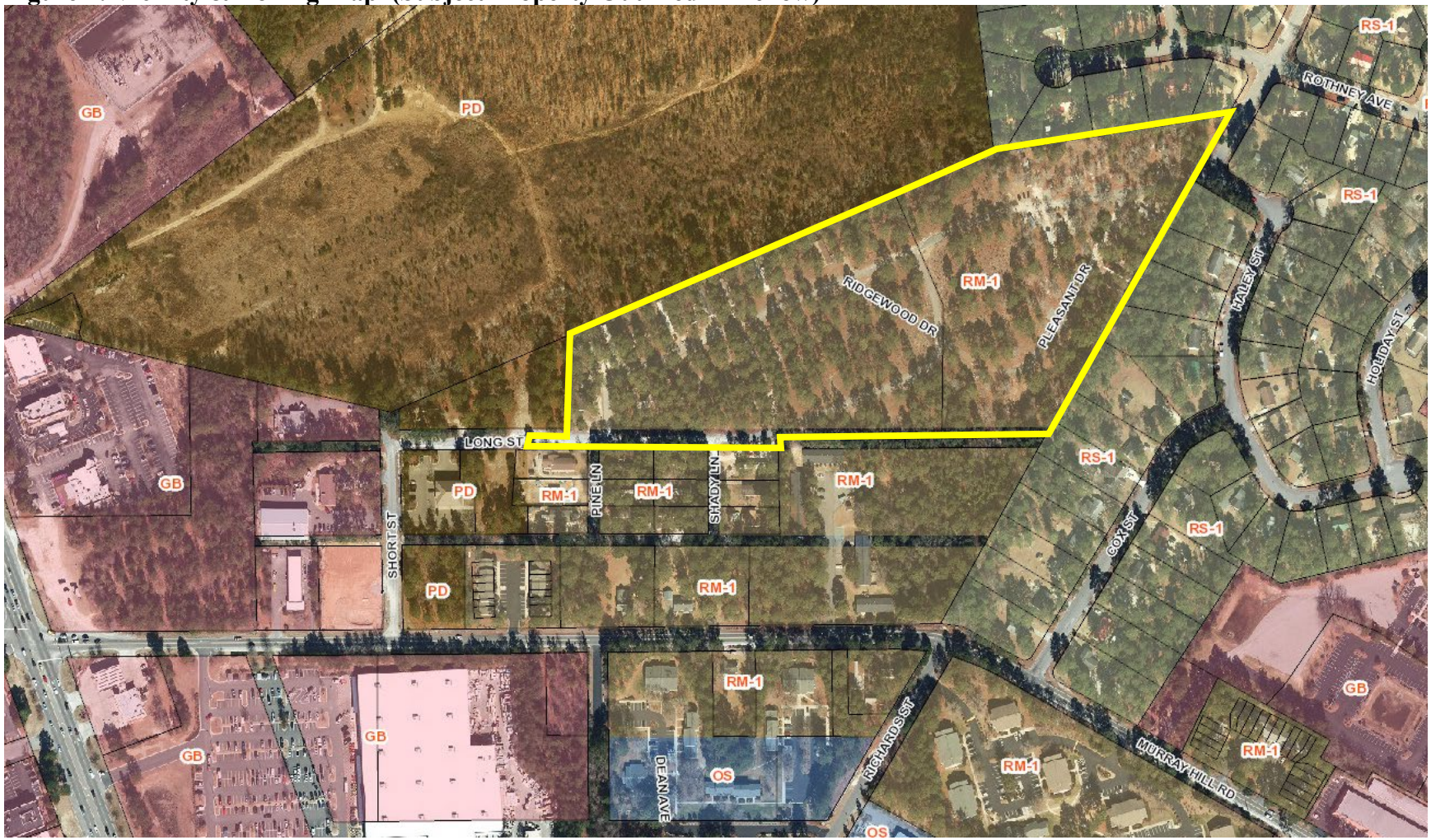
Subject: **SU-03-22: A Special Use Permit for 149 units of Multi-Family Development; This is known as Murray Hill Pines; Owner: CLS Holdings, LLC.; Applicant: Davis Park Leasing c/o Craig Davis Properties, Inc. Authorized Agent, if different from Applicant: Koontz Jones Design c/o Bob Koontz.**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Greg Jonczyk with Davis Park Leasing and Bob Koontz with Koontz Jones Design submitted an application on behalf of CLS HOLDINGS, LLC for a Special Use Permit, SU-03-22, to develop 149 units that have a "townhome" aesthetic and appearance however, there is no subdivision. Therefore, according to our Unified Development Ordinance (UDO) it is considered a Multi-Family development but not a townhome or multi-family residence. Our UDO has yet to address this unique type of residential product. The Multi-Family development is bordered in the northwest by a Planned Development (Morganton Park South), in the northeast by residential housing where Richards Street is located, and along the southern boundary where Long Street is located (See Figure 1 below). The subject property is located on approximately 17.04-acres in the residential mixed housing (RM-1) zoning district and is designated as traditional mixed use on the future land use map in our comprehensive land use plan. The subject parcels are identified as Moore County PIN 857100555776 (PARID 00050398) and PIN 857100653945 (PARID 00049517). The Moore County tax records list the property owners as CLS Holdings, LLC.

Figure 1: Vicinity & Zoning Map (Subject Property Outlined in Yellow)



II. PLANNING BOARD ACTION:

On May 18, 2022, the Planning Board had a special meeting, with four members present, held a Preliminary Forum regarding SU-03-22 to listen to public comments and if necessary, compile a list of issues to forward to the Town Council for their consideration. Following a brief presentation by town staff regarding the application for the Special Use Permit for Murray Hill Pines multi-family development, there are four items for consideration below. The applicant also presented detailed information and statements regarding the items listed below.

On a 4-0 vote, with members Andy Bleggi, Lemuel Dowdy and Parks Cobb being absent, the Planning Board adopted the following statement:

I move to adopt the following for transmission to the Town Council as a result of the May 18, 2022 Preliminary Forum on application SU-03-22, Murray Hill Pines SUP. The information presented at the forum indicated that the following were issues with the SUP application SU-03-22:

1. *Improve Short Street with an improved cross section from the development, extended from the development to the intersection of Murray Hill to mitigate the impacts of increased traffic. Also, to meet the Town of Southern Pines standards accommodating the number of vehicle trips per day.*

2. *Consider providing pedestrian connection with sidewalks to Murray Hill Road.*

3. *Upgrade the existing downstream sewer system to accommodate their additional flow, or provide the agreement from the adjacent commercial development showing they will redirect the sewer through their site.*

4. *Confirm and obtain commitments from the developer on parking, street landscaping and sidewalk including those at the rear of the units as presented at the planning and zoning meeting of this date.*

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on SU-03-22.

III. STAFF REVIEW:

A. Application Review Dates:

- Special Use Permit Application Submitted: April 12, 2022
- Application Complete: April 25, 2022
- Notice of Planning Board Public Hearing:
  - Posted On-site: May 3, 2022
  - Mailed: May 2, 2022
  - Internet: April 28, 2022

    - Publication for The Pilot: April 28, 2022
        - In the Pilot on May 4, 2022 and May 11, 2022
- Planning Board Agenda Meeting: May 12, 2022
- Planning Board Special Public Hearing: May 18, 2022
- Planning Board Public Hearing: May 19, 2022
- Town Council Agenda Meeting: June 8, 2022
- Town Council Public Hearing: June 14, 2022

B. Criteria for Review:

i. Special Use Permit Criteria (UDO §2.21.6):

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

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

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

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

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

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

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

C. Project Details and Compliance with the Criteria:

i. Description of Proposed Project:

The subject multi-family development, described as Murray Hill Pines, is the redevelopment of an existing property located off Short Street and Ridgewood Drive. The zoning is RM-1 (Residential Mixed Housing) with an allowable ten (10) to twelve (12) dwelling units per acre, with a Special Use Permit required for multi-family development with three or more dwelling units, per UDO Exhibit 3-15. The applicant proposes 149 dwelling units under single ownership with shared amenities such as a swimming pool, clubhouse building, children's play area, dog park and other passive and active recreational spaces. The units will be developed with a traditional single-family and two-family detached residential neighborhood style instead of the traditional apartment building style.

ii. Special Use Permit Criteria:

a. Regulations of the applicable Zoning District:

The current zone is RM-1, Residential Mixed Use. This zoning district allows ten to twelve (10-12) dwelling units per acre. The maximum units allowed is 203 units. The current proposal is for 149 units. The special use permit is required for multi-family development with three or more dwelling units.

b. Character of the Neighborhood:

Single-family and two-family residences and townhomes are allowed at the proposed density within this zoning district. Therefore, it conforms to the character of the zoning district and community and will likely not injure the use and enjoyment of the property abutting this development. The proposed multi-family residential development utilizing single-family and two-family attached structures will be consistent with the adjoining properties. The development will resemble a single-family detached and two-family dwelling neighborhood, with buffers along the property boundaries as required in the RM-1 zoning district. This development is unique in that it is "single-family detached" style, but not officially being subdivided. The residential units will be part of a multi-family development for rent not for home ownership.

c. Adequate Public Facilities:

There are **not adequate existing utilities or access** to the site. See Figure 2 for the layout of the existing utilities. Access to the site will take place off of Long Street as well as another access point off of Richards Street, to the northeast of the development. Road improvements along Short Street to the main property entrance along Long Street will need to be part of this development project. Short Street and Long Street are paved town streets.

On Monday, May 9, 2022 our Town Engineer sent by email the following comments:

1. The primary entrance to the proposed development will be off of Murray Hill Road at the intersection of Short Street. Short Street currently exists as a Local street which is adequate for up to 200 trips per day as defined in UDO Section 4.11.2 Street Classification (B)(2). The proposed development will add up to 1,172 trips per day. UDO Section 4.11.2 Street Classification (B)(5) defines a road with more than 800 trips per day as a Collector Street. An improved cross section from the development should be extended from the development to the intersection of Murray Hill to mitigate the impacts of the increased traffic.

2. A pedestrian connection to the existing sidewalks on Murray Hill Road should be considered.

3. Analysis of the increased sewer from this development exceeds the available capacity of the existing downstream sewer. It is staffs understanding that the applicant has coordinated with the adjacent commercial development to redirect the sewer through their site. If this cannot be negotiated, the applicant should be responsible for the upgrades to the existing downstream sewer system to accommodate the additional flow.

d. *Impede Orderly Development:*
This proposed development is in the RM-1 zone. It is surrounded by zoning districts RM-1 (Residential Mixed Housing), RS-1 (Residential Single Family) and PD (Planned Development). The RS-1 zoning district is a residential neighborhood with single family homes on a minimum lot size of 10,000 square feet. The RM-1 zoning district, to the south, is a multi-family development community. The PD zoning district to the north is proposed shopping center (where the Target will be). This project will likely not impede on orderly development but may reasonably complement what currently exists in the neighborhood and what may be built in the future.

e. *Public Health, Safety, Comfort or General Welfare:*
This project will improve the existing street standards along Long Street. Buffers will be implemented. There is a 10' buffer requirement in this development per UDO Exhibit 4-2 between the RM-1 and RS-1 zoning district to the east. There is a 20' buffer requirement on this development between the RM-1 and the PD zoning district to the north. This helps reduce the noise impact and is preserving the "nature" look and feel. There is a 10' buffer requirement between the RM-1 and RM-1 zoning district on the south. This project meets the standards set forth in the CLRP (Comprehensive Long-Range Plan) and the UDO (Unified Development Ordinance).

f. *Public Interest and Welfare:*
This development is following the density and use requirements as instructed per our UDO. On page 2 of the CLRP, the CLRP "calls for housing that is diverse, affordable and compatible with the neighborhood." Also, on page 4 to page 6 the CLRP calls for a "diverse mix of housing." This project is a diverse mix of housing; however, it is located adjacent to a new commercial development project (known as Target), will build brand new housing units and the housing units will be for rent and not for ownership. The market rate will dominate the price charged for the rent at the time of development. According to the most recent US Census data from 2016-2020 the median gross rent in

Southern Pines was $961. The current rent (as of May 10, 2022) at Eagle Landing (apartment building in Southern Pines) ranges from $1,650 to $1,930 per month. The median income from 2016-2020 is $70,549 in Southern Pines according to the US Census Data.

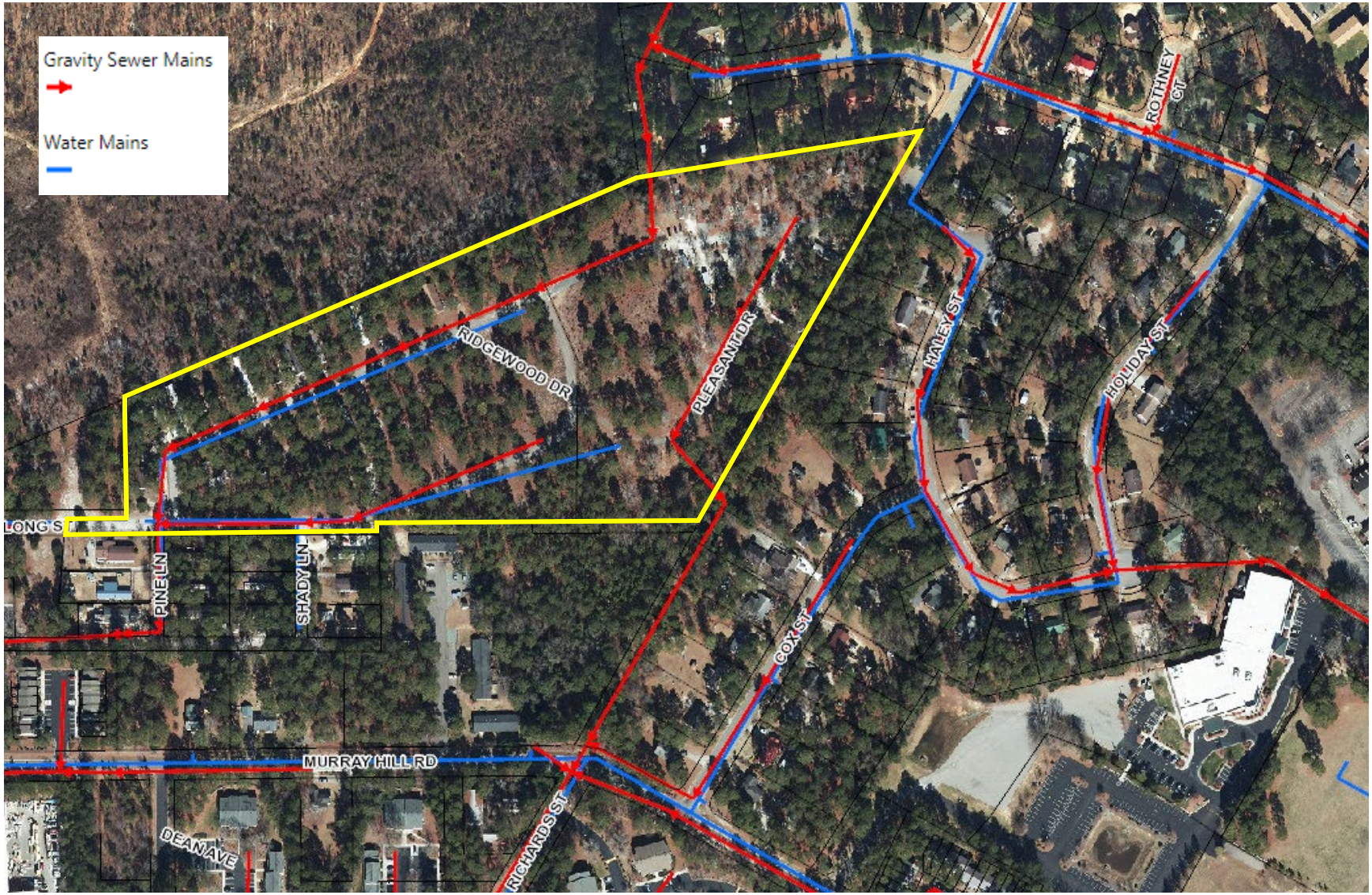


Figure 2: Utilities Infrastructure (Subject Property Outlined in Yellow)

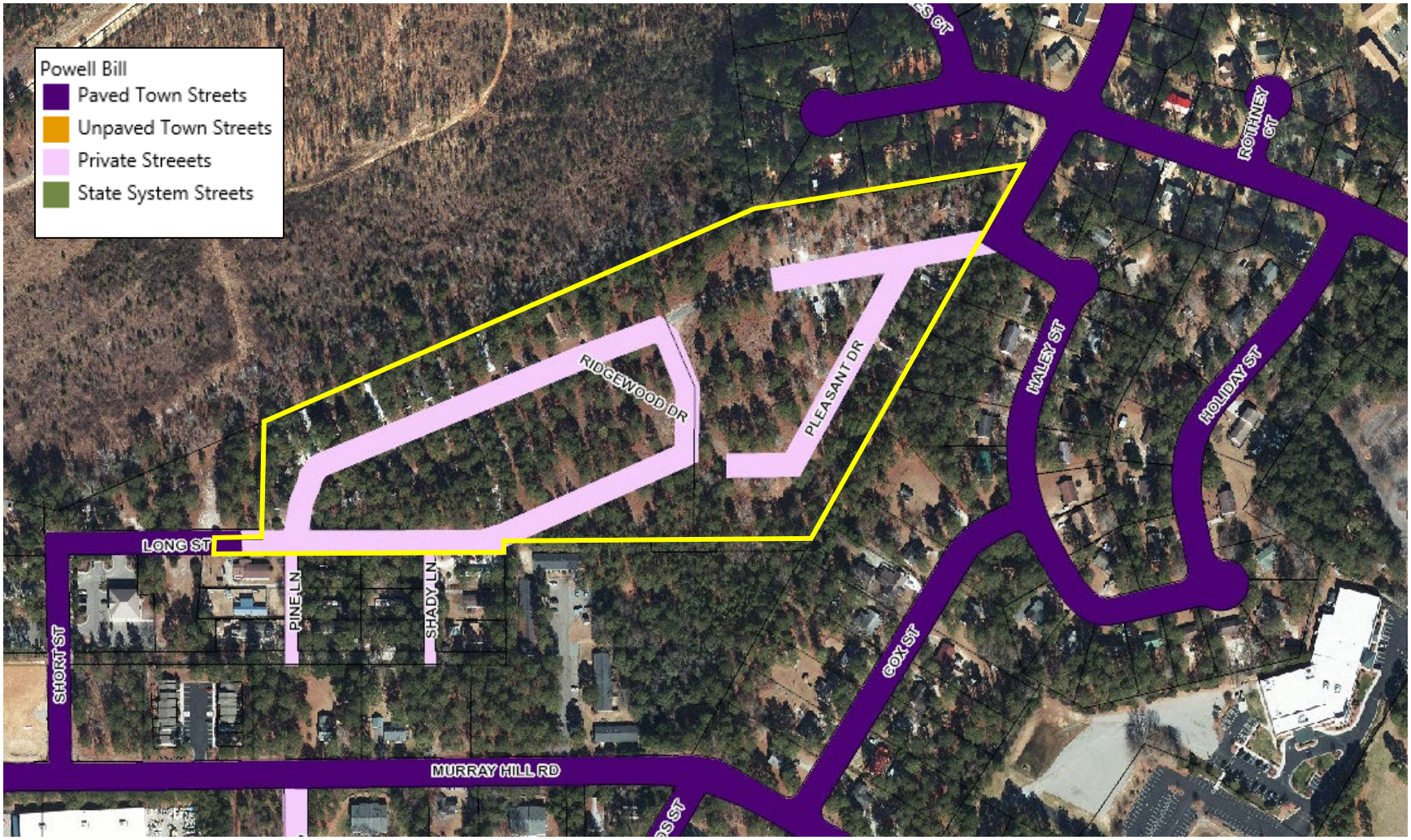


Figure 3: Street Infrastructure and Access (Subject Property Outlined in Yellow)

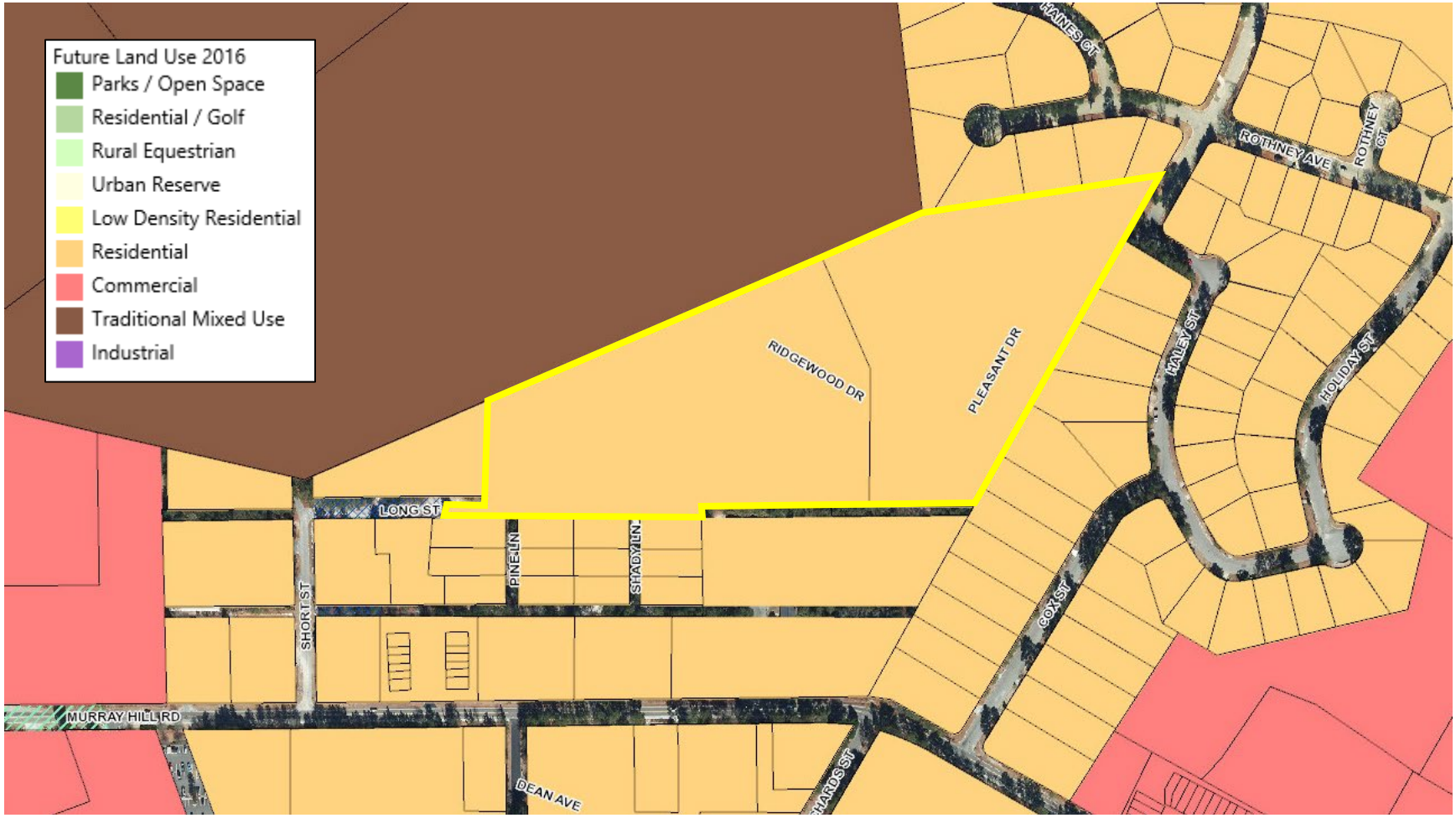


Figure 4: Comprehensive Land Use Plan (CLRP) (Subject Property Outlined in Yellow)

iii. Compliance with the Comprehensive Land Use Plan (CLRP) and other Town adopted plans.

a. Compliance with the CLRP

The area proposed to be developed is designated as Residential on the Future Land Use Map. The proposed use is consistent with the CLRP promoting housing diversity that is an efficient use of land complementing growth of the surrounding area compatible infill development particularly in downtown neighborhoods. The proposed intensity of use is also consistent with the mix of uses in the area and further promotes the transition of the mixed residential uses to be built near commercial uses in the Planned Development to the north. that currently exist on South Bennett Street and Southwest Broad Street. The applicant has provided a narrative addressing a justification for compliance of the proposed Subdivision and Special Use Permit Amendment with the CLRP and they are both attached to this memo.

b. Compliance with Other Adopted Plans

The Comprehensive Recreation & Parks Master Plan shows on page 8 from a large survey taken in 2015 that "Jogging/Walking Trails and Bicycle Trails are ranked as the most desirable facilities to be further developed in Town."

The Town Engineer recommends a pedestrian connection to the existing sidewalks on Murray Hill Road should be considered. There are existing sidewalks along Murray Hill Road. There will also be pedestrian access to the future shopping center (Target) to the north.

iv. General Staff Comments

- The specific review process and criteria for a Special Use Permit are found in §2.21.6 of the UDO and staff has presented an initial commentary on each of the criteria previously in this report.

- Murray Hill Pines has not been through site plan review by the Technical Review Committee. They have been through our Pre-Application meeting with the Technical Review Committee three times on October 12, 2021 (PA-36-21), November 24, 2021 (PA-46-21) and February 21, 2022 (PA-08-22).

- Certain multi-family site *development* standards found in UDO 4.10.8 may apply because the development is being reviewed as a multi-family development even though the structures are not multi-family *buildings*. The structures may be built to the North Carolina Residential Code for One- and Two-Family Dwellings, so per North Carolina General Statute 160D-702 (b), architectural compliance may not apply to these types of structures.

- This is the redevelopment of a previous manufactured home park.

- The street cross sections on the south are Long Street and Short Street. Short Street intersects with Murray Hill Road. These roads are paved town roads.

- There is a total of 263 parking spaces provided. The total parking required is 312 spaces. However, the applicant chose to provide less parking. There is a total of 76 spaces in the garage or driveway and 187 spaces of on-site parking.

- Landscaping for Vehicle Use Areas, Section 4.3.6 of the UDO, will apply. Other landscaping requirements of the UDO will also be met as applicable and verified at site plan review.

- According to the TIA, no improvements are recommended to be performed to accommodate projected site traffic. However, it would be a benefit to the community to have a pedestrian connection to Murray Hill Road on the south. There is a pedestrian connection in the future commercial development with Target to the north. There are existing sidewalks along Murray Hill Road. Adding the pedestrian connection will enable mobility in this area where existing infrastructure to do so is already in place, in both directions.

A. Outside Agency Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on April 28, 2022.

- NCDOT did not have any comments.
- RLUAC did not have any comments as of May 3, 2022.

IV. ATTACHMENTS:

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

1. DRAFT Town Council Findings of Fact
2. Special Use Permit Application
3. Deed
4. Special Use Permit Narrative
5. Special Use Permit Justification

6. Compliance with Comprehensive Long-Range Plan (CLRP)
7. Neighborhood Meeting Report
8. Existing Conditions & Site Plan
9. Elevations & Streetscape
10. Murray Hill Pines Traffic Impact Analysis – Executive Summary w/ Recommendations (A full copy of the applicant's 96-page TIA is available from planning staff upon request)
11. Town Engineer Comments
12. NCDOT No Comments
13. RLUAC No Comments

V. TOWN COUNCIL ACTION:

To either approve or deny a Special Use Permit application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.21.6(A-F) Criteria for a Special Use Permit. The Town Council may choose one of the following motions or any alternative they wish:

I move to:

1. Adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Special Use Permit SU-03-22.

2. Adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Special Use Permit SU-03-22 with the following changes_____.

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

I move to:

1. Approve of the Special Use Permit SU-03-22.

2. Deny of the Special Use Permit SU-03-22

3. Approve the Special Use Permit for SU-03-22 with the following additional conditions….

1. That the developer shall design and construct an improved street cross section for Long Street and Short Street from the proposed development back to Murray Hill Road to include a minimum of 11' travel lanes, 30" curb and

gutter, and an adequate asphalt structure meeting a collector standard as defined in the Town's Engineering and Construction Standards.

2. That a pedestrian connection to the existing sidewalks on Murray Hill Road, as well as to the proposed sidewalks within Morganton Park South Phase 1 (and/or 2) be designed and constructed with the proposed development.
3. That the proposed development be designed and built as depicted on the submitted site plan, specifically including but not limited to, sidewalks located behind structures and landscaped areas as depicted in front of structures.
4. That the developer provide adequate and appropriate sewer services to the development, which may require upgrades to existing service to the south to connect to that system or an agreement with the development to the north to access to that system, and the adequacy of this system be reviewed and approved by town staff at site plan review.

ATTACHMENT "A"
Draft Town Council Findings of Fact
Special Use Permit Application SU-03-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has not fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application may comply with mitigation of reasonably anticipated impacts related to UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

A. **The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**
The Town Council finds that the application SU-03-22 generally complies with the Residential Mixed Use (RM-1) zoning district. Murray Hill Pines is residential and therefore requires compliance with Section 3.5.6(D). The proposed density is compliant with the district standards and the one hundred and forty-nine (149) dwelling units is below the maximum density allowed by the district of two hundred and three (203) dwelling units. Compliance with applicable development design standards for all commercial sites and specifically for multi-family development sites will be required and verified by town staff during site plan review.

B. **The proposed conditional use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;**
The Town Council finds that the proposed development is in character with the existing development in the neighborhood and that the addition of one hundred and forty-nine (149) dwelling units designed in the manner proposed does not significantly alter the character of the neighborhood because the proposed development is a residential development that will look like one- and two-family dwellings. The proposed development is infill development that is compatible with the context of the surrounding neighborhood. It provides a diversity of housing options to residents wishing to live in Southern Pines who would like to live in a house without a mortgage payment and who do not wish to live in a traditional multi-story apartment building.

C. **Adequate public facilities shall be provided as set forth herein;**
The Town Council finds that the developer does not presently have adequate sewer facilities to serve the development. The developer said they will provide written documentation showing that the adjacent commercial developer will redirect the sewer through their site or upgrade the existing downstream sewer system to accommodate the additional flow from this project and provide adequate sewer facilities for the project.

Furthermore, the Town Engineer has reviewed the proposed development and provided comment regarding the adequacy of Long Street and Short Street to provide access to Murray Hill Road. The Town Engineer recommends that improvements proposed by the developer to Long Street be extended to also include Short Street in order to adequately mitigate the impacts of the proposed development of 149 dwelling units and associated vehicle trips. The Town Council finds that the comments and testimony provided by the Town Engineer are sufficient evidence of inadequate public transportation facilities and demonstrates the need for reasonable off-site access improvements to mitigate impacts.

D. **The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;**
The Town Council finds that the proposed development may reasonably have detrimental impacts on the orderly development and improvement of adjacent properties because it will have an increase in traffic, the off-site impacts of which are not proposed to be mitigated by the applicant but can be reasonably mitigated through the imposition of conditions. The surrounding residential uses are zoned Residential Mixed Housing (RM-1) and Planned Development (PD) and future additional development of surrounding properties is likely. The Planning Board also finds that the proposed development is located where current pedestrian sidewalks exist off Murray Hill Road and additional pedestrian infrastructure will be built with the development of Morganton Park South. Therefore, the Town Council finds that a sidewalk connecting Murray Hill Road along Short Street to Long Street, connecting with the proposed development, is a reasonable mitigation measure that is roughly proportional to the anticipated impacts of the proposed development and is directly related to the orderly development of surrounding property. If Short Street is not improved along with Long Street this proposed project may reasonably be anticipated to negatively impact the orderly development and improvement of other properties within the neighborhood because the traffic count will go from around 200 vehicle trips per day to over 1,172 vehicle trips per day putting more stress on the road that is not currently built to handle that many trips.

E. **The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and**
The Town Council finds that the proposed development may have detrimental impacts on the safety, comfort or general welfare because without improvements to both Long Street and Short Street, the impacts of additional vehicle and pedestrian traffic directly attributable to the development may harm public safety, comfort and general welfare. Many internal access and circulation as well as livability matter will be resolved during the site plan process because this development will be required to adhere to all site development standards and building standards, including, but not limited to compliance with Chapter 4 of the UDO and the building and fire code. The Town Council finds that it is important that this development creates connectivity to the pedestrian sidewalks along Murray Hill Road to the south to provide continuity since the developers are connecting pedestrians to the new shopping center to the north.

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

The Town Council finds that with the imposition of reasonable and directly-related conditions to mitigate identified impacts related to off-site vehicle and pedestrian access to the proposed development, as well as reasonable conditions to require that the development site layout remain as presented to the Town Council, the public interest and welfare supporting the project to add a new type of rental housing the town's housing supply outweighs any individual interests that may be adversely affected by the proposed development.

Town of Southern Pines
Chartered 1887
North Carolina

Special Use Permit Application

Fee: $_____ Date Paid: _____ Case No.: SU-____-____

Project Information:

Street Address: 490 RIDGEWOOD DRIVE

PIN: 857100555776; 857100653945 Parcel ID: 00050398; 00049517

Site Size: ±17.04 AC Zoning: RM-1

Applicant:

Name(s): DAVIS PARK LEASING C/O CRAIG DAVIS PROPERTIES, INC.

Email: greg.jonczyk@craigdavisproperties.com Phone: (919) 678 4208

Mailing Address: 8000 WESTON PARKWAY, SUITE 360 CARY, NC 27513

Authorized Agent, if different from Applicant:

Name(s): KOONTZ JONES DESIGN C/O BOB KOONTZ

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

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

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

Name(s): CLS HOLDINGS, LLC

Email: clsholdings@icloud.com Phone: 919-255-0448

Mailing Address: 222 CENTRAL PARK AVE, SITE E#119 PINEHURST, NC 28374

8-27-21

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a 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 NORTH/EAST side of LONG ST (St./Ave.), between SHORT ST (St./Ave.) and HALEY ST (St./Ave.). The property has a frontage of ±1150 feet and a depth of ±850 feet.

The special use sought is based upon Section(s) 2.21 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

RESIDENTIAL MULTI-FAMILY DEVELOPMENT

Date: 4/11/2022

Applicant

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

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), DAVIS PARK LEASING C/O CRAIG DAVIS 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 a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Special Use Permit on the subject property; and

4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Special Use Permit under the Southern Pines Unified Development Ordinance.

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

Signed this 11 day of Apr. 6, 2022.

Property Owner

Property Owner

Agent

AGENT

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), CLS HOLDINGS, 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 a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Special Use Permit on the subject property; and

4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Special Use Permit under the Southern Pines Unified Development Ordinance.

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

Signed this 7th day of April, 2022.

Allen Abbott Manager for
CLS Holdings LLC
Property Owner

Property Owner

Agent

8-27-21

ADJACENT PROPERTY OWNERS									
PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP	DEED_BOOK	DEED_PAGE
857111667328	00051767	ALEXANDER, DACHEL D		610 ROTHNEY AVE	SOUTHERN PINES	NC	28387	1096	526
857111653482	00046162	ALFORD, GWENDOLYN D &	PERSON, GLORIA VICTORIA	647 NC HWY 73	WEST END	NC	27376	898	53
857111654520	00046095	ALLEN, SHIRLEY M		170 COX ST	SOUTHERN PINES	NC	28387	93E	590
857111556500	00054199	ALLEYNE, RUBY L		125 SHADY LN	SOUTHERN PINES	NC	28387	2313	247
857111652298	00046829	BLUE, BARBARA J		140 COX ST	SOUTHERN PINES	NC	28387-6205	439	198
857111656649	00047701	CARSWELL, OGLATHA G &	GRAHAM, BRANDON M	302 HALEY ST	SOUTHERN PINES	NC	28387	3871	364
857111668384	00047866	CHILES, JANICE D		560 ROTHNEY RD	SOUTHERN PINES	NC	28387-6251	368	399
857100555776	00050398	CLS HOLDINGS LLC		222 CENTRAL PARK AVE, STE E#119	PINEHURST	NC	28374	3092	437
857100653945	00049517	CLS HOLDINGS LLC		222 CENTRAL PARK AVE, STE E#119	PINEHURST	NC	28374	3092	433
857111551346	00053099	COVINGTON, CAROLYN T		140 PINE LN	SOUTHERN PINES	NC	28387	1225	397
857111669119	00048359	CRUMP, OLIVIA ANN		317 HALEY ST	SOUTHERN PINES	NC	28387-6212	88E	322
857100459493	00052929	CULTURE CLUB, LLC		PO BOX 4393	PINEHURST	NC	28374	3822	251
857110458453	00052928	CULTURE CLUB, LLC		PO BOX 4393	PINEHURST	NC	28374	3822	251
857111556306	00050406	DAVIS, CARRIE P	WOOD, DANIEL WAYNE JR	145 SHADY LN	SOUTHERN PINES	NC	28387	5681	578
857111653335	00048554	DAVIS, ROBERT G		150 COX ST	SOUTHERN PINES	NC	28387	4914	465
857111662329	00048801	DRAKEFORD, JOHNNIE J	DRAKEFORD, SHARON	650 ROTHNEY RD	SOUTHERN PINES	NC	28387-6253	2018E	817
857111656920	00048897	EASTERLING, MICHAEL (HRS)	EASTERLING, MANUELLA	306 HALEY ST	SOUTHERN PINES	NC	28387-6213	V 99	495
857100559314	00052001	EWT 42, LLC		99 FISHERVILLE ROAD	CONCORD	NH	03303	4867	182
857111669289	00049452	FRYE, JAMES E		550 ROTHNEY AVE	SOUTHERN PINES	NC	28387	2008E	575
857111553413	00050405	FRYE, NETTIE		135 PINE LN	SOUTHERN PINES	NC	28387	2666	125
857111666318	00049557	GALBREITH, ZINA J		620 ROTHNEY RD	SOUTHERN PINES	NC	28387	1160	448
857111667018	00050159	HAILEY, DELORES I		310 HALEY ST	SOUTHERN PINES	NC	28387	1103	210
857111663334	00046840	HALL, DEBRA C & LACY B		640 ROTHNEY AVENUE	SOUTHERN PINES	NC	28387	3911	49
857111662583	00050214	HAMPTON, THOMAS	HAMPTON, MARY	660 ROTHNEY RD	SOUTHERN PINES	NC	28387-6253	393	622
857100562348	00049222	HYPERACTIVE COMMERCIAL	INVESTMENTS, LLC	25 SHAW ROAD	PINEHURST	NC	28374	4917	528
857111656979	00049840	IRIAS, MARVA W		9830 AVENSONG CROSSING	CHARLOTTE	NC	28215	4340	79
857111554443	00047268	LILES, CHARLES F SR		130 SHADY LANE	SOUTHERN PINES	NC	28387	5294	307
857111550606	00054443	MASAR, JEFFREY A		295 LONG ST	SOUTHERN PINES	NC	28387	2644	385
857111668505	00055240	MCKOY, ROY A & COSTELLA K		PO BOX 1394	PINEHURST	NC	28374	969	483
857111553510	00046387	MCNEILL, JEAN RORIE		1702 EASTVIEW DR	ABERDEEN	NC	28315-3229	2020E	395
857110455651	00053465	MORRIS PROPERTIES INC		200 SHORT RD	SOUTHERN PINES	NC	28387-6289	511	566
857111654568	00055459	OGLESBY, DAVID &	OGLESBY, BOBBIE	3 DEWBERRY DR	CARTHAGE	NC	28327	4708	478
857111666681	00057163	OGLESBY, DAVID L	OGLESBY, BOBBIE L	3 DEWBERRY DR	CARTHAGE	NC	28327	3797	278
857111554346	00051630	OSTERHAUS, PATRICIA		140 SHADY LANE	SOUTHERN PINES	NC	28387	4978	65
857100551530	00046421	OUTLAW, GEORGE A	OUTLAW, BETTY R	250 LONG STREET	SOUTHERN PINES	NC	28387	5043	298
857100455574	20150313	OVERTON BODY SHOP		110 SANDY AVE	SOUTHERN PINES	NC	28387	4548	521
857110455473	00048142	OVERTON BODY SHOP		110 SANDY AVE	SOUTHERN PINES	NC	28387	4548	522
857111655891	00057274	S & L USA, LLC		PO BOX 4329	PINEHURST	NC	28374	5469	32
857100551433	00050403	SINCLAIR, LESLIE		130 PINE LANE	SOUTHERN PINES	NC	28387	4904	222
857111655606	00055793	SMITH, SARAH F		190 COX ST	SOUTHERN PINES	NC	28387-6205	504	749
857111553306	00050404	SWAGEL, RENEE JEAN		145 PINE LN	SOUTHERN PINES	NC	28387	1048	516
857111668214	00047897	THE 319 HALEY STREET TRUST		PO BOX 1951	CARTHAGE	NC	28327	5250	261
857111556403	00046203	TYMES, DAVID JR	TYMES, PAMELA KAY	135 SHADY LN	SOUTHERN PINES	NC	28387	2659	66
857111664376	00056811	WRIGHT, BETTY JEAN		630 ROTHNEY RD	SOUTHERN PINES	NC	28387	924	118
857111554530	00047100	ZHANG, TIELIANG	ZHANG, MING	211 PLANTATION DR	SOUTHERN PINES	NC	28387	1422	143

CW

McNeill

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
September 01, 2006 04:43:56 PM
Book 3092 Page 437-440
FEE: $23.00
NC REVENUE STAMP: $1,390.00
INSTRUMENT # 2006017766

INSTRUMENT # 2006017766

Excise Stamps $1,390.00 Recording Time, Book & Page

Drafted by John M. May, Attorney at Law
120 Applecross Road
Pinehurst, NC 28374
No Title Examination by drafting attorney

Brief Description for Index: 8.44 and 0.50 acres, more or less, Sandhills Township

NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this 25th day of August, 2006, by and between **Ellis W. Hawthorne and wife, Barbara A. Hawthorne**, (hereafter "Grantor"), and **CLS Holdings, LLC, a North Carolina limited liability company** (hereafter "Grantee") of 210 Frye Road, Pinehurst, NC 28374.

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 situated in Sandhill Township, Moore County, North Carolina, and more particularly described as follows:

See Exhibit A attached hereto and incorporated herein by reference.

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 instrument recorded in Deed Book 1056, Page 120, Moore County Registry.

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 the 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.

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

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals the day and year first above written.

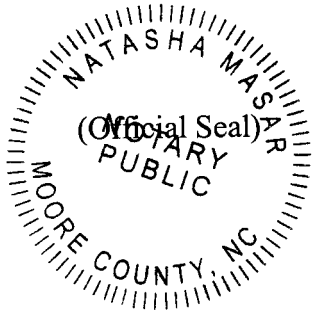
Ellis W. Hawthorne (SEAL)
Ellis W. Hawthorne

Barbara A. Hawthorne (SEAL)
Barbara A. Hawthorne

SellerDocs / Hawthorne to CLS Holdings, LLC – 8.44 & 0.50 acres

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Natasha Masar, a Notary Public for said County and State, do hereby certify that Ellis W. Hawthorne and wife, Barbara A. Hawthorne, either ☒ being personally known to me or ☐ proven by satisfactory evidence (said evidence being ☐ driver's license issued by _____ ☐ United States military identification ☐ United States passport or ☐ _____), personally appeared before me this day, and acknowledged the voluntary due execution of the foregoing instrument by he/she/them for the purposes stated therein. Witness my hand and notarial seal, this 1st day of September, 2006.



(Official Seal)

Natasha Masar
Notary Public
By: Natasha Masar

My Commission Expires: 8/28/2010

EXHIBIT "A"

Being all of Tract I and Tract III as shown on a map entitled "Recombination Survey for Ellis W. Hawthorne and G & H Properties, Sandhills Township, Moore County, North Carolina" dated August, 2006 drawn from an actual survey by William E. Craven, Professional Land Surveyor, and recorded in Plat Cabinet 13, Slide 404, of the Moore County Public Registry, reference to which is herewith made.

Tract III of the above-described property is being conveyed subject to an easement of ingress, egress and regress from the lots adjoining Tract III on its southern boundary to the portion of Long Street maintained by the Town of Southern Pines as shown on said plat.

The Grantor also herewith transfers, sells and assigns to the Grantee all of the Grantor's rights, title and interest in and to the lease agreements for the mobile home lots which are a part of the above-described property.

MURRAY HILL PINES
SPECIAL USE PERMIT NARRATIVE

The development of the property described as Murray Hill Pines in the submitted exhibits is a redevelopment of an existing property located off Short Street at Ridgewood Drive in Southern Pines. The +/- 17.04-acre site is comprised of two parcels as indicated on the Existing Conditions Plan. Tract One is approximately 8.96 acres and Tract 2 is approximately 8.08 acres. Both parcels are zoned RM-1 (Residential Single and Multi-Family). Applicant does not propose any rezoning of the Tracts but merely seeks a Special Use Permit for the Combined Tract, known as "Murray Hill Pines," that will allow the proposed number of units in excess of three units per acre, as set forth in the Table of Authorized Land Uses (Exhibit 3-15) set forth in Section 3.7.2. Under the Southern Pines Unified Development Ordinance (the "UDO"), the RM-1 zoning district is intended to "allow primarily Single-Family and Multi-Family Residences at a medium-density (approximately 10-12 Dwelling Units per acre) in areas served by adequate public water and sewer systems", which includes multi-family uses, as stated in Section 3.5.6 of the UDO. The RM-1 district accommodates single-family, single-family attached, and multi-family residential units.

The underlying density on the project permits up to 203 residential dwelling units on the property. This conditional use permit application proposes 149 multi-family residential units on the property. Rather than traditional multi-family apartment buildings, units within the development will be provided in a style consistent with a traditional single-family detached and attached residential neighborhood. The development will meet the development standards for RM-1 district projects. Adequate parking will be provided on site to meet UDO standards for multi-family uses. Two access locations will be provided for the property. The main entrance to the site will be provided from Long Street with the second entrance being located off Richards Street. Long Street will be improved from Short Street to the main entrance to the community. Pedestrian access will be provided to the adjacent retail shopping center.

The multi-family development will consist of a total of 149 residential units with many shared amenities. These amenities will include a swimming pool, clubhouse building, children's play area, dog park and other passive and active recreational spaces. The property falls outside of any high-quality watershed, no wetlands are present on the site and there is no floodplain associated with the property. The property was previously used for a mobile home park and fully developed with water and sewer utilities. These utilities will be modified and improved to accommodate the proposed community. Overall impervious surface to be developed on the property will be approximately 55.2%.

Design elements for the project are described below.

- **Pedestrian Connectivity**
    - Pedestrian connectivity will be provided throughout the community. Pedestrian access will be provided connecting all residential units to a shared sidewalk network within the development. This network of sidewalks will connect residences to amenities throughout the project. A pedestrian connection will be provided to the adjacent shopping center for residents.

150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: 910.684.8487

- **Parking Areas**
  - The multi-family residential buildings will have a combination of surface parking and internal unit garages at the ratio set forth below. The parking standards are as follows from Section 4.5 of the Town's Udo:

Land Use (Multi-Family)	Minimum Vehicle Parking Spaces	Parking Spaces Required
0-1 bedrooms	1 space per Dwelling Unit (16 Units)	16 spaces
2-3 bedrooms	2 spaces per Dwelling Unit (133 Units)	266 spaces
Visitor Parking	1 space per 5 units	30 spaces

  - Based on the parking standards above, the proposed development would require 312 parking spaces (2.09 spaces per unit). Proposed parking for the development is as follows:

    Parking Proposed: 264 (1.77/Unit) spaces total
    On-Street Parking: 187
    Driveway Parking: 38
    Garage Parking: 38

  - In consultation with the Planning Staff, Applicant seeks to reduce the minimum required number of parking spaces from 312 to 264 but is willing and able to incorporate the full 312 parking spaces if required by the Town.
- **Streets and Access**
  - The main entrance to the site will be provided from Long Street, which will be improved from Short Street to the property entrance to meet NCDOT and Town of Southern Pines construction standards. A secondary access location will be provided from Richards Street. Both entrance locations were previously utilized by the mobile home park for access to the property.
- **Landscaping and Fencing**
  - Landscaping will be provided as required by the Town of Southern Pines UDO for multi-family developments.
  - There are very few trees existing on the property due to its previous development as a mobile home park.
  - Planting buffers and screening will be provided on adjacent property boundaries where necessary and required by the Town's UDO. Effort will be made to preserve existing trees in the buffer areas of the project. Any tree save in these buffer areas may count toward planting credit as permitted in the UDO.
  - A fence is currently located along much of the property boundary shared with adjoining properties to the east. This fence will be extended along the boundary with adjacent properties on the eastern property boundary to the site access drive.

- **Open Space**
  - Multi-family residential development is required to have 10% open space. The property requires 1.65 acres of open space. The development will provide approximately +/- 18.2% (+/- 3.1 acres) open space as indicated on by the hatching on the proposed site plan. This open space will be located in buffer areas, stormwater features, parks and amenity areas throughout the property as indicated on the preliminary plan.

- **Buffers/Setbacks**
  - Buffers and setbacks will be provided at a minimum per the requirements of the RM-1 district standards. All setbacks will be met and in many instances the setbacks for the property exceed the required setback requirements.
    - The RM-1 district requires the following setbacks, along the perimeter of the property, which will be met:
      - Front = 25'
      - Internal Side = 10'
      - External Side = 15'
      - Rear = 30'
  - While the development resembles a single-family detached and attached neighborhood, the development will follow the multi-family development guidelines for setbacks along the overall property boundary. As there will be no subdivided lots, setbacks between buildings will be determined by building code and provide adequate separation for fire safety.
- **Stormwater**
  - Stormwater management best practices will be applied as necessary and required to control stormwater runoff throughout the project. All stormwater will be managed in a series of ponds, basins or other devices as required. All stormwater management devices will be permitted as required with the necessary state and local agencies.
  - Stormwater devices may be located in buffer areas or on an adjacent parcel under common ownership and control of the developer.
- **Utility Service**
  - Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utilities are currently within close proximity, along the streets and adjacent properties near the proposed site or located directly on the property. All utilities on the site will be located underground.
- **Architectural Character**
  - Units will be designed to resemble single family and townhome residences throughout the development. The architectural character will be consistent with the character of Southern Pines. Units will provide front porches and be oriented toward the streets and parking areas. Materials are intended to be cementitious siding material, in various colors, that will blend with other development in Southern Pines and have the appearance of other single-family communities.
- **Signage**
  - A single subdivision sign for the multifamily development will be placed at each of the entrances to the development. One sign each will be placed at the Long Street entrance and the Richards Street entrance.

- All signs will indicate the name of the community and/or business. Any additional directional or on-site signage for parking area, parks or amenities will follow the Town of Southern Pines sign standards in Section 4.6 for size, materials, and height.

The descriptions and conditions described above will apply to the entire project as indicated in the Special Use Permit plan document.

EXHIBIT A

Murray Hill Pines
Special Use Permit Justification

Below are listed the six (6) criteria required to approve a Special Use Permit application as described in Section 2.21.7 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

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

The property is currently zoned RM-1 and would permit multi-family, single-family attached, and single-family detached residential development through a special use permit. The Special Use Permit is required for this property because the development is greater than three dwelling units per the Table of Authorized Land Uses (Exhibit 3-15) set forth in Section 3.7.2 of the UDO. Residential uses are permitted in the RM-1 district at a density of 10-12 dwelling units per acre. This density permitted would allow for 203 residential units to be developed on the 17.04-acre property. The proposed plan includes 149 total residential units, which complies with the regulations of the applicable zoning district and is 54 units (27%) below the permitted density. The proposed development complies with all regulations within the UDO related to the RM-1 district.

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

In North Carolina, when a use is allowed as a special use within a zoning district (as in this case where single family and townhomes are allowed uses within the RM-1 zoning district), that automatically creates a prima facie case and a rebuttable presumption that the requested use is in conformity with the surrounding area. Since single family residences and townhomes are allowed at the proposed density with a special use permit, the presumption is that this use conforms to the character of the neighborhood in which it is located and will not injure the use and enjoyment of property in the immediate vicinity.

Notwithstanding the presumption, the proposed single-family residences and townhomes in Murray Hill Pines will resemble single-family and townhome development consistent with adjoining properties. Buildings will front streets and parking areas like traditional single-family and townhome communities. All buildings will meet all UDO standards for building height.

Buffers will be placed along property boundaries that are shared with adjacent properties as required by the RM-1 zoning district. While the development resembles a single-family detached and attached neighborhood, the development will follow the multi-family development setback requirements along the overall property boundary. As there will be no subdivided lots, setbacks between buildings will be determined by building code and provide adequate separation for fire safety.

On page 2.4 of the Comprehensive Long-Range Plan (CLRP) under housing it states “Southern Pines residents recognize the importance and relevance of housing that is diverse, affordable and compatible with the neighborhood in which it is developed. The Town is committed to promoting these housing goals in all areas of the community.” The developer believes that the residential development proposed for this neighborhood offers a variety and diversity of residential products within the surrounding neighborhood. This variety in multi-family housing and single-family for rent options allows residents of Southern Pines to make housing decisions that fit their needs and lifestyle. This development is consistent with the context of the surrounding neighborhood.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. Water and sewer lines currently cross areas of the site and were installed with the previous mobile home park. Parks, open spaces, trails, sidewalks, and amenities will be provided by the developer for the residents.

The main entrance to the site will be provided from Long Street, which will be improved from Short Street to the property entrance to meet NCDOT and Town of Southern Pines construction standards. A secondary access location will be provided from Richards Street. Both entrance locations were previously utilized by the mobile home park for access to the property.

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

This is a redevelopment project located adjacent to a proposed shopping center and other single-family residential homes. Properties surrounding this property are zoned RM-1, PD and RS-1. This project will not impede the development of these surrounding properties in meeting their full development potential and meets the standards of the RM-1 zoning district. The plan works to transition density from the adjacent (to the north) shopping center and the single-family residences to the south and east. The project redevelops an existing mobile home park into a multi-family community resembling a single-family and townhome community.

Murray Hill Pines and the improvements therein will not substantially diminish or impair the property values within the neighborhood.

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

This project meets all standards set forth in the Town's CLRP and UDO pertaining to land use and density. Based on the standards set forth in these publicly reviewed and approved documents, this project will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood or the town of Southern Pines. The development incorporates many of the goals of the CLRP.

Traffic volumes will not endanger the residents of the Town of Southern Pines as all vehicular access will be provided to the site from an improved Long Street and Richards Street. Low additional traffic volumes on local Town streets will not create any adverse impact on existing neighborhoods or streets and will be similar to that of the previous mobile home park.

Project buffers will be provided around the entirety of the property and planted to the Town of Southern Pines standards and requirements. These standards protect adjoining property owners from any detrimental impacts.

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

The proposed use and project density have already been established in both the Town of Southern Pines CLRP adopted on March 8, 2016 and incorporated in the Town of Southern Pines UDO under the RM-1 zoning district classification. Redevelopment of this property from a mobile home park to a multi-family development, which will resemble a single-family and townhome community is consistent with the

surrounding neighborhood and will provide a transition from the adjacent shopping center to the adjacent residential neighborhood.

Any connecting utility and roadway infrastructure, including the improvements to Long Street will be extended and connected as necessary by the developer and dedicated to the Town of Southern Pines. This will benefit the public interest and welfare without adversely affecting any individual interests.

The CLRP calls for "housing that is diverse, affordable and compatible with the neighborhood in which it is developed." (CLRP, p. 2-4). The CLRP also adopts a policy of "encouraging development of a variety of housing types in new residential areas and promoting compatible infill in existing neighborhoods. (CLRP, P-12, p. 2-10). This project does just that. The CLRP explicitly states that the Town should "accommodate a diverse mix of housing." (CLRP, p. 4-6). The CLRP is the public expression of the public interest and welfare from a land planning perspective. Provision of single family for-rent residences and townhomes is consistent with the public interest and welfare as expressed in the CLRP. Applicant also asserts that the demand for such housing exceeds the current supply in the Southern Pines market and that increasing the supply of such housing options available can reduce overall rental rates in the jurisdiction, thereby fulfilling goals of the CLRP.

This proposal does not seek to deviate from the permitted density or uses prescribed in these documents. These documents were developed as a result of many hours of public input, hours of staff review and hours of Town Council deliberation in order to protect the public interest and welfare of the community.

This project incorporates many goals and objectives of the CLRP and establishes a development pattern that is consistent with these planning and guiding documents. This proposed multi-family development is consistent with the zoning classification. The development pattern also meets the land use goals defined by the CLRP as it is a redevelopment project, makes efficient use of the towns existing infrastructure and encourages housing diversity within Southern Pines. This housing diversity and efficient use of land will be needed to meet the demands of projected growth of Southern Pines and the surrounding area.

Taking the existing zoning into account, the allowed uses therein and the goals, strategies and vision of the CLRP for this area, the public interests supporting the proposed uses outweigh any individual interests that may be adversely affected by the proposed use.

EXHIBIT C

Murray Hill Pines
Compliance with Comprehensive Long Range Plan Objectives

Below is a list of Comprehensive Long range Plan (CLRP) objectives that the design of this project incorporates into the proposed development. The item identification at the beginning of each objective refers to the item number as referred to in the CLRP goals. Bold text represents the goal of the section as adopted on March 8, 2016.

G-11.Housing. Facilitate the provision of a broad range of housing choices that serve residents of all abilities and incomes.
G-13.Growth. Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines' residents.
P-2. Neighborhoods. Ensure that new development and redevelopment are compatible with the overall scale, architectural, transportation and public-space characteristics of the neighborhood in which it occurs.

The addition of single-family cottages and townhomes in this location will complement the wide availability of single-family housing in Southern Pines, thus achieving the goal of "providing a broad range of housing choices that serve residents of all abilities and incomes." Such housing accommodates anticipated growth and supplies new residential units for Southern Pines. There is a portion of market comprised of consumers who desire a single-family home but do not desire a mortgage.

The project's architecture, site design and neighborhood character fit into the surrounding neighborhood and are intended to blend into the Southern Pines vernacular. Elements of building design and scale will be comparable to other single-family and townhome development in the area.

P-12. New Housing Choices. Foster the provision of a mix of housing that meets the financial and physical needs of existing and future residents by encouraging development of a variety of housing types in new residential areas and promoting compatible infill in existing neighborhoods.

The single-family homes and townhomes within the development will be consistent with the Southern Pines vernacular but will also meet the housing needs of future residents by incorporating a variety of housing types. The buildings will use materials consistent with Southern Pines. The mix of residential unit types is appropriate with the surrounding area. Market parameters dictate standards supporting Town's existing vernacular.

P-18. Parks and Recreation. Facilitate access to public and private parks and recreational facilities and activities for residents in new and existing neighborhoods by:

b. Encouraging development of new public and private facilities in coordination with new development; and

The project will provide for its residents, parks and amenities including open play areas, pool and clubhouse area, shade structure, pocket parks and dog park area as well as internal trails and sidewalks. This reduces the need for the Town of Southern Pines to provide amenities for the residents of this develop. All costs associated with the construction of these amenities will be borne by the developer.

EXHIBIT C

CHAPTER 8 Housing (Page 8-4). Retaining Diverse Housing Options. The Downtown neighborhood offers a diverse mix of housing choices, which are needed to meet the increasingly diverse housing needs of the community. Seniors, who are no longer able or willing to maintain large, single-family lots seek denser housing options by necessity. Millennials, and to some extent, baby-boomers seek mixed-use neighborhoods and attached housing options. This is not to suggest that existing single-family neighborhoods should be rezoned to allow multi-family housing, but it does suggest the importance of retaining existing mixed-density zoning Downtown and promoting mixed-density neighborhoods within new developments.

The plan utilizes property currently zoned for multi-family development to provide additional housing opportunities. This housing diversity and efficient use of land will be needed to meet the demands of projected growth of Southern Pines and the surrounding area.

P-6. Mobility. Enhance mobility options for residents of Southern Pines by:

a. Ensuring that new neighborhoods and mixed-use centers interconnect with adjoining land uses.

The property provides an interconnected street network within the property and street connections to the adjoining areas. Access points are consistent with the existing mobile home community and will continue the same traffic pattern. Sidewalks will be added throughout the development to connect all internal amenities and encourage walking within the community.

G-8. Mobility. Increase mobility options for residents throughout Southern Pines.

P-6. Mobility. Enhance mobility options for residents of Southern Pines by:

a. Ensuring that new neighborhoods and mixed-use centers interconnect with adjoining land uses.

b. Making walking and bicycling safe, convenient and economical transportation alternatives to driving through development of greenways and streets that are

The project's proximity to the proposed adjacent shopping center will encourage walking and biking to the new facility and allow residents to shop and dine without driving to the center.

P-7. Streetscapes. When improving streets and when streets are installed as part of new developments, ensure that the streets:

b. Employ indigenous landscaping materials in streetscapes and buffers for parking and loading areas to reinforce the natural character of the Town;

It is intended that the development will maintain plants when appropriate and utilize native plants in all areas of the development. Use of native plants will be consistent with the surrounding neighborhood character and promote a project that looks like Southern Pines. Native plant utilization also reduces the amount of maintenance, pruning and irrigation that these plants need for survival. Native plants are more adapted to the local environment and are conditioned to meet the local environmental conditions including drought tolerance, pests and diseases.

G-13.Growth. Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines' residents.

EXHIBIT C

P-15. Growth Coordination. To maintain the Town's fiscal integrity and ability to provide public facilities and services in a cost-effective manner:

b. Ensure that costs of extending services to new development are generally borne by such development, except where cost-sharing is necessary to facilitate or attain larger community goals

All development infrastructure to serve the property (water, sewer, roads) cost will be borne by the developer and dedicated to the Town of Southern Pines. Water, sewer and road infrastructure are all available adjacent to the site.

NEIGHBORHOOD MEETING REPORT

DATE: March 23, 2022

PROJECT: Murray Hill Pines

LOCATION: Offices of Koontz Jones Design, located at
150 South Page Street
Southern Pines, North Carolina

SUBMITTED BY: Bob Koontz

ATTENDEES: Bob Koontz, Koontz Jones Design, PLLC
Paul Saathoff, Koontz Jones Design, PLLC
Greg Jonczyk, Craig Davis Properties

An informal Neighborhood Meeting was held on Wednesday March 23, 2022, from 4:00pm to 6:00 pm at the office of Koontz Jones Design, located at 150 South Page Street in Southern Pines. The applicant and project team held this meeting with adjoining property owners to present the project and solicit feedback on the plans for the property which includes 149 multi-family units design in a single-family and townhome style development. All adjoining parcel owners within 200' of the property were notified by letter (see attached copy of the letter) ten (10) days prior to the meeting date.

The meeting was informal in nature to allow adjoining property owners the opportunity to drop by at their convenience to review preliminary plans and ask questions of the development team. No formal presentation was provided. Drawings of the conceptual site plan and conceptual units were provided for review by the adjacent owners. Development team members were available to answer questions regarding the proposed project.

Several of the adjoining property owners took the opportunity to review the plans and discuss the project with the development team. (See attached sign in sheet)

Questions relating to many aspects of the development were raised and responded to by the development team based on the current direction of the plan and the submitted special use permit application. The following is a list of many of the questions posed to the development team:

- Number of Units: The development team provided plans and information describing that there would be 149 multi-family residential units design to resemble a single-family detached community.
- Ingress/egress. It was explained that the proposed development would utilize the two existing entrance locations for the previous mobile home park. One access location would be provided from Long Street, with a second entrance location provided at Richards Street. It was also discussed that Long Street would be improved to meet Town of Southern Pines construction standards for roadways, which appeared to be well received.
- Rental rates. The projected range is uncertain at this time but would be comparable with other new multi-family development and single-family residential rental rates in the area.
- Fencing and pedestrian access: It was asked whether fencing would be provided along the adjoining property boundaries as there is a fence along much of the property boundary today. It was explained that the current fencing would remain in place and could be added to in certain locations with the same type of fencing.

Robert Koontz, RLA

These notes reflect the author's interpretation of the events during the referenced meeting. Any additions or modifications required should be submitted to the author in writing.

March 11, 2022

Dear adjoining property owner,

A Neighborhood Meeting will be held to discuss a proposed Special Use Permit (SUP) application for the property located off Ridgewood Drive, between Richards Street and Long Street in Southern Pines. The property is currently zoned RM-1 - Residential Mixed Housing per the Town of Southern Pines Unified Development Ordinance (UDO). RM-1 zoning allows for residential uses at a medium density (10 – 12 dwelling units per acre), including single-family detached, single-family attached and multi-family units. The SUP application requests multi-family residential units that will be designed in a pattern similar to a single-family detached residential neighborhood.

This meeting is not a public hearing. The purpose of this meeting is to inform neighboring property owners of the proposal and to seek comments. The drop-in meeting will be held on March 23, 2022, between the hours of 4:00 pm and 6:00 pm at the offices of Koontz Jones Design located at 150 South Page Street in Southern Pines. This meeting will be informal, with no scheduled presentation, so feel free to come by at your convenience during the designated hours. Conceptual plans will be made available for review and discussion with members of the project team. Anyone seeking additional information regarding the CDP application may call (910) 684-8487.

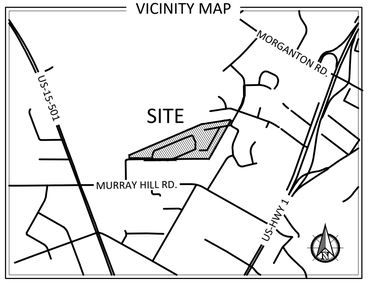
Best Regards,

Robert Koontz, PLA

Murray Hill Pines 3/23/2022

Name	Address	Email Address
Jean McNeill	1702 Eastview dr. Aberdeen, N.C. 28315	jeanrmcneill@gmail.com
Oglatha Carswell	302 Haley Street, Southern Pines, N.C. 28387	
Renee Swagel	145 Pinelane Sou. Pines, N.C. 28387	
Carolyn Covington	140 Pine Lane Sou. Pines 28387	
Ruby & Tem Stephen	125 Shady Lane S.P. 28387.	
Janice D. Chiles	560 Rothney Ave SP 28387	
Dierdre Breeden	560 Rothney Ave SP 28387	

VICINITY MAP



LEGEND

- PROPERTY BOUNDARY
- 535 EXISTING MAJOR CONTOUR
- 534 EXISTING MINOR CONTOUR
- ABANDONED RIGHT OF WAY
- BOUNDARY LINE
- BOUNDARY LINE NOT SURVEYED
- EXISTING EASEMENT
- EXISTING FENCE
- EIP EXISTING IRON PIPE
- EIR EXISTING IRON ROD
- IRS IRON ROD SET
- ECM EXISTING CONCRETE MONUMENT
- EPK EXISTING PK NAIL
- SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- TELEPHONE PEDESTAL
- CABLE PEDESTAL
- POWER PEDESTAL
- POWER METER
- LIGHT POLE
- ELECTRICAL TRANSFORMER

CAUTION

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

FLOODPLAIN DATA

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

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

ZONING INFORMATION

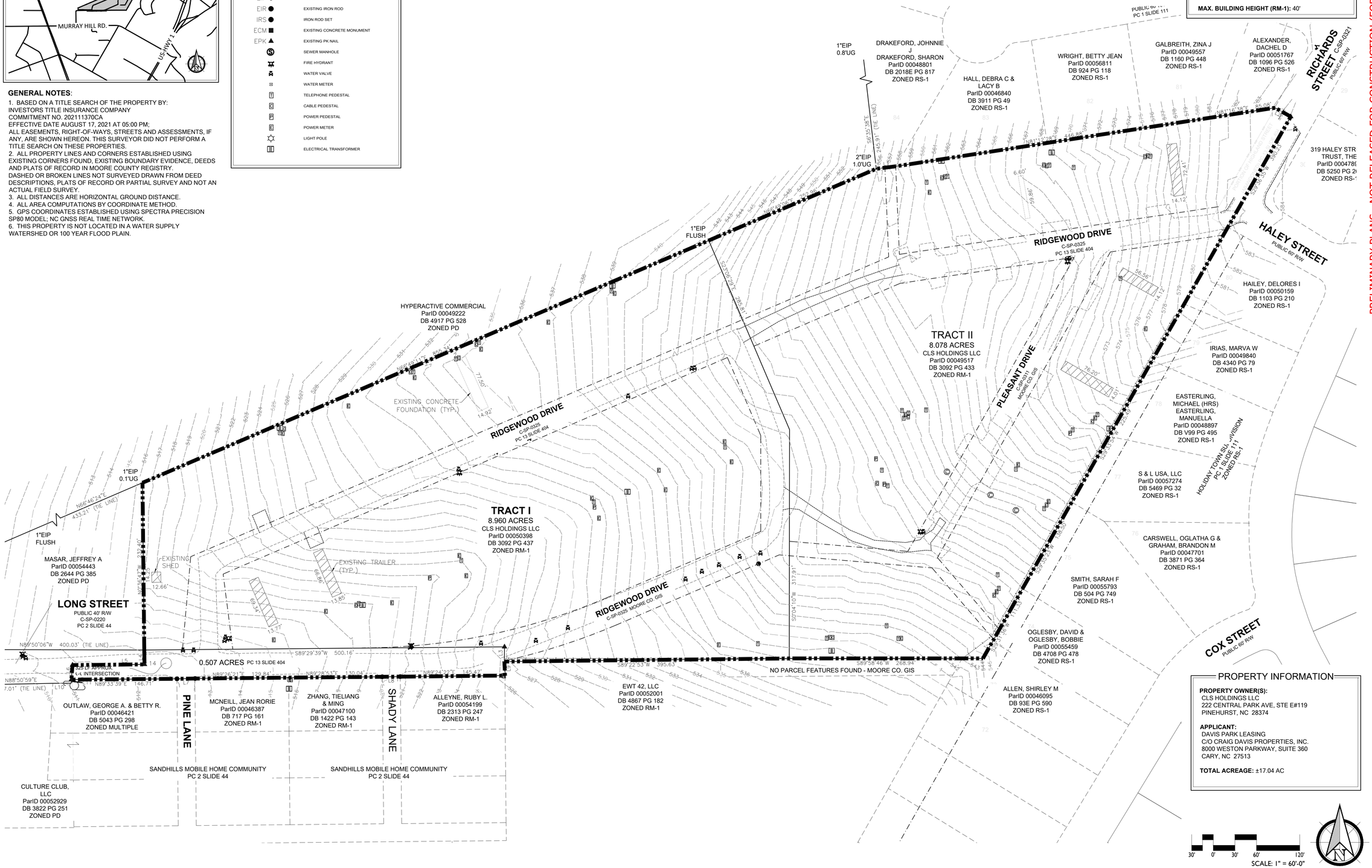
ZONING CLASSIFICATION:
RM-1 - RESIDENTIAL MIXED HOUSING
(10-12 DWELLING UNITS / ACRE)

REQUIRED SETBACKS (RM-1):
FRONT: 25' MINIMUM
INTERIOR SIDE: 10' MINIMUM
EXTERIOR SIDE: 15' MINIMUM
REAR: 30' MINIMUM

MAX. BUILDING HEIGHT (RM-1): 40'

GENERAL NOTES:

1. BASED ON A TITLE SEARCH OF THE PROPERTY BY:
INVESTORS TITLE INSURANCE COMPANY
COMMITMENT NO. 202111370CA
EFFECTIVE DATE AUGUST 17, 2021 AT 05:00 PM;
ALL EASEMENTS, RIGHT-OF-WAYS, STREETS AND ASSESSMENTS, IF ANY, ARE SHOWN HEREON. THIS SURVEYOR DID NOT PERFORM A TITLE SEARCH ON THESE PROPERTIES.
2. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING CORNERS FOUND, EXISTING BOUNDARY EVIDENCE, DEEDS AND PLATS OF RECORD IN MOORE COUNTY REGISTRY.
DASHED OR BROKEN LINES NOT SURVEYED DRAWN FROM DEED DESCRIPTIONS, PLATS OF RECORD OR PARTIAL SURVEY AND NOT AN ACTUAL FIELD SURVEY.
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
4. ALL AREA COMPUTATIONS BY COORDINATE METHOD.
5. GPS COORDINATES ESTABLISHED USING SPECTRA PRECISION SP80 MODEL; NC GNSS REAL TIME NETWORK.
6. THIS PROPERTY IS NOT LOCATED IN A WATER SUPPLY WATERSHED OR 100 YEAR FLOOD PLAIN.



PROPERTY INFORMATION

PROPERTY OWNER(S):
CLS HOLDINGS LLC
222 CENTRAL PARK AVE, STE E#119
PINEHURST, NC 28374

APPLICANT:
DAVIS PARK LEASING
C/O CRAIG DAVIS PROPERTIES, INC.
8000 WESTON PARKWAY, SUITE 360
CARY, NC 27513

TOTAL ACREAGE: ±17.04 AC

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

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

REVISIONS:

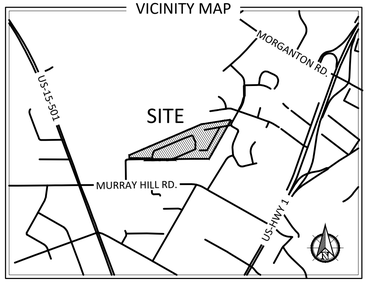
MURRAY HILL PINES
SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS

DATE: 04-11-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KJD21090

SHEET NUMBER#:
L-1.0

VICINITY MAP



LEGEND

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- EXISTING MINOR CONTOUR
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- SEWER MANHOLE
- FIRE HYDRANT
- WATER VALVE
- WATER METER
- TELEPHONE PEDESTAL
- CABLE PEDESTAL
- POWER PEDESTAL
- POWER METER
- LIGHT POLE
- ELECTRICAL TRANSFORMER
- OPEN SPACE
- USEABLE OPEN SPACE
- PROPOSED DRAINAGE FLOW

GENERAL NOTES:

1. BASED ON A TITLE SEARCH OF THE PROPERTY BY: INVESTORS TITLE INSURANCE COMPANY COMMITMENT NO. 202111370CA EFFECTIVE DATE AUGUST 17, 2021 AT 05:00 PM; ALL EASEMENTS, RIGHT-OF-WAYS, STREETS AND ASSESSMENTS, IF ANY, ARE SHOWN HEREON. THIS SURVEYOR DID NOT PERFORM A TITLE SEARCH ON THESE PROPERTIES.
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3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
4. ALL AREA COMPUTATIONS BY COORDINATE METHOD.
5. GPS COORDINATES ESTABLISHED USING SPECTRA PRECISION SP80 MODEL; NC GNSS REAL TIME NETWORK.
6. THIS PROPERTY IS NOT LOCATED IN A WATER SUPPLY WATERSHED.

DRAINAGE NOTES:

1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
2. STORMWATER DEVICES MAY BE LOCATED IN BUFFER AREAS OR ON AN ADJACENT PARCEL UNDER COMMON OWNERSHIP AND CONTROL OF THE DEVELOPER

CAUTION

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(AREAS OF MINIMAL FLOODING)

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

ZONING INFORMATION

ZONING CLASSIFICATION (TRACT I):
PD - PLANNED DEVELOPMENT

ZONING CLASSIFICATION (TRACT II & III):
RM-1 - RESIDENTIAL MIXED HOUSING

REQUIRED SETBACKS (RM-1):
FRONT: 25' MINIMUM
INTERIOR SIDE: 10' MINIMUM
EXTERIOR SIDE: 15' MINIMUM
REAR: 30' MINIMUM

MAX. BUILDING HEIGHT (RM-1): 40'

PROPERTY INFORMATION

PROPERTY OWNER(S):
CLS HOLDINGS LLC
222 CENTRAL PARK AVE, STE E#119
PINEHURST, NC 28374

APPLICANT:
DAVIS PARK LEASING
C/O CRAIG DAVIS PROPERTIES, INC.
8000 WESTON PARKWAY, SUITE 360
CARY, NC 27513

TOTAL ACREAGE: ±17.04 AC

TOTAL UNITS:
1 BR MULTI-FAM. DUPLEX = 16 UNITS
2 BR MULTI-FAM. DUPLEX = 22 UNITS
2 BR MULTI-FAM. W/ HEAD-IN PARKING = 73 UNITS
3 BR MULTI-FAM. W/ GARAGE PARKING = 38 UNITS
TOTAL = 149 MULTI-FAM. UNITS (8.74 DU/AC)

TOTAL OPEN SPACE: ±3.1 AC (18.2%)

TOTAL USEABLE OPEN SPACE: ±2.6 AC (15.3%)

REQUIRED PARKING:
-MULTI-FAMILY
1 BEDROOM (16 UNITS)
-1 SPACE PER UNIT = 16 SPACES
2-3 BEDROMM (133 UNITS)
-2 SPACES PER UNIT = 266 SPACES
VISITOR SPACES
-1 SPACE PER 5 UNITS = 30 SPACES
TOTAL PARKING REQUIRED = 312 SPACES

PROVIDED PARKING:
GARAGE/DRIVEWAY = 76 SPACES
ON STREET = 187 SPACES
TOTAL PROVIDED PARKING = 263 SPACES
(1.77 SPACES / UNIT)

TOTAL IMPERVIOUS SURFACE: ±9.4 AC (55.2%)

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

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

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

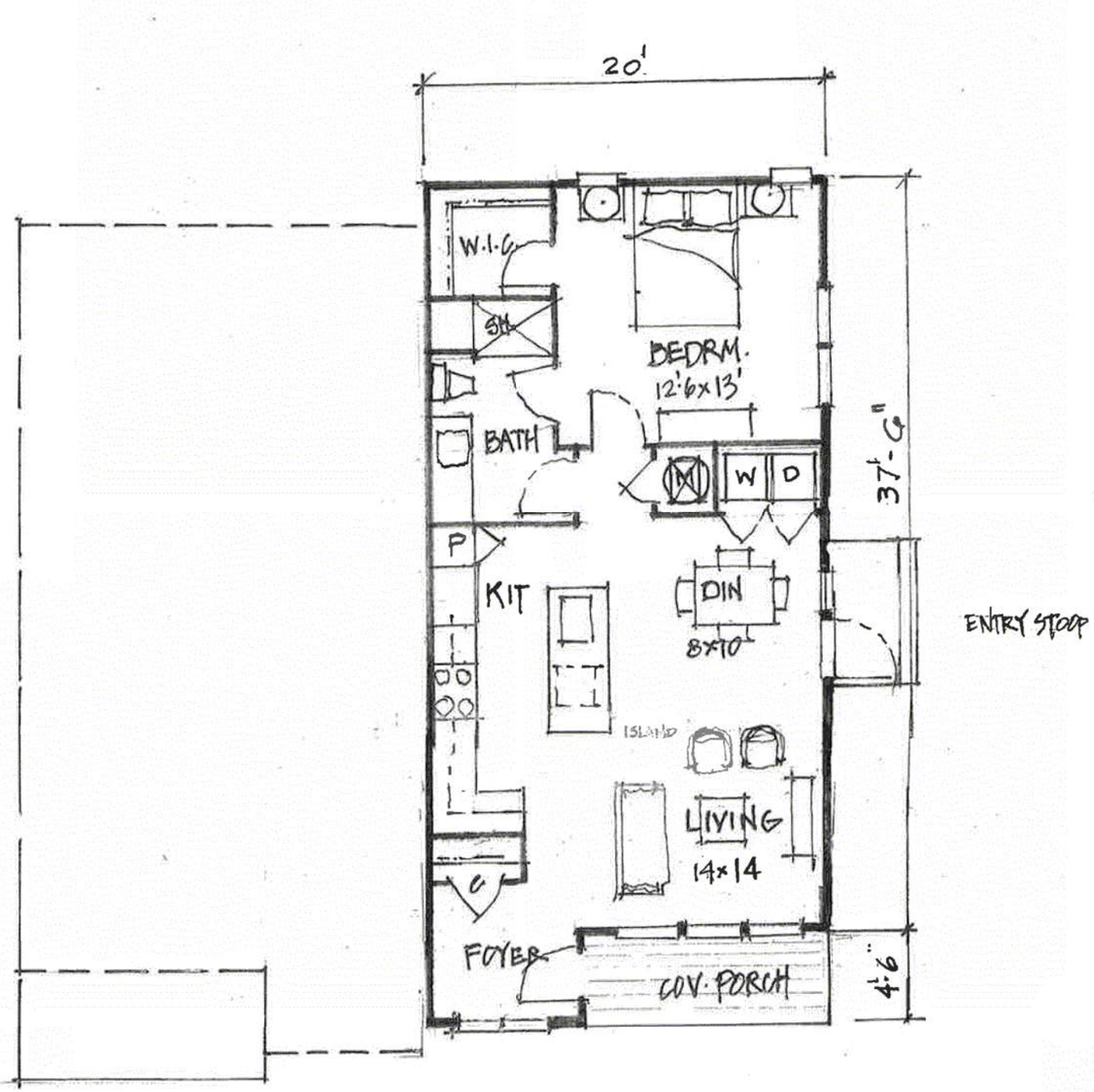
REVISIONS:

MURRAY HILL PINES
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 04-11-2022
ISSUED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KJD21090

SHEET NUMBER#:
L-1.1



FLOOR PLAN (785 SF)

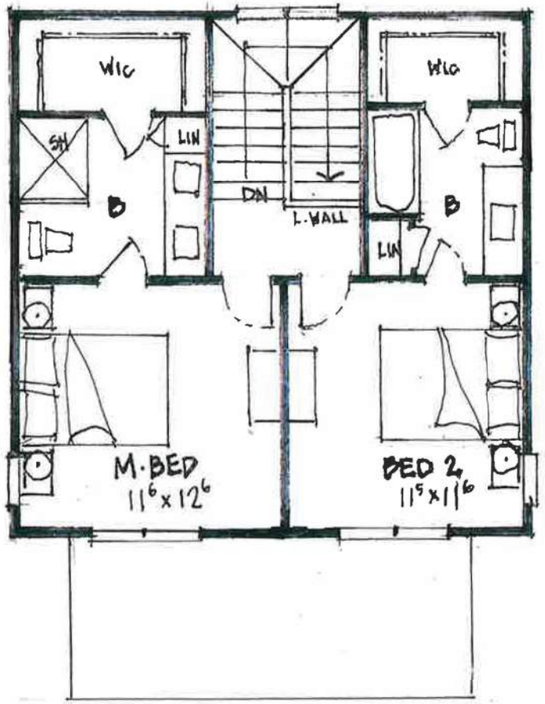
FRONT ELEVATION

-UNIT A - ONE BEDROOM (1-STORY DUPLEX)-

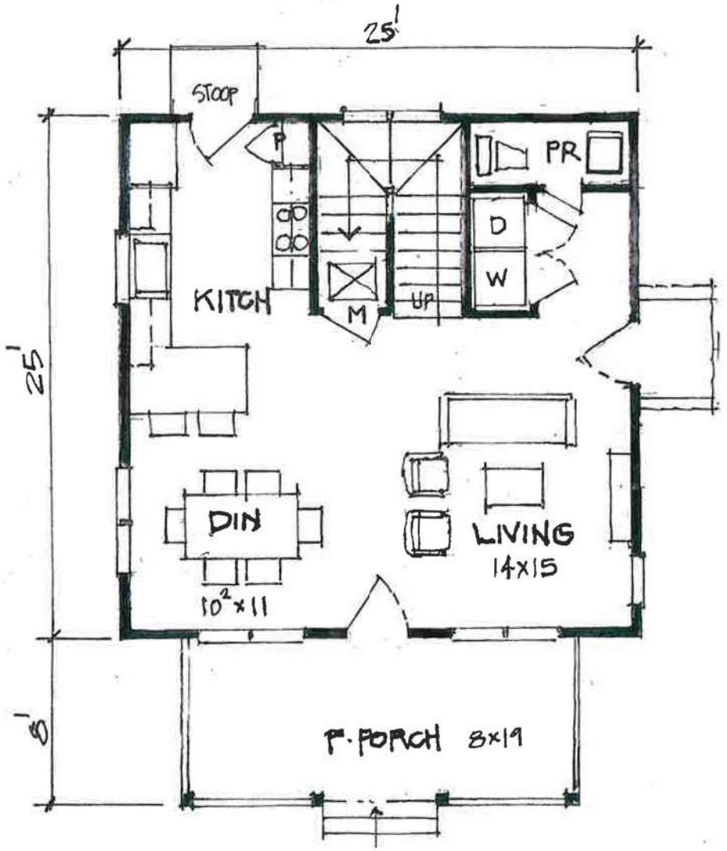
SCALE: NTS

DETACHED MULTI-FAMILY CONCEPT

SGA
NarmourWright
DESIGN



SECOND FLOOR PLAN (565 SF)



FIRST FLOOR PLAN (625 SF)

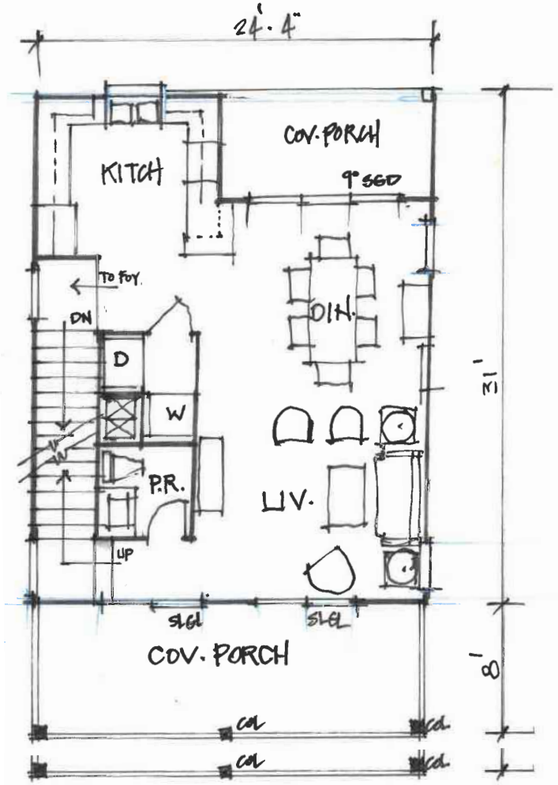
FRONT ELEVATION

-UNIT C - TWO BEDROOM (2-STORY DETACHED)-

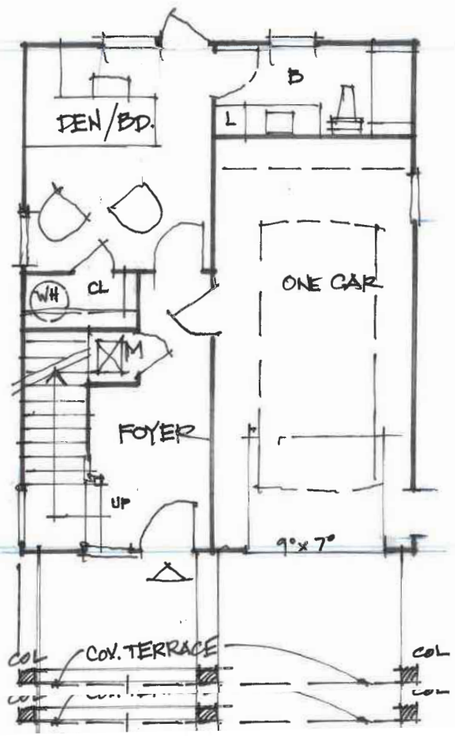
SCALE: NTS

DETACHED MULTI-FAMILY CONCEPT

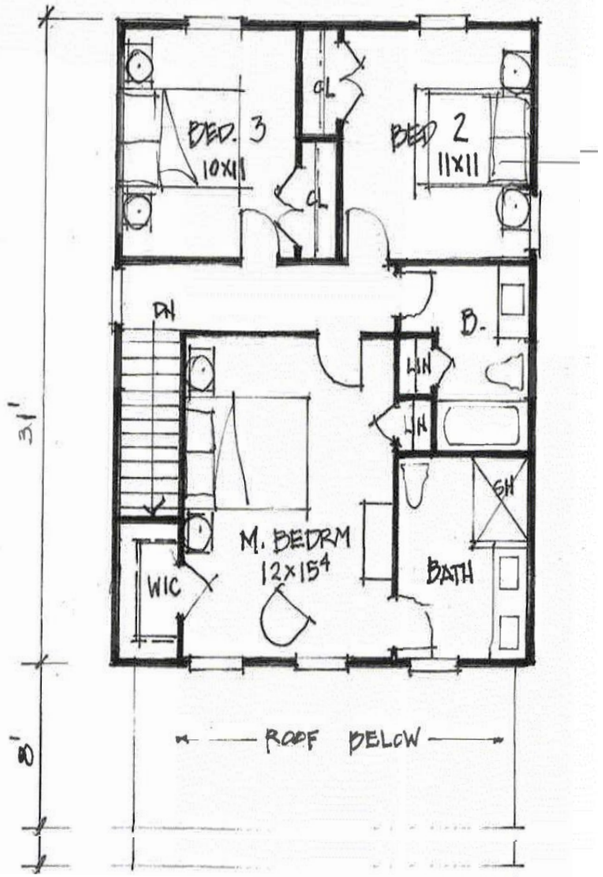
SGA
NarmourWright
DESIGN



FIRST FLOOR PLAN (754 SF)



SECOND FLOOR PLAN (724 SF)



THIRD FLOOR PLAN (724 SF)

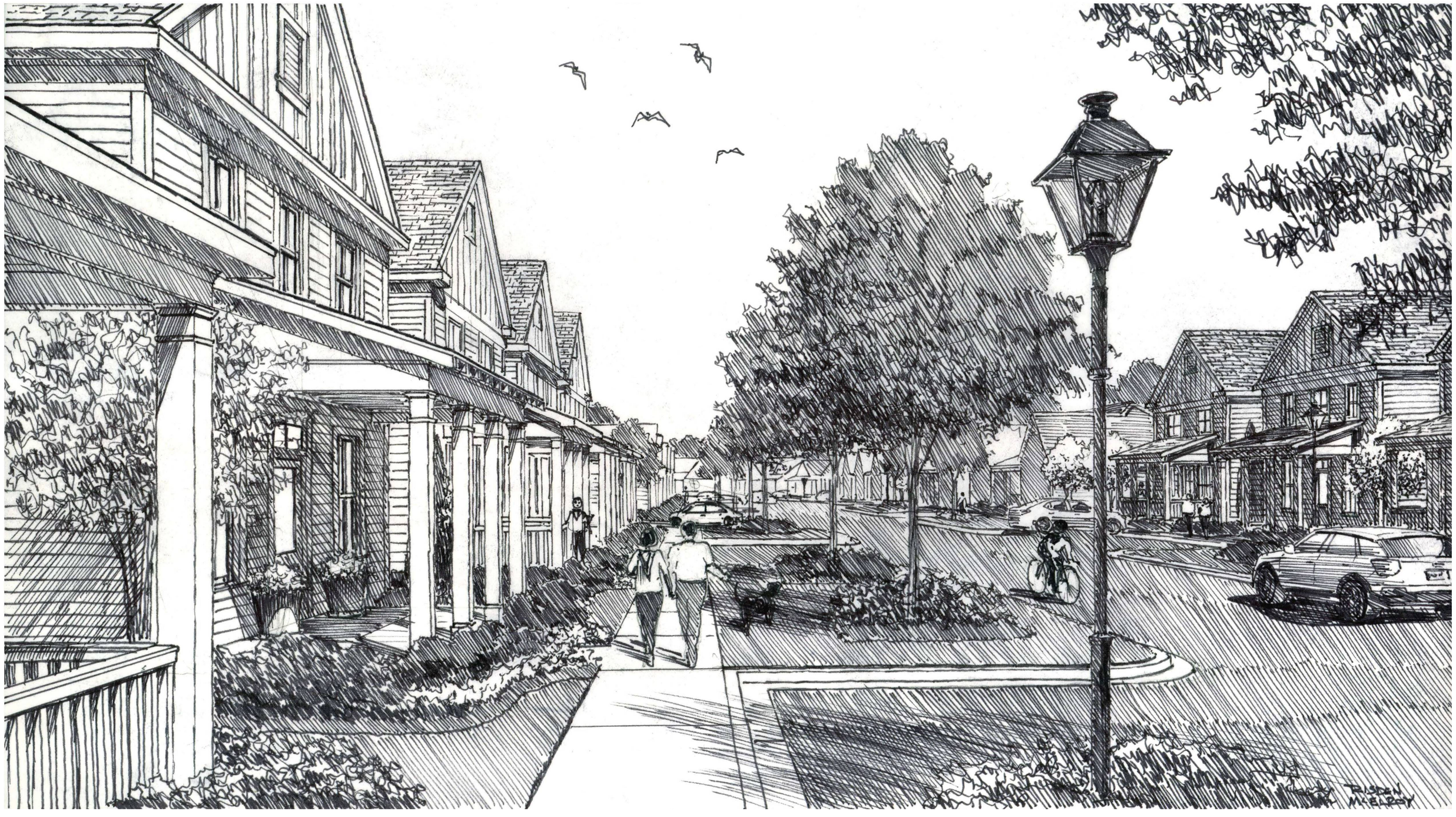
FRONT ELEVATION

-UNIT D - THREE BEDROOM (2-STORY DETACHED)-

SCALE: NTS

DETACHED MULTI-FAMILY CONCEPT

SGA
NarmourWright
DESIGN


R. SIDEN
McELROY

KIMLEY-HORN AND ASSOCIATES, INC
NC License #F-0102

MEMORANDUM

To:	James Michel, PE, Town of Southern Pines
From:	Travis Fluitt, PE, Kimley-Horn
Date:	March 15, 2022
Subject:	***Murray Hill Pines Multifamily, Southern Pines, NC – Traffic Impact Analysis***

NORTH CAROLINA PROFESSIONAL SEAL 034394 ENGINEER TRAVIS FLUITT
DocuSigned by: ED326BBBC3E429...
3/15/2022

Kimley-Horn has performed a Traffic Impact Analysis (TIA) for the proposed Murray Hill Pines multifamily development, which plans to construct approximately 160 townhome-style multifamily units on the north side of Murray Hill Road at Short Street in Southern Pines, North Carolina. **Figure 1** shows the site location, and **Figure 2** shows the conceptual site plan.

The site is mostly vacant except for a few mobile homes. Site access is proposed via Long Street and the existing connection to Haley Street. Project build-out is anticipated in 2024. The Town of Southern Pines' Unified Development Ordinance (UDO) requires the study of the build-out traffic conditions for both the site build-out and 10-year projections. Therefore, the traffic conditions studied include the existing (2022) and projected (2024 and 2032) background and build-out traffic conditions for the AM and PM peak hours.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development.

Existing Conditions

The study area consists of the following intersections:

- Murray Hill Road at Short Street
- Murray Hill Road at Cox Street
- US 1 at Rothney Avenue

Figure 3 shows the existing roadway laneage at the study intersections.

Peak hour (7-9 AM and 4-6 PM) turning movement counts were collected at all three study intersections in December 2021. These counts were not adjusted since they were collected when Moore County public schools were in session. The turning movement count data is attached to this report, and **Figure 4** shows the existing traffic volumes for the AM and PM peak hours.

Background Volume Development

Consistent with recent projects in the vicinity of the site, an annual growth rate of 2% was applied to the existing (2022) volumes up to the 2024 build-out year, and a 1% annual growth rate was applied to the 2024 background traffic volumes up to the 2032 horizon year. Background growth calculations are detailed on the intersection spreadsheets attached to this report.

No approved developments were included in this analysis as background traffic.

Figure 5 shows the projected (2024) background peak hour traffic volumes, and **Figure 6** shows the projected (2032) background peak hour traffic volumes.

Site Trip Generation and Percent Assignment

As currently envisioned, full build-out of the development will consist of approximately 160 townhome-style multifamily dwelling units. The development's trip generation potential was calculated using the data included in the 11th Edition of the *ITE Trip Generation Manual* (2021) except for the daily trips, which were calculated using the rate of 7.32 trips per unit per the Town of Southern Pines UDO.

As shown in Table 1 below, the proposed development is expected to generate approximately 1,172 new trips on a typical weekday, 72 new trips in the AM peak hour, and 89 new trips in the PM peak hour.

Table 1
Traffic Generation (Vehicles)

LUC	Land Use	Intensity	Daily	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
220	Multifamily (Low-Rise)	160 d.u.	1,172	17	55	56	33

The site-generated traffic was assigned to the roadway network according to the following directional distribution, which was based on a review of surrounding land uses and existing traffic patterns:

- 45% to/from the north on US 1
- 35% to/from the west on Murray Hill Pines Road
- 20% to/from the east on Murray Hill Pines Road

Figure 7 shows the directional distribution and percent assignment for Murray Hill Pines site traffic, and **Figure 8** shows the projected peak hour site traffic volumes at the study intersections.

Build-out Volume Development

The site traffic volumes were added to the projected (2024 and 2032) background traffic volumes to obtain the projected (2024 and 2032) build-out traffic volumes. **Figure 9** shows the projected (2024) build-out peak hour traffic volumes, and **Figure 10** shows the projected (2032) build-out peak hour traffic volumes.

Capacity Analysis

Capacity analyses were performed for the existing (2022) and projected (2024 and 2032) background and build-out traffic conditions using Synchro Version 10 software. Synchro intersection level-of-service (LOS) reports are attached to this report. Table 2 summarizes the LOS at average delays at the study intersections.

Table 2 Level-of-Service Summary		
Condition	**AM Peak Hour LOS (Delay)**	**PM Peak Hour LOS (Delay)**
Murray Hill Road at Short Street (Unsignalized)		
Existing (2022) Traffic	SB – B (12.0) EBL – A (8.1)	SB – B (13.0) EBL – A (8.0)
Background (2024) Traffic	SB – B (12.2) EBL – A (8.1)	SB – B (13.3) EBL – A (8.1)
Build-out (2024) Traffic	SB – B (12.5) EBL – A (8.2)	SB – B (13.8) EBL – A (8.2)
+10 Background (2032) Traffic	SB – B (12.7) EBL – A (8.2)	SB – B (14.0) EBL – A (8.2)
+10 Build-out (2032) Traffic	SB – B (13.0) EBL – A (8.3)	SB – B (14.7) EBL – A (8.2)
Murray Hill Road at Cox Street (Unsignalized)		
Existing (2022) Traffic	SB – B (12.2) EBL – A (8.1)	SB – B (13.6) EBL – A (8.1)
Background (2024) Traffic	SB – B (12.4) EBL – A (8.2)	SB – B (14.1) EBL – A (8.2)
Build-out (2024) Traffic	SB – B (13.5) EBL – A (8.2)	SB – C (15.3) EBL – A (8.2)
+10 Background (2032) Traffic	SB – B (12.9) EBL – A (8.3)	SB – B (14.9) EBL – A (8.3)
+10 Build-out (2032) Traffic	SB – B (14.3) EBL – A (8.3)	SB – C (16.4) EBL – A (8.3)
US 1 at Rothney Avenue (Unsignalized)		
Existing (2022) Traffic	EB – B (13.5)	EB – B (13.8)
Background (2024) Traffic	EB – B (13.9)	EB – B (14.1)
Build-out (2024) Traffic	EB – B (14.1)	EB – B (14.3)
+10 Background (2032) Traffic	EB – B (14.7)	EB – B (14.9)
+10 Build-out (2032) Traffic	EB – C (15.0)	EB – C (15.2)

Recommendations

As shown in Table 2 above, all of the study intersections are expected to operate with short minor street delays in the existing (2022) and projected (2024 and 2032) background and build-out traffic conditions. The addition of site traffic is anticipated to create only minor delay and queue increases.

No queuing issues are expected at any of the study intersections at project build-out. As shown on the attached charts, no turn lanes are expected to be warranted on Murray Hill Road at Short Street or Cox

Street. Therefore, no improvements are recommended to be performed to accommodate projected site traffic.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Attachments: *Figures 1-10, Trip Generation, Intersection Spreadsheets, Synchro LOS Reports, Turn Lane Warrant Charts*

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	SITE LOCATION	FIGURE 1

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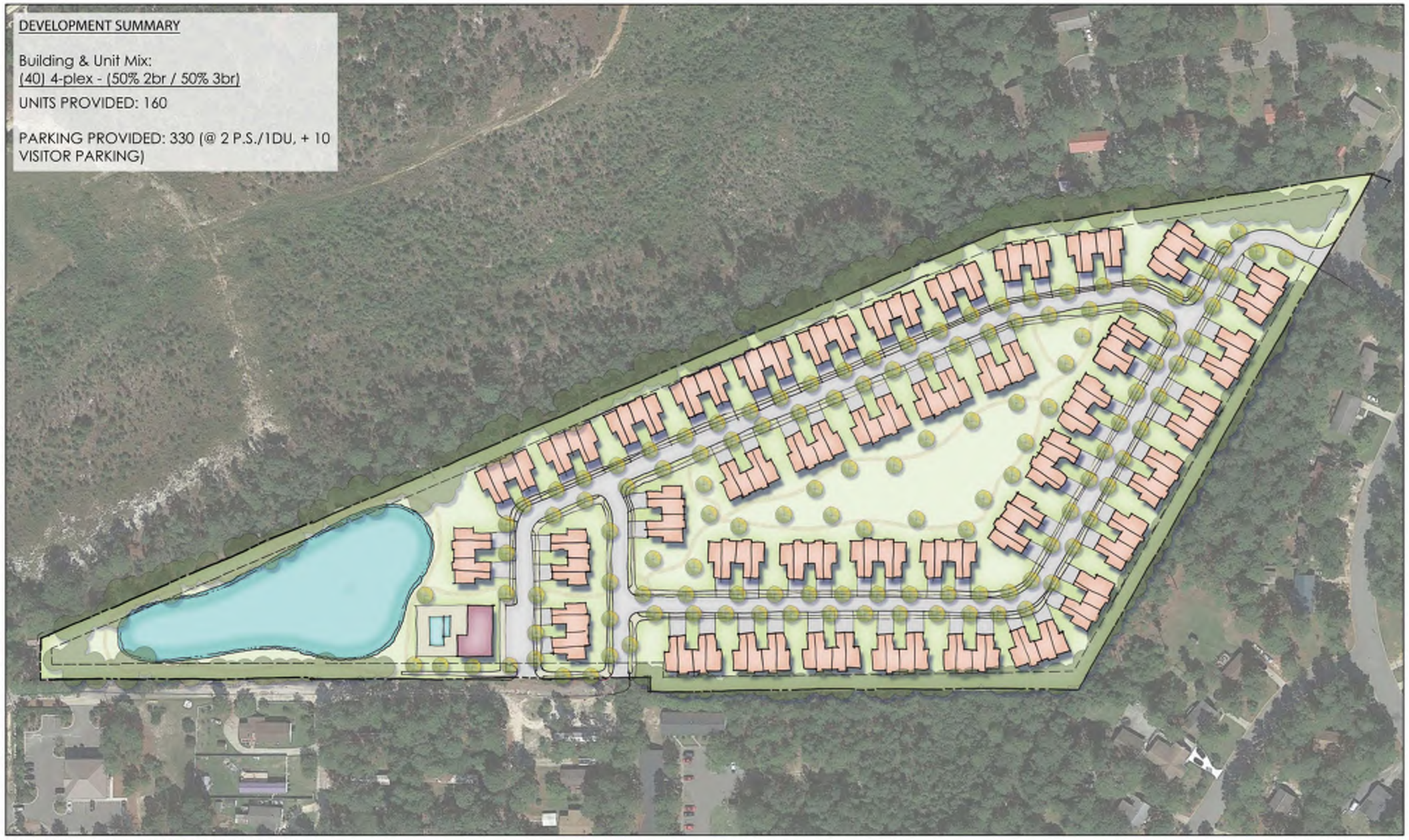

Note: This plan is conceptual in nature and subject to change.

21-186-02 | 11/16/21

SGA | NarmourWright DESIGN | CDP CRAIG DAVIS PROPERTIES

Southern Pines
Moore County, NC

Concept Plan 5.0
(Townhome w/ Garage Option)

NORTH

SCALE: 1"=60'-0"

FIGURE 2

SITE PLAN

MURRAY HILL PINES
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

Kimley»Horn

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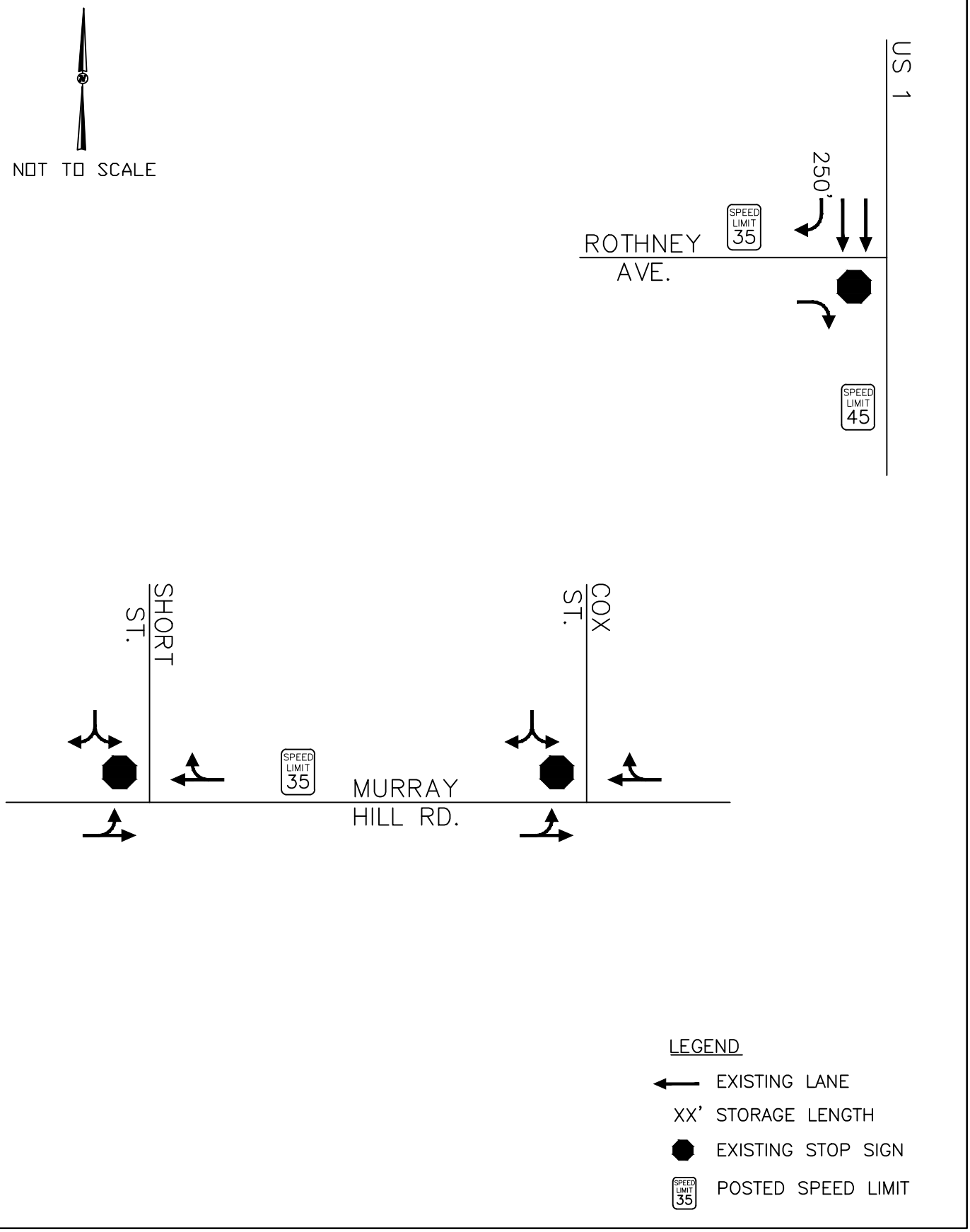
\\kimley-horn.com\SE_RAL1\RAL_TPTO_Traffic\011174039 Murray Hill Pines\T5 - Report-Submittals\TIA Figures\Murray Hill Pines - TIA Figures.dwg



Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	EXISTING ROADWAY LANEAGE	FIGURE 3

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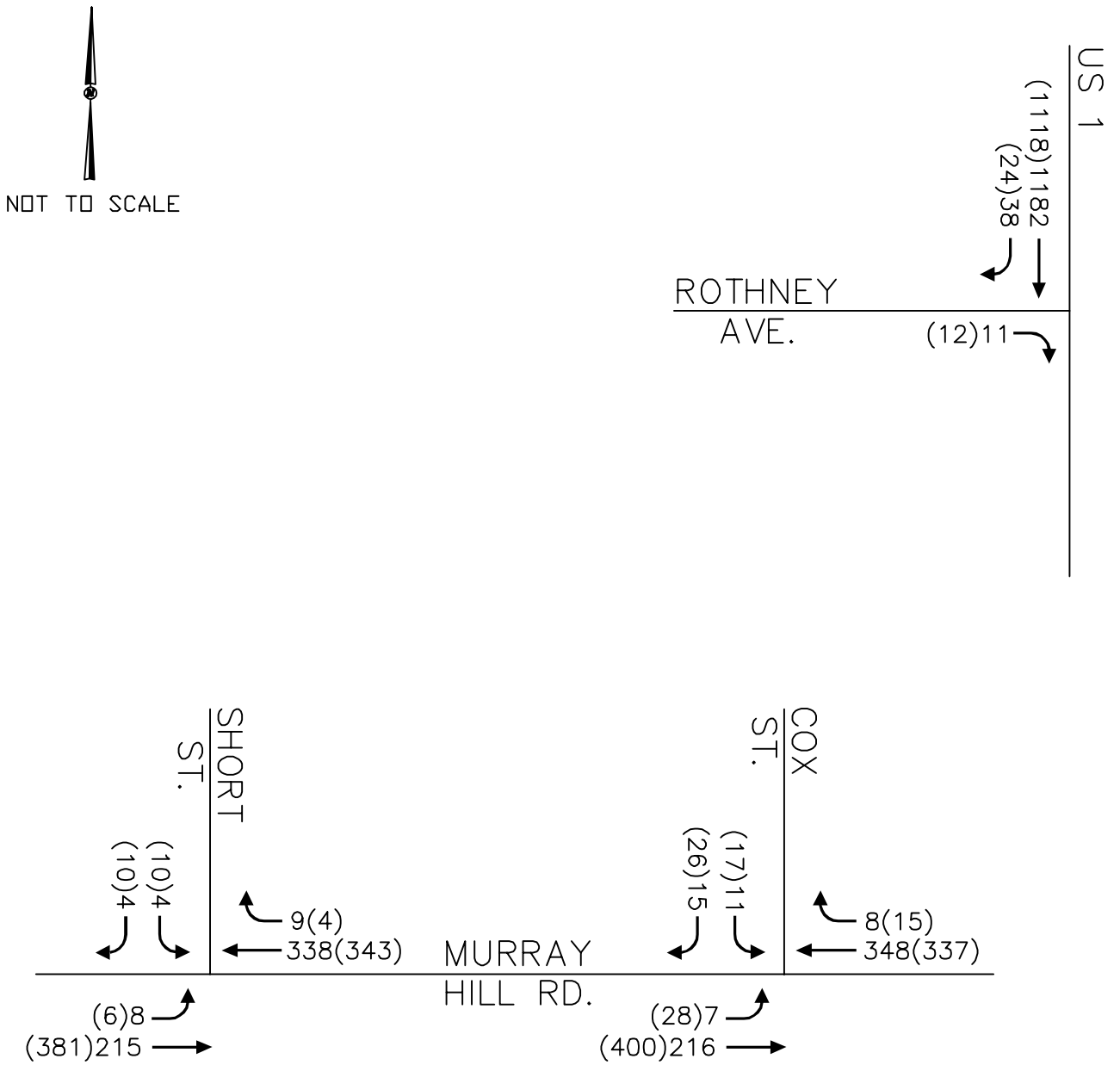

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	EXISTING (2022) AM & PM PEAK HOUR TRAFFIC VOLUMES	FIGURE 4

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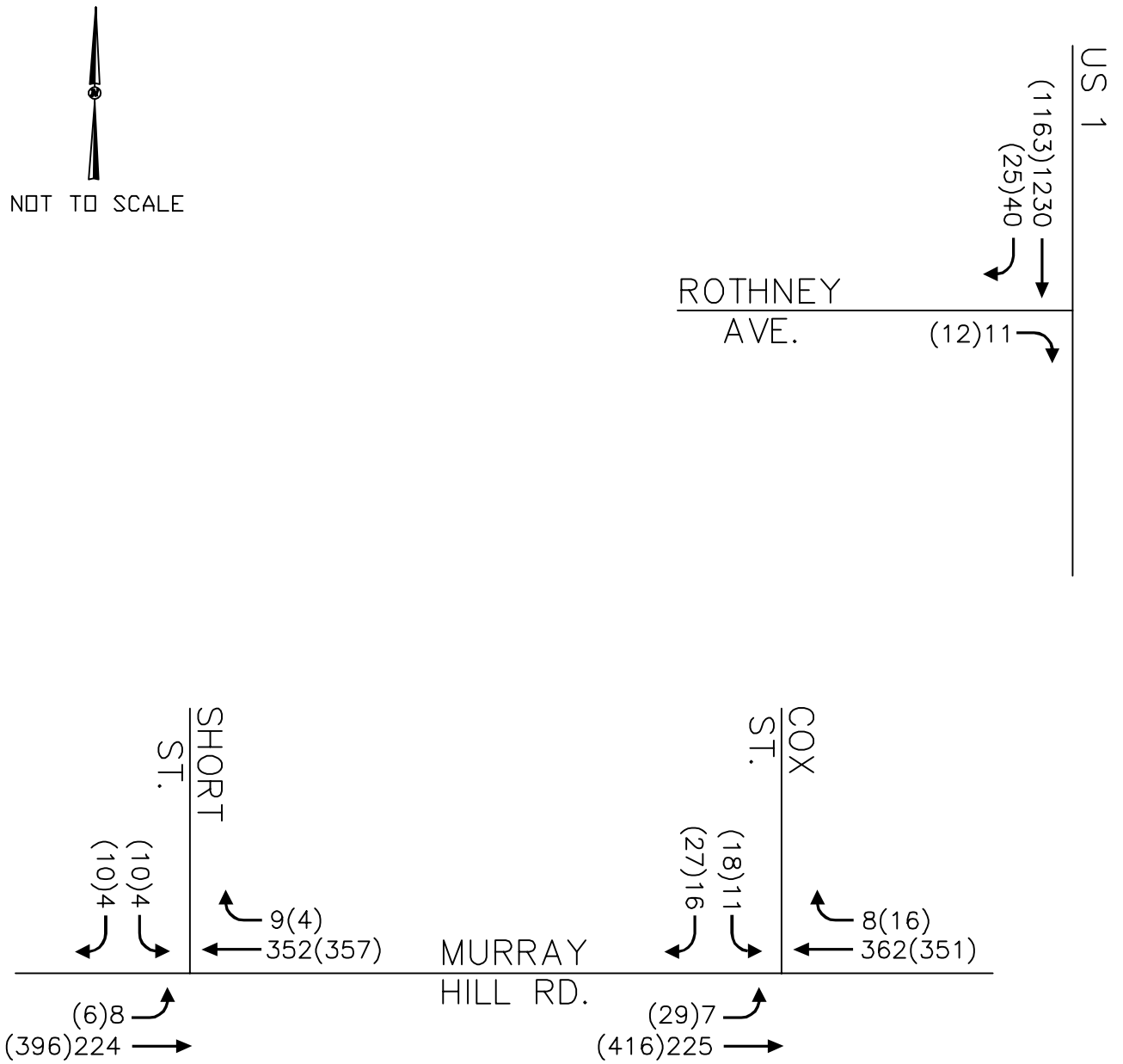

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	PROJECTED (2024) BACKGROUND AM & PM PEAK HOUR TRAFFIC VOLUMES	FIGURE 5

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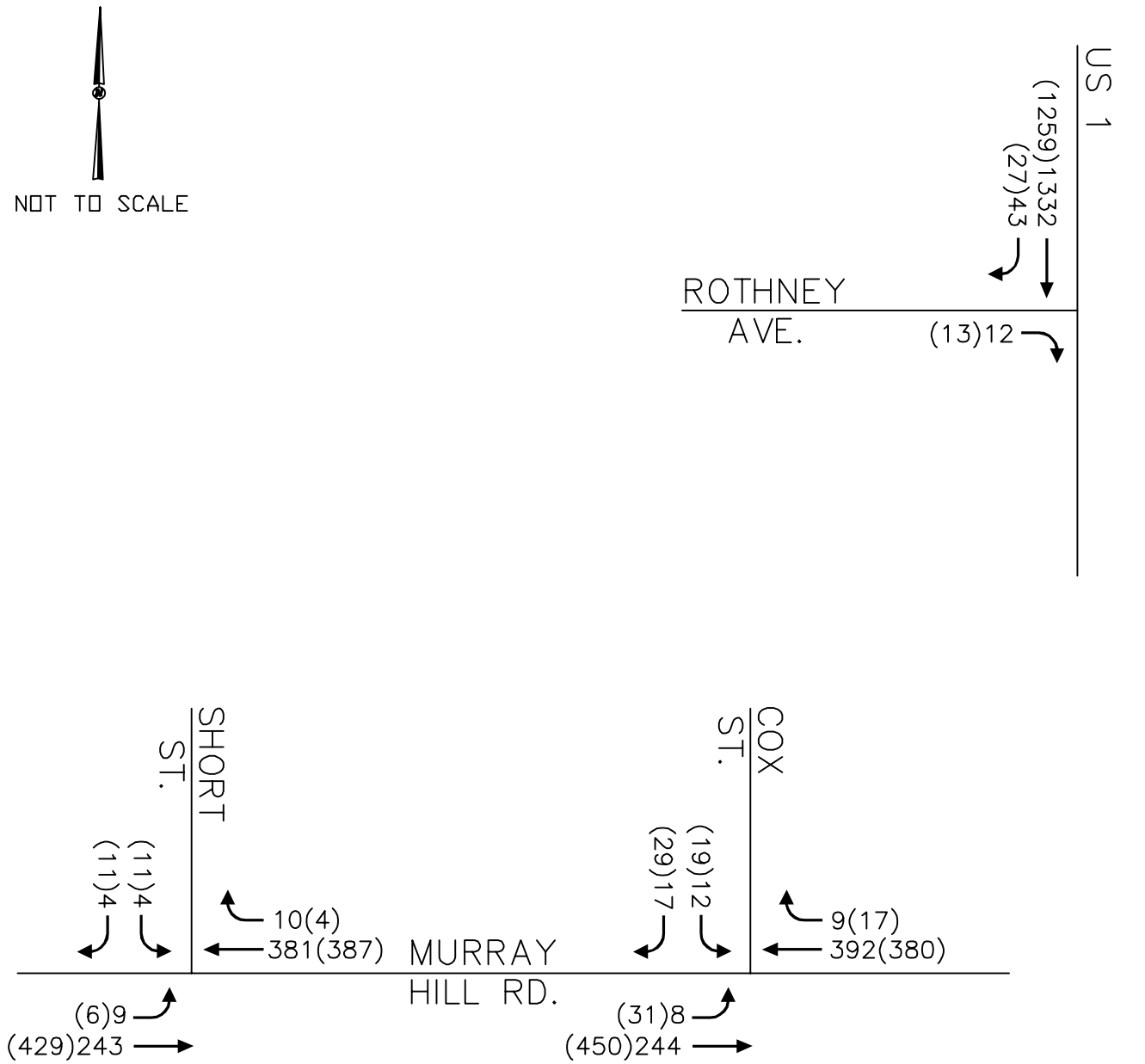

LEGEND

XX AM PEAK HOUR

(XX) PM PEAK HOUR

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	PROJECTED (2032) BACKGROUND AM & PM PEAK HOUR TRAFFIC VOLUMES	FIGURE 6

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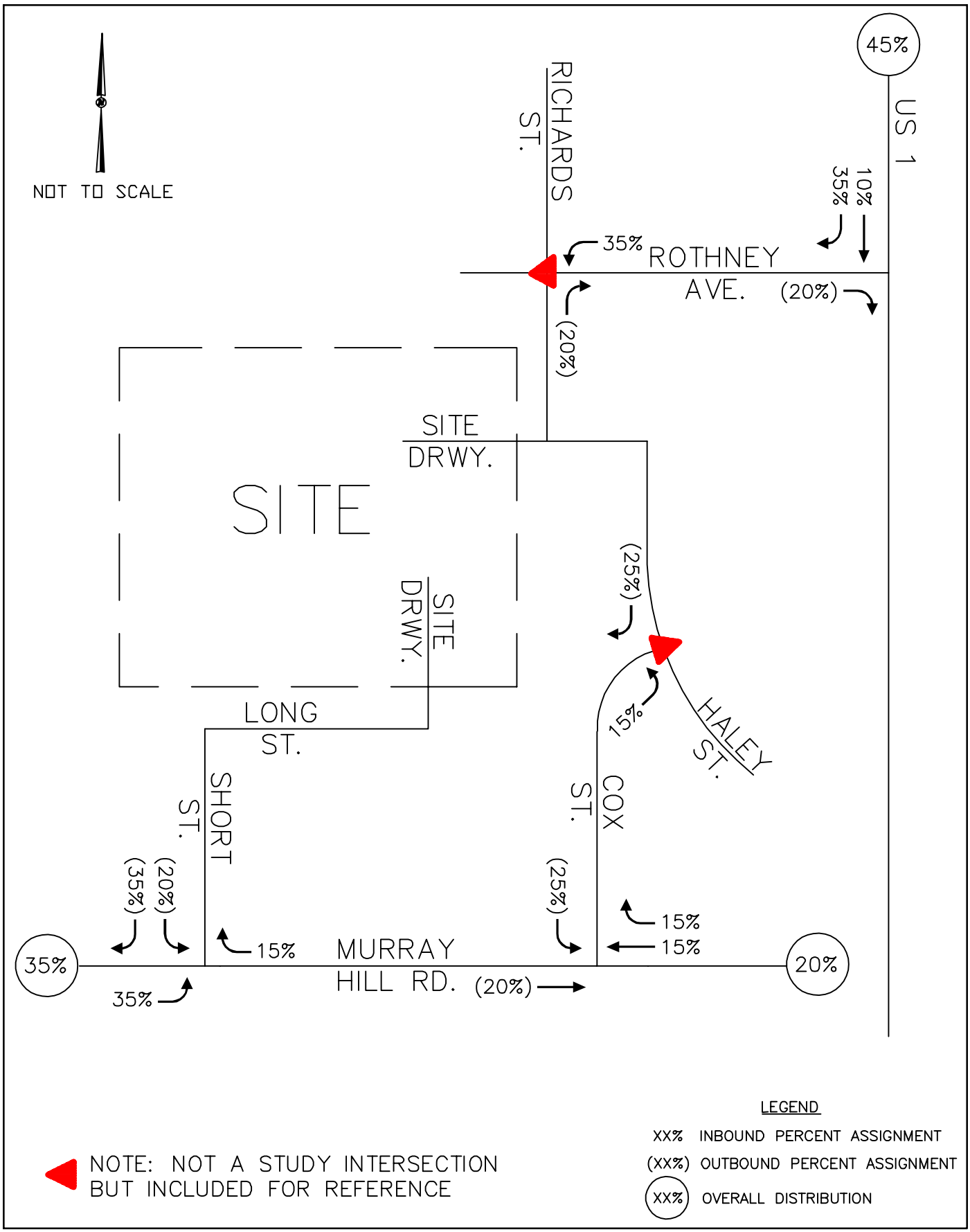

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	SITE TRAFFIC DISTRIBUTION AND PERCENT ASSIGNMENT	FIGURE 7

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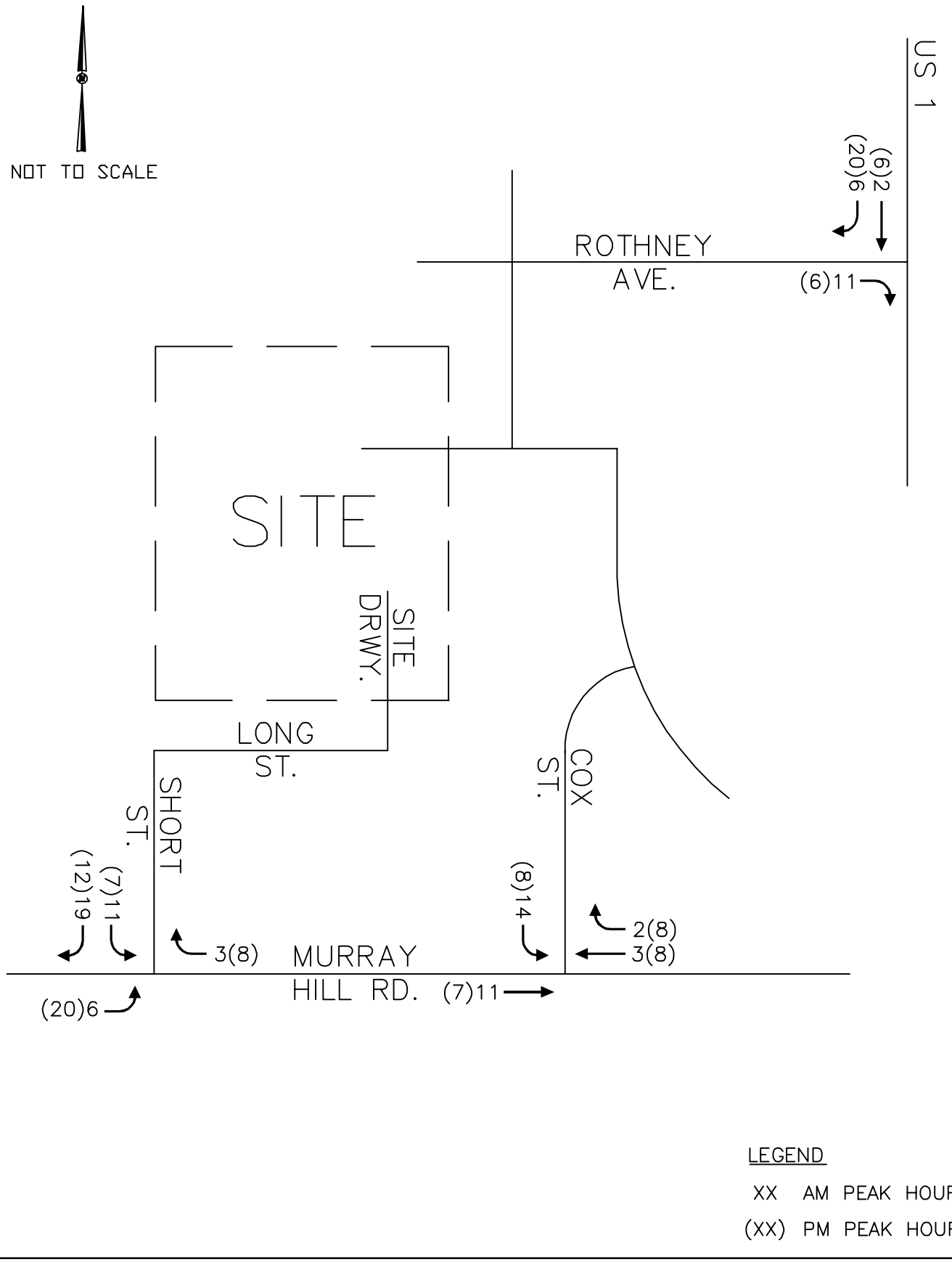

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	PROJECTED AM & PM PEAK HOUR SITE TRAFFIC VOLUMES	FIGURE 8

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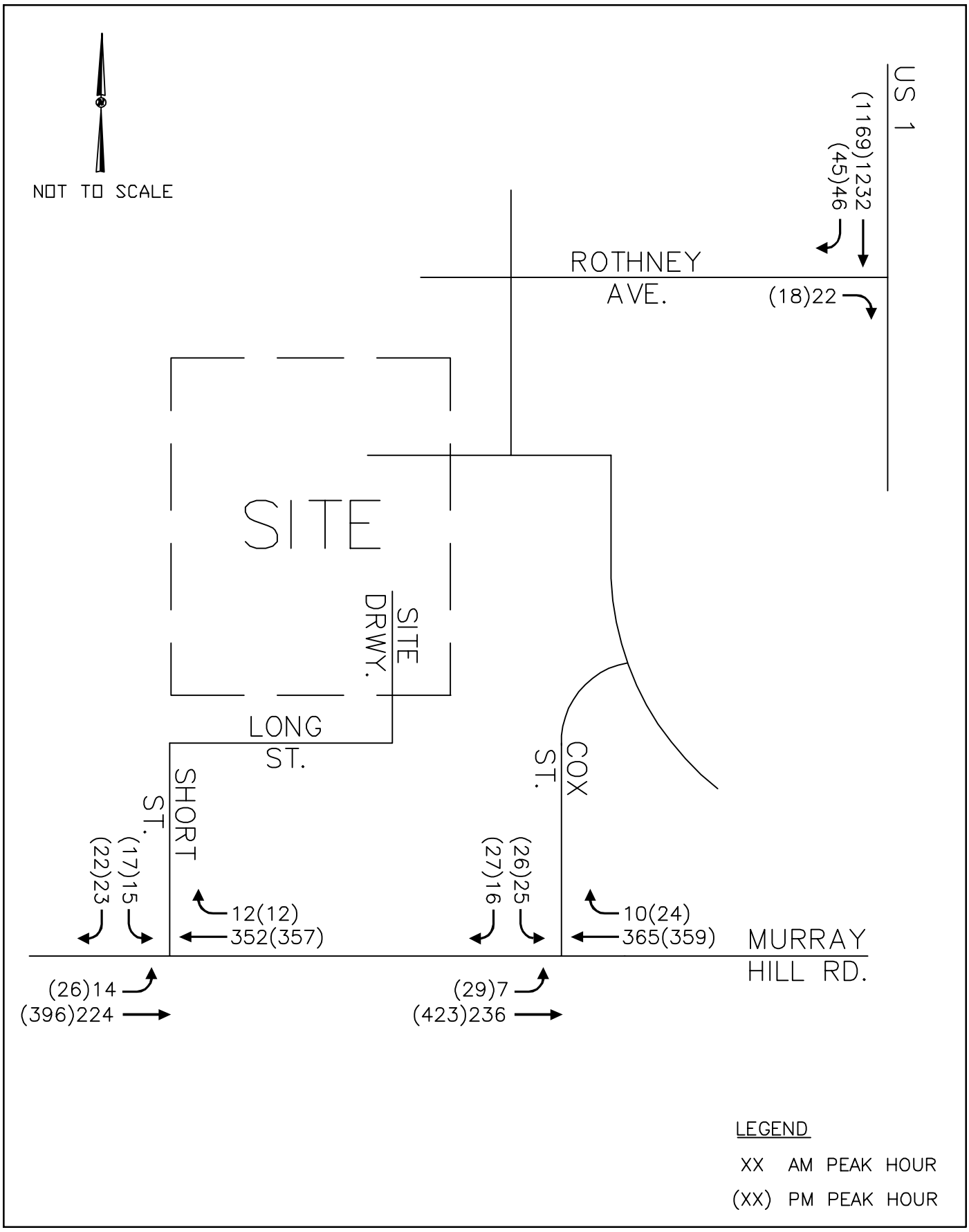

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	PROJECTED (2024) BUILD-OUT AM & PM PEAK HOUR TRAFFIC VOLUMES	FIGURE 9

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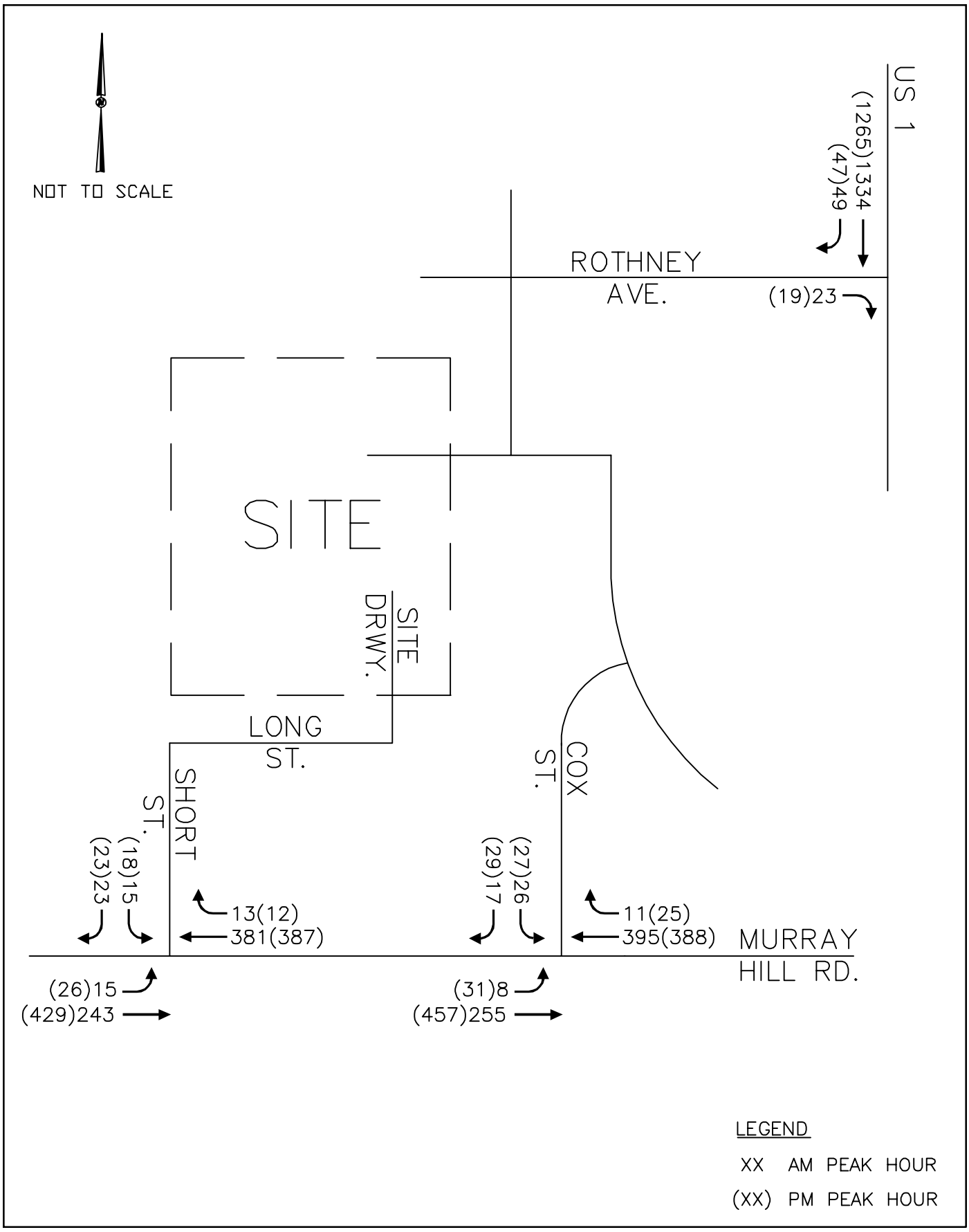

Kimley»Horn	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	PROJECTED (2032) BUILD-OUT AM & PM PEAK HOUR TRAFFIC VOLUMES	FIGURE 10

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From: James Michel
To: Jennifer Hunt
Cc: BJ Grieve
Subject: RE: SU-03-22 Murray Hill Pines
Date: Monday, May 9, 2022 9:57:17 AM

Jennifer,

My comments on this are as follows.

1. The primary entrance to the proposed development will be off of Murray Hill Road at the intersection of Short Street. Short Street currently exists as a Local street which is adequate for up to 200 trips per day as defined in UDO Section 4.11.2 Street Classification (B)(2). The proposed development will add up to 1,172 trips per day. UDO Section 4.11.2 Street Classification (B)(5) defines a road with more than 800 trips per day as a Collector Street. An improved cross section from the development should be extended from the development to the intersection of Murray Hill to mitigate the impacts of the increased traffic.
2. A pedestrian connection to the existing sidewalks on Murray Hill Road should be considered.
3. Analysis of the increased sewer from this development exceeds the available capacity of the existing downstream sewer. It is staffs understanding that the applicant has coordinated with the adjacent commercial development to redirect the sewer through their site. If this cannot be negotiated, the applicant should be responsible for the upgrades to the existing downstream sewer system to accommodate the additional flow.

James Michel, PE, MBA
Town of Southern Pines
Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983

From: Jennifer Hunt <jhunt@southernpines.net>
Sent: Friday, May 6, 2022 1:58 PM
To: James Michel <JMichel@southernpines.net>
Subject: SU-03-22 Murray Hill Pines

Hi James,

Here are the attachments for Murray Hill Pines application.

Sincerely,

Jennifer Hunt
Planner I
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

Office: (910) 692-4003
Planning Dept. - Ext. 3

From: Cindy Williams
To: BJ Grieve; Pam Graham; Jennifer Hunt
Subject: FW: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices
Date: Thursday, May 5, 2022 3:33:33 PM

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Thursday, May 5, 2022 3:26 PM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Cindy,

No comments from our end on either one of the two developments.

The development inside the Pine Ridge Site was accounted for in the TIA that we reviewed and the development off of Murray Hill Rd. (Non-SR) does not connect to a an NCDOT road or intersection.

Dago

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Thursday, April 28, 2022 1:41 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; ISTRE, RONALD <ristre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

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

Good afternoon,

The attached applications are scheduled to be presented at one of the two May Planning Board meetings scheduled for May 18th and 19th. Please respond with any comments or concerns you may have at your earliest convenience.

Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department

Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

From: Pam Graham
To: Cindy Williams; BJ Grieve; Jennifer Hunt
Subject: RE: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices
Date: Tuesday, May 3, 2022 1:44:25 PM

Thanks Cindy.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Tuesday, May 3, 2022 1:31 PM
To: BJ Grieve <BJGrieve@southernpines.net>; Pam Graham <PGraham@southernpines.net>; Jennifer Hunt <jhunt@southernpines.net>
Subject: FW: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

BJ, Pam and Jennifer,

Please see RLUAC's response below.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: RLUAC Executive Director <director@rluac.com>
Sent: Tuesday, May 3, 2022 1:29 PM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Cindy,

RLUAC does not have any comments on these cases.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission

6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Thursday, April 28, 2022 1:41 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; Ron Istre <RIstre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Good afternoon,

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Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Jennifer Hunt, Planner I**

Subject: **PD-02-22: Planned Development - Preliminary Development Plan for the new development of Ace Hardware, a retail building, Phase 1; Applicant: Rhetson Companies, Inc. Authorized Agent: Koontz Jones Design**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

The applicant has applied for a preliminary development plan for the purpose of relocating the existing Ace Hardware into a larger building. The proposed Ace Hardware development will be located in the Planned Development known as Southern Pines Ace Hardware. This plan is for the development of Phase 1. The proposed commercial building is 64,825 square feet located on 9.11 acres in the Town of Southern Pines city limit on the lot west of where the existing Ace Hardware is presently located. See Figure 3 for the proposed site plan for Phase 1. The subject property is on Airport Road. The total site area is 12.62 acres. An extension of Capital Drive will be built with this project to connect Airport Road and NC HWY 22 via Olive Tree Lane on the east.

The proposed development is located in the Airport Hazard Overlay zone as well as within the Little River (Intake No.2) watershed which is designated as a high-quality watershed. The GIS mapping shows water availability. The sewer main line will need to be extended to provide accessibility to this site. The subject property is identified as PIN: 857300963887 (PARID: 00033603) and per the Moore County tax records, the property owner is listed as Southern Pines Ace Land Company, LLC. The other subject property is identified as PIN: 857300974411 (PARID: 00033604) and per the Moore County tax records, the property owner is listed as Tyler's Ridge Business Park, LLC.

II. PLANNING BOARD REVIEW:

On May 19, 2022, the Planning Board had a special meeting, with four members present, and held a Preliminary Forum regarding PD-02-22 to listen to public comments and if necessary, compile a list of issues to forward to the Town Council for their consideration. Following a brief presentation by town staff regarding the application for Phase 1 in the Preliminary Development Plan Ace Hardware, there are two items for consideration below. The applicant also presented detailed information and statements regarding the items listed below.

On a 4-0 vote, with members Andy Bleggi, Lemuel Dowdy and Parks Cobb being absent, the Planning Board adopted the following statement:

I move to adopt the following for transmission to the Town Council as a result of the May 19, 2022 Preliminary Forum on application PD-02-22, Ace Hardware PDP. The information presented at the forum indicated that the following were issues for the Town Council's consideration with the PDP application PD-02-22:

1. *The Town Engineer briefed the Planning Board about his concerns related to the immediate improvements in the vicinity of the traffic circle and the Planning Board shares his concerns and recommends Town Council consider the overall impacts of traffic.*

2. *In addition, the following issue was raised during the forum but does not seem to apply in determining whether the PDP criteria is satisfied. Planning Board recommends the Town Council condition the installation of wayfinding signage along the greenway trail connecting Ace hardware that would allow additional connectivity with both the horticultural gardens and the Towns greenway system.*

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-02-22.

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

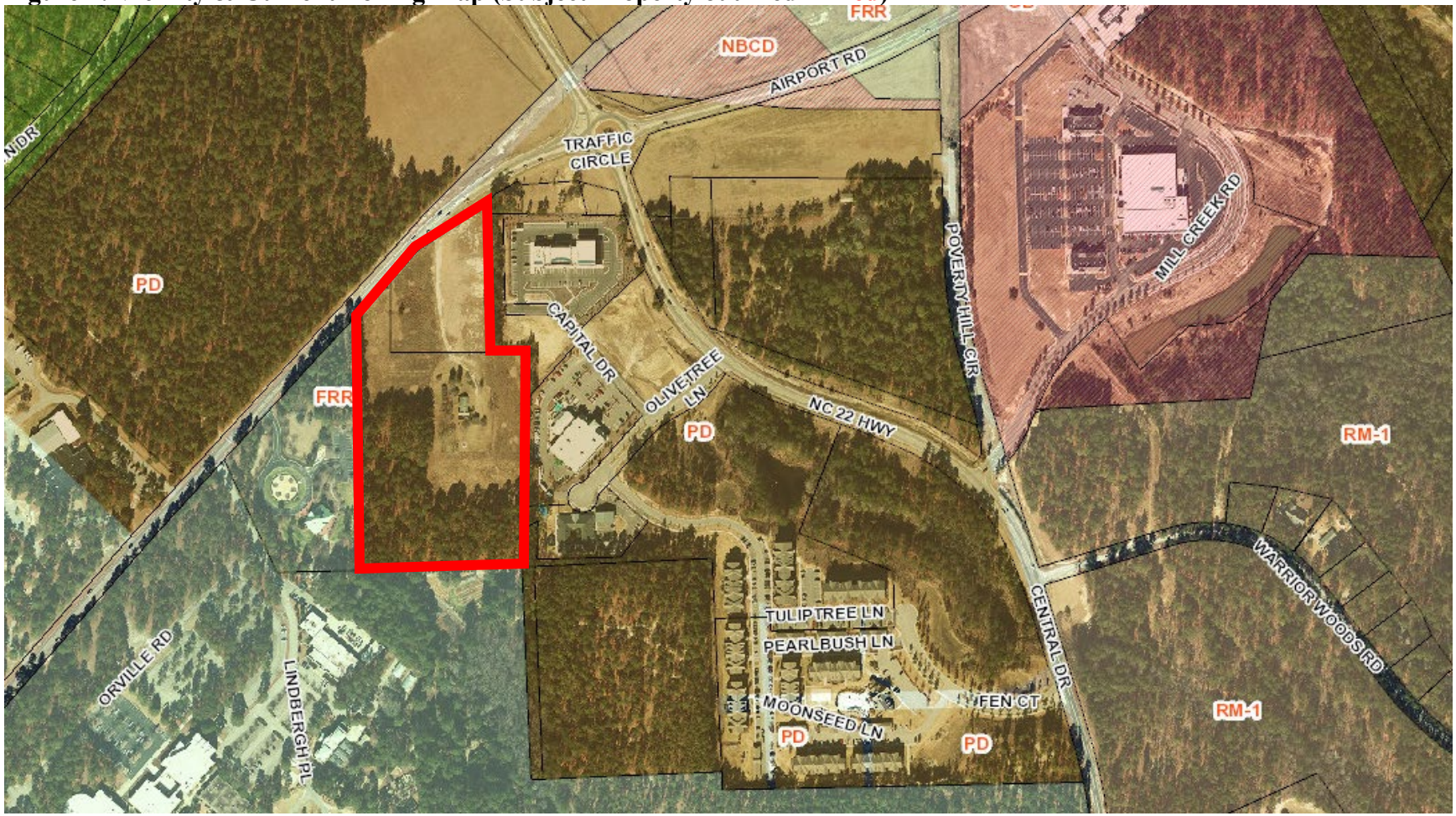


Figure 2: Conceptual Development Plan Layout (PD-01-22)

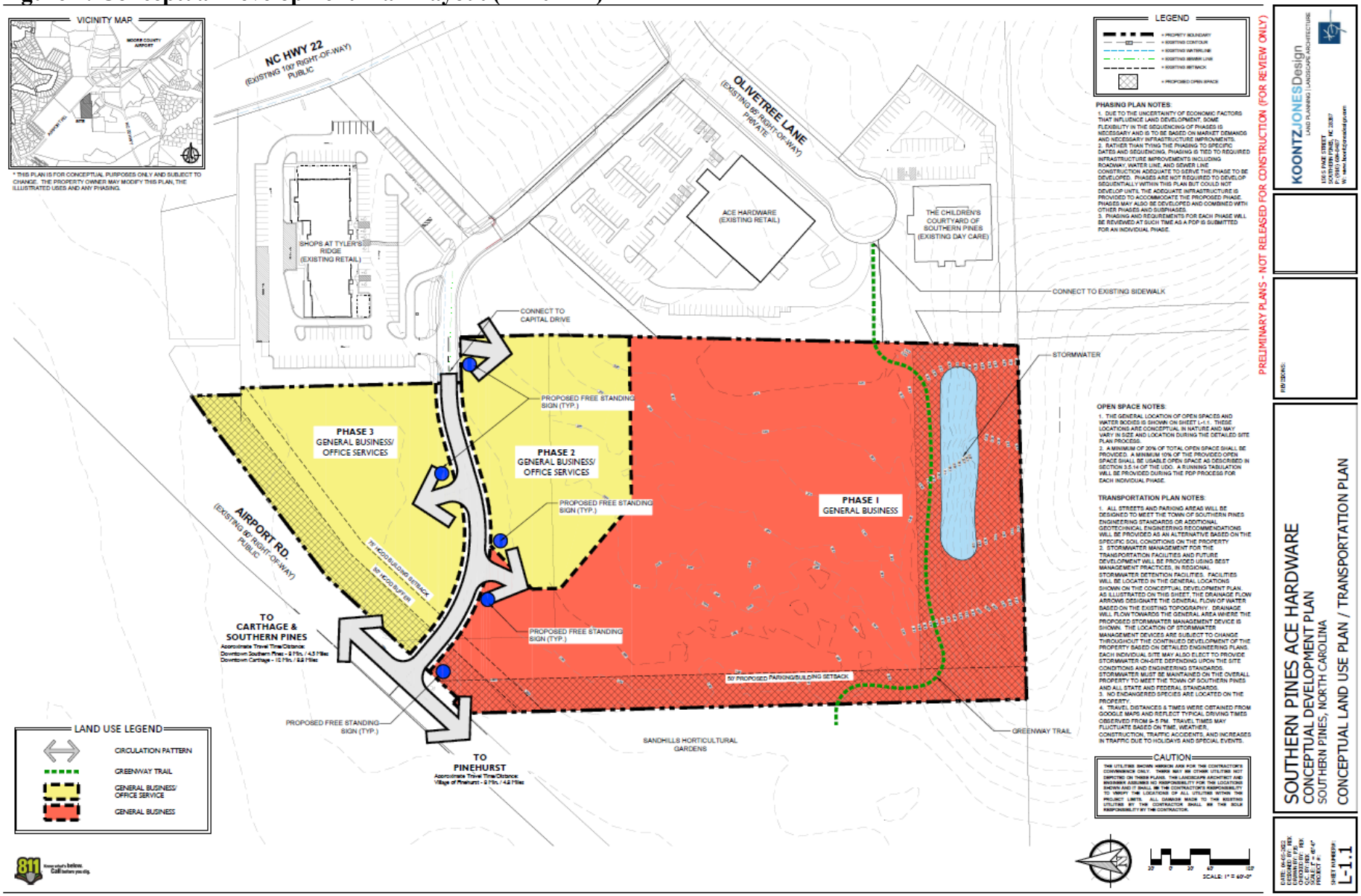
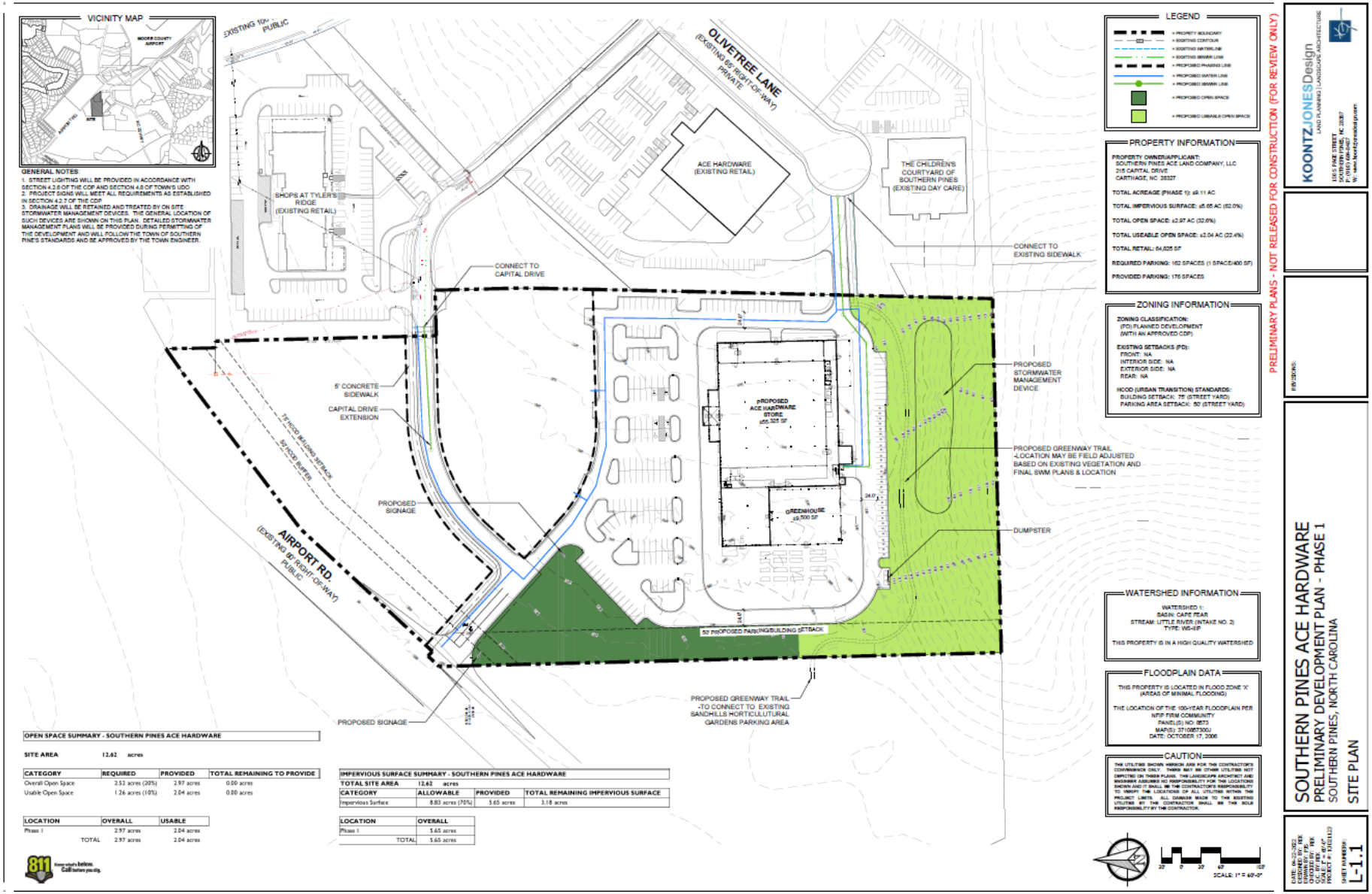


Figure 3: Proposed Preliminary Development Plan - Site Plan Phase 1



III. STAFF REVIEW:

A. Application Review Dates:

- Preliminary Development Plan Application Submitted: February 14, 2022
- Application Complete: February 25, 2022
- Notice of Planning Board Public Hearing:
  - Posted On-site: May 3, 2022
  - Mailed: May 2, 2022
  - Internet: April 28, 2022
  - Publication for The Pilot: April 28, 2022
    - In the Pilot on May 4, 2022 and May 11, 2022
- Planning Board Agenda Meeting: May 12, 2022
- Planning Board Public Hearing: May 19, 2022
- Town Council Agenda Meeting: June 8, 2022
- Town Council Public Hearing: June 14, 2022

B. Criteria for Review:

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

Preliminary Development Plan - UDO § 2.18.5(H):

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

C. Staff Comments:

i. Consistency evaluation with the Unified Development Ordinance (UDO) and the Southern Pines Ace Hardware Conceptual Development Plan (CDP), PD-01-22:

- The applicant has stated that public water and sewer utilities will be installed for this site during this phase, Phase 1. The applicant will build the 64,825 square foot building to relocate the existing Ace Hardware into a larger facility. An adequate parking facility will be built as well as the extension of Capital Drive to connect Airport Road and NC Highway 22 via Olivetree Lane.

- The applicant submitted the Traffic Impact Analysis (TIA) for Phase 1 in February 2022 by Ramey Kemp & Associates, Inc. The study analyzes site access for the proposed development via one (1) full movement driveway

along Airport Road, and connections to Olivetree Lane and Capital Drive. The TIA is part of the attachments.

The Following recommendations from the TIA are "Recommended Improvements by Developer" on page E-3 and E-4 listed below:

- ***NC 22 and Airport Road***
  - *Construct an exclusive eastbound (Airport Road) right-turn lane slip lane with a minimum of 150 feet of storage with appropriate decel and taper. Provide yield control for the slip lane.*

- ***NC 22 and Olivetree Lane***
  - *Monitor intersection for signalization prior to buildout of the proposed development and install once warranted and approved by NCDOT.*

- ***Airport Road and Site Drive 1***
  - *Construct the northbound approach (Site Drive 1) with one ingress lane and two egress lanes striped as exclusive right and left-turn lanes.*
  - *Provide stop-control for the northbound approach (Site Drive 1).*
  - *Construct an exclusive eastbound (Airport Road) right-turn lane with a minimum of 100 feet of storage and appropriate decel and taper.*
  - *Construct an exclusive westbound (Airport Road) left-turn lane with a minimum of 150 feet of storage and appropriate decel and taper.*

The Town Engineer requested more specific information as to which improvements will be made specifically in connection with this PDP because the TIA assumes completion of improvements to NCDOT facilities that are required of other developments in the area. However, there is no resolution as of the deadline for completion of this staff report on May 31, 2022. As a default position, pending further clarification to be provided prior to or at the public hearing, staff suggests that all recommended improvements in the TIA be completed prior to the Town of Southern Pines granting a Certificate of Occupancy for Ace Hardware Phase 1.

- The applicant is generally consistent with the vision for the project in developing a commercial and office center that will be carefully integrated into the surrounding area, per Section 2.2 of the approved CDP. The master plan calls for commercial, retail, restaurant and office use.

- The applicant is continuing the greenway trail system connecting the community trail system from Reservoir Park to connect with the property. A trail connection will be made from the sidewalks on Olivetree Lane to the property boundary on the western side of the property and out to Airport Road. The project had originally proposed to connect the Greenway to the Sandhills Horticultural Gardens (as depicted on the PDP submitted), but at the Planning Board Preliminary Forum, the applicant informed the Planning Board that no connection would be made.

- The applicant proposes a total of 2.97 acres of open space with 2.04 acres of usable open space in Phase 1. The provided open space consists of the greenway trail extension, stormwater management facility and the 50' setback along the western property boundary.

- Landscape standards will meet or exceed the Town of Southern Pines UDO Section 3.5.14 (H). Landscape buffers will be installed per the UDO. The buffer is not only required where the greenway trail is located but will be provided according to the UDO requirements additionally along the property as well.

- There are no setbacks required for the PD zoning classification. The applicant is proposing a voluntary 50' building and parking setback along the western property boundary adjacent to the Sandhills Horticultural Gardens, carefully integrating into the surrounding community. The portion of the property located along Airport Road in the Urban Transition Highway Corridor Overlay (HCO) will have a 50' buffer as depicted on the PDP. Other areas of the property outside the HCO will have the buffer associated with the standards of the UDO.

- The applicant will have parking located on three sides of the building. Parking areas will be landscaped per Southern Pines UDO Section 4.5. Parking views will be screened from adjoining roadways as required by the Southern Pines UDO and the approved CDP Section 4.2.3.

- Any proposed signage will be required to be compliant with the Sign Code in UDO §4.6. Signs for "Shopping Centers" will follow Section 4.6.13 and maintain a Unified Sign Plan.

ii. General Comments:

- The public hearing for this request at the Town Council will be evidentiary in format and will follow the procedures set forth in UDO §2.14.

- On March 4, 2022 the applicant sent in a letter and asked to postpone the PDP from the scheduled March 24, 2022 Planning Board meeting to the April 21, 2022 Planning Board meeting.

- On Monday, March 14, 2022 Cindy Williams mailed the "Hearing Postponed Until Further Notice" to eleven adjacent property owners: County of Moore, Board of Trustees, The Shops at Tylers Ridge LLC, Tyler's Ridge POA, Inc., Southern Pines Ace Land Company LLC, Sandhills Community College, Tyler's Ridge Business Park LLC, Tylers Ridge Apartments, LLC, MDC NC3, LP, Sandhills Independent School and Tyler's Ridge Phase II, LLC.

- On Wednesday, April 6, 2022 Cindy Williams mailed the "Hearing Postponed Until Further Notice" to eleven adjacent property owners: County of Moore, Board of Trustees, The Shops at Tylers Ridge LLC, Tyler's Ridge POA, Inc., Southern Pines Ace Land Company LLC, Sandhills Community College, Tyler's Ridge Business Park LLC, Tylers Ridge Apartments, LLC, MDC NC3, LP, Sandhills Independent School and Tyler's Ridge Phase II, LLC.

- On April 11, 2022 a voicemail from Bob Koontz was received by BJ Grieve, Planning Director, to request the PDP be continued until the May 19, 2022 Planning Board regular meeting.

- On Monday, May 2, 2022 Cindy Williams mailed the "Notice of Public Preliminary Forum" to eleven adjacent property owners: County of Moore, Board of Trustees, The Shops at Tylers Ridge LLC, Tyler's Ridge POA, Inc., Southern Pines Ace Land Company LLC, Sandhills Community College, Tyler's Ridge Business Park LLC, Tylers Ridge Apartments, LLC, MDC NC3, LP, Sandhills Independent School and Tyler's Ridge Phase II, LLC.

D. Outside Agency Comments:

- A request for comments was emailed to agencies on March 3, 2022. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), Sandhills Community College, the Moore County Airport Authority and the North Carolina Department of Transportation (NCDOT).

    - On March 4, 2022 Dagoberto JuarezPozos with NCDOT provided comment that they are working with the developer on the access to Airport Road. Once they "get everything straight" then they will be able to issue a driveway permit.

    - On March 8, 2022 RLUAC did not have any comments. On April 28, 2022 the Public Hearing Notice was sent for public agency comments. RLUAC did not respond to the second notice.

- On April 5, 2022 J. Alan Butler, President with Sandhills Horticultural Society, provided a letter of support for the Ace Hardware expansion. Please see the attachments for the full letter.

- A request for comments with a copy of the site plan (see Figure 3) was emailed to agencies on April 28, 2022. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), Sandhills Community College, and the North Carolina Department of Transportation (NCDOT).

IV. ATTACHMENTS:

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

1. DRAFT Findings of Fact
2. Preliminary Development Plan Application
3. Deed
4. Preliminary Development Plan Narrative/Justification
5. Conceptual Development Plan
6. Preliminary Development Existing Conditions & Site Plan
7. Traffic Impact Analysis – Executive Summary w/ Recommendations (A full copy of the applicant's 54-page TIA is available from planning staff upon request)

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.

V. TOWN COUNCIL ACTION:

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

I move to:

1. Adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Preliminary Development Plan PD-02-22.

2. Adopt Attachment "A" of the staff report as our Findings of Fact regarding the proposed Preliminary Development Plan PD-02-22 with the following changes_____.

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

I move to:

1. Approve of the Preliminary Development Plan PD-02-22.

2. Deny of the Preliminary Development Plan PD-02-22.

3. Approve the Preliminary Development Plan PD-02-22 with the following additional conditions….

ATTACHMENT "A"
Draft Town Council Findings of Fact
Preliminary Development Plan PD-02-22

Finding of Fact #1:

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

Finding of Fact #2:

The Town Council finds that the application does fully comply with UDO §2.18.5 Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

A. **The application demonstrates that it will achieve the purposes of the PDD and this section;**
The Town Council finds that the Preliminary Development Plan (PDP) application, PD-02-22, to develop 64,825 square feet of professional commercial for the relocation of Ace Hardware is generally consistent with the purposes of the PD-Planned Development zoning district because Ace Planned Development District-PDD is an established planned development that is compliant with the purposes outlined in UDO §3.5.14. In addition, it is implementing Phase 1 as it was approved in the Conceptual Development Plan (CDP), which calls for commercial and office uses.

B. **The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;**
The Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP), PD-01-22, because the PDP is implementing the commercial land use as well as the standards evaluated and approved with the CDP which include building out Capital Drive and building the greenway trail to connect with Reservoir Park and bring pedestrains near the horticultural garden at Sandhills Community College, even though no direct connection is to be made. No deviations from the CDP or the UDO were requested and none are therefore approved.

C. **The proposed Development is located in an area of the Town that is appropriate;**
The Town Council finds that the PDP is located in an area of the Town that is appropriate because the proposed Ace Hardware Phase 1 (which includes commercial retail) is located in a zoning district, Planned Development, which is served by water and sewer and is accessed by existing public and private transportation infrastructure, and the surrounding zoning districts are Planned Development. On the west side of this PDP the zone is FRR, which is Facilities, Resource and Recreation District, where the Sandhills Community College horticultural garden is located. The applicant received a letter of support from Sandhills Community College for their project and the applicants have stated that a

greenway trail extension from Olivetree Lane to Airport Road will be completed with Phase 1.

D. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services;**
The Town Council finds that the proposed development will likely not cause the need for inefficient extensions and expansions of public facilities, utilities and services because there are adequate water and sewer facilities in the vicinity of the proposed development and an internal road network that can be extended at the developer's expense. Furthermore, there are NCDOT roadway improvements recommended in the TIA (Traffic Impact Analysis) which will be completed by the developer with Phase 1. Public services are available and are already being provided to other commercial and residential development in the vicinity of the proposed development.

Town of Southern Pines
Chartered 1887
North Carolina

Planned Development District Preliminary Development Plan Application

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

Project Information:

Project Name: ACE Hardware Preliminary Development Plan - Phase 1

Physical Address: TBD Capital Drive, Southern Pines, NC

PIN: 857300963887 and 857300974411 Parcel ID: 00033603 and 00033604

Site Size: 8.7 acres +/-, final acreage to be determined by final Survey Zoning: PD

Applicant:

Name(s): Rhetson Companies, Inc.

Email: tony@rhetson.com Phone: (910) 944-0881

Mailing Address: 2075 Juniper Lake Road, West End, NC 27376

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design

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

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

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

Name(s): Southern Pines Ace Land Company, LLC

Email: RSaunders@southernpinesace.com Phone: _____

Mailing Address: 215 Capital Drive, Whispering Pines, NC 28327

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Preliminary Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the South side of Airport Road (St./Ave.), between Capital Drive (St./Ave.) and Lindbergh Place (St./Ave.). The property has a frontage of approx. 660 feet and a depth of approx. 892 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

General business to include a hardware supply store

Date: 2/11/2022

Applicant

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

APPOINTMENT OF AGENT

The undersigned owner(s), Randall Saunders, hereby appoint(s) Rhetson Companies, Inc. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 10th day of February, 2022.

DocuSigned by:
15E62DA8C010476...
Property Owner

Property Owner

Agent

APPOINTMENT OF AGENT

The undersigned owner(s), Randall Saunders, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the approval of a Planned Development District – Preliminary Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Preliminary Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 10th day of February, 2022.

DocuSigned by:
15E62DA8C010476...
Property Owner

Property Owner

Agent

SOUTHERN PINES ACE HARDWARE - ADJACENT PROPERTIES

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP	DEED_BOOK	DEED_PAGE
858309060116	00033106	SANDHILLS COMMUNITY COLLEGE	BOARD OF TRUSTEES	3395 AIRPORT RD	PINEHURST	NC	28374	905	541
857300963887	00033603	FRYE, DONALD	SHORT, BETSY FRYE & PHIBBS, CLARA MAE F	12671 THIRD BRANCH COURT	CHESTERFIELD	VA	23832	VOL 103	662
857300974411	00033604	TYLER'S RIDGE BUSINESS PARK, LLC		35 MARTIN DR	CARTHAGE	NC	28327	4705	265
858300063709	00035777	TYLER'S RIDGE PHASE II, LLC		890 ELM GROVE RD	ELM GROVE	WI	53122	3918	351
857300968680	00035939	HBM1, LLC		351 WAGONER DRIVE STE 329	FAYETTEVILLE	NC	28303	4898	415
857312868871	00037050	SANDHILLS COMMUNITY COLLEGE	BOARD OF TRUSTEES	3395 AIRPORT RD	PINEHURST	NC	28374	937	262
857308878977	00038510	SANDHILLS COMMUNITY COLLEGE		3395 AIRPORT RD	PINEHURST	NC	28374	306	405
857300952219	00991683	MOORE COUNTY COMMUNITY COLLEGE	BOARD OF TRUSTEES	2200 AIRPORT RD	PINEHURST	NC	28374	270	375
857312967113	10001650	SANDHILLS COMMUNITY COLLEGE	BOARD OF TRUSTEES	3395 AIRPORT RD	PINEHURST	NC	28374	905	544
858300070284	20110244	TYLER'S RIDGE BUSINESS PARK, LLC		35 MARTIN DR	CARTHAGE	NC	28327	3914	109
857300977346	20110245	TYLER'S RIDGE BUSINESS PARK, LLC		35 MARTIN DR	CARTHAGE	NC	28327	3914	109
857300969862	20150295	TYLER'S RIDGE PROPERTY OWNERS	ASSOCIATION, INC	35 MARTIN DRIVE	CARTHAGE	NC	28327-933	4541	172
857300968936	20150296	SOUTHERN PINES ACE LAND	COMPANY, LLC	215 CAPITAL DR	CARTHAGE	NC	28327	4541	175
857300978532	20190157	THE SHOPS AT TYLERS RIDGE LLC		35 MARTIN DR	CARTHAGE	NC	28327	5159	43
857300976238	20190158	TYLER'S RIDGE BUSINESS PARK, LLC		35 MARTIN DR.	WHISPERING PINES	NC	28327	3914	109
857300765594	00038506	SANDHILLS INDEPENDENT SCHOOL	CAMPUS ASSOCIATION, LLC	PO BOX 290	SOUTHERN PINES	NC	28388	4400	128
857300976723	00032134	COUNTY OF MOORE		PO BOX 905	CARTHAGE	NC	28327	4047	117

For Registration Register of Deeds
Judy D. Martin

Moore County, NC
Electronically Recorded
November 22, 2021 4:50:32 PM
Book: 5749 Page: 375 - 379 #Pages: 5

Fee: $26.00 NC Rev Stamp: $3,900.00

Instrument # 2021025565

NORTH CAROLINA GENERAL WARRANTY DEED

This instrument prepared by: Frank C. Thigpen, Thigpen and Jenkins, L.L.P.
Mail after recording to: Grantee

Revenue Stamps-$3900.00

Brief description for the index: 9.59 Acres +/- McNeill Township

This Deed made this 16th day of November, 2021 by and between:

GRANTOR:	GRANTEE:
BETSY FRYE SHORT and husband, FRANCIS MICHAEL SHORT **DONALD FRYE and wife, LESLIE FRYE** **CLARA FRYE PHIBBS and husband, JAY PHIBBS**	**SOUTHERN PINES ACE LAND COMPANY LLC,** **A North Carolina Limited Liability Company** 215 Capital Drive Whispering Pines, NC 28327

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

BEING ALL OF THAT 9.59 ACRES, MORE OR LESS, TRACT SHOWN ON A MAP DATED OCTOBER 3, 2012, PREPARED UNDER THE SUPERVISION OF RYAN MCBRIDE, REGISTERED LAND SURVEYOR AND RECORDED IN PLAT CABINET 15, SLIDE 772 IN THE MOORE COUNTY REGISTRY AND TO WHICH REFERENCE IS MADE FOR A MORE PARTICULAR DESCRIPTION THEREOF.

The above described parcel does not include the principal residence of the Grantor.

Being the same property as described in Deed Book 4227, Page 203, Moore County Registry.

Submitted electronically by "Robbins May & Rich LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

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 the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the matters of record, matters shown on the aforesaid plat, zoning and other ordinances and valorem taxes not yet due and payable.

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

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

Betsy Frye Short (SEAL)
Betsy Frye Short

Francis M Short (SEAL)
Francis Michael Short

Donald F. Frye (SEAL)
Donald Frye

Mary Leslie Frye (SEAL)
Leslie Frye

_____ (SEAL)
Clara Frye Phibbs

_____ (SEAL)
Jay Phibbs

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 the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances and that the Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the matters of record, matters shown on the aforesaid plat, zoning and other ordinances and valorem taxes not yet due and payable.

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

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

_____ (SEAL)
Betsy Frye Short

_____ (SEAL)
Francis Michael Short

_____ (SEAL)
Donald Frye

_____ (SEAL)
Leslie Frye

Clara Frye Phibbs (SEAL)
Clara Frye Phibbs

Jay Phibbs (SEAL)
Jay Phibbs

STATE OF NC
COUNTY OF Moore

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Betsy Frye Short and husband, Francis Michael Short.**

Date: 11/18/21

Notary Public

My Commission expires: 1/11/22

KAMI LEIGH DAVID
NOTARY PUBLIC
Moore County
North Carolina
My Commission Expires

STATE OF NC
COUNTY OF Moore

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Donald Frye and wife, Leslie Frye.**

Date: 11/18/21

Notary Public

My Commission expires: 1/11/22

KAMI LEIGH DAVID
NOTARY PUBLIC
Moore County
North Carolina
My Commission Expires

STATE OF _____
COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Clara Frye Phibbs and husband, Jay Phibbs.**

Date: _____

Notary Public

My Commission expires: _____

STATE OF _____
COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Betsy Frye Short and husband, Francis Michael Short.**

Date: _____

_____
Notary Public

My Commission expires:_____

STATE OF _____
COUNTY OF _____

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Donald Frye and wife, Leslie Frye.**

Date: _____

_____
Notary Public

My Commission expires:_____

STATE OF New York
COUNTY OF Essex

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: Principal(s): **Clara Frye Phibbs and husband, Jay Phibbs.**

Date: 11/17/21

Stephanie Holmquist
Notary Public

My Commission expires: 4/23/22

Stephanie Elizabeth Holmquist
Notary Public, State of New York
Saratoga County #01HO6374169
Commission Expires Apr. 23, 2022

PURCHASE AND SALE AGREEMENT

For valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, Buyer offers to purchase and Seller upon acceptance agrees to sell and convey the Property on the terms and conditions of this Purchase and Sale Agreement and any addendum or modification made in accordance with its terms (collectively, the "Contract").

1. TERMS AND DEFINITIONS: The terms listed below shall have the respective meaning given them as set forth adjacent to each term.

(a) "Seller": Tyler's Ridge Business Park, LLC, 35 Martin Drive, Whispering Pines, North Carolina 28327

JBO

(b) "Buyer": Southern Pines ACE Hardware and Lawn, LLC 215 Capital Drive, Carthage, North Carolina 28327.

(c) "Property": 3.812 acres as shown on plat recorded in Plat Cabinet 19, Slide 193, Moore County Registry (the Property shall include all that real estate described thereon together with all appurtenances thereto including the improvements located thereon).

(d) "Purchase Price":

$700,000.00

JBO $ 5,000.00

JBO $ 695,000.00

paid in U.S. Dollars upon the following terms:

BY EARNEST MONEY DEPOSIT made payable and delivered to Escrow Agent named in Paragraph 1(f) by personal check within five (5) days of the Effective Date of this Contract.

BALANCE of the Purchase Price in cash at Settlement (some or all of which may be paid with the proceeds of a new loan)

Should Buyer fail to deliver the Earnest Money Deposit by its due date, or should any check or other funds paid by Buyer be dishonored, for any reason, by the institution upon which the payment is drawn, Buyer shall have one (1) banking day after written notice to deliver cash, official bank check, wire transfer or electronic transfer to the payee. In the event Buyer does not timely deliver the required funds, Seller shall have the right to terminate this Contract upon written notice to Buyer.

(e) "Earnest Money Deposit": The Earnest Money Deposit shall be deposited and held in escrow by Escrow Agent until Closing, at which time it will be credited to Buyer, or until this Contract is otherwise terminated. In the event: (1) this offer is not accepted; or (2) a condition of any resulting contract is not satisfied, then the Earnest Money Deposit shall be refunded to Buyer. In the event of breach of this Contract by Seller, the Earnest Money Deposit shall be refunded to Buyer upon Buyer's request, but such return shall not affect any other remedies available to Buyer for such breach. In the event of breach of this Contract by Buyer, the Earnest Money Deposit shall be paid to Seller. The payment of the Earnest Money Deposit to Seller (without regard to the amount thereof) together shall serve as liquidated damages ("Liquidated Damages") and as Seller's sole and exclusive remedy for such breach, but without limiting Seller's rights under Paragraphs 4(d) and 4(e) for damage to the Property. It is acknowledged by the parties that the amount of the Liquidated Damages is compensatory and not punitive, such amount being a reasonable estimation of the actual loss that Seller would incur as a result of a breach of this Contract by Buyer. The payment to Seller and/or retention by Seller of the Liquidated Damages shall not constitute a penalty or forfeiture but actual compensation for Seller's anticipated loss, both parties acknowledging the difficulty determining Seller's actual damages for such breach. If legal proceedings are brought by Buyer or Seller against the other to recover the Earnest Money Deposit, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

(f) "Escrow Agent": Standard Title LLC, Raleigh, North Carolina. Buyer and Seller consent to disclosure by the Escrow Agent of any material facts pertaining to the Earnest Money Deposit to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

(g) "Effective Date": The date that: (1) the last one of Buyer and Seller has signed this offer or the final counteroffer, if any, and (2) such signing is communicated to the party making the offer or counteroffer, as the case may be.

(h) "Due Diligence": Buyer's opportunity to investigate the Property and the transaction contemplated by this Contract, including but not necessarily limited to the matters described in Paragraph 2 below, to decide whether Buyer, in Buyer's sole discretion, will proceed with or terminate the transaction.

(i) [reserved].

JBO

(j) ~~"Due Diligence Period": The period beginning on the Effective Date and extending through 5:00 p.m. on~~ None ~~, time being of the essence.~~

(k) "Settlement": The proper execution and delivery to the closing attorney of all documents necessary to complete the transaction contemplated by this Contract, including the deed, settlement statement, deed of trust and other loan or conveyance documents, and the closing attorney's receipt of all funds necessary to complete such transaction

(l) "Settlement Date": The parties agree that Settlement will take place on December 21, 2021 JBO RBS (the "Settlement Date"), unless otherwise agreed in writing, at a time and place designated by Buyer.

(m) "Closing": The completion of the legal process which results in the transfer of title to the Property from Seller to Buyer, which includes the following steps: (1) the Settlement (defined above); (2) the completion of a satisfactory title update to the Property following the Settlement; (3) the closing attorney's receipt of authorization to disburse all necessary funds; and (4) recordation in the appropriate county registry of the deed(s) and deed(s) of trust, if any, which shall take place as soon as reasonably possible for the closing attorney after Settlement. Upon Closing, the proceeds of sale shall be disbursed by the closing attorney in accordance with the settlement statement and the provisions of Chapter 45A of the North Carolina General Statutes. If the title update should reveal unexpected liens, encumbrances or other title defects, or if the closing attorney is not authorized to disburse all necessary funds, then the Closing shall be suspended and the Settlement deemed delayed under Paragraph 9 (Delay in Settlement/Closing).

(n) "Special Assessments": A charge against the Property by a governmental authority in addition to ad valorem taxes and recurring governmental service fees levied with such taxes, or by an owners' association in addition to any regular assessment (dues), either of which may be a lien against the Property. A Special Assessment may be either proposed or confirmed.

"Proposed Special Assessment": A Special Assessment that is under formal consideration but which has not been approved prior to Settlement. Whether payable in a lump sum or future installments.

"Confirmed Special Assessment": A Special Assessment that has been approved prior to Settlement whether payable in a lump sum or future installments.

2. BUYER'S DUE DILIGENCE PROCESS:

(a) Loan: Buyer, at Buyer's expense, shall be entitled to pursue qualification for and approval of the Loan if any.

(b) Property Investigation: Buyer or Buyer's agents or representatives, at Buyer's expense, shall be entitled to conduct all desired tests, surveys, appraisals, investigations, examinations and inspections of the Property as Buyer deems appropriate, including but not limited to the following:

(i) Soil And Environmental: Reports to determine whether the soil is suitable for Buyer's intended use and whether there is any environmental contamination, law, rule or regulation that may prohibit, restrict or limit Buyer's intended use.
(ii) Septic/Sewer System: Any applicable investigation(s) to determine: (1) the condition of an existing sewage system, (2) the costs and expenses to install a sewage system approved by an existing Improvement Permit, (3) the availability and expense to connect to a public or community sewer system, and/or (4) whether an Improvement Permit or written evaluation may be obtained from the County Health Department for a suitable ground absorption sewage system.
(iii) Water: Any applicable investigation(s) to determine: (1) the condition of an existing private drinking water well, (2) the costs and expenses to install a private drinking water well approved by an existing Construction Permit, (3) the availability, costs and expenses to connect to a public or community water system, or a shared private well, and/or (4) whether a Construction Permit may be obtained from the County Health Department for a private drinking water well.
(iv) Review of Documents: Review of the Declaration of Restrictive Covenants, Bylaws, Articles of Incorporation, Rules and Regulations, and other governing documents of any applicable owners' association and/or subdivision. If the Property is subject to regulation by an owners' association, it is recommended that Buyer review the completed Owners' Association And Addendum (Standard Form 2A12-T) provided by Seller prior to signing this offer. It is also recommended that the Buyer determine if the owners' association or its management company charges fees for providing information required by Buyer's lender or confirming restrictive covenant compliance.
(v) Appraisals: An appraisal of the Property
(vi) Survey: A survey to determine whether the property is suitable for Buyer's intended use and the location of easements, setbacks, property boundaries and other issues which may or may not constitute title defects.
(vii) Zoning and Governmental Regulation: Investigation of current or proposed zoning or other governmental regulation that may affect Buyer's intended use of the Property, adjacent land uses, planned or proposed road construction, and school attendance zones.
(viii) Flood Hazard: Investigation of potential flood hazards on the Property, and/or any requirement to purchase flood insurance in order to obtain the Loan.
(ix) Utilities and Access: Availability, quality, and obligations for maintenance of utilities including electric, gas, communication services, storm water management, and means of access to the Property and amenities.
(x) Streets/Roads: Investigation of the status of the street/road upon which the Property fronts as well as any other street/road used to access the Property, including: (1) whether any street(s)/road(s) are public or private, (2) whether any street(s)/road(s) designated as public are accepted for maintenance by the State of NC or any municipality, or (3) if private or not accepted for public maintenance, the consequences and responsibility for maintenance and the existence, terms and funding of any maintenance agreements.
(xi) Sale/Lease of Existing Property: As noted in paragraph 3(b), this Contract is not conditioned upon the sale/lease or closing of other property owned by Buyer. Therefore, if Buyer must sell or lease other real property in order to qualify for

a new loan or to otherwise complete the purchase of the Property, Buyer should seek to close on Buyer's other property prior to the end of the Due Diligence Period or be reasonably satisfied that closing on Buyer's other property will take place prior to the Settlement Date of this Contract.

(c) **Buyer's Obligation to Repair Damage:** Buyer shall, at Buyer's expense, promptly repair any damage to the Property resulting from any activities of Buyer and Buyer's agents and contractors, but Buyer shall not be responsible for any damage caused by accepted practices applicable to any N.C. licensed professional performing reasonable appraisals, tests, surveys, examinations and inspections of the Property. This repair obligation shall survive any termination of this Contract.

(d) **Indemnity:** Buyer will indemnify and hold Seller harmless from all loss, damage, claims, suits or costs, which shall arise out of any contract, agreement, or injury to any person or property as a result of any activities of Buyer and Buyer's agents and contractors relating to the Property except for any loss, damage, claim, suit or cost arising out of pre-existing conditions of the Property and/or out of Seller's negligence or willful acts or omissions. This indemnity shall survive this Contract and any termination hereof.

(e) **Buyer's Right to Terminate:** Buyer shall have the right to terminate this Contract for any reason or no reason, by delivering to Seller written notice of termination (the "**Termination Notice**") during the Due Diligence Period (or any agreed-upon written extension of the Due Diligence Period), time being of the essence. If Buyer timely delivers the Termination Notice, this Contract shall be terminated and the Earnest Money Deposit shall be refunded to Buyer.

(f) CLOSING SHALL CONSTITUTE ACCEPTANCE OF THE PROPERTY IN ITS THEN EXISTING CONDITION UNLESS PROVISION IS OTHERWISE MADE IN WRITING.

3. BUYER REPRESENTATIONS:

(a) **Loan:** Buyer ☐ does ☐ does not intend to obtain a new loan in order to purchase the Property. If Buyer is obtaining a new loan, Buyer intends to obtain a loan as follows: ☐ Conventional ☒ Other: Line of Credit at First Citizens Bank loan at a ☐ Fixed Rate ☐ Adjustable Rate in the principal amount of 695,000.00 for a term of _____ year(s), at an initial interest rate not to exceed _____% per annum (the "Loan").

JTBO

(b) [reserved].

(c) **Performance of Buyer's Financial Obligations:** To the best of Buyer's knowledge, there are no other circumstances or conditions existing as of the date of this offer that would prohibit Buyer from performing Buyer's financial obligations in accordance with this Contract, except as may be specifically set forth herein.

4. BUYER OBLIGATIONS:

(a) **Responsibility for Proposed Special Assessments:** Buyer shall take title subject to all Proposed Special Assessments.

(b) **Responsibility for Certain Costs:** Buyer shall be responsible for all costs with respect to:
(i) any loan obtained by Buyer, including charges by an owners' association and/or management company as agent of an owners' association for providing information required by Buyer's lender;
(ii) charges required by an owners' association declaration to be paid by Buyer for Buyer's future use and enjoyment of the Property, including, without limitation, working capital contributions, membership fees, or charges for Buyer's use of the common elements and/or services provided to Buyer, such as "move-in fees";
(iii) determining restrictive covenant compliance;
(iv) appraisal;
(v) title search;
(vi) title insurance;
(vii) any fees charged by the closing attorney for the preparation of the Closing Disclosure, Seller Disclosure and any other settlement statement;
(viii) recording the deed; and
(ix) preparation and recording of all instruments required to secure the balance of the Purchase Price unpaid at Settlement.

(c) **Authorization to Disclose Information:** Buyer authorizes the Buyer's lender(s), the parties' real estate agent(s) and closing attorney: (1) to provide this Contract to any appraiser employed by Buyer or by Buyer's lender(s); and (2) to release and disclose any buyer's closing disclosure, settlement statement and/or disbursement summary, or any information therein, to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

5. SELLER REPRESENTATIONS:

(a) **Ownership:** Seller represents that Seller has owned the Property for at least one year.

(b) **Assessments:** To the best of Seller's knowledge there are not any Proposed Special Assessments.

Seller warrants that there are not any Confirmed Special Assessments.

(c) **Owners' Association(s) and Dues:** To best of Seller's knowledge, ownership of the Property subjects Buyer to regulation by one or more owners' association(s) and governing documents, which impose various mandatory covenants, conditions and restrictions upon the Property and Buyer's enjoyment thereof, including but not limited to obligations to pay regular assessments (dues) and Special Assessments.

(d) **Sewage System Permit:** (☐ Applicable ☒ Not Applicable) Seller warrants that the sewage system described in the Improvement Permit attached hereto has been installed, which representation survives Closing, but makes no further representations as to the system.

(e) **Private Drinking Water Well Permit:** (☐ Applicable ☒ Not Applicable) Seller warrants that a private drinking water well has been installed, which representation survives Closing, but makes no further representations as to the well. (If well installed after July 1, 2008, attach Improvement Permit hereto.

6. **SELLER OBLIGATIONS:**

(a) **Evidence of Title, Payoff Statement(s) and Non Foreign Status:**

(i) Seller agrees to use best efforts to provide to the closing attorney as soon as reasonably possible after the Effective Date, copies of all title information in possession of or available to Seller, including but not limited to: title insurance policies, attorney's opinions on title, surveys, covenants, deeds, notes and deeds of trust, leases, and easements relating to the Property.

(ii) Seller shall provide to the closing attorney all information needed to obtain a written payoff statement from any lender(s) regarding any security interest in the Property as soon as reasonably possible after the Effective Date, and Seller designates the closing attorney as Seller's agent with express authority to request and obtain on Seller's behalf payoff statements and/or short-pay statements from any such lender(s).

(iii) If Seller is not a foreign person as defined by the Foreign Investment in Real Property Tax Act, Seller shall also provide to the closing attorney a non-foreign status affidavit (pursuant to the Foreign Investment in Real Property Tax Act). In the event Seller shall not provide a non-foreign status affidavit, Seller acknowledges that there may be withholding as provided by the Internal Revenue Code.

(b) **Authorization to Disclose Information:** Seller authorizes: (1) any attorney presently or previously representing Seller to release and disclose any title insurance policy in such attorney's file to Buyer and both Buyer's and Seller's agents and attorneys; (2) the Property's title insurer or its agent to release and disclose all materials in the Property's title insurer's (or title insurer's agent's) file to Buyer and both Buyer's and Seller's agents and attorneys, and (3) the closing attorney to release and disclose any seller's closing disclosure, settlement statement and/or disbursement summary, or any information therein, to the parties to this transaction, their real estate agent(s) and Buyer's lender(s).

(c) **Access to Property:** Seller shall provide reasonable access to the Property through the earlier of Closing or possession by Buyer, including, but not limited to, allowing the Buyer and/or Buyer's agents or representatives an opportunity to (i) conduct Due Diligence, (ii) verify the satisfactory completion of negotiated repairs/improvements, and (iii) conduct a final walk-through inspection of the Property. Seller's obligation includes providing existing utilities operating at Seller's cost including any connections and de-winterizing. To the extent applicable, Seller shall also be responsible for timely clearing that portion of the Property required by the County to perform tests, inspections and/or evaluations to determine the suitability of the Property for a sewage system and/or private drinking water well.

(d) **Removal of Seller's Property:** Seller shall remove from the Property, by the date possession is delivered, (i) all personal property which is not a part of the purchase and (ii) unless otherwise agreed, all garbage and debris.

(e) **Affidavit And Indemnification Agreement:** Seller shall furnish at Settlement an affidavit(s) and indemnification agreement(s) in form satisfactory to Buyer and Buyer's title insurer, if any, executed by Seller and any person or entity who has performed or furnished labor, services, materials or rental equipment to the Property within 120 days prior to the date of Settlement and who may be entitled to claim a lien against the Property as described in N.C.G.S. §44A-8 verifying that each such person or entity has been paid in full and agreeing to indemnify Buyer, Buyer's lender(s) and Buyer's title insurer against all loss from any cause or claim arising therefrom.

(f) **Designation of Lien Agent, Payment and Satisfaction of Liens:** If required by N.C.G.S. §44A-11.1, Seller shall have designated a Lien Agent, and Seller shall deliver to Buyer as soon as reasonably possible a copy of the appointment of Lien Agent.

All deeds of trust, deferred ad valorem taxes, liens and other charges against the Property, not assumed by Buyer, must be paid and satisfied by Seller prior to or at Settlement such that cancellation may be promptly obtained following Closing. Seller shall remain obligated to obtain any such cancellations following Closing.

(g) **Good Title, Legal Access:** Seller shall execute and deliver a general warranty deed for the Property in recordable form no later than Settlement, which shall convey fee simple marketable and insurable title, without exception for mechanics' liens, and free of any other liens, encumbrances or defects, including those which would be revealed by a current and accurate survey of the Property, except: ad valorem taxes for the current year (prorated through the date of Settlement); utility easements and unviolated covenants, conditions or restrictions that do not materially affect the value of the Property; and such other liens, encumbrances or defects as may be assumed or specifically approved by Buyer in writing. The Property must have legal access to a public right of way.

(h) **Deed, Taxes, and Fees:** Seller shall pay for preparation of a deed and all other documents necessary to perform Seller's obligations under this Contract, and for state and county excise taxes, and any deferred, discounted or rollback taxes, and local conveyance fees required by law.

(i) [reserved].

(j) **Owners' Association Fees/Charges:** Seller shall pay: (i) any fees required for confirming Seller's account payment information on owners' association dues or assessments for payment or proration and (ii) any fees imposed by an owners' association and/or a management company as agent of the owners' association in connection with the transaction contemplated by this Contract other than those fees required to be paid by Buyer under paragraph 4(b) above.

(k) **Payment of Confirmed Special Assessments:** Seller shall pay, in full at Settlement, all Confirmed Special Assessments, whether payable in a lump sum or future installments, provided that the amount thereof can be reasonably determined or estimated. The payment of such estimated amount shall be the final payment between the Parties.

(l) **Late Listing Penalties:** All property tax late listing penalties, if any, shall be paid by Seller.

(m) [reserved].

(n) **Seller's Failure to Comply or Breach:** If Seller fails to materially comply with any of Seller's obligations under this Paragraph 6 or Seller materially breaches this Contract, and Buyer elects to terminate this Contract as a result of such failure or breach, then the Earnest Money Deposit shall be refunded to Buyer and Seller shall reimburse to Buyer the reasonable costs actually incurred by Buyer in connection with Buyer's Due Diligence without affecting any other remedies. If legal proceedings are brought by Buyer against the Seller to recover the Earnest Money Deposit and/or the reasonable costs actually incurred by Buyer in connection with Buyer's Due Diligence, the prevailing party in the proceeding shall be entitled to recover from the non-prevailing party reasonable attorney fees and court costs incurred in connection with the proceeding.

7. **PRORATIONS AND ADJUSTMENTS:** Unless otherwise agreed, the following items shall be prorated, with Seller responsible for the prorated amounts through the date of Settlement and either adjusted between the parties or paid at Settlement:

(a) **Taxes on Real Property:** Ad valorem taxes and recurring governmental service fees levied with such taxes on real property shall be prorated on a calendar year basis;
(b) **Rents:** Rents, if any, for the Property;
(c) **Dues:** Owners' association regular assessments (dues) and other like charges.

8. **RISK OF LOSS/CONDITION OF PROPERTY AT CLOSING:** The risk of loss or damage by fire or other casualty prior to Closing shall be upon Seller. Seller is advised not to cancel existing insurance on the Property until after confirming recordation of the deed. Buyer's obligation to complete the transaction contemplated by this Contract shall be contingent upon the Property being in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted. If the Property is not in substantially the same or better condition at Closing as on the date of this offer, reasonable wear and tear excepted, Buyer may terminate this Contract by written notice delivered to Seller and the Earnest Money Deposit shall be refunded to Buyer. If the Property is not in such condition and Buyer does not elect to terminate this Contract, Buyer shall be entitled to receive, in addition to the Property, the proceeds of any insurance claim filed by Seller on account of any damage or destruction to the Property.

9. **DELAY IN SETTLEMENT/CLOSING:** Absent agreement to the contrary in this Contract or any subsequent modification thereto, if a party is unable to complete Settlement by the Settlement Date but intends to complete the transaction and is acting in good faith and with reasonable diligence to proceed to Settlement ("**Delaying Party**"), and if the other party is ready, willing and able to complete Settlement on the Settlement Date ("**Non-Delaying Party**") then the Delaying Party shall give as much notice as possible to the Non-Delaying Party and closing attorney and shall be entitled to a delay in Settlement. If the parties fail to complete Settlement and Closing within fourteen (14) days of the Settlement Date (including any amended Settlement Date agreed to in writing by the

parties) or to otherwise extend the Settlement Date by written agreement, then the Delaying Party shall be in breach and the Non-Delaying Party may terminate this Contract and shall be entitled to enforce any remedies available to such party under this Contract for the breach.

10. POSSESSION: Unless otherwise provided herein possession, including all means of access to the Property (keys, codes including security codes, gate openers, electronic devices, etc.) shall be delivered at Closing as defined in Paragraph 1(m). No alterations, excavations, tree or vegetation removal or other such activities may be done before possession is delivered

11. ACCESS EASEMENTS:

12. ASSIGNMENTS: This Contract may not be assigned without the written consent of all parties except in connection with a tax-deferred exchange, but if assigned by agreement, then this Contract shall be binding on the assignee and assignee's heirs and successors.

13. TAX-DEFERRED EXCHANGE: In the event Buyer or Seller desires to effect a tax-deferred exchange in connection with the conveyance of the Property, Buyer and Seller agree to cooperate in effecting such exchange; provided, however, that the exchanging party shall be responsible for all additional costs associated with such exchange, and provided further, that a non-exchanging party shall not assume any additional liability with respect to such tax-deferred exchange. Buyer and Seller shall execute such additional documents, including assignment of this Contract in connection therewith, at no cost to the non-exchanging party, as shall be required to give effect to this provision.

14. PARTIES: This Contract shall be binding upon and shall inure to the benefit of Buyer and Seller and their respective heirs, successors and assigns. As used herein, words in the singular include the plural and the masculine includes the feminine and neuter genders, as appropriate.

15. SURVIVAL: If any provision herein contained which by its nature and effect is required to be observed, kept or performed after the Closing, it shall survive the Closing and remain binding upon and for the benefit of the parties hereto until fully observed, kept or performed.

16. ENTIRE AGREEMENT: This Contract contains the entire agreement of the parties and there are no representations, inducements or other provisions other than those expressed herein. All changes, additions or deletions hereto must be in writing and signed by all parties.

17. NOTICES: All notices, requests and other communications hereunder shall be in writing and shall be deemed to have been duly given and received (a) when personally delivered or (b) one (1) business day after proper prepaid deposit for next-day delivery to a national overnight courier service providing evidence of delivery, postage prepaid, addressed to the party to whom or which notice is to be given at the address hereinabove set forth therefor. The rejection or other refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice, request or communication sent. The addresses hereinabove set forth may be changed as to any party upon at least ten (10) days prior notice thereof to the other party.

18. EXECUTION: This Contract may be signed in multiple originals or counterparts, all of which together constitute one and the same instrument.

19. COMPUTATION OF DAYS/TIME OF DAY: Unless otherwise provided, for purposes of this Contract, the term "days" shall mean consecutive calendar days, including Saturdays, Sundays, and holidays, whether federal, state, local or religious. For the purposes of calculating days, the count of "days" shall begin on the day following the day upon which any act or notice as provided in this Contract was required to be performed or made. Any reference to a date or time of day shall refer to the date and/or time of day in the State of
North Carolina.

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This offer shall become a binding contract on the Effect ve Date. Unless specifically provided otherwise, Buyer's failure to timely deliver any fee, deposit or other payment provided for herein shall not prevent this offer from becoming a binding contract, provided that any such failure shall give Seller certain rights to terminate the contract as described herein or as otherwise permitted by law.

BUYER

[redacted] Ace Lewis Company, LLC

By:
Its:
Date:

SELLER

Tyler's Ridge Business Park, LLC

By: James S. O'Malley
Its: Sole Member
Date: 12/2/2021

I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 4705, PAGE 265, BOOK 3914 PAGE 109); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS INDICATED; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

FURTHER AS REQUIRED PER G.S. 47-30(F)(11), I, JEFFREY L. GREEN, CERTIFY THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 22ND DAY OF NOVEMBER, A.D., 2021

PROFESSIONAL LAND SURVEYOR

L-3922
LICENSE NUMBER

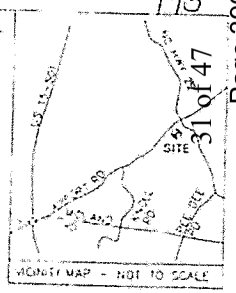
SEAL L-3922 JEFFREY L. GREEN 11/22/21

I HEREBY CERTIFY THAT THE SURVEY SHOWN AND DESCRIBED HEREON IS SOLELY FOR THE PURPOSE OF RECOMBINING EXISTING LOTS. THE SURVEY SHOWN BELOW AND DESCRIBED HEREON IS EXEMPT FROM THE SOUTHERN PINES UNIFIED DEVELOPMENT ORDINANCE (UDO) BY DEFINITION AND/OR ORDINANCE AND NO APPROVAL OF THIS SURVEY IS REQUIRED BY THIS OFFICE.

Cindy Williams Asst Agent 11/22/21
SUBDIVISION ADMINISTRATOR DATE

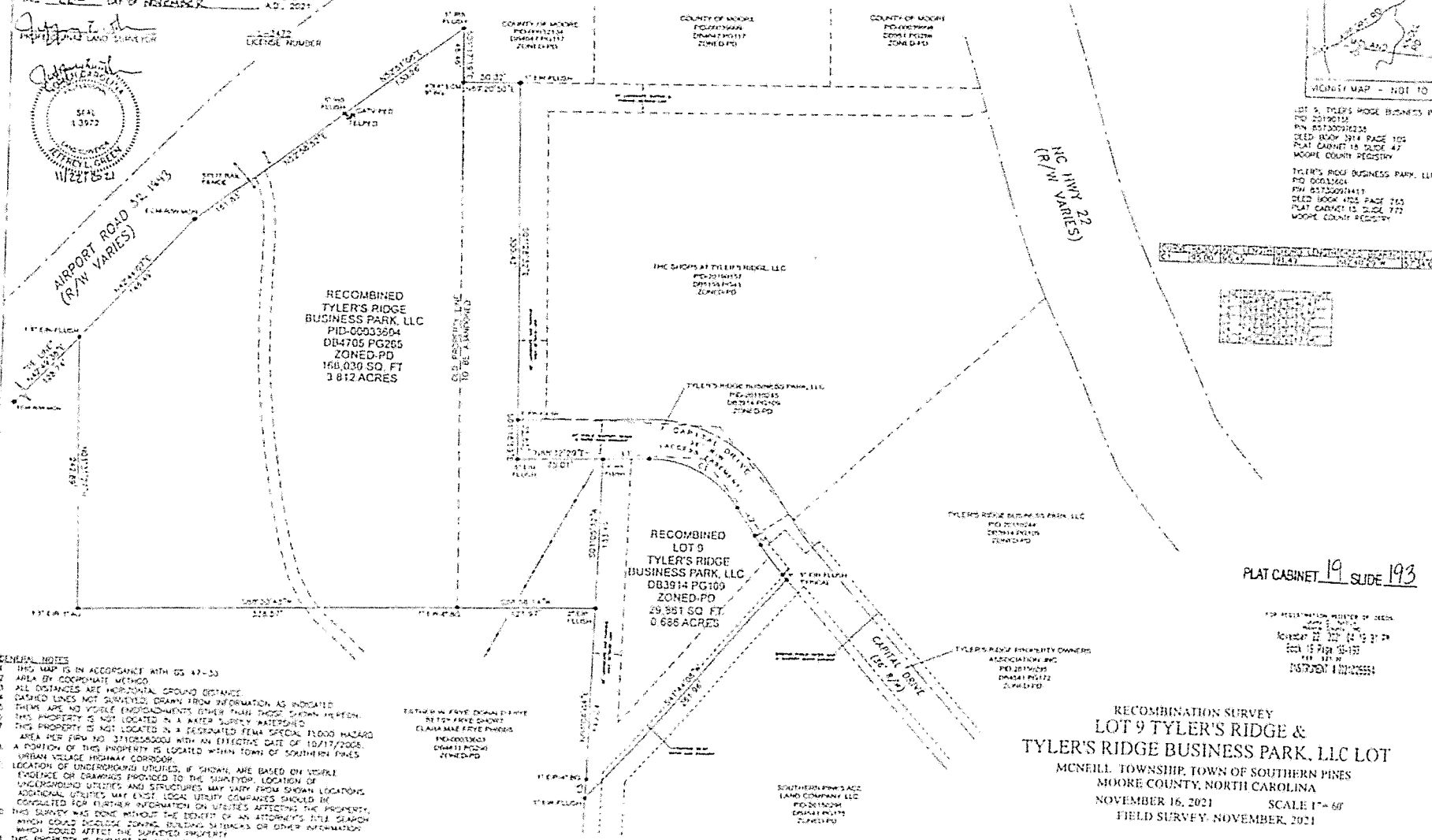
I, Catherine Walters, REVIEW OFFICER OF MOORE COUNTY, NORTH CAROLINA, CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

Catherine Walters 11-22-21
REVIEW OFFICER DATE



LOT 9, TYLER'S RIDGE BUSINESS PARK, LLC
PID 20190332
PIN 857309782538
DEED BOOK 3914 PAGE 109
PLAT CABINET 19 SLIDE 47
MOORE COUNTY REGISTRY

TYLER'S RIDGE BUSINESS PARK, LLC
PID 00033604
PIN 857309973417
DEED BOOK 4705 PAGE 265
PLAT CABINET 15 SLIDE 372
MOORE COUNTY REGISTRY


AIRPORT ROAD SR 1643 (R/W VARIES)
NC HWY 22 (R/W VARIES)
CAPITAL DRIVE (SR 1779) (R/W VARIES)
RECOMBINED TYLER'S RIDGE BUSINESS PARK, LLC PID-00033604 DB4705 PG265 ZONED-PD 166,030 SQ. FT 3.812 ACRES
RECOMBINED LOT 9 TYLER'S RIDGE BUSINESS PARK, LLC DB3914 PG109 ZONED-PD 29,361 SQ. FT. 0.686 ACRES
THE SHOPS AT TYLER'S RIDGE, LLC
TYLER'S RIDGE BUSINESS PARK, LLC
TYLER'S RIDGE PROPERTY OWNERS ASSOCIATION, INC
SOUTHERN PINES ACE LAND COMPANY, LLC
COUNTY OF MOORE
COUNTY OF MOORE
COUNTY OF MOORE
SOUTH RAIL FENCE
50' R/W
30.00'
S 89°20'30" E
S 89°20'30" W
S 00°39'30" E
N 00°39'30" W
N 89°20'30" W
N 89°20'30" E
S 00°39'30" W
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N 89°20'30" W
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S 00°39'30" W
N 89°20'30" W
N 00°39'30" E

AMENDMENT TO PURCHASE AND SALE AGREEMENT

This Amendment to Purchase and Sale Agreement is made as of December 14, 2021 by Tyler's Ridge Business Park, LLC, 35 Martin Drive, Whispering Pines, North Carolina 28327, ("**Seller**") and Southern Pines Ace Land Company LLC, 215 Capital Drive, Carthage, North Carolina 28327 ("**Buyer**") in order to amend the Purchase and Sale Agreement therebetween dated as of December 2, 2021.

1. Capital Drive. Insert the provision hereinafter set forth as Section 11.

   11. **ACCESS**: Seller hereby agrees and covenants with Buyer that (a) Seller shall effectuate the amendment of the Declaration of Easements, Covenants, Conditions, and Restrictions recorded in Book 4541, Page 152, Moore County Registry (the "**Declaration**") pursuant to which (i) the Property shall constitute a "Lot" under the Declaration and shall thus benefit from, inter alia, all rights related to Capital Drive and (ii) the Frye Tract shall constitute a "Lot" under the Declaration and shall thus benefit from, inter alia, all rights related to Capital Drive (provided, however, that Buyer reserves the right to subdivide or reconfigure the Property and the Frye Tract pursuant to which any one or more tracts subdivided therefrom shall constitute a "Lot" under the Declaration and shall thus benefit from, inter alia, all rights related to Capital Drive), (b) the remainder of Capital Drive shall be transferred to Tyler's Ridge Property Owners Association, Inc. (the "POA") not later than December 31, 2021, (c) Buyer shall convey a thirty-six-foot-wide portion of the Property (or, at its option, a portion of the Property and a portion of the Frye Tract) to the POA, in a location consistent with Buyer's development plans for the Property and the Frye Tract, in order to extend Capital Drive to Airport Road (the "**Capital Drive Extension**"), (d) Buyer shall convey, and POA shall accept, conveyance of the Capital Drive Extension upon the completion thereof, and (e) the Capital Drive Extension shall, upon its conveyance to the POA, constitute a portion of Capital Drive for purposes of the Declaration. "**Capital Drive**" means the roadway designated as Capital Drive, including complete and incomplete portions thereof, as shown on the Plat. "**Frye Tract**" means the 9.59-acre tract shown on map recorded in Plat Cabinet 15, Slide 772, Moore County Registry.

2. Settlement Date. Strike "December 21, 2021" from Section 1(l) and insert "January ~~15~~21, 2022" in lieu thereof.

3. Capitalized Terms. All capitalized terms otherwise undefined herein shall be defined as set forth in the Agreement.

4. References. All references in the Agreement to "this Agreement" shall be deemed to refer to the Agreement as amended hereby.

5. No Other Changes. Except as explicitly amended by this Amendment, all of the terms and conditions of the Agreement shall remain in full force and effect.

6. Conflict. This Amendment shall, in the event of a conflict between this Amendment and the Agreement, control.

BUYER

Southern Pines Ace Land Company LLC

By: Randall Saunders
Its: Manager
Date: December ___, 2021

SELLER

Tyler's Ridge Business Park, LLC

By: James O'Malley
Its: Manager
Date: December 21 2021

SOUTHERN PINES ACE HARDWARE – PHASE 1
PRELIMINARY DEVELOPMENT PLAN (PDP) NARRATIVE

The development of the property described as Southern Pines Ace Hardware – Phase 1 in the submitted exhibits will be completed as a hardware supply store with square footage totaling approximately +/- 64,825 sf. Overall, the project will cover a total of approximately 8.7 acres including the proposed hardware supply store and the extension of Capital Drive which will connect to Airport Road. All information, descriptions and calculations included in this application are related to the development of this parcel of property.

Phase 1 of the project will include the development of a ±64,825 SF Ace Hardware store and adequate parking facility. Phase 1 will also include an extension of Capital Drive which will provide access to this development and adjacent developments from Airport Road and NC Highway 22 via Olivetree Lane. The new Ace Hardware store will be accessed from the Capital Drive extension and will also have service access from the Olivetree Lane roundabout. The overall character of the development will provide a high-quality commercial center that will be carefully integrated into the surrounding area and compatible with the surrounding development areas. Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in the CDP document.

The project falls within the Cape Fear, Little River (Intake No. 2) watershed which is designated as a high-quality watershed. A watershed protection permit has been submitted to the Town of Southern Pines. The project also falls within foraging partitions of one active and one abandoned red-cockaded woodpecker (RCW) cluster. Dr. J. H. Carter III and Associates have conducted a foraging habitat analysis for the property which has been reviewed by the US Fish and Wildlife Service (USFW). The review letter from USFW has been submitted to the town. There are no floodplains or wetlands located on the property. The project will fully comply with all general notes and standards included in the approved Southern Pines Ace Hardware Conceptual Development Plan (CDP).

Design standards for individual elements of the development are described below.

- **Pedestrian Connectivity**
  - Pedestrian access will be provided throughout the site. Continuing with the character of the existing infrastructure, a sidewalk will be installed along the North Side of the Capital Drive extension. A sidewalk connection to the existing sidewalk on Olivetree Lane will also be provided. Parking areas throughout the site will connect to sidewalks leading to the building entrances and provide accessible access as required by state and federal standards. Internal walks will connect to the sidewalk infrastructure surrounding the site.
  - In an effort to continue the greenway trail system in this area and connect the developent to the community trail system, a trail connection will be made from the sidewalks on Olivetree Lane to the property boundary on western side of the property. This will provide an opportunity to connect to the adjacent property

and would not prohibit a future greenway connection to the Airport Road trail system. The proposed greenway trail will run along the southern portion of the property and will connect to the existing parking area at the Sandhills Horticultural Gardens.

- **Parking**
  - Parking areas will be designed and landscaped per Town of Southern Pines Unified Development Ordinance standards in Section 4.3.
  - Parking will be located on three sides of the building. Parking views will be screened from adjoining roadways as required by the Town of Southern Pines UDO and approved CDP documents.
- **Streets and Access**
  - Main access to the property as described in this PDP will be provided from Capital Drive. Phase 1 of the project will provide an extension of Capital Drive which will connect to Airport Road and provide full motion access to/from Airport Road. Access to the property from NC Highway 22 will also be available via Olivetree Lane and the Capital Drive connection. A driveway connection to the existing Olivetree Lane cul-de-sac will also be provided allowing for service access to the southern end of the proposed building.
  - Plans will be coordinated with the Town of Southern Pines and NCDOT.
  - A Traffic Impact Analysis (TIA) has been provided with this application. The applicant will comply with the findings of this TIA and required improvements of NCDOT
- **Landscaping**
  - Landscaping will be provided as required by the Town of Southern Pines UDO in Section 4.3. This will include tree islands, parking lot landscaping and streetscape plantings.
- **Lighting**
  - All lighting on the property will follow Section 5.5.6 of the CDP and Section 4.2.6 of the UDO. Lighting levels along streets and in parking areas will be provided to meet the UDO standards for safety and match the existing community. Proposed lighting fixtures will match previous phases of development. All light will be projected downward to limit any light spilling onto adjacent properties.
- **Open Space**
  - Required open space for the overall Southern Pines Ace Hardware developement per section 4.2.2 of the CDP is 20%. A minimum of 10% of the provided open space shall be usable open space as described in section 3.5.14 of the UDO. While no open space is required for each individual phase of the development, the overall development must meet the open space requirements.
  - Phase 1, as described in this PDP, will provide a total of ±2.32 acres of open space and ±2.11 acres of useable open space. Provided open space consists of the greenway trail connection, stormwater management facility, and the 50' setback provided along the western property boundary.
  - An updated 'running' tabulation for the overall Southern Pines Ace Hardware property has been provided on Sheet L.1.1 of the submission set.
- **Stormwater**
  - The property is located within a state regulated and protected drainage basin. As such stormwater design will fully comply with all aspects of applicable local and

state standards and regulations for storm water management and watershed protection, including specific requirements for erosion and sedimentation control. Best management practices at the time of development for each phase shall be utilized in accordance with NCDEQ guidance. Drainage facilities will be located in the general locations as shown on the conceptual site plan included in this application. These locations are subject to change throughout the continued development of the property based on detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDEQ, and any other stormwater regulations.

- Stormwater management devices will be provided as necessary and required to control stormwater runoff for the property. All stormwater will be piped to the general area as identified on Sheet L.1.1 of the submission set. It is intended that the stormwater management device shown on Sheet L-1.1 will be a regional facility and will be designed and constructed to accomadate the runoff from all phases of the overall Southern Pines Ace Hardware property shown in the CDP
- Drainage facilities will be located in the general location as shown on Sheet L-1.1 of the submittal set. The location and size are subject to change based on engineering needs and requirements. Detailed plans and calculations for the facility will be provided during the detailed site engineering process.

- **Utility Service**
  - Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utilities are currently located in close proximity to this property. All utilities on the site will be located underground and installed per the policies of the local utility providers and the Town of Southern Pines.
- **Buffers/Setbacks**
  - A 400’ Urban Transition Highway Corridor Overlay is present along Airport Road. Setbacks and standards within the first 400’ along Airport Road will follow the Highway Corridor Overlay District (HCOD) guidelines. Portions of the property outside of the Highway Corridor Overlay Districts, will follow the standards of the UDO
  - Based on the location of the building and PD zoning classification no setbacks are required. However, a 50’ voluntary building and parking setback will be provided along the western property boundary adjacent to the Sandhills Horiticultural Gardens.
  - Buildings and parking associated with the hardware supply store comply with the buffer and setback regulations of the UDO and Southern Pines Ace Hardware CDP.
  - Landscape buffer planting areas of 10’ have been provided along all parking boundary areas and meet the Town’s UDO standards in Section 4.3.
- **Architectural Character**
  - The proposed Ace Hardware building will be required to meet the standards of the commercial building design guidelines described in Section 4.10 of the Town of Southern Pines UDO. Architectural plans must be reviewed and approved by the Town’s Architectural Review Board (ARB) prior to building permit authorization.

- **Signage**
    - All signage will be designed in conformance with the requirements of the Town of Southern Pines UDO in Section 4.6. Signs for “Shopping Centers” will follow Section 4.6.13 and maintain a Unified Sign Plan.
    - Sign location as shown on Sheet L-1.1 of the submission set are permitted in the CDP. Signage, internal to the development, may be provided throughout the property for purposes of identification and wayfinding.
    - Overall Shopping Center signs, along Airport Road, may include signage for businesses from the adjoining retail buildings and shopping center area for parcels with access along Capital Drive and Olivetree Lane.

The descriptions and conditions described above will apply to the development as indicated in the Preliminary Development Plan document. The proposed plan utilizes the CDP’s development standards and implements the first phase of development within the Southern Pines Ace Hardware development. This phase of development meets the standards of the Southern Pines Ace Hardware CDP. Should the CDP be amended, any standards indicated on the attached plans may be amended to accommodate the revised standard, without requiring amendment to these PDP documents.

In summary, the proposed PD – PDP and surrounding developent is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Traditional Mixed-Use. This PDP contains a retail building within the overall and adjacent mixed-use development, and will be similar in scale and size to these developments. The approved CDP describes a master planned mixed-use development. The proposed PDP is the commencement of the first phase of development for Southern Pines Ace Hardware.

EXHIBIT A

Southern Pines Ace Hardware – Phase 1
Preliminary Development Plan Justification

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

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

(1) The application demonstrates that it will achieve the purposes of the PDD and this section;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The plans included with the CDP demonstrates the overall compliance with the UDO and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP) and the CDP all encourage a traditional mixed-use development that reflects the standards of the existing area that surrounds the phase of development described in the PDP. The PDP submitted meets these goals.

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

The PDP is consistent with and meets all standards and requirements provided in the CDP plans, and conforms to the standards of the UDO. The hardware supply store is consistent with the proposed development program and allowable uses in the CDP. The development of a +/- 64,825 sf retail building is consistent with the Conceptual Land Use Plan shown on Sheet L 1.1 of the CDP master plan.

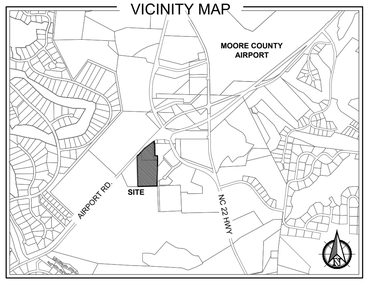
(3) The proposed Development is located in an area of the Town that is appropriate; and

The PDP is consistent with the CDP and the surrounding community which includes a mixed-use building (office, medical office, and restaurant), hardware supply store, multi-family apartment, and child day care center. The CLRP, which takes into account surrounding land uses, designates this property as traditional mixed-use. The development of the hardware supply store included in the PDP is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

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

Water and sewer utilities are readily available for the project. Water and sewer utilities are located in Captial Drive, Olivetree Lane, and Airport Road. Stormwater management devices will be provided as necessary and required to control stormwater runoff for the property. All stormwater will be piped to the general area as identified on Sheet L.1.1 of the PDP submission set. The location and size are subject to change based on engineering needs and requirements. Detailed plans and calculations for the facility will be provided during the detailed site engineering process.

VICINITY MAP



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

NC HWY 22
(EXISTING 100' RIGHT-OF-WAY)
PUBLIC

OLIVETREE LANE
(EXISTING 65' RIGHT-OF-WAY)
PRIVATE

SHOPS AT TYLER'S RIDGE
(EXISTING RETAIL)

ACE HARDWARE
(EXISTING RETAIL)

THE CHILDREN'S COURTYARD OF SOUTHERN PINES
(EXISTING DAY CARE)

CONNECT TO EXISTING SIDEWALK

CONNECT TO CAPITAL DRIVE

STORMWATER

PROPOSED FREE STANDING SIGN (TYP.)

PHASE 3
GENERAL BUSINESS/
OFFICE SERVICES

PHASE 2
GENERAL BUSINESS/
OFFICE SERVICES

PHASE 1
GENERAL BUSINESS

PROPOSED FREE STANDING SIGN (TYP.)

75' HCOD BUILDING SETBACK

50' HCOD BUFFER

AIRPORT RD.
(EXISTING 60' RIGHT-OF-WAY)
PUBLIC

PROPOSED FREE STANDING SIGN (TYP.)

50' PROPOSED PARKING/BUILDING SETBACK

TO CARTHAGE & SOUTHERN PINES
Approximate Travel Time/Distance:
Downtown Southern Pines - 8 Min. / 4.5 Miles
Downtown Carthage - 12 Min. / 8.8 Miles

PROPOSED FREE STANDING SIGN (TYP.)

GREENWAY TRAIL

SANDHILLS HORTICULTURAL GARDENS

TO PINEHURST
Approximate Travel Time/Distance:
Village of Pinehurst - 8 Min. / 4.8 Miles

LAND USE LEGEND

- CIRCULATION PATTERN
- GREENWAY TRAIL
- GENERAL BUSINESS/ OFFICE SERVICE
- GENERAL BUSINESS

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

LEGEND

- = PROPETY BOUNDARY
- = EXISTING CONTOUR
- = EXISTING WATERLINE
- = EXISTING SEWER LINE
- = EXISTING SETBACK
- = PROPOSED OPEN SPACE

PHASING PLAN NOTES:

1. DUE TO THE UNCERTAINTY OF ECONOMIC FACTORS THAT INFLUENCE LAND DEVELOPMENT, SOME FLEXIBILITY IN THE SEQUENCING OF PHASES IS NECESSARY AND IS TO BE BASED ON MARKET DEMANDS AND NECESSARY INFRASTRUCTURE IMPROVMENTS.
2. RATHER THAN TYING THE PHASING TO SPECIFIC DATES AND SEQUENCING, PHASING IS TIED TO REQUIRED INFRASTRUCTURE IMPROVEMENTS INCLUDING ROADWAY, WATER LINE, AND SEWER LINE CONSTRUCTION ADEQUATE TO SERVE THE PHASE TO BE DEVELOPED. PHASES ARE NOT REQUIRED TO DEVELOP SEQUENTIALLY WITHIN THIS PLAN BUT COULD NOT DEVELOP UNTIL THE ADEQUATE INFRASTRUCTURE IS PROVIDED TO ACCOMMODATE THE PROPOSED PHASE. PHASES MAY ALSO BE DEVELOPED AND COMBINED WITH OTHER PHASES AND SUBPHASES.
3. PHASING AND REQUREMENTS FOR EACH PHASE WILL BE REVIEWED AT SUCH TIME AS A PDP IS SUBMITTED FOR AN INDIVIDUAL PHASE.

OPEN SPACE NOTES:

1. THE GENERAL LOCATION OF OPEN SPACES AND WATER BODIES IS SHOWN ON SHEET L-1.1. THESE LOCATIONS ARE CONCEPTUAL IN NATURE AND MAY VARY IN SIZE AND LOCATION DURING THE DETAILED SITE PLAN PROCESS.
2. A MINIMUM OF 20% OF TOTAL OPEN SPACE SHALL BE PROVIDED. A MINIMUM 10% OF THE PROVIDED OPEN SPACE SHALL BE USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. A RUNNING TABULATION WILL BE PROVIDED DURING THE PDP PROCESS FOR EACH INDIVIDUAL PHASE.

TRANSPORTATION PLAN NOTES:

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

CAUTION

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

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 884-8487
W: www.koontzjonesdesign.com

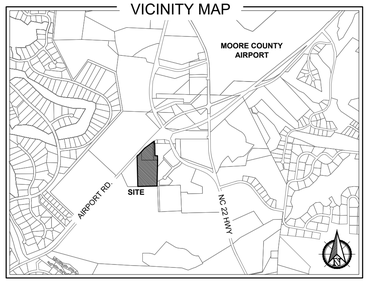
REVISIONS:

SOUTHERN PINES ACE HARDWARE
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

CONCEPTUAL LAND USE PLAN / TRANSPORTATION PLAN

DATE: 04-05-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #:

SHEET NUMBER#:
L-1.1



NC HWY 22
(EXISTING 100' RIGHT-OF-WAY)
PUBLIC

PIN: 858300070284
TYLER'S RIDGE BUSINESS PARK, LLC
DB: 3914 PG: 109
ZONING: PD

PIN: 857300969862
TYLER'S RIDGE PROPERTY OWNERS ASSOCIATION, LLC
DB: 4541 PG: 172
ZONING: PD

PIN: 858300063709
TYLER'S RIDGE PHASE II, LLC
DB: 3918 PG: 351
ZONING: PD

OLIVETREE LANE
(EXISTING 65' RIGHT-OF-WAY)
PRIVATE

PIN: 858300075920
COUNTY OF MOORE
DB: 951 PG: 286
ZONING: PD

PIN: 857308977773
COUNTY OF MOORE
DB: 4047 PG: 117
ZONING: PD

PIN: 857300978532
THE SHOPS AT TYLERS RIDGE LLC
DB: 5159 PG: 43
ZONING: PD

PIN: 857300968936
SOUTHERN PINES ACE LAND COMPANY, LLC
DB: 4541 PG: 175
ZONING: PD

PIN: 857300968680
HBM1, LLC
DB: 4898 PG: 415
ZONING: PD

PIN: 857300976238
TYLER'S RIDGE BUSINESS PARK, LLC
DB: 3914 PG: 109
ZONING: PD

PIN: 857300976723
COUNTY OF MOORE
DB: 4047 PG: 117
ZONING: PD

PIN: 857300977346
TYLER'S RIDGE BUSINESS PARK, LLC
DB: 3914 PG: 109
ZONING: PD

PIN: 858309060116
SANDHILLS COMMUNITY COLLEGE BOARD OF TRUSTEES
DB: 905 PG: 541
ZONING: FRR

PIN: 857312967113
SANDHILLS COMMUNITY COLLEGE BOARD OF TRUSTEES
DB: 905 PG: 544
ZONING: FRR

PIN: 857300974411
SOUTHERN PINES ACE LAND COMPANY, LLC
DB: 4705 PG: 265
ZONING: PD

FUTURE PHASE 2

FUTURE PHASE 3

PHASE 1

PIN: 857300963887
SOUTHERN PINES ACE LAND COMPANY, LLC
DB: 5749 PG: 375
ZONING: PD

PIN: 857300952219
MOORE COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES
DB: 270 PG: 375
ZONING: FRR

75' HCOD BUILDING SETBACK

50' HCOD BUFFER

AIRPORT RD.
(EXISTING 60' RIGHT-OF-WAY)
PUBLIC

PIN: 857308878977
SANDHILLS COMMUNITY COLLEGE
DB: 306 PG: 405
ZONING: PD

PIN: 857312868871
SANDHILLS COMMUNITY COLLEGE BOARD OF TRUSTEES
DB: 937 PG: 262
ZONING: FRR

LEGEND

- = PROPETY BOUNDARY
- = EXISTING CONTOUR
- = EXISTING WATERLINE
- = EXISTING SEWER LINE
- = EXISTING SETBACK
- = EXISTING PINE TREE
- = EXISTING HARDWOOD TREE

PROPERTY INFORMATION

PROPERTY OWNER:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE, NC 28327

APPLICANT:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE, NC 28327

TOTAL ACREAGE (PHASE 1): ±9.11 AC

ZONING INFORMATION

ZONING CLASSIFICATION:
(PD) PLANNED DEVELOPMENT
(WITH AN APPROVED CDP)

EXISTING SETBACKS (PD):
FRONT: NA
INTERIOR SIDE: NA
EXTERIOR SIDE: NA
REAR: NA

HCOD (URBAN TRANSITION) STANDARDS:
BUILDING SETBACK: 75' (STREET YARD)
PARKING AREA SETBACK: 50' (STREET YARD)

WATERSHED INFORMATION

WATERSHED 1:
BASIN: CAPE FEAR
STREAM: LITTLE RIVER (INTAKE NO. 2)
TYPE: WS-IIIP

THIS PROPERTY IS IN A HIGH QUALITY WATERSHED

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: 8573
MAP(S): 3710857300J
DATE: OCTOBER 17, 2006

CAUTION

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

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

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 884-8487
W: www.koontzjonesdesign.com

REVISIONS:

SOUTHERN PINES ACE HARDWARE
PRELIMINARY DEVELOPMENT PLAN - PHASE 1
SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS

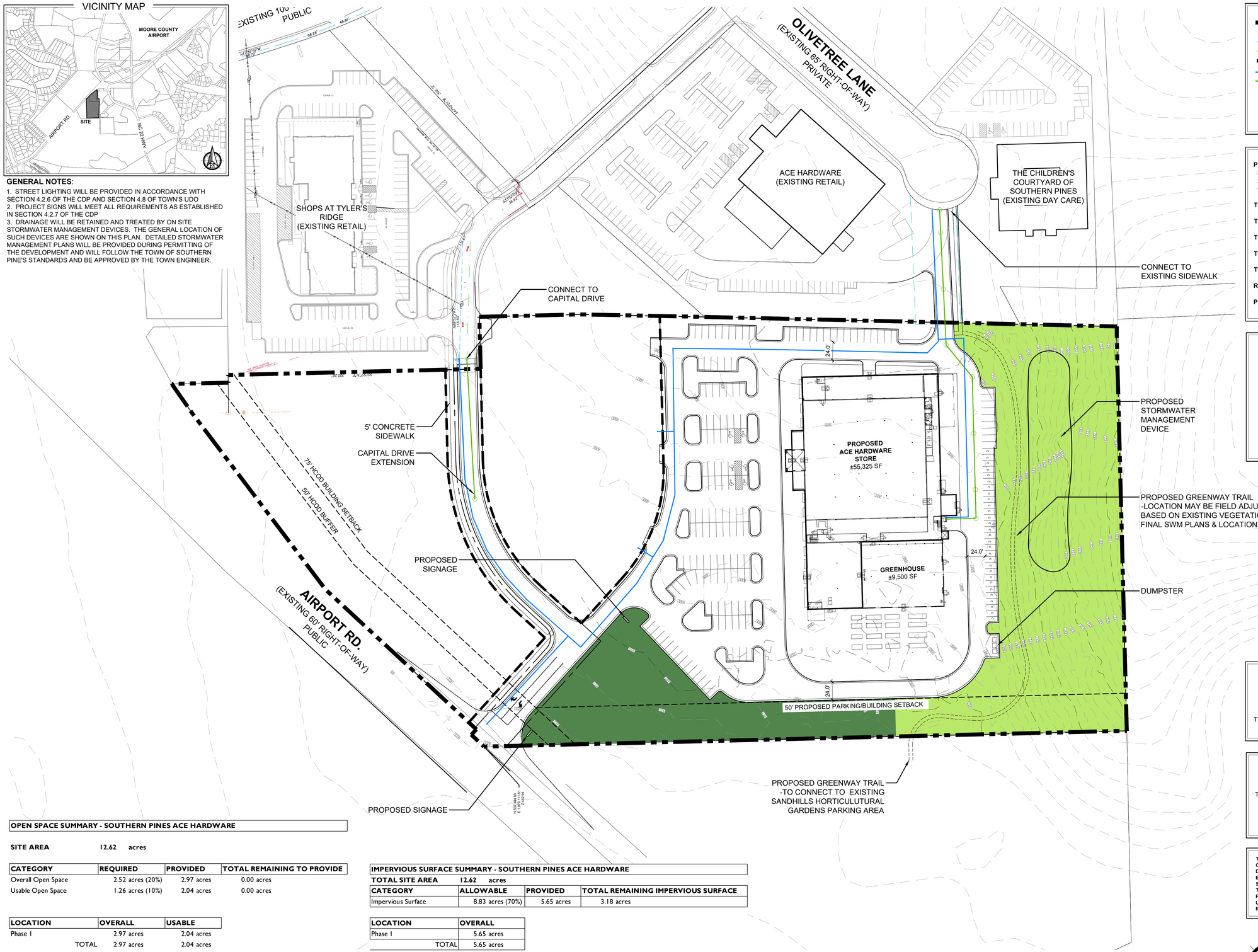
DATE: 04-22-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: K0021123

SHEET NUMBER#:
L-1.0

VICINITY MAP

GENERAL NOTES:

1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 4.2.6 OF THE CDP AND SECTION 4.8 OF TOWN'S UDO
2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS AS ESTABLISHED IN SECTION 4.2.7 OF THE CDP
3. DRAINAGE WILL BE RETAINED AND TREATED BY ON SITE STORMWATER MANAGEMENT DEVICES. THE GENERAL LOCATION OF SUCH DEVICES ARE SHOWN ON THIS PLAN. DETAILED STORMWATER MANAGEMENT PLANS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT AND WILL FOLLOW THE TOWN OF SOUTHERN PINE'S STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.



LEGEND

- = PROPETY BOUNDARY
- = EXISTING CONTOUR
- = EXISTING WATERLINE
- = EXISTING SEWER LINE
- = PROPOSED PHASING LINE
- = PROPOSED WATER LINE
- = PROPOSED SEWER LINE
- = PROPOSED OPEN SPACE
- = PROPOSED USEABLE OPEN SPACE

PROPERTY INFORMATION

PROPERTY OWNER/APPLICANT:
SOUTHERN PINES ACE LAND COMPANY, LLC
215 CAPITAL DRIVE
CARTHAGE, NC 28327

TOTAL ACREAGE (PHASE 1): ±9.11 AC

TOTAL IMPERVIOUS SURFACE: ±5.65 AC (62.0%)

TOTAL OPEN SPACE: ±2.97 AC (32.6%)

TOTAL USEABLE OPEN SPACE: ±2.04 AC (22.4%)

TOTAL RETAIL: 64,825 SF

REQUIRED PARKING: 162 SPACES (1 SPACE/400 SF)

PROVIDED PARKING: 176 SPACES

ZONING INFORMATION

ZONING CLASSIFICATION:
(PD) PLANNED DEVELOPMENT
(WITH AN APPROVED CDP)

EXISTING SETBACKS (PD):
FRONT: NA
INTERIOR SIDE: NA
EXTERIOR SIDE: NA
REAR: NA

HCOD (URBAN TRANSITION) STANDARDS:
BUILDING SETBACK: 75' (STREET YARD)
PARKING AREA SETBACK: 50' (STREET YARD)

WATERSHED INFORMATION

WATERSHED 1:
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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: 8573
MAP(S): 3710857300J
DATE: OCTOBER 17, 2006

CAUTION

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OPEN SPACE SUMMARY - SOUTHERN PINES ACE HARDWARE

SITE AREA **12.62** **acres**

CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	2.52 acres (20%)	2.97 acres	0.00 acres
Usable Open Space	1.26 acres (10%)	2.04 acres	0.00 acres

LOCATION	OVERALL	USABLE
Phase 1	2.97 acres	2.04 acres
TOTAL	2.97 acres	2.04 acres

IMPERVIOUS SURFACE SUMMARY - SOUTHERN PINES ACE HARDWARE

TOTAL SITE AREA **12.62** **acres**

CATEGORY	ALLOWABLE	PROVIDED	TOTAL REMAINING IMPERVIOUS SURFACE
Impervious Surface	8.83 acres (70%)	5.65 acres	3.18 acres

LOCATION	OVERALL
Phase 1	5.65 acres
TOTAL	5.65 acres

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

SCALE: 1" = 60'-0"

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

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

REVISIONS:

SOUTHERN PINES ACE HARDWARE
PRELIMINARY DEVELOPMENT PLAN - PHASE 1
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 04-22-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KDI21123

SHEET NUMBER#:
L-1.1

RAMEY KEMP ASSOCIATES

TOGETHER WE ARE LIMITLESS

Southern Pines Retail

Traffic Impact Analysis

Southern Pines, North Carolina

rameykemp.com

TRAFFIC IMPACT ANALYSIS

FOR

SOUTHERN PINES RETAIL

LOCATED

IN

SOUTHERN PINES, NORTH CAROLINA

Prepared For:
Rhetson Companies
2075 Juniper Lake Road
West End, NC 27376

Prepared By:
Ramey Kemp & Associates, Inc.
5808 Faringdon Place, Suite 100
Raleigh, NC 27609
License #C-0910

FEBRUARY 2022

RKA Project No. 21734

Prepared By: TF

Reviewed By: NB

TRAFFIC IMPACT ANALYSIS
SOUTHERN PINES RETAIL
SOUTHERN PINES, NORTH CAROLINA

EXECUTIVE SUMMARY

1. Development Overview

A Traffic Impact Analysis (TIA) was conducted for the proposed Southern Pines Retail development in accordance with the Town of Southern Pines (Town) Unified Development Ordinance (UDO) and North Carolina Department of Transportation (NCDOT) capacity analysis guidelines. The proposed development is to be located in the southwest quadrant of the intersection of NC 22 and Airport Road in Southern Pines, North Carolina. The proposed development, anticipated to be completed in 2023, is assumed to consist of a 53,271 square foot (sq. ft.) hardware store, 45,300 sq. ft. of retail space, and a 4,800 sq. ft. fast-food restaurant with drive-thru window. Site access is proposed via one (1) full movement driveway along Airport Road, and connections to Olivetree Lane and Capital Drive.

The study analyzes traffic conditions during the weekday AM and PM peak hours for the following scenarios:

- 2021 Existing Traffic Conditions
- 2023 No-Build Traffic Conditions
- 2023 Build Traffic Conditions
- 2033 Future Traffic Conditions (Build +10)

2. Existing Traffic Conditions

The study area for the TIA was determined through coordination with the Town and NCDOT and consists of the following existing intersections:

- NC 22 and Airport Road
- NC 22 and Olivetree Lane
- Olivetree Lane and Capital Drive
- Olivetree Lane and Moonseed Lane

Existing peak hour traffic volumes were determined based on traffic counts conducted at the study intersection listed above, in December of 2021 during a typical weekday AM (7:00 AM – 9:00 AM) and PM (4:00 PM – 6:00 PM) peak periods while schools were in session for in-person learning. Traffic volumes were balanced between study intersections, where appropriate.

3. Site Trip Generation

The proposed development is assumed to consist of a 53,271 square foot (sq. ft.) hardware store, 45,300 sq. ft. of retail space, and a 4,800 sq. ft. fast-food restaurant with drive-thru window. Average weekday daily, AM peak hour, and PM peak hour trips for the proposed development were estimated using methodology contained within the ITE Trip Generation Manual, 10th Edition. Table E-1 provides a summary of the trip generation potential for the site.

Table E-1: Site Trip Generation

Land Use (ITE Code)	Intensity	Daily Traffic (vpd)	Weekday AM Peak Hour Trips (vph)		Weekday PM Peak Hour Trips (vph)	
			Enter	Exit	Enter	Exit
Hardware Store (816)	53,271 sq. ft.	490	37	35	30	30
Shopping Center (820)	45,300 sq. ft.	3,510	108	66	145	157
Fast-Food Restaurant w/ Drive-Thru (934)	4,800 sq. ft.	2,260	98	95	82	75
Total Trips		**6,260**	**243**	**196**	**257**	**262**
*Internal Capture (11% AM & 21% PM)**			*-24*	*-24*	*-55*	*-54*
Total External Trips			**219**	**172**	**202**	**208**
Pass-By Trips: Hardware Store (49% AM, 50% PM)			*--*	*--*	*-6*	*-6*
Pass-By Trips: Shopping Center (43% PM)			*--*	*--*	*-40*	*-40*
Pass-By Trips: Fast-Food Restaurant w/ Drive-Thru (36% PM)			*-42*	*-42*	*-31*	*-31*
Total Primary Trips			**177**	**130**	**125**	**131**

*Utilizing methodology contained in the NCHRP Report 684.

4. Future Traffic Conditions

Through coordination with the Town and NCDOT, it was determined that an annual growth rate of 2% would be used to generate 2023 projected weekday AM and PM peak hour traffic volumes. The following adjacent developments were identified to be considered under future conditions:

- Magnolia Hill Multi-Use (Magnolia Point)
- Ravensbrook
- Airport Road Residential (Caropines Residential)

5. Capacity Analysis Summary

The analysis considered weekday AM and PM peak hour traffic for 2021 existing, 2023 no-build, 2023 build, and 2033 future conditions. Refer to Section 8 of the TIA for the capacity analysis summary performed at each study intersection.

6. Recommendations

Based on the findings of this study, specific geometric and traffic control improvements have been identified at study intersections. The improvements are summarized below and are illustrated in Figure E-1.

Committed Improvements by Others

NC 22 and Airport Road

- Construct an exclusive westbound right-turn slip lane on Airport Road with a minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.
- Construct an exclusive northbound right-turn slip lane on NC 22 with a minim of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.

Recommended Improvements by Developer

NC 22 and Airport Road

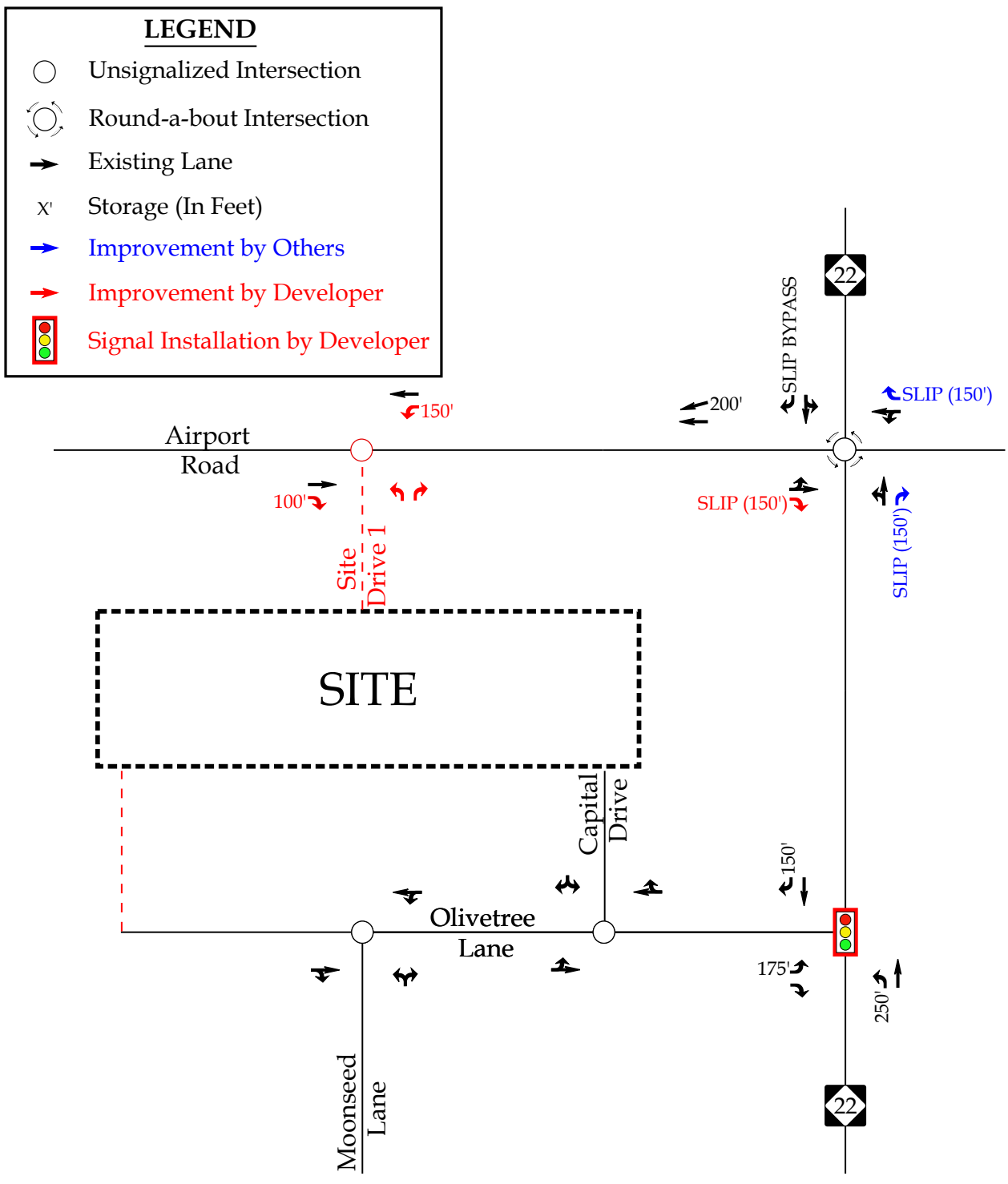
- Construct an exclusive eastbound (Airport Road) right-turn lane slip lane with a minimum of 150 feet of storage with appropriate decel and taper. Provide yield control for the slip lane.

NC 22 and Olivetree Lane

- Monitor intersection for signalization prior to buildout of the proposed development and install once warranted and approved by NCDOT.

Airport Road and Site Drive 1

- Construct the northbound approach (Site Drive 1) with one ingress lane and two egress lanes striped as exclusive right and left-turn lanes.
- Provide stop-control for the northbound approach (Site Drive 1).
- Construct an exclusive eastbound (Airport Road) right-turn lane with a minimum of 100 feet of storage and appropriate decel and taper.
- Construct an exclusive westbound (Airport Road) left-turn lane with a minimum of 150 feet of storage and appropriate decel and taper.



RKA RAMEY KEMP ASSOCIATES	Southern Pines Retail Southern Pines, NC	Recommended Lane Configurations Scale: Not to Scale | Figure E-1

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Jennifer Hunt, Planner I**

Subject: **AR-14-22 The Luxe at Morganton Park**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Morganton Park II, LLC is requesting approval of an Architectural Compliance Permit for "The Luxe at Morganton Park," a 90-unit apartment community consisting of three 30-unit buildings and six 5-bay garages located in the Planned Development known as Morganton Park North. The property to be developed is located north of South Carlisle Street, between Legends Apartments and Southern Pines Elementary. The subject property is owned by Morganton Park II, LLC.

II. PROJECT INFORMATION:

1. **PARID** 20190146; **PIN** 857200502304

2. **Applicant:**
   Morganton Park II, LLC
   639 Executive Place
   Suite 400
   Fayetteville, NC 28305

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in Red:

Figure 2: Morganton Road Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Red:

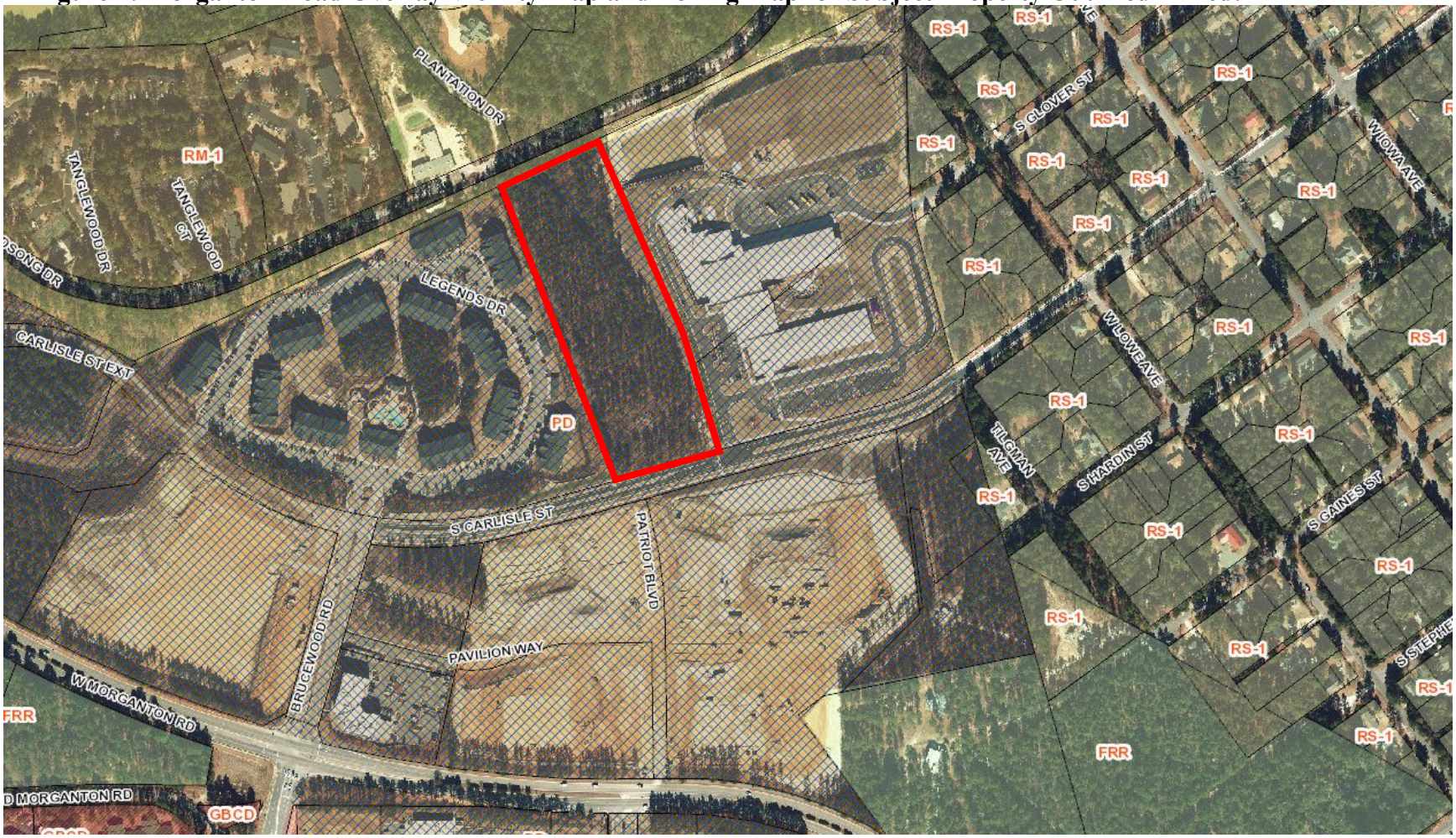
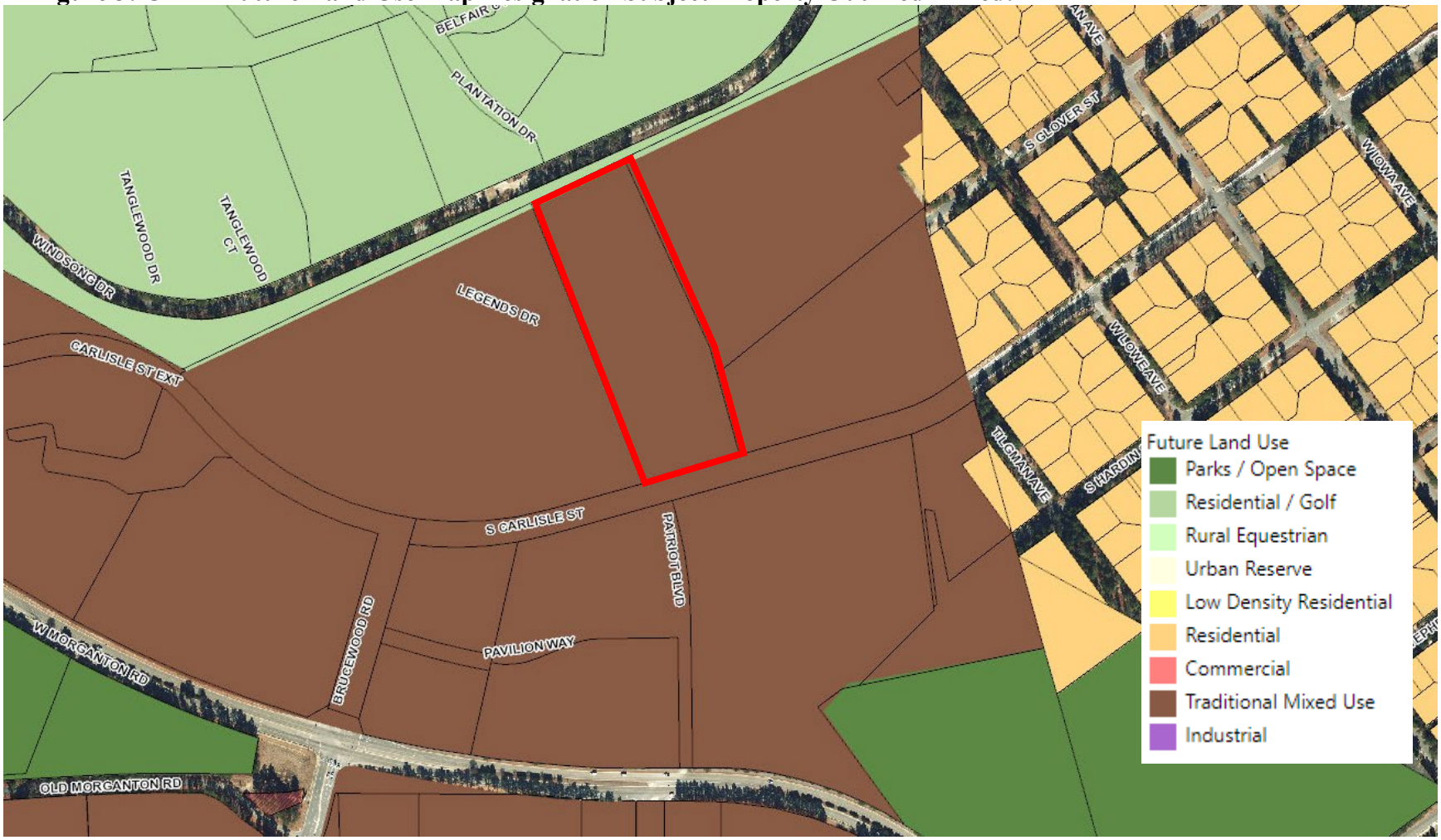


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red:



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

2. **Zoning:**
   The parcel is currently zoned Planned Development (PD) (See Figure 1). The approved CDP from May 15, 2018 (internal file PD-01-18) defers to the Town of Southern Pines UDO for commercial architectural standards, which in the case of a multi-family development includes standards set forth in UDO 4.10.4 and portions of UDO 4.10.8 that are applicable to commercial architecture. The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development.

III. STAFF REVIEW:

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

2. **Application Review Dates:**
   Application Submitted: May 2, 2022
   Application Complete: May 9, 2022
   Town Council Agenda Meeting: June 8, 2022
   Town Council Meeting: June 14, 2022

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

   1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
   2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
   3. *The application is consistent with applicable conditions of prior Development approvals; and*

4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Multi-Family Development Building Design Requirements per UDO §4.10.8:

The proposed development consists of three new apartment buildings, each consisting of 30 dwelling units, and six 5-bay garage buildings. Staff has reviewed the project for compliance with applicable portions of UDO §4.10.8 *Multi-Family Development Standards*.

UDO §4.10.8 (C) *states that Multi-Family Developments shall:*

1. *Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.*
   - Each of the three buildings appear to have the same exterior appearance. Therefore there is no diversity *between* structures. **Deviation required.**

2. *Group buildings in clusters.*
   - This standard is applicable to site design.

3. *Articulate facades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.*
   - It is not possible to determine articulation from the elevations submitted. The applicant may wish to address compliance with this requirement at the Town Council meeting. **Further explanation necessary.**

4. *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.*
   - Each of the three buildings appear to have windows facing parking areas and open areas.

5. *Units above grade level shall have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.*
   - Each of the three buildings have balconies, but the dimensions of the balconies are unknown. **Further explanation necessary.**

6. *Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.*
   - Each of the three buildings appear to have grade level entrances that access more than four dwelling units. **Explanation and possibly deviation required.**

7. *Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.*
   - Each of the three buildings appear to have entrances visible from sidewalks and parking area.

8. *Provide porches or roofed overhangs over building entrances.*
   - Each of the three buildings appear to have roofed overhangs over entrances, per side elevation drawings.

9. *Set back buildings or entries so that the entry paths extend at least ten (10) feet from the sidewalk or public circulation walkway. Do not provide access to apartments via long-shared access galleries.*
   - This standard is applicable to site design.

5. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed development consists of three new apartment buildings, each consisting of 30 dwelling units, and six 5-bay garage buildings. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.*

  Generally Compliant:
  - The higher order street is South Carlisle Street, a paved town street. The facility does not have an official entrance located along S Carlisle Street. The three buildings face the internal roadway that goes through the site.

- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*

  Requesting a Deviation:
  - The applicant states that the three stories will have a mean building height of 38'-2¾" and the overall building dimensions of 185'-2" width by 95-5'' length. The width of the building is more than twice the building height.

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

  Requesting a Deviation:

  - The applicant states that the apartment building is comprised 75% brick material on the front, rear and side elevations. This is less than our 80% requirement. The remaining exterior material is a mixture of horizontal and shake vinyl siding. The building will have a black architectural shingled roof along with two black metal roof breezeway entrances. The applicant will use vinyl siding material to correspond with "The Legends" at Morganton Park. The apartment building will include white exterior doors, windows, and balcony railings. The apartment building will include black exterior light fixtures throughout.

- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.*

  Generally Compliant:

  - The applicant's windows and doors comprise of approximately 31% of street facing building facades between two (2) and ten (10) feet above the grade of the building entry, which in in compliance. The applicant states the windows will be glazed in non-reflective clear glass.

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

  Generally Compliant:

  - The applicant states there are no awnings.

- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*

  Generally Compliant:

  - The applicant states there will be no galleries or arcades provided.

- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider that 100'.*

Generally Compliant:

- The applicant states the apartment building is segmented into three sections separated by two breezeway entrances. The segments are as follows 33'-2", 9'-9", 89'-8", 9'-9", 33'-2" which follows this standard.

- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

  Generally Compliant:

  - The applicant has stated that all HVAC mechanical units will be screened by landscaping. They are placed in groups of 3 or 6 around the perimeter of the building. They are represented by the small boxes seen around the perimeter on the site plan and are not located between the building and the street.

- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

  Generally Compliant:

  - The garage doors and loading bays face an interior lot line service drive. The 5-bay garage is a one-story structure with a mean roof height of 12'-11-1/2". The building dimensions of the garage is 65' width by 21' length. The structure will include four 11'-10" garage bays and one 15'-11" center garage bay. The exterior building materials will include brick and a mixture of horizontal and shake siding with a black architectural shingled roof. The structure will include five white garage doors and black exterior light fixtures. The building material colors will match the apartment building colors.

- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

  Generally Compliant:

  - The applicant states that each building will have a sign with the street numbers on the building on the front of the elevation. All signs will be black with white numbering. The applicant states there is not a unified sign plan where the site is located but will follow the guidelines set forth in the Town of Southern Pines UDO Section 4.6 for signage.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Color Elevations

5. Building Material Specs
6. Site Plan

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 as well as the planned development zoning district purpose and development standards per UDO §3.5.14.

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

I move to:

1. Approve AR-14-22;

2. Approve AR-14-22 with the following conditions…

3. Deny AR-14-22;

Town of Southern Pines Chartered 1887 North Carolina

Architectural Compliance Permit Application

Date Received: _____	Fee Paid: _____	Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: The Luxe at Morganton Park

Street Address: TBD - Connects to Legends Drive, Southern Pines

PIN: 8572005023.04 Parcel ID: 20190146 Zoning: PD

Type of building (retail, office, etc.): Apartment building Total square footage: 46,744

Applicant:

Name: Morganton Park II, LLC

Email: casey@cavinessandcates.com Phone: 910-481-0503

Mailing Address: 639 Executive Place Suite 400
Fayetteville, NC 28305

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Date: 5/2/22

Applicant
Watson Caviness

1/12/22

Excise Tax: $0.00

PIN: 857200502304

Return after recording to: Grantee

This instrument was prepared by: B. Zachary Taylor of Manning, Fulton & Skinner, P.A.
[NO TITLE EXAMINATION PERFORMED BY PREPARER]

Brief description for the Index: 1.08 Ac. & 7.48 Ac., McNeill TP

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED is made as of the 31st day of March, 2022, by and between

GRANTOR	GRANTEE
ITAC 483, LLC, a North Carolina limited liability company 639 Executive Place, Suite 400 Fayetteville, NC 28305	**Morganton Park II, LLC,** a North Carolina limited liability company 639 Executive Place, Suite 400 Fayetteville, NC 28305

The property conveyed by this instrument **does not** include the primary residence of Grantor.

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 Grantor, for valuable consideration paid by Grantee, the receipt of which is hereby acknowledged has given, granted, bargained, sold, and conveyed, and by these presents does hereby give, grant, bargain, sell, and convey unto Grantee in fee simple, all those certain lots or parcels of land situated in Moore County, North Carolina, and more particularly described as follows (the "Property"):

See Exhibit A attached hereto and incorporated herein by reference.

The Property was acquired by Grantor by that certain deed recorded in Book 5758, Page 287, Moore County Registry.

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

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under, or through Grantor, other than the following exceptions: (i) ad valorem taxes for the year 2022 and subsequent years; (ii) enforceable easements, restrictions, covenants, rights of way and other matters of record; and (iii) matters which would be revealed by a current and accurate survey of the Property.

[signature and notary acknowledgment follows]

IN WITNESS WHEREOF, Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:

ITAC 483, LLC,
a North Carolina limited liability company

By: Hidden Lake Apartments, LLC,
a North Carolina limited liability company, its sole Member

By: _____(SEAL)
Watson G. Caviness, Member-Manager

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Watson G. Caviness

Date: March 3, 2022

Notary Public: Shannon C McNeill

Printed Name: Shannon C McNeill

My Commission Expires: 6/9/2025

(NOTARY SEAL)
SHANNON C. MCNEILL NOTARY PUBLIC CUMBERLAND COUNTY, N.C.

EXHIBIT A

Legal Description of Property

Tract One:

Being all of Tract 2B, consisting of 1.08 acres, more or less, as shown on plat entitled "Subdivision Plat of Lot 2B-Morganton Park and Lot 2A" duly recorded in Plat Cabinet 19, Slide 169, of the Moore County, NC, Registry.

Tract Two:

Being all of Tract 5B, consisting of 7.48 acres, more or less, as shown on plat entitled "Subdivision Plat of Lot 5A and 5B Morganton Park" duly recorded in Plat Cabinet 19, Slide 170 of the Moore County, NC, Registry.

To: Town of Southern Pines Planning Department

From: Morganton Park II, LLC

Date: 05/02/2022

RE: The Luxe at Morganton Park – Architectural Compliance Permit Application

The Luxe at Morganton Park is an apartment community owned by Morganton Park II, LLC. The community will include three (3) 30-unit apartment buildings and six (6) 5-bay detached garage structures. The Luxe at Morganton Park will be located off South Carlisle Street neighboring The Legends at Morganton Park and Southern Pines Elementary. The Luxe at Morganton Park will tie to The Legends at Morganton Park and is designed to complement the apartment buildings in the Legends at Morganton Park community.

The apartment buildings will be three stories with a mean building height of 38'-2¾" and overall building dimensions of 185'-2" width by 95'-5" length. The apartment building is segmented into three sections separated by two breezeway entrances. The segments are as follows 33'-2", 9'-9", 89'-8", 9'-9", 33'-2" which follows UDO 4.10.4 B 2-3.

The apartment building is comprised approximately 75% brick material on the front, rear, & sides elevations. The remaining exterior material is a mixture of horizontal and shake vinyl siding. The building will have a black architectural shingled roof along with two black metal roof breezeway entrances. The use of vinyl siding as an alternative building material (UDO 4.10.4 C 1) has been selected to correspond with The Legends at Morganton Park, which includes brick and vinyl siding three story apartment buildings. The apartment building will include white exterior doors, windows, and balcony railings. The apartment building will include black exterior light fixtures throughout.

The 5-bay garage is a one-story structure with a mean roof height of 12'-11-1/2". The building dimensions of the garage is 65' width by 21' length. The structure will include four 11'-10" garage bays and one 15'-11" center garage bay. The exterior building materials will include brick and a mixture of horizontal and shake siding with a black architectural shingled roof. The structure will include five white garage doors and black exterior light fixtures. The building material colors will match the apartment building colors.

The Luxe at Morganton Park buildings were design to complement The Legends at Morganton Park to create a cohesive community.

1 BUILDING TYPE 1 - FRONT ELEVATION

Scale: 1/8" = 1'-0"

2 BUILDING TYPE 1 - SIDE ELEVATION (LEFT SIDE SHOWN, RIGHT SIDE MIRRORED)

Scale: 1/8" = 1'-0"

ARCHITECTURAL PLANS
EXTERIOR MATERIALS

= ASPHALT SHINGLE ROOF
= STANDING SEAM METAL ROOF
= HORIZONTAL VINYL SIDING
= VINYL SHAKES
= BRICK VENEER
= BRICK ROWLOCK/SOLDIER COURSE

ELEVATION GENERAL NOTES

ROOFS
* USE ICE AND WATER SHIELD AT ALL ROOF PLANES SLOPED BELOW 4:12.

ROOF VENTILATION
SEE ROOF PLANS FOR ATTIC VENTILATION CALCULATION REQUIREMENTS.

PENETRATIONS
ALL EXTERIOR WALL AND ROOF PENETRATIONS (EXHAUST & PLUMBING VENTS) TO BE PAINTED TO MATCH ADJACENT WALL OR ROOF MATERIAL.

PLANWORX
ARCHITECTURE
5711 SIX FORKS ROAD, SUITE 100
RALEIGH NC 27609
website www.planworx.com

PLANWORX ARCHITECTURE PA
REGISTERED ARCHITECTURAL CORPORATION
CERT. NO. 50909
N.C.
RALEIGH, NC

The Luxe at Morganton Park
Morganton Park II, LLC
Southern Pines, N.C.

MARC W. MILLS
REGISTERED ARCHITECT
7579
2-10-22
NORTH CAROLINA
RALEIGH, NC

PROGRESS DATE:			
ISSUE DATE:	02-10-22		
REVISIONS: NUMBER	DATE	INITIALS	DESCRIPTION

PROJECT NO: 004521
DRAWN BY: NA / TH
CHECKED BY: DS

SHEET TITLE:
Building Type 1 - Exterior Elevations

SHEET NUMBER:
A125

1. All drawings are to be coordinated with all site information by owner and contractor, and applicable codes.
2. Contractor is to notify architect immediately of conditions or items varying from depicted information.
3. Planworx Architecture, P.A. is not responsible for constructed variations from the information depicted.
4. Planworx Architecture, P.A. will not assume any liability for expenses associated with errors and omissions on these drawings unless offset by verified construction savings as a result of Planworx Architecture, P.A. Design.
5. Planworx Architecture, P.A. retains ownership of all of designs depicted and implied herein.
6. Planworx Architecture, P.A. is not responsible for estimating, maintaining, or regulating construction costs associated with these plans.

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The Luxe at Morganton Park Apartments

Southern Pines, North Carolina

SD Approval Set
09/20/2021

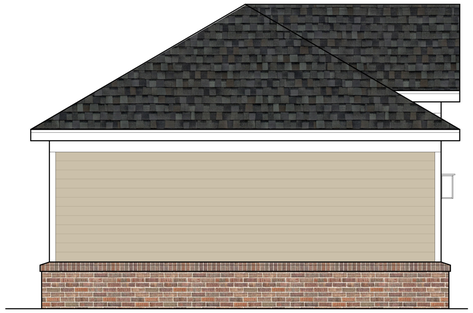
BUILDING TYPE 1 - REAR ELEVATION

PLANWORX ARCHITECTURE

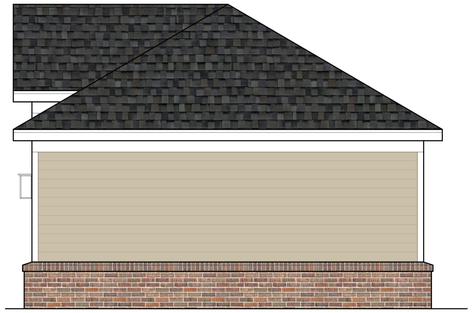
The Luxe at Morganton Park Apartments

Southern Pines, North Carolina

GARAGE - FRONT ELEVATION



GARAGE - LEFT ELEVATION



GARAGE - RIGHT ELEVATION

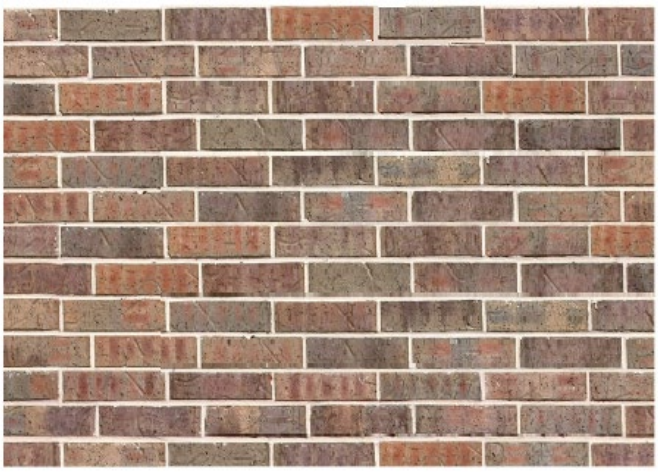
GARAGE - REAR ELEVATION

PLANWORX ARCHITECTURE

The Luxe at Morganton Park

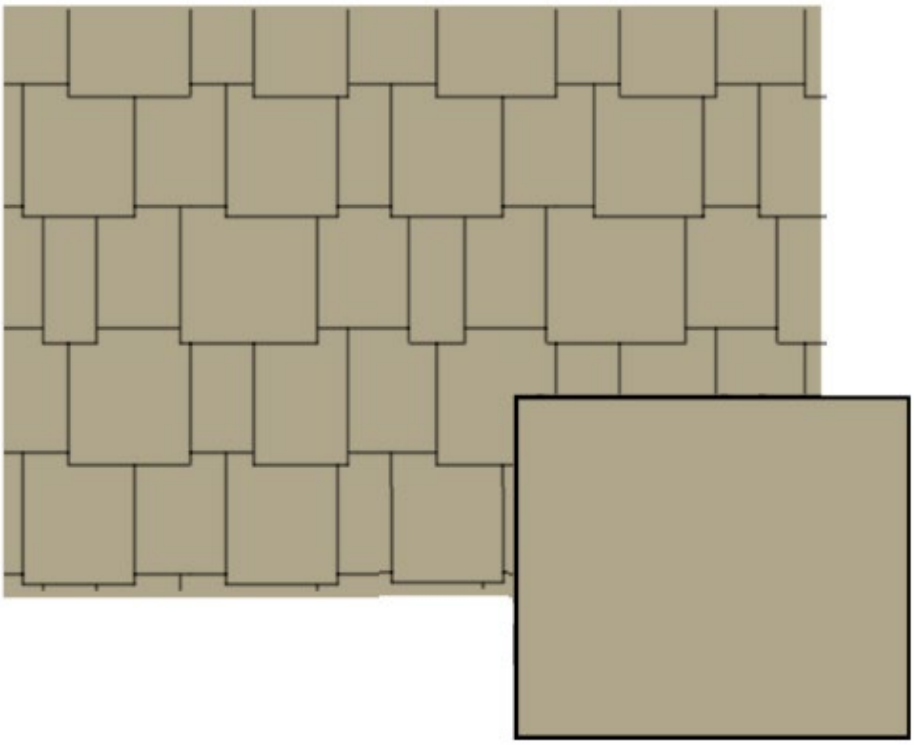
Exterior Building Materials

Brick: Triangle Brick, Northampton



Horizontal Vinyl Lap Siding: Alside, Monterey Sand

Vertical Vinyl Shake Siding: Alside, Canyon Drift



Asphalt Shingles: CertainTeed, Landmark, Moire Black

Metal Roof: Atas Internationa, Black

Window: White

Railing: White

GENERAL NOTES:

1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH TOWN OF SOUTHERN PINES, MOORE COUNTY, AND NCDOT STANDARDS AND SPECIFICATIONS IF APPLICABLE.
2. THE CONTRACTOR SHALL OBTAIN A RIGHT-OF-WAY PERMIT FOR ANY WORK WHICH REQUIRES THE CLOSURE OF A TRAVEL LANE(S), PARKING SPACE, OR SIDEWALK FROM RIGHT-OF-WAY SERVICES AT LEAST 48 HOURS IN ADVANCE.
3. IF CONSTRUCTION PLANS FOR PUBLIC AND PRIVATE STREETS OR UTILITIES SHOWN ON THIS PLAN ARE REQUIRED, THEY MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT AND PUBLIC UTILITIES DEPARTMENT PRIOR TO ISSUANCE OF PERMITS OR RECORDING OF ANY PLAT FOR THIS DEVELOPMENT.
4. FIELD ADJUSTMENTS TO THIS PLAN MAY BE REQUIRED BY TOWN OF SOUTHERN PINES INSPECTOR AS NEEDED DURING CONSTRUCTION.
5. ALL SURVEY INFORMATION PROVIDED TO WITHERSRAVENEL, RALEIGH, NORTH CAROLINA OFFICE BY WITHERSRAVENEL, CARY, NORTH CAROLINA OFFICE IN DIGITAL FORMAT IN JULY 2021 & NOVEMBER 2021, AND SUPPLEMENTAL INFORMATION WAS OBTAINED FROM MOORE COUNTY AND TOWN OF SOUTHERN PINES GIS.
6. ALL PROPOSED CURB AND GUTTER TO BE 24" CONCRETE CURB AND GUTTER UNLESS OTHERWISE STATED ON PLANS.
7. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE STATED ON PLANS.
8. WITHIN THE SIGHT TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN 2 FEET AND 8 FEET IN HEIGHT ABOVE THE CURB LINE ELEVATION SHALL BE LOCATED IN WHOLE OR PART. OBSTRUCTIONS INCLUDE BUT ARE NOT LIMITED TO ANY BERM, FOLIAGE, FENCE, WALL, SIGN, OR PARKED VEHICLE.
9. TRASH AND CARDBOARD DUMPSTER(S) ENCLOSURE SHALL COMPATIBLE WITH MATERIAL AND/OR COLOR OF THE PRINCIPAL BUILDING.
10. CONTRACTOR TO FIELD LOCATE AND VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION ACTIVITIES. CONTACT NC ONE AT 811 FOR FIELD LOCATION OF UNDERGROUND UTILITIES.
11. HANDICAP PARKING SPACE(S) AND HC ACCESS AISLE(S) SHALL BE NO GREATER THAN TWO PERCENT (2%) PITCH IN ANY DIRECTION(S) AS PER ADA STANDARDS.
12. PROVIDE SIGNAGE AND STRIPING OF HANDICAP SPACES AS PER ADA STANDARDS.
13. WC ACCESS RAMPS WILL BE PROVIDED IN ACCORDANCE WITH PROWAG STANDARDS AND ADAAG SPECIFICATIONS
14. ALL RAMPS AND HANDRAILS SHALL BE CONFORM TO ANSI STANDARDS.
15. ALL SIDEWALKS MUST BE ACCESSIBLE TO PERSONS WHO ARE BLIND, HAVE LOW VISION AND PEOPLE WITH MOBILITY DISABILITIES. PEDESTRIAN EXISTING ROUTES AND ALTERNATE PEDESTRIAN ROUTES DURING CONSTRUCTION WILL BE REQUIRED TO BE COMPLIANT WITH THE PUBLIC RIGHTS OF WAY ACCESSIBILITY GUIDELINES (PPOWAG), 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
16. IF UNFORESEEN CONDITIONS DEVELOP DURING CONSTRUCTION, CONTACT PUBLIC WORKS DEPARTMENT FOR FURTHER GUIDANCE.
17. THE CONTRACTOR SHALL CONDUCT THE WORK IN A SAFE MANNER AND WITH A MINIMUM AMOUNT OF INCONVENIENCE TO TRAFFIC.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SHALL ADHERE TO THE PROVISIONS OF THE MUTCD (MOST CURRENT EDITION).
19. ANY TEMPORARY STREET CLOSURE MUST BE SUBMITTED A MINIMUM OF 2 WEEKS PRIOR TO THE START OF WORK. PRIOR TO CONSTRUCTION BEGINNING, ALL SIGNAGE AND TRAFFIC CONTROL SHALL BE IN PLACE.
20. ALL WALLS WITH HEIGHTS IN EXCESS OF 28" REQUIRE A SAFETY FENCE TO BE INSTALLED ALONG THE TOP OF WALL.
21. ALL HANDICAP RAMPS AND STAIRS REQUIRE A HANDRAIL TO BE INSTALLED ALONG THE LENGTH OF IT.

DUMPSTER NOTE:

SOLID WASTE VALET SERVICE TO BE PROVIDED BY LEGENDS PHASE 1 PROPERTY. NO ON-SITE DUMPSTERS REQUIRED OR PROVIDED

PAVEMENT SECTION NOTE:

LIGHT DUTY PAVEMENT SECTIONS WILL BE DESIGNED WITH MINIMUM MATERIALS AND DEPTHS AS FOLLOWS:

- 2" SURFACE COURSE TYPE SF9.5 (A OR B)
- 8" AGGREGATE BASE COURSE

HEAVY DUTY PAVEMENT SECTIONS WILL BE DESIGNED WITH MINIMUM MATERIALS AND DEPTHS AS FOLLOWS:

- 1.5" SURFACE COURSE TYPE SF9.5 B
- 2.5" BINDER COURSE TYPE I19.0C
- 8" AGGREGATE BASE COURSE

(REFER TO GEOTECH REPORT DATED APRIL 21, 2021)

OPEN SPACE NOTE:

ON-SITE OPEN SPACE PROVIDED = 4.32 AC (188,300 SF)

SITE LEGEND:

RETAINING WALL

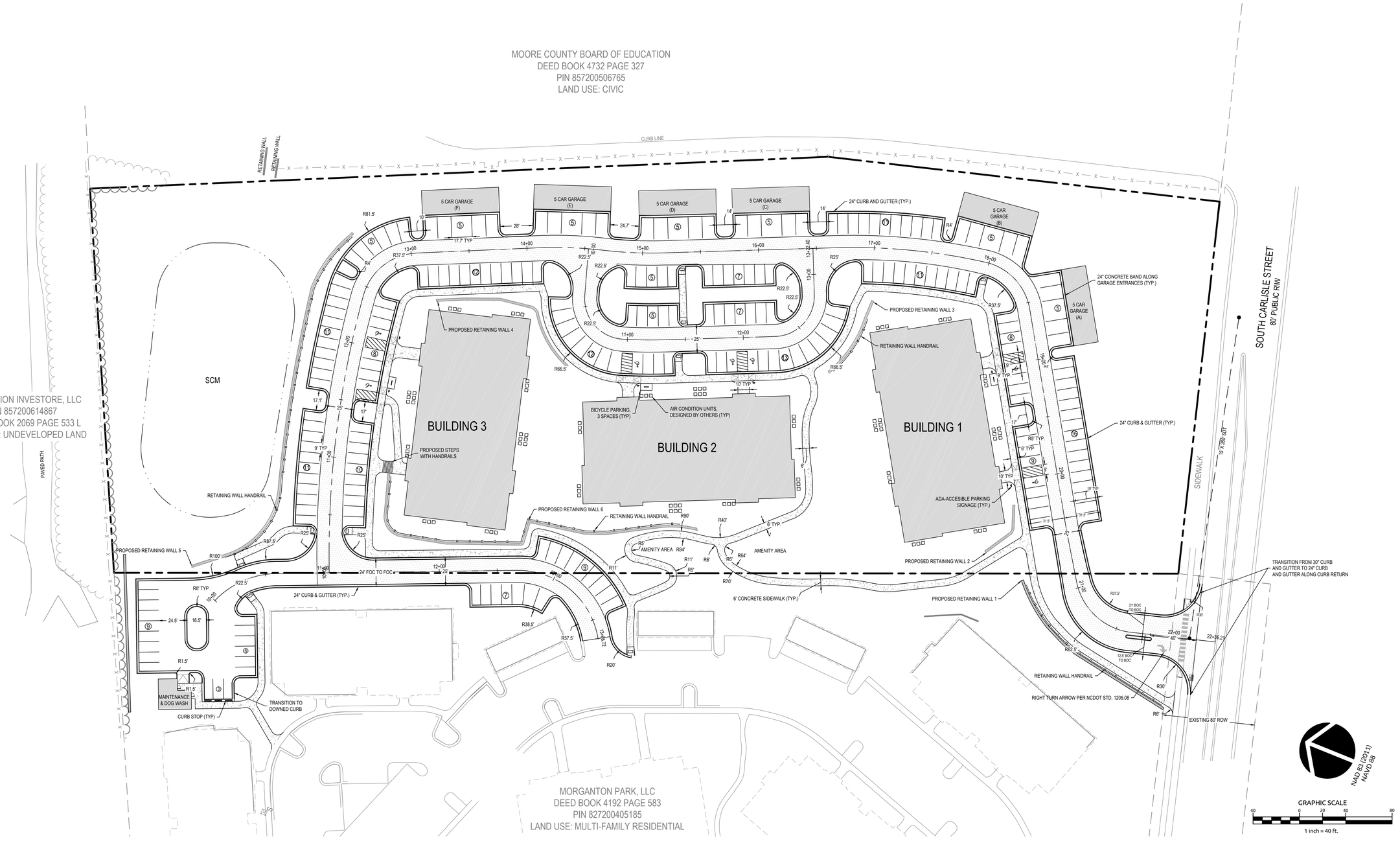
HANDRAIL

HEAVY DUTY PAVEMENT

MOORE COUNTY BOARD OF EDUCATION
DEED BOOK 4732 PAGE 327
PIN 857200506765
LAND USE: CIVIC

PLANTATION INVESTORE, LLC
PIN 857200614867
DEED BOOK 2069 PAGE 533 L
LAND USE: UNDEVELOPED LAND

MORGANTON PARK, LLC
DEED BOOK 4192 PAGE 583
PIN 827200405185
LAND USE: MULTI-FAMILY RESIDENTIAL



WithersRavenel
Engineers | Planners
137 S Wilmington Street | Suite 200 | Raleigh, NC 27601 | t: 919.469.3340 | license # C-0832
www.withersravenel.com

THE LUXE AT MORGANTON PARK

SITE PLAN

Job No.	09201342		
Date	10/1/2021	Drawn By	WR
Checked By	WR	Designer	WR

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 042324 RYAN S. FISHER

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions		
1	SOUTHERN PINES COMMENTS	11/29/2021

Horizontal Datum	Vertical Datum
NAD 83	NAVD 88

Sheet No.
C2.0

I:\2020\20-13400\201342-the luxe at morganton park\CAD\drawing set\site plan\C2.0 SITE PLAN.dwg, Monday, November 29, 2021 1:19:48 PM, JSCASE

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Pamela Graham, Principal Planner**

Subject: **AR-15-22 Patrick's Pointe**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Kerry Finley of Finley Design is requesting approval of an Architectural Compliance Permit on behalf of property owner VG Pines Residential, LLC for the Patrick's Pointe multi-family residential project approved as a special use permit in February of 2021. The property is located along US Highway 1 North between West Connecticut Avenue and Midland Road. (See Figure 1)

II. PROJECT INFORMATION:

1. **PARID** 00039174, 00032830, 00032829; **PIN** 858214321933, 858217214672, 858217213440

2. **Applicant:**
   Kerry Finley of Finley Design on behalf of VG Pines Residential, LLC
   7806 NC Highway 751
   Suite 110
   Durham, NC 27713

Figure 1: Vicinity Map for Subject Property Outlined in Red

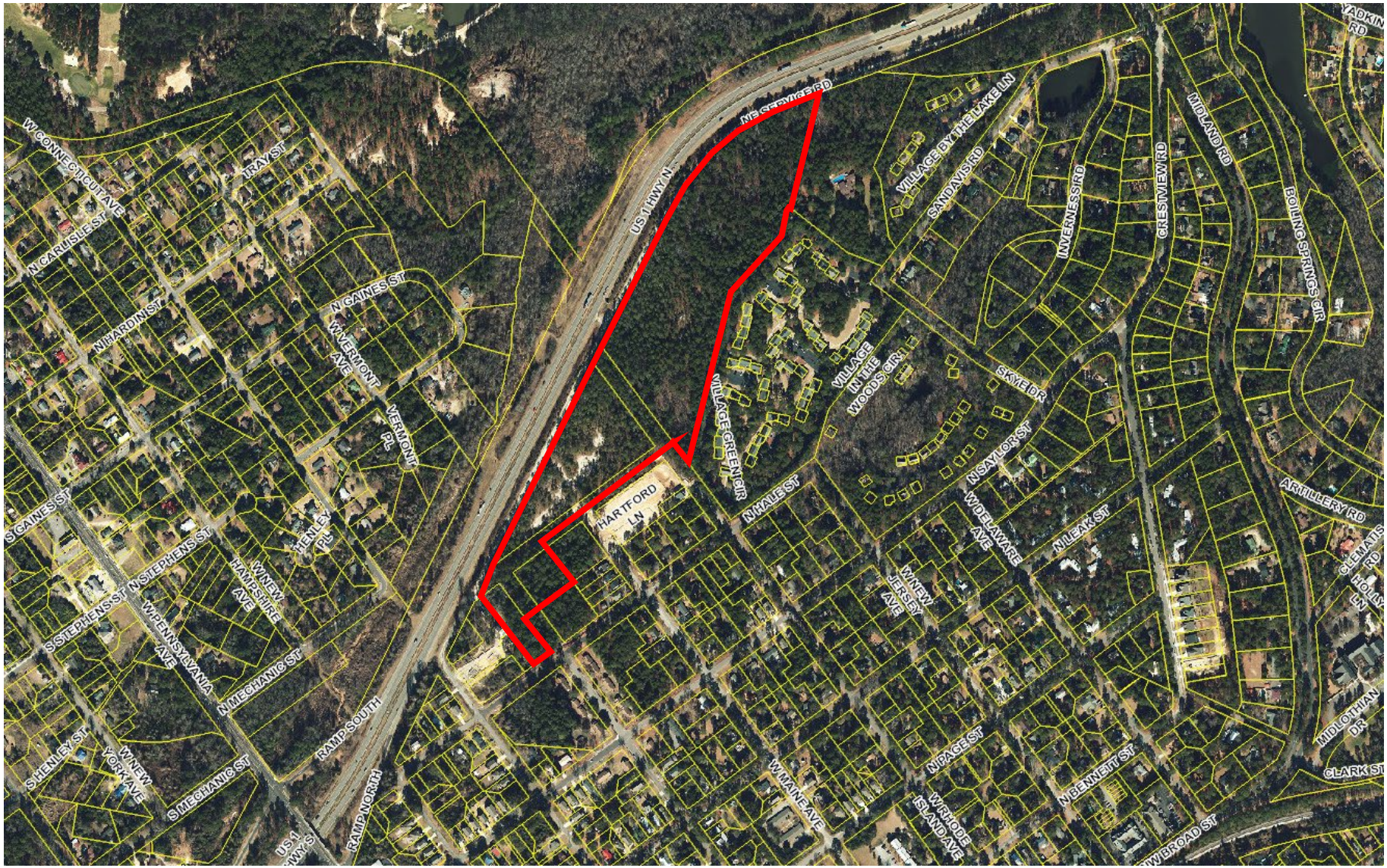


Figure 2: Zoning Map for Subject Property Outlined in Red

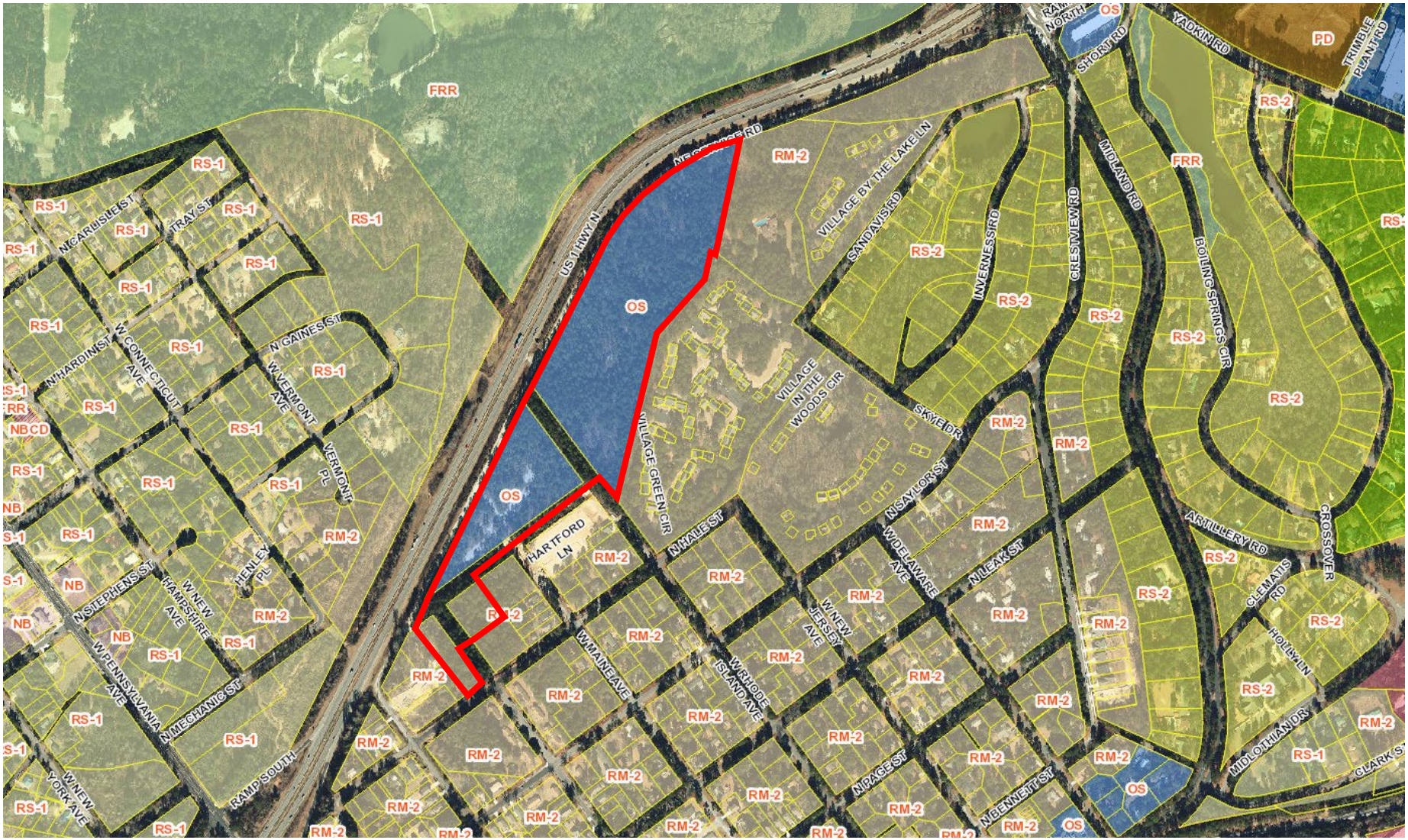


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red

1. **Future Land Use Map Designation (see Figure 3):**
   The majority of the project area is designated as Commercial on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP), with two small parcels having a Residential designation. *The Commercial Use category is described in the CLRP as applying to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.*

   The two smaller parcels that make up the project area are designated as Residential on the Future Land Use Map. *This designation encompasses the majority of Southern Pines' residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the zoning process without amending the future land use map.*

2. **Zoning:**
   The project is currently zoned Office Service (OS) and Residential Mixed Housing (RM-2), with the property being almost entirely contained within the Urban Transition Highway Corridor Overlay District. The OS District is described in the UDO as being *designed to accommodate office and service uses as well as medium-density residential uses.*

   The RM-2 District is described in the UDO as being *established as a district in which to allow primarily Single-Family and Multi-Family Residences at a moderate-density (approximately 5-7 Dwelling Units per acre) in areas served by adequate public water and sewer systems.*

   The Highway Corridor Overlay Districts are described as being *established to place special land Development controls on land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic, recreational and economic assets to the community.*

3. **Special Use Permit:**
   Due to the he project's size exceeding the ten dwelling unit threshold for multi-family uses, the developer was required to apply for a special use permit, which was approved in February of this year. The special use permit provisions of the UDO are established to allow for 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. The permit conditions

addressed sidewalk placement and buffer requirements for the project, but no architecturally-related items.

III. STAFF REVIEW:

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

2. **Application Review Dates:**
   Application Submitted: May 13, 2022
   Application Complete: May 23, 2022
   Town Council Agenda Meeting: June 8, 2022
   Town Council Meeting: June 14, 2022

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

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

4. **Staff Comments based on Multi-Family Development Building Design Requirements per UDO §4.10.8:**

   - UDO §4.10.8 (C) *states that Multi-Family Developments shall:*
     - ✓ *Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.*
     - ✓ *Group buildings in clusters.*
     - ✗ *Articulate facades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.*
     - ✓ *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.*
     - ✗ *Units above grade level shall have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.*

- ✓ *Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.*
- ✓ *Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.*
- ✓ *Provide porches or roofed overhangs over building entrances.*
- ✓ *Set back buildings or entries so that the entry paths extend at least ten (10) feet from the sidewalk or public circulation walkway. Do not provide access to apartments via long-shared access galleries.*

- **Staff has confirmed that the proposal complies with the items above with two exceptions:**
  - In lieu of dimensions on the elevation drawings, a statement is included as follows: "façade articulation provided of at least 5' for every 50' of façade length. Balconies provide 6' articulation at each location." The balconies, however, do not project from the façade, rather, they are designed as partial insets into the wall (partial, because a significant portion of the wall does not constitute a plane change when compared with the remainder of the building façade). The selected design is not compliant with the requirement.
  - Dimensions to illustrate compliance with the minimum balcony size requirement of 6' by 10' are not included on the plans. However, plans submitted with building permit applications will need to include these dimensions. Compliance with this requirement can be verified by staff at that time.

5. UDO §4.10.4 sets out building design requirements for commercial development, which includes Multi-Family Developments, as follows:

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.*

  - ✓ Building entries face the interior, private street that provides access to the development. No alternative streets are available for compliance with this requirement, with the exception of US 1.

The design of the development includes substantial screening of the buildings from the highway. **The proposal is compliant with this provision.**

- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*

  ✓ The widths of the 3-story apartment buildings measure more than twice their height. Similarly, the widths of the 2-story, townhouse style buildings measure more than twice their height. However, the requirement provides for segmentation of the building façade in a manner that allows the measurement of individual segments to be used to create compliance. **The architectural segmentations of the facades bring the buildings into compliance with this requirement.**

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

  x The applicant states that the building facades are comprised of a sophisticated mix of cementitious siding, cementitious panels, and brick veneer, designed to a residential character. He also states that, while this UDO requirement works well for commercial buildings in the downtown area, it can create an institutional aesthetic when applied to residential buildings. The submitted building elevations indicate that, after deducting the window areas, the 3-story apartment building facades include non-brick materials at a range of 31-50%, which does not meet the standard of 20% maximum. The 2-story townhome-style buildings indicate a range of non-brick materials of 4-52% after deducting window areas**. Only the side elevations on the 2-story buildings are compliant with the materials requirement. The front and rear facades of the 2-story buildings and all facades of the 3-story buildings are not compliant with the requirement and constitute deviations.**

- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street*

facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.

? The applicant states that windows include clear glazing that is non-reflective. Façade percentage calculations do not include doors and this component is needed to determine compliance with the 25% requirement. The information was requested from the applicant; however, had not been provided at the time of completion of this report.

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

  ✓ The applicant's narrative states that the buildings include a combination of elements that include shingle roof, trellis, and metal awnings. **Each of these elements are compliant with the above requirement for awning dimensions.**

- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*

  ✓ Galleries and arcades have been provided only at the clubhouse and do not encroach into setbacks or rights-of way.

- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider that 100'.*

  ✓ The rooflines of the buildings do feature moderate changes in height and articulation. **The proposal is compliant with this provision.**

- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

  ✓ The applicant's narrative states that the mechanical equipment will be screened by landscaping. Location and screening will be confirmed during site plan review.

- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

- ✓ Only the 2-story townhome-style buildings include garages, and they are shown on the front elevation drawings. These doors will be screened from neighboring properties and from US 1, but are not screened from the interior private road that is used to access the garages. The landscaping code in UDO §4.3 only calls for screening of loading docks over 35' in length and does not apply to this proposal. **The proposal is compliant with this provision.**

- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

  The applicant states that all signage for the project will comply with the Town's sign ordinance. Sign permit applications will be reviewed by staff, upon submittal, and must be compliant with the requirements for signs in multi-family developments found in UDO §4.6.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Color Elevations
5. Site Plan

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the multi-family development building design requirements per UDO §4.10.8 as well as the commercial building design requirements per UDO §4.10.4.

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

I move to:

1. Approve AR-15-22;

2. Approve AR-15-22 with the following conditions:
   _____
   _____
   _____;

3. Deny AR-15-22.

Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

____ **Application fee** in the amount of **$100.00** (gross floor area of 3,499 sq. ft. or less); or **$300.00** (gross floor area of 3,500 sq. ft. or greater).

____ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.

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

____ **Deed** copy to provide proof of ownership and property boundaries.

____ **Written narrative:** It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.

____ **Renderings of elevations** (color).

____ **Site plan** if applicable.

____ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public 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 §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

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

Town of Southern Pines
Chartered 1887
North Carolina

Architectural Compliance Permit Application

Date Received: _____	Fee Paid: _____	Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Patrick's Pointe

Street Address: US HIGHWAY 1 BETWEEN W VERMONT AVE & W RHODE ISLAND AVE

PIN: 858214321933; 858217214672 858217213440 Parcel ID: 0039174; 00032830; 00032829 Zoning: OS; RM-2

Type of building (retail, office, etc.): MULTI-FAMILY RESIDENTIAL Total square footage: TBD

Applicant:

Name: KERRY FINLEY - FINLEY DESIGN

Email: kerry@finleydesignarch.com Phone: 919-425-5467

Mailing Address: 7806 NC HWY 751 SUITE 110 DURHAM, NC 27713

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

Name(s): VG Pines Residential LLC (a subsidiary of 1700 LLC)

Email: jevans@voltaglobal.com Phone: 305-428-6500

Mailing Address: 1700 LLC, 2601 South Bayshore Drive, Suite 1700, Miami, FL 33133

Date: 5/2/2022

DocuSigned by: Jeffrey Evans
EDCE973314434A5...

Jeffrey Evans
Managing Director

Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), VG Pines Residential LLC, hereby appoint(s) KERRY FINLEY - FINLEY DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and

4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 2nd day of May, 2022.

DocuSigned by:
Jeffrey Evans
EDCE973314434A5...

Jeffrey Evans
Managing Director

Property Owner

Property Owner

Agent - KERRY FINLEY

For Registration Register of Deeds
Judy D. Martin

Moore County, NC
Electronically Recorded
March 21, 2022 1:19:02 PM
Book: 5816 Page: 479 - 482 #Pages: 4

Fee: $26.00 NC Rev Stamp: $8,064.00

Instrument # 2022004905

SPECIAL WARRANTY DEED

Excise Tax $ 8064.00

Drafted By:
Frank C. Thigpen, Attorney at Law
Thigpen & Jenkins, L.L.P.
300 Pinehurst Avenue
Southern Pines, NC 28387

Brief Description for Index
3 Tracts, McNeill Township
Parcel ID #s 00032829, 00032830 & 00039174

THIS SPECIAL WARRANTY DEED made this 18th day of March, 2022, by and between **Francis T Maser, Trustee of The Francis T Maser Revocable Trust u/a/d January 13, 2014,** (hereinafter "Grantor"), and VG Pines Residential, LLC, a Delaware Limited Liability Company of **108 West 13th Street, Wilmington, DE 19801** (hereinafter "Grantee"),

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 Grantor interest in that certain lot or parcel (referred to in the singular, whether one or more) of land situated in McNeill Township, Moore County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A

THE PROPERTY HEREIN WAS ACQUIRED BY GRANTOR BY DEEDS RECORDED IN BOOK 4772, PAGE 349 AND BOOK 4691, PAGE 545, MOORE COUNTY REGISTRY.

THE PARCEL HEREIN DOES NOT CONTAIN THE PRIMARY RESIDENCE OF THE GRANTOR.

Submitted electronically by "Thigpen and Jenkins, LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

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 the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions noted herein.

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

IN WITNESS WHEREOF, the Grantor have hereunto set his hand and seal in his capacity as Trustee of The Francis T Maser Revocable Trust u/a/d January 13, 2014, adopting the designation (Seal) as his own, the day and year first above written.

The Francis T Maser Revocable Trust u/a/d
January 13, 2014
By: Francis T. Maser, Trustee (Seal)
Francis T Maser, Trustee

****

STATE OF NC

COUNTY OF Moore

I, Kami Leigh David, a Notary Public in and for said County and State, do hereby certify that Francis T Maser, Trustee of the Francis T Maser Revocable Trust, appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and seal this 21st day of March, 2022

KAMI LEIGH DAVID
NOTARY PUBLIC
Moore County
North Carolina
My Commission Expires 1/11/26

Kami Leigh David (SEAL)
Notary Public

My Commission Expires: 1/11/26

PARCEL ONE:

Being all of that certain tract or parcel of land located in McNeill Township, Moore County, Town of Southern Pines, North Carolina and being more particularly described as follows:

Commencing at an North Carolina Grid Monument "E219" having North Carolina Grid Coordinates N=524907.7428 and E=1885531.304; thence S 59 degrees 50 minutes 50 seconds West 2057.51 feet (ground distance) and 2057.22 (grid distance) to a new iron pin set in the southern right of way of the Dirt Service Road having NC Grid Coordinates N=523874.3859 and E=1,882,752.448 and also being the northeast corner of the property either now or formerly owned by Garrett as described in Deed Book 1805, Page 181-186, Moore County Registry, the POINT AND PLACE OF BEGINNING; thence along the northern property line of the above-described Garrett property S 13 degrees 57 minutes 59 seconds West 566.04 feet to a concrete monument located in the northwest corner of the property either now or formerly owned by Garrett as described in Deed Book 1805, Page 181-186, Moore County Registry and a point in the property line of the property either now or formerly owned by Village Green; thence S 71 degrees 08 minutes 56 seconds West 16.79 feet to a concrete monument located in the line of the property either now or formerly owned by Village Green; thence continuing with the western line of the property either now or formerly owned by Village Green the following three (3) courses and distances: S 15 degrees 27 minutes 25 seconds West 122.84 feet to a concrete monument; S 40 degrees 12 minutes 23 seconds West 345.98 feet to a concrete monument; thence S 14 degrees 32 minutes 35 seconds West 799.86 feet to a concrete monument located in the northern right of way of the proposed W. Rhode Island Ave. (80'R/W); thence continuing along the above described proposed right of way N 36 degrees 26 minutes 55 seconds West 149.83 feet to an existing iron pin found; thence crossing proposed W. Rhode Island Ave. (80' R/W) S 53 degrees 33 minutes 03 seconds West 1026.38 along the western right of way of the proposed Mechanic Street (80' R/W) to an existing iron pin found at the eastern edge of the existing Dirt Service Road; thence N 26 degrees 27 minutes 47 seconds East a distance of 1152.84 feet to a concrete monument located at the eastern edge of the existing Dirt Service Road; thence continuing along the eastern edge of and the eastern right of way of a Dirt Service Road the following nine (9) courses and distances: N 26 degrees 26 minutes 11 seconds East 564.64 feet to a new iron pin set; N 27 degrees 35 minutes 15 seconds East 82.15 feet to a new iron pin set; N 31 degrees 17 minutes 15 seconds East 192.21 feet to a new iron pin set; N 39 degrees 18 minutes 15 seconds East 152.26 feet to a new iron pin set; N 47 degrees 35 minutes 15 seconds East 141.42 feet to a new iron pin set; N 54 degrees 58 minutes 15 seconds East 131.81 feet to a new iron pin set; N 62 degrees 08 minutes 15 seconds East 114.00 feet to a new iron pin set; N 66 degrees 43 minutes 15 seconds East 97.37 feet to a new iron pin set; thence N 69 degrees 32 minutes 50 seconds East 130.28 feet to a new iron pin set and being THE POINT AND PLACE OF BEGINNING, containing 21.876 Acres, all as shown on Boundary Survey entitled "MLC AUTOMOTIVE, LLC, U.S Highway 1-Southern Pines, McNeill Township-Moore County, North Carolina", dated September 17, 2001 and prepared by Capital Survey and Mapping Company P.A. and being all of the property conveyed to Grantor by Quitclaim Deed recorded in Book 1443, Page 285, Moore County Registry.

PARCEL TWO:

TRACT ONE: LRK No. 32829, Block I and 9 as shown on that map of the Town of Southern Pines; 0.93 acres, more or less (40,500 square feet approx.) located in the Town of Southern Pines and of a rectangular shape and described as follows: BEGINNING at an iron rod set in the northern margin of that existing gravel road known as N. Hale Street near the intersection of it and W. Vermont Avenue and RUNNING THENCE along and with the northern margin of N. Hale Street South 53 Deg. 31 Min. 10 Sec. West for 101.34 feet to an iron rod set; THENCE for a Second Call of North 36 Deg. 31 Min. 26 Sec. West for 399.66 feet to an iron pipe found; THENCE for a Third Call of North 53 Deg. 31 Min. 10 Sec. East for 101.34 feet to a iron rod set; THENCE for a Fourth Call of South 36 Deg. 31 Min. 26 Sec. East for 399.66 feet to an iron rod set and being the PLACE and POINT of BEGINNING.

PARCEL THREE:

TRACT TWO: LRK No. 32830, Block H and 9 on that map of the Town of Southern Pines; 0.92 acres, more or less (40,151 square feet approx.) located in the Town of Southern Pines and being square in shape and described as follows: To find the place of beginning start at the Northeastern Corner of Tract One described above at the beginning of the Fourth Call and running North 53 Deg. 31 Min. 10 Sec. East for 80 feet to the PLACE and POINT of BEGINNING, being the Northwestern corner of this described tract; RUNNING THENCE from an iron rod set North 53 Deg. 31 Min. 10 Sec. East for 200.76 feet to an iron pipe found; THENCE for a Second Call of South 36 Deg. 31 Min. 26 Sec. East for 200 feet to an iron rod set; THENCE for a Third Call of South 53 Deg. 31 Min. 10 Sec. West for 200.76 feet to an iron rod set (being in the margin of that unopened right of way on W. Vermont Avenue); THENCE for a Fourth Call of North 36 Deg. 31 min. 26 Sec. West for 200 feet to the POINT and PLACE of BEGINNING.

FINLEY DESIGN

Patrick's Pointe Apartments

Project # 2136

Architectural Compliance Permit

May 13, 2022

Architectural Narrative

The proposed development has been located and configured in a manner that is visually harmonious with nearby parcels. The design and configuration of the new buildings, materials, colors are harmonious with nearby buildings. Attention has been paid to the design, including form, mass, scale, height, texture and color.

Building Orientation and Entries
Entrances for the buildings have been located facing the available parking as well as the primary street frontages throughout the site. Spacing of entrances complies with Exhibit 4-15. Internal streets will be "private streets" and will reflect that site drawings. Primary entrances for all buildings will face these streets.

Building Dimensions
Building segments are articulated into different features with segments generally taller than wide, with additional articulation in wider segments. This has been achieved through the use of material changes, color changes, projecting features, building offsets, and changes in roof height. Dimensions have been provided on the elevations to illustrate compliance.

Building Materials
The facades are comprised of a sophisticated mix of cementitious siding, cementitious panels, and brick veneer. The apartments and townhome style multi-family units are designed to have a residential character. The UDO requirement works well for commercial buildings in the downtown area, but can lead to an institutional aesthetic when applied to residential buildings. The amount of brick shown is less than the 80% requirement in order to achieve and welcoming, diverse, elegant design that does not feel institutional or heavy. Careful attention has been put into the overall design to provide a visually pleasant and varied design. Dimensions and calculations have been provided on the elevations to illustrate compliance.

Windows
Windows include clear glazing that is non-reflective. Transparency complies with the requirements for minimum glazing. Windows comply with the vertical proportions requirement. Dimensions and calculations have been provided on the elevations to illustrate compliance.

Awnings
A combination of shingle roof, trellis, and metal awnings have been included in the design for pedestrian scale. The typical awning projection varies but meets the requirement. While the UDO requires a 12' height for canopies, we have provide less than that requirement to establish a residential scale. Given the typical ceiling heights of 9' minimum, the canopies will more closely relate to the scale of the building uses.

Galleries and Arcades
Galleries and arcades have been provided at the clubhouse, but are not required.

Roofs, etc.
Rooflines are broken up by changes in heights and projections in distances complying with requirements.

Mechanical and Loading
Mechanical equipment will be located on the ground and will be screened by landscaping. No specific loading areas nor garage bays are required.

Signage
All signage for the project will comply with the Town's sign ordinance.

End of Narrative

Narrative prepared by:
Kerry G Finley, President, Finley Design PA
kerry@finleydesignarch.com 919-493-8200 ext. 11

FINLEY DESIGN

7806 NC Hwy 751
Suite 110
Durham, NC 27713

919-493-8200

info@finleydesignarch.com
www.finleydesignarch.com

SITE PLAN SUBMITTAL

3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

UDO CALCULATIONS

FACADE:	4,893 SF
WINDOWS AND DOORS:	1,129 SF (23%)
FACADE MATERIALS:	3,764 SF
BRICK:	1,008 SF (27 %)

UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH. BALCONIES PROVIDE 6' ARTICULATION AT EACH LOCATION.

UDO ENTRANCE LOCATIONS
EACH ENTRANCE INCLUDES A TOTAL OF FOUR UNIT ENTRANCES PER FLOOR

UDO BALCONIES
ALL BALCONIES ARE AT LEAST 6' X 10' FOR ALL UNITS ABOVE GRADE LEVEL

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS

4 RIGHT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	2,126 SF
WINDOWS AND DOORS:	332 SF
FACADE MATERIALS:	1,794 SF
BRICK:	944 SF (53 %)

2 LEFT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	2,126 SF
WINDOWS AND DOORS:	332 SF (16%)
FACADE MATERIALS:	1,794 SF
BRICK:	944 SF (53 %)

1 BACK ELEVATION
1/8" = 1'-0"

NOTE:
DIMENSIONS OF BACK ELEVATION SHOWN WILL MATCH FRONT ELEVATION

UDO CALCULATIONS

FACADE:	4,893 SF
WINDOWS AND DOORS:	1,129 SF (23%)
FACADE MATERIALS:	3,764 SF
BRICK:	1,008 SF (27 %)

PATRICK'S POINTE APARTMENTS

SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 5/31/22

APARTMENT ELEVATIONS

A1

3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

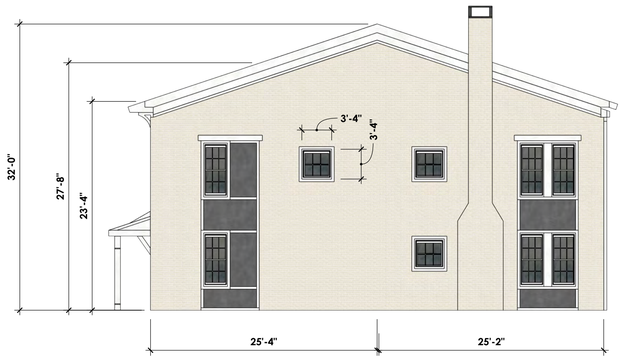
UDO CALCULATIONS

FACADE:	2,981 SF
WINDOWS:	575 SF (19%)
DOORS (SOLID):	140 SF
FACADE MATERIALS:	2,406 SF
BRICK:	695 SF (29 %)

UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH. ENTRANCES PROVIDE 5' ARTICULATION AT EACH LOCATION.

UDO ENTRANCE LOCATIONS
EACH ENTRANCE INCLUDES A SINGLE UNIT

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS



4 RIGHT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,300 SF
WINDOWS:	129 SF (10%)
DOORS (SOLID):	NONE
FACADE MATERIALS:	1,171 SF
BRICK:	1,012 SF (86%)

2 LEFT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,300 SF
WINDOWS:	139 SF (11%)
DOORS (SOLID):	NONE
FACADE MATERIALS:	1,161 SF
BRICK:	1,104 SF (95 %)

1 BACK ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	2,981 SF
WINDOWS:	966 SF (32%)
DOORS (SOLID):	140 SF
FACADE MATERIALS:	2,015 SF
BRICK:	757 SF (38 %)

FINLEY DESIGN

7806 NC Hwy 751
Suite 110
Durham, NC 27713

919-493-8200

info@finleydesignarch.com
www.finleydesignarch.com

SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS

SOUTHERN PINES, NC

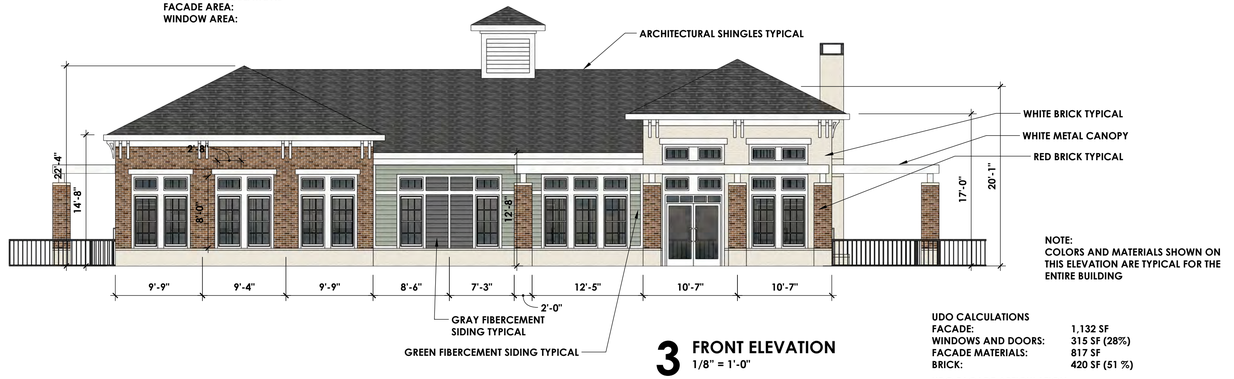
REVISIONS

PROJECT: 2136
DATE: 5/31/22

TOWNHOUSE ELEVATIONS

A2

WINDOW CALCULATIONS
FACADE AREA:
WINDOW AREA:



3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

UDO CALCULATIONS

FACADE:	1,132 SF
WINDOWS AND DOORS:	315 SF (28%)
FACADE MATERIALS:	817 SF
BRICK:	420 SF (51 %)

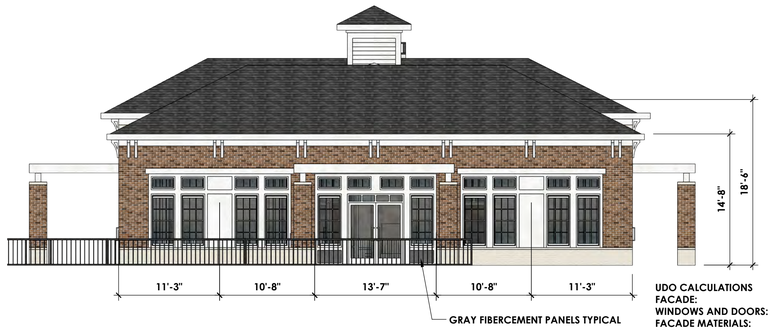
UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH. ARCADES AND TRELLIS PROVIDE THE ARTICULATION.

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS

UDO CALCULATIONS

FACADE:	978 SF
WINDOWS AND DOORS:	230 SF (24%)
FACADE MATERIALS:	748 SF
BRICK:	434 SF (58 %)

4 RIGHT ELEVATION
1/8" = 1'-0"



UDO CALCULATIONS

FACADE:	805 SF
WINDOWS AND DOORS:	250 SF (31%)
FACADE MATERIALS:	555 SF
BRICK:	336 SF (61 %)

2 LEFT ELEVATION
1/8" = 1'-0"

NOTE:
DIMENSIONS OF BACK ELEVATION SHOWN WILL MATCH FRONT ELEVATION

UDO CALCULATIONS

FACADE:	1,132 SF
WINDOWS AND DOORS:	370 SF (33%)
FACADE MATERIALS:	762 SF
BRICK:	395 SF (52 %)

1 BACK ELEVATION
1/8" = 1'-0"

FINLEY DESIGN

7806 NC Hwy 751
Suite 110
Durham, NC 27713

919-493-8200

info@finleydesignarch.com
www.finleydesignarch.com

SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 5/31/22

CLUBHOUSE ELEVATIONS

A3

Patrick's Pointe

Conceptual Renderings: Apartments

Southern Pines, NC May 31, 2022

Conceptual View 1

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Apartments

Southern Pines, NC May 31, 2022

Conceptual View 2

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Apartments

Southern Pines, NC May 31, 2022

Conceptual View 3

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Clubhouse

Southern Pines, NC May 31, 2022

Conceptual View 1

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Clubhouse

Southern Pines, NC May 31, 2022

Conceptual View 2

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Clubhouse

Southern Pines, NC May 31, 2022

Conceptual View 3

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Townhome Style Multi-family Units

Southern Pines, NC May 31, 2022

Conceptual View 1

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Townhome Style Multi-family Units

Southern Pines, NC May 31, 2022

Conceptual View 2

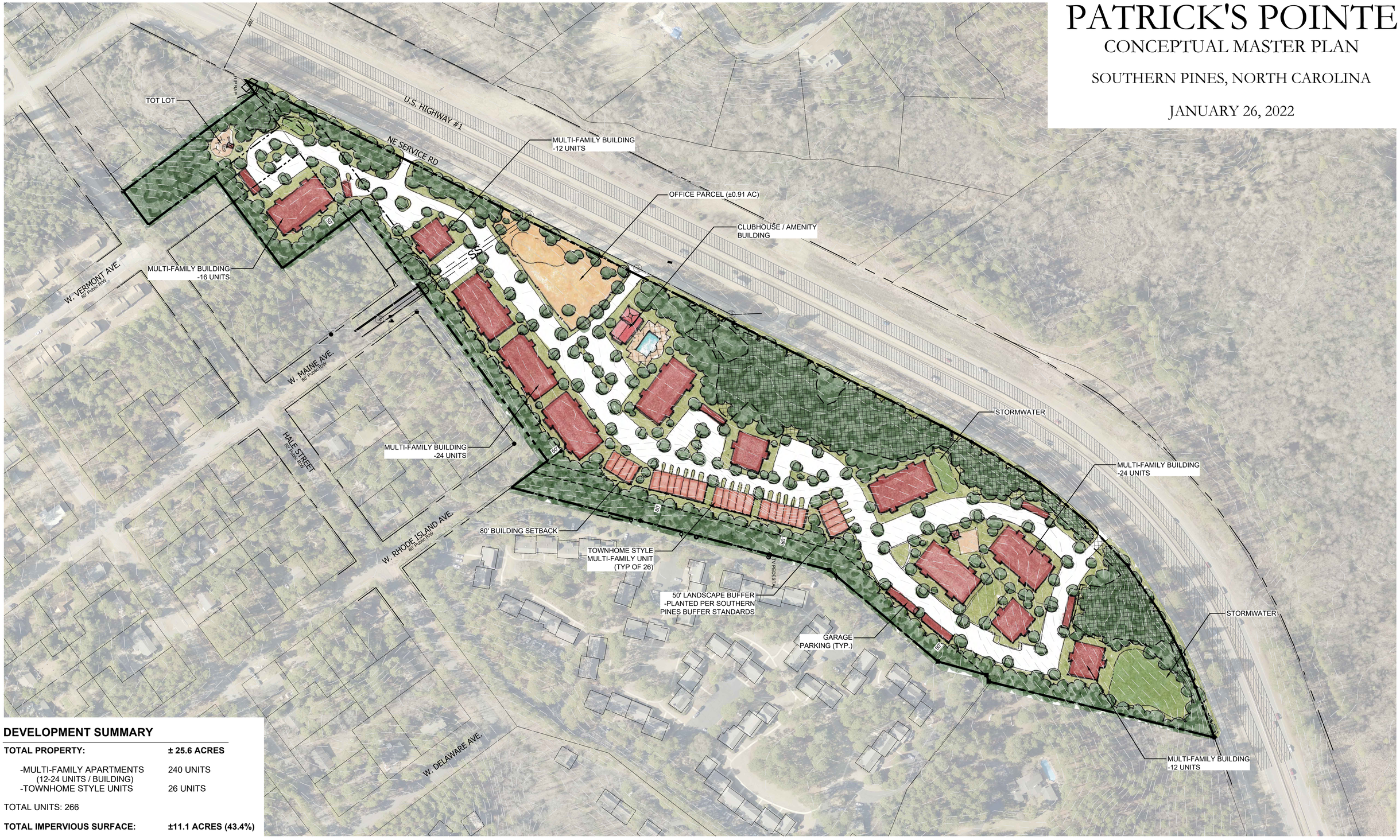
FINLEY DESIGN

PATRICK'S POINTE

CONCEPTUAL MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

JANUARY 26, 2022



DEVELOPMENT SUMMARY

TOTAL PROPERTY:	**± 25.6 ACRES**
-MULTI-FAMILY APARTMENTS (12-24 UNITS / BUILDING)	240 UNITS
-TOWNHOME STYLE UNITS	26 UNITS
TOTAL UNITS: 266	
TOTAL IMPERVIOUS SURFACE:	**±11.1 ACRES (43.4%)**
TOTAL OPEN SPACE:	**±11.32 ACRES (44.2%)**
TOTAL WETLAND AREA:	**±3.4 ACRES**

SCALE: 1"=100'-0"

Town Council Agenda Item

To: Reagan Parsons, Town Manager

From: John Bullock, Chief Building Inspector

Subject: Requesting approval for demolition of unsafe building – Minimum Housing

Date: March 2, 2022

I. SUMMARY:

On May 10, 2017, the Inspections Department received a complaint concerning the abandoned structure at 891 W. Pennsylvania Ave (ParID00030825/PIN 858217017408). Mr. Eddie Garner, Chief Building Inspector at the time, started the minimum housing process on November 27, 2019, after working with the owner who wanted to sell the property. This property went through all the steps to condemn the structure, even getting Town Council approval for a bid to demolish the building (August 25, 2020). However, the process was never completed. After Mr. Bullock became Chief Building Inspector, the process was started again, so after another site inspection on September 10, 2021, it was again verified that the structure was below the Minimum Housing Requirements of the Town of Southern Pines, Code of Ordinances, Section 151.21. Photos were taken of the current conditions and the first Violation notice was sent certified on September 14, 2021. This notice stated the violations and asked the property owner(s) to contact the Inspections Department with a plan to correct the structural issues before October 14, 2021. Ms. Julene Allen contacted Mr. Bullock and asked for an extension to sell the building before we demolish. Mr. Bullock granted an extension to January 1, 2022.

On January 3, 2022, a condemnation notice was placed on the structure. Staff then mailed a certified violation notice informing the owners of a hearing on February 9, 2022, in the Chief Building Inspectors office to

hearing on February 9, 2022, in the Chief Building Inspectors office to discuss the situation. Public Notice was posted in the Pilot two times concerning the hearing. No one contacted the Town.

On February 9, 2022, the third notice was mailed certified to the owner listed in Moore County Tax Records as Julene H. Allen, explaining that the necessary demolition paperwork is being processed and notice of demolition will be presented to Town Council for their decision.

The Inspections Department gave the property owners yet another 30 days to respond. As no one contacted the Inspections Department, the Chief Building Inspector acquired bids for the demolition. The Inspections Department is requesting approval of $29,500 for the demolition of the unsafe structure at 891 W. Pennsylvania Ave., Southern Pines, NC.

II. ATTACHMENTS:

1. Initial Complaint dated May 10, 2017
1. Minimum Housing/Demolition Checklist (September 2021)
2. Photos of unsafe building
3. Copy of Notice dated November 18, 2021
4. Copy of Notice dated January 3, 2022
5. Copy of Notice dated February 9, 2022
6. Copy of Legal Notice
7. Copy of bid invoice for $29,500

III. TOWN COUNCIL RECOMMENDED ACTION:

Town Council is being asked to approve the condemnation of the unsafe structure at 891 W. Pennsylvania Ave and approve the requested funding of $29,500 for demolition of said property.

(1)

COMPLAINT FORM

Town of Southern Pines
Code Enforcement

Date of Complaint: 5-10-17 Time: 11:00 AM

Complaint Received By: EDDIE GARNER

Complaint Made By: ANONYMOUS PHONE CALL (PER REGAN PERSONS)

Nature of Complaint:

Contractor _____
Condemn _____
Unsafe ✓

Rental Unit _____
Illegally Occupied _____
Unsanitary _____

Other: _____

DETAILS OF COMPLAINT

Building have been boarded up - OSB/Plywood Falling off building.

Location of complaint and/or directions to site: 891 W. PENN. AVE SOUTHERN PINES NC 28387

REPORT OF INVESTIGATION

Date: 5-15-17 Time: 9:15 AM

Structure Failing in with trash + debris INSIDE STRUCTURE. Evidence of Vaggrants and animals using structure.

Will send out letter to owner and decide which direction to go to resolve ISSUES with structure.

Recommendations: _____

FINAL DISPOSITION

Signature: _____ Date: _____

(2)

Demolition Check List

Property Owner: JULENE H ALLEN

Property Address: 891 W. PENNSYLVANIA AVE, SOUTHERN PINES

1) 9/10/21 Verify the house is below minimum standards as identified in the Town Ordinance (Take photos of property)

2) 9/14/21 Send First Notice Certified Mail – Property Owners Plan of Action Notice (Lisa)

3) 9/14/21 Locate property information
   a. Township, subdivision, Block and/or Lot
   b. Person(s) listed on Moore Tax Records

gave extension until Jan 1st

4) 1/3/22 Send Second Notice Certified Mail - to person listed on Tax Record of date/time/place for Public Hearing. (Lisa)
   Put Legal Notice in Paper for 2 Sundays prior to hearing. ✓

5) _____ At the public hearing, give responsible parties 30 days or less to either obtain a building permit for repair or demolition permit.

   If no one appears for hearing, mail certified Third Notice stating what was declared at hearing and that the necessary paperwork for the demolition will be prepared (Lisa) ✓

6) ✓ Placard the Building with "Condemned Notice" and take photo for file

7) ✓ Get bids on cost of Demolition and clean-up

8) ✓ When time expires for responsible persons to respond to #5 (30 days from Public Hearing), send bid amount and demolition order to the Town Council for Approval

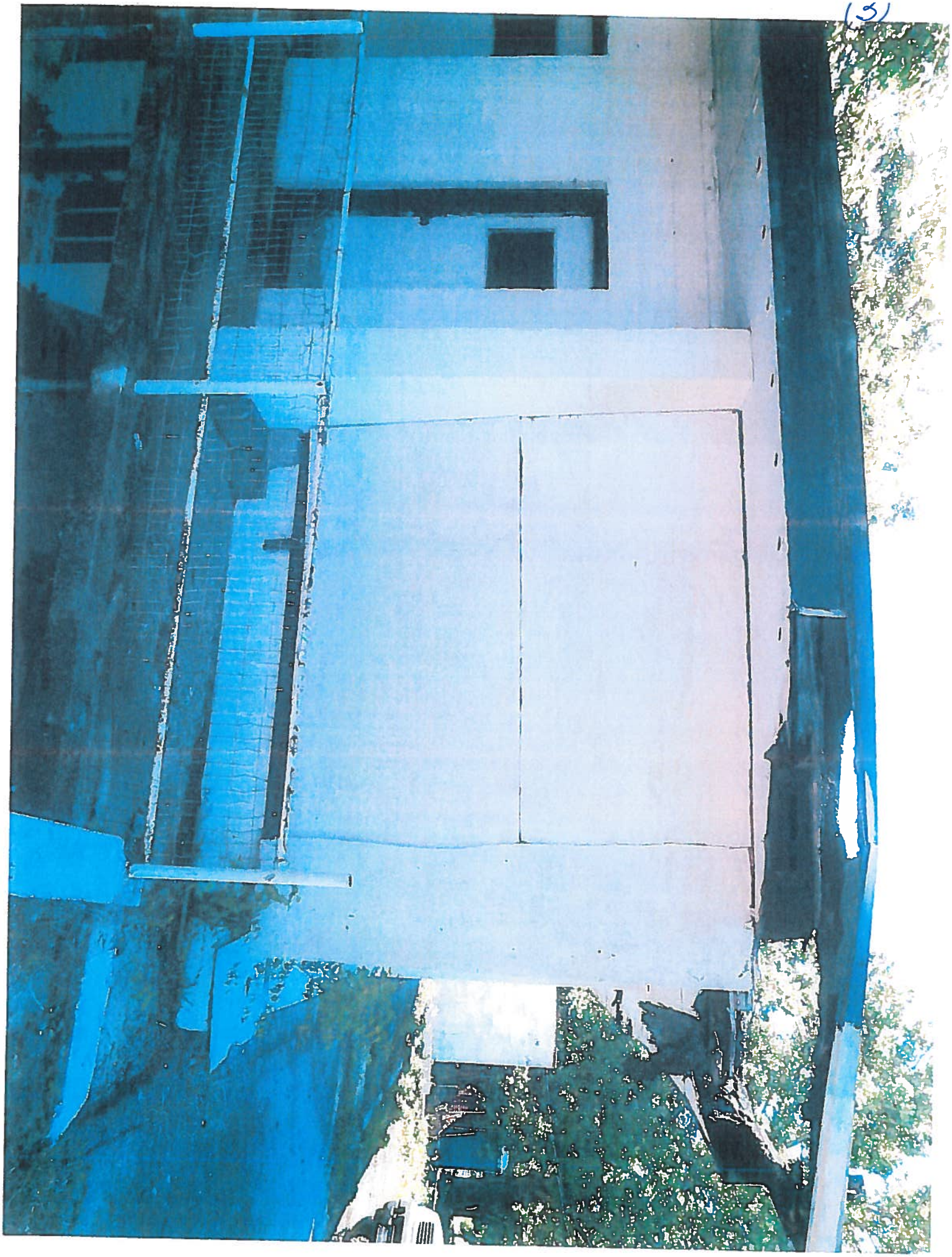
9) ✓ Issue service release to ALL applicable utilities for the property prior to demo

10) _____ After Council Approval – Bidder must obtain a Demo Permit

11. _____ When Demolition is complete – check property for cleanup and turn bid into finance for payment and billing property owner (take photos)

3

(3)


(3)

(3)

(4)

Town of Southern Pines
Chartered 1887
North Carolina

Building Department

180 SW Broad Street
Southern Pines, NC 28387

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

September 14, 2021

Julene H Allen
1210 W. Michigan Ave
Southern Pines, NC 28387

RE: 891 W. Pennsylvania Ave

Dear Ms. Allen,

It has come to the attention of the Town that the structure at 891 W. Pennsylvania Ave, Southern Pines, does not meet the Minimum Housing Requirements. Per the Town of Southern Pines, Code of Ordinances, 151.21 Structural Conditions: *"(A) Walls or partitions or supporting members, sills, joists, rafters, or other structural members shall not list, lean or buckle; shall not be rotted, deteriorated or damaged; and shall not have holes or cracks which might admit rodents" (G) "The roof, flashing, exterior walls, basement walls, windows exposed to weather shall be constructed watertight".*

Please contact the Building/Inspections Departm issues with this building. If we do not hear from process of condemning the building.

matter.

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$

Extra Services & Fees (check box, add fee as appropriate)
- ☐ Return Receipt (hardcopy) $
- ☐ Return Receipt (electronic) $
- ☐ Certified Mail Restricted Delivery $
- ☐ Adult Signature Required $
- ☐ Adult Signature Restricted Delivery $

Postage
$

Total Postage and Fees
$

Sent To 891 W. Penn

Street and Apt. No., or PO Box No.

City, State, ZIP+4®

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

USPS SOUTHERN PINES NC 28387 SEP 14 2021 Postmark Here

9590 9402 6714 1060 6244 16

7018 1130 0000 0341 4816

PS Form 3811, July 2020 PSN 7530-02-000-9053

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Julene Allen
1210 W. Michigan
50 Pines 28387
(891 W. Penn)

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

☐ Agent
☐ Addressee

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over $500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

7018 1130 0000 0341 4816

(5)

Town of Southern Pines
Chartered 1887
North Carolina

Building Department

180 SW Broad Street
Southern Pines, NC 28387

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

November 18, 2021

Julene H Allen
1210 W. Michigan Ave
Southern Pines, NC 28387

RE: 891 W. Pennsylvania Ave, Southern Pines, NC

Dear Ms. Allen;

This notice is to confirm a verbal agreement which was made between Julene Allen and the Town of Southern Pines Inspection Department. On October 4, 2021, the Chief Building Inspector granted an extension from the Minimum Housing Demolition process until January 1, 2022, due to the property owner requesting time to sell the property.

This structure is very unsafe and poses a public sa
Building Code and must be either demolished or r
sale of the property has not transpired before Janu
proceed with the demolition process.

If you have any questions, please feel free to cont
a.m. to 5:00 p.m.

Sincerely,

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee
$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) $
☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $
Postage
$
Total Postage and Fees
$
Sent To
891 W. Penn
Street and Apt. No., or PO Box No.
City, State, ZIP+4®

USPS
NOV 18 2021
SOUTHERN PINES, NC

Postmark Here

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
Julene Allen
1210 W. Michigan Ave
So Pines, 28387

2. Article Number (Transfer from service label)
9590 9402 6714 1060 6242 94
7018 1130 0000 0341 4939

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X

B. Received by (Printed Name)
C. Date

D. Is delivery address different from item 1? ☐
If YES, enter delivery address below:

3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
☑ Certified Mail®
☐ Certified Mail Restricted Delivery
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(6)

Town of Southern Pines
Chartered 1887
North Carolina

Building Department

180 SW Broad Street
Southern Pines, NC 28387

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

January 3, 2022

Julene H Allen
1210 W. Michigan Ave
Southern Pines, NC 28387

REF: 891 W. Pennsylvania Ave., Southern Pines, NC
ParID / PIN 00030825 / 858217017408

Dear Ms. Allen,

The Town of Southern Pines Inspections Department has condemned the structure located at the above referenced address. The town of Southern Pines will be following through with the necessary procedures to have this structure demolished and cleaned up. This action has been taken based on the following findings on a recent inspection of the property:

- The general stability of the structure is very unsafe and poses a hazard
- The structure is home to rodents, snakes and poses a health hazard
- Complaints from neighboring property owners
- Multiple windows are broken out
- Roof is leaking and falling in
- There is trash and debris throughout the structure and on the property

In its current condition the structure and surrounding property is in violation of the Code of Ordinance's for the Town of Southern Pines and the North Carolina State Building Code. The Town Chief Building Inspector granted an extension from the demolition process to January 1, 2022 in order to sell the property. So, as a result of the violation, a hearing has been scheduled for Wednesday, February 9, 2022, at 10:00 a.m. in the Inspections Department, located at 801 SE Service Rd, Southern Pines, NC 28387

ır office Monday through Friday, 8:30 a.m. to 5:00 p.m.

7020 1810 0001 3427 0910

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January 5, 2022 at 10:01 am
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Text & Email Updates
Tracking History
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Town of Southern Pines
Chartered 1887
North Carolina

Building Department

180 SW Broad Street
Southern Pines, NC 28387

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

February 9, 2022

Julene H Allen
1210 W. Michigan Ave
Southern Pines, NC 28387

RE: 891 W. Pennsylvania Ave., Southern Pines, NC

Dear Ms. Allen:

On Wednesday, February 9, 2022, at 10:00 a.m., Pines Inspections Office at 801 SE Service Rd., the above referenced address. The owner of reco paperwork was sent to Ms. Allen by certified ma closed at 10:30 am. Ms. Allen or anyone to spea condemnation of the structure in question.

The necessary demolition paperwork will be proc sent to the Town Council for their decision on th

Sincerely,

John G Bullock

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☐ Adult Signature Restricted Delivery $
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Total Postage and Fees
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City, State, ZIP+4®
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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FEB 10 2022
Postmark Here
SOUTHERN PINES, NC 28387

7020 1810 0001 3427 0972

COMPLETE THIS SECTION ON DELIVERY
A. Signature
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☐ Addressee
B. Received by (Printed Name)
C. Date of Delivery
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3. Service Type
☐ Adult Signature
☐ Adult Signature Restricted Delivery
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☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
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☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

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■ Complete items 1, 2, and 3.
■ Print your name and address on the reverse so that we can return the card to you.
■ Attach this card to the back of the mailpiece, or on the front if space permits.
1. Article Addressed to:
Julene Allen
1210 W. Michigan
So Pines NC 28387

9590 9402 6714 1060 6248 74
2. Article Number (Transfer from service label)
7020 1810 0001 3427 0972
PS Form 3811, July 2020 PSN 7530-02-000-9053
Domestic Return Receipt

(8)

AFFIDAVIT OF PUBLICATION

NORTH CAROLINA
MOORE COUNTY

DAVID WORONOFF, PUBLISHER of The Pilot, LLC, a bi-weekly newspaper published in Moore County and the State of North Carolina, being duly sworn, deposes and says: that the attached advertisement:

condemnation of 891 W. Pennsylvania Ave.

Was published in the aforesaid newspaper for 2 consecutive week(s)/day(s) beginning with the issue dated January 9, 2022 and ending with the issue dated January 16, 2022.

LEGAL NOTICE

Notice of hearing before the Building Inspector under G.S. 160A-428 of Chapter 160A of the General Statutes of North Carolina relating to condemnation of building located at 891 W. Pennsylvania Ave., Southern Pines, NC 28387 (Tax Reference: PIN #858217017408, LRK #00030825, Owner of Record: Julene H. Allen, by the Moore County Tax Department), in the Town of Southern Pines.

The Building is located at the place above designated and is in such condition as appears to constitute a fire or safety hazard or is dangerous to life, health or other property.

A hearing will be held before the Chief Building Inspector of the Town of Southern Pines, North Carolina, at his office located at 801 SE Service Rd, on Wednesday, February 9, 2022 at 10:00 A.M., for the purpose of finding the fasts as to whether or not the condition of such building falls within the scope of the above referenced General Statute. The property owner is entitled to be heard in person or by council at the hearing and to present arguments and evidence pertaining to the matter.

If upon such hearing the Building Inspector shall find that the above described building is a fore or safety hazard or to be dangerous to live, death or to other property, the Building Inspector will require the owner to remedy such conditions so found to exist or to demolish and remove said building(s) as appear appropriate.

Further information is posted at the site of the building and is available from the undersigned.

John Bullock
Building Inspector
Town of Southern Pines

425443 1:9,16

[signature]

e, this 17 day of January,

Michele Bungarz

MICHELE BUNGARZ
Notary Public, North Carolina
Moore County
My Commission Expires
6-1-24

(9)

554571

Statement

4-19-22

Town of Southern Pines

Proposal for Demo Work

Kenny Ring Grading
P.O. Box 512 Vass N.C. 28394

891 W. Penn. AVE.

Take down & haul away Building

Seed & Mulch disturbed Area.

Job Quote #29,500.00

TOWN OF SOUTHERN PINES ORDINANCE #1999
AUTHORIZING DEMOLITION OF AN UNSAFE BUILDING
891 W. Pennsylvania Avenue

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 23rd day of May, 2022:

WHEREAS, the Town Council has authorized the demolition of the unsafe building – minimum housing located at 891 W. Pennsylvania Avenue, PARID 00030825 PIN 858217017408 as follows:

Section 1. That in accordance with the General Statues of North Carolina, Section 160A-428 and the Town of Southern Pines Code of Ordinances, Title XV "Land Usage", Section 151.21, the Building Inspector for the Town of Southern Pines, based upon information at said session is hereby ordered, directed and empowered to cause the buildings at the following location to be demolished and removed, the owner having failed to comply with the order to demolish said buildings declared to be unfit for human habitation and a danger to the adjoining property: Demolition Ordinance for 891 W. Pennsylvania Avenue, PARID 00030825 PIN 858217017408; Owner of Record per Moore County Tax Office is Julene H. Allen.

Section 2. That in accordance with the General Statues of North Carolina, Section 160A-428, the cost of such demolition shall become a lien against the real property where said buildings are located.

Section 3. This ordinance shall be and remain in full force and effect from the date of adoption.

Adopted this 14th day of June, 2022.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting June 14, 2022 as shown in the Minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **BJ Grieve, Planning Director**
Cindy Williams, Planning Technician

Subject: **WP-01-22: Watershed Protection Permit Request; 5/70 Allocation to add a concrete patio and in-ground swimming pool at 760 N. Ridge Street; Applicant: Julia McNeill of Old North State Landscape Development, Inc.**

Date: **June 14, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Julia McNeill, on behalf of John Baker and Lindsay Johnson, has submitted an application for a Watershed Protection Permit requesting 0.29 acres of 5/70 exemption allocation to install a concrete patio and swimming pool in the rear yard of an existing single-family residence, which will result in 40.96% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin. Should the Town Council wish to grant the 5/70 exemption for this property under Watershed Protection Permit WP-01-22, the Town shall deduct 0.29 acres from the Little River Intake No. 2 Watershed tally sheet. The subject property is currently zoned Residential Single-Family medium density (RS-1). The subject property is identified as Lot 3 on a plat entitled "*Survey for Steve Sims, Division of Lots 1-5, and 24, Block E & 1, Town of Southern Pines*" recorded in Plat Cabinet 13 at Slide 314. The property is currently identified by the following: PIN: 858100692117 (PARID: 00033707) and per the Moore County tax records, the property owners are listed as Jonathan Story Baker and Lindsay M. Johnson.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owners:
Jonathan Story Baker and Lindsay M. Johnson
760 N. Ridge Street
Southern Pines, NC 28387

ii. Applicant:
Julia McNeill
Old North State Landscape Development, Inc.
PO Box 61748
Durham, NC 27715

B. Property Information:

i. Street Address:
760 N. Ridge Street
Southern Pines, NC 28387

ii. Property Identification Number (PIN) & Parcel Identification:
PIN: 858100692117; PARID: 00033707

iii. Size of Property:
Total Current Acreage: 0.29

C. Description of Proposed Development:

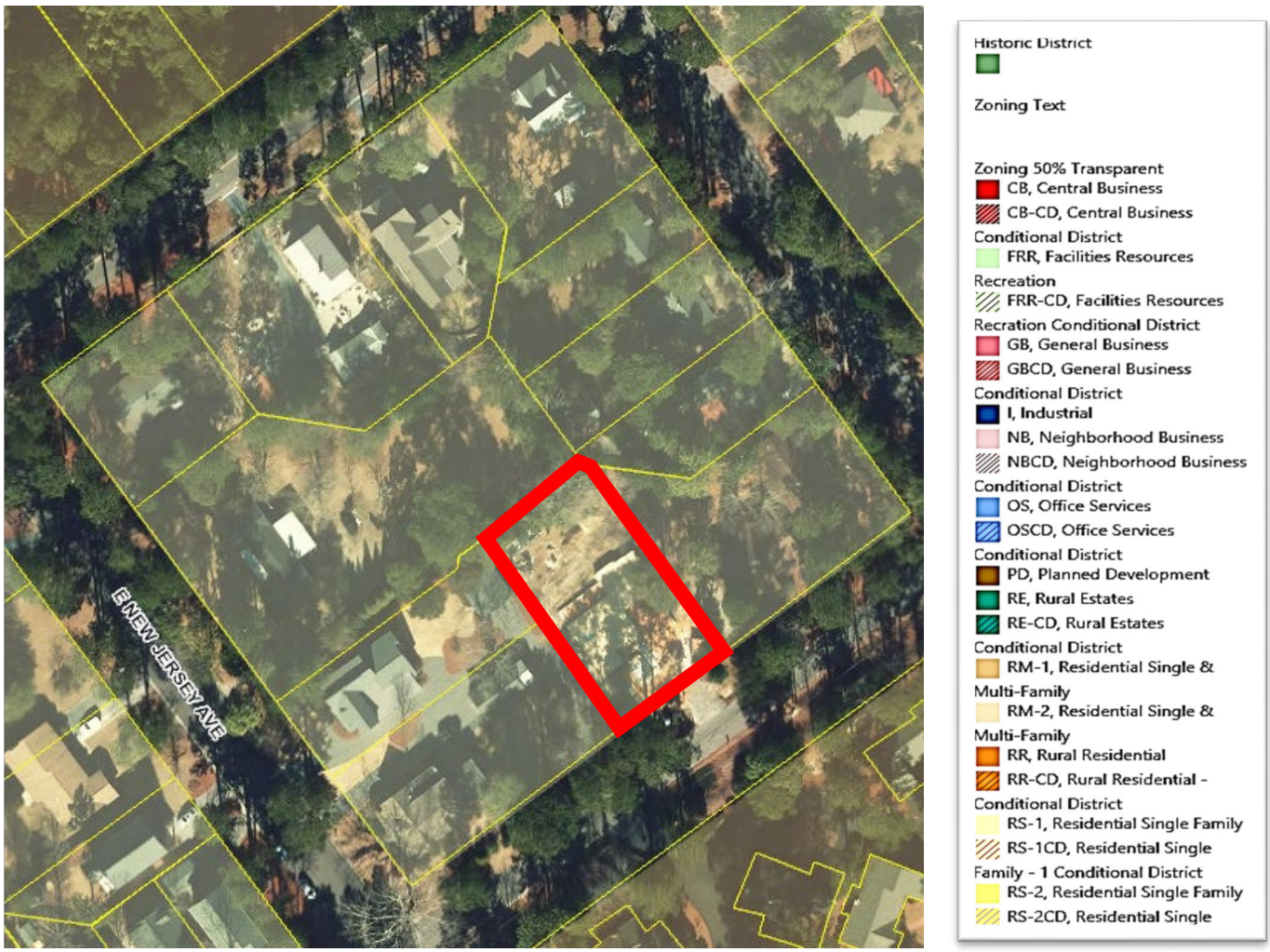
John Baker and Lindsay Johnson have contracted with Old North State Landscape Development, Inc. to construct concrete patio areas and an in-ground swimming pool on approximately 0.29 acres located at 760 N. Ridge Street (see Figure 1). The site will be covered with approximately 4,287 square feet (40.96%) of total impervious surface.

D. Property Zoning Classification:

The subject property is zoned Residential Single-Family medium density (RS-1).

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

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



E. Staff Comments:

- The entirety of the property is within the Little River Intake #2 (LR#2) Watershed and is therefore subject to the Watershed Protection Overlay District and the standards set forth in UDO §3.6.8.

    - The subject property lies within the High Quality Water/Protected Area portion of the Little River Intake No. 2 Watershed.

    - The proposed development is required to obtain the 5/70 exemption allocation because the proposed improvements, in addition to the existing residential single-family dwelling, will exceed the maximum of 12% built upon area or 24% built-upon land area with implementation of stormwater BMPs within the High Quality Water/Protected portions of the watershed.

        - A total of 4,287 square feet of total built-upon land area, or 40.96% of the subject property is proposed.

    - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (0.29 acres) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed.

    - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% built-upon land area.

- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of our watershed to a 70% impervious level.

- All development in the Town's watershed constructed prior to 1993 is statutorily defined as pre-existing development and considered to be exempt from the requirement to obtain the 5/70 exemption. All new development within a watershed shall be subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.

- The UDO defines the Protected Area as "The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the state's High Quality Water (HQW) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."

- Per UDO Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (HQW) / Protected Area:

    - New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.

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

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

III. ATTACHMENTS:

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

1. Watershed Protection Permit Application
2. Proposed Site Plan
3. Recorded Plat
4. UDO Exhibit 3-14
5. 5/70 Tally Sheet Excerpt

Town of Southern Pines
Chartered 1887
North Carolina

Watershed Protection Permit Application

Date Received: 4/19/22 Case No.: WP-02-22

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: Baker Residence Zoning District: RS-1 Total Property Acreage: .29

PIN: 858100692117 Parcel ID: 00033707 Watershed: HQW (LR#2)

Type of Development: Residential Exterior Work Total Built-Upon Area*: 4,287 s.f.

% of Total Property Acreage Proposed to be Built-Upon Area*: 40.96%

Applicant:

Name(s): Julia McNeill , Old North State Landscape Development, Inc. Email: permitting@Onslandscape.com

Mailing Address: P.O. Box 61748, Durham NC 27715 Phone: (919)973-9254

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

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

Name(s): John & Lindsay Baker

Email: lindsayjohnson2@gmail.com Phone: (615)891-0852

Mailing Address: 760 N. Ridge Street, Southern Pines, NC 28387

Julia McNeill
Signature of Applicant

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

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

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

Town of Southern Pines North Carolina

Chartered 1887

Appointment of Agent

Baker Residence: 760 N. Ridge St, Southern Pines NC

PLEASE PRINT. INFORMATION MUST BE LEGIBLE.

The undersigned property owner(s), John & Lindsay Baker, hereby appoint(s) Julia McNeill with Old North State Landscape Development, Inc. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for Pool,fence & hardscaping 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, Residential Building Permit, Soil Erosion & Sediment Control compliance form & Fence permit application 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 Pool, fence & hardscaping 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: 4/19/2022

DocuSigned by: Lindsay Baker 4280CF6ECE9F4BC...

Signature

Lindsay Baker

Printed Name of Signatory

Authorized Agent:

Date: 4/19/2022

Julia McNeill

Signature

Julia McNeill

Printed Name of Signatory

8-27-21

Baker Residence – John & Lindsay
706 N. Ridge Street, Southern Pines, NC 28387

Project Overview

Our intent is to build an outdoor patio space, retaining wall, 2 set of steps, fencing, and a swimming pool (residential accessory structure) in the backyard of the property. This new space will go directly behind the house in line with the existing covered porch in order to maximize the flow from house to patio. The outdoor living space will enhance the property values in the area, and will provide a relaxing space. Every aspect of this project will stay in line with the style of the existing home.

The pool, patio, walls, steps, etc. will be constructed from high quality materials with proper footer and slab support. The construction will be done by a professional general contracting company with qualified contractors. The materials are procured for most of the project will be from local companies, with the exception of the travertine procured from Florida.

Summary of Accessory Structure

Outdoor Patio - Concrete

Retaining Wall – 22.5" high, Brick fascia to match home, Ivory travertine cap

Steps - ~14' long each, Brick fascia to match home, Brick tread to match home

Swimming Pool – Concrete construction, Pebble Tec plaster, porcelain tile inside

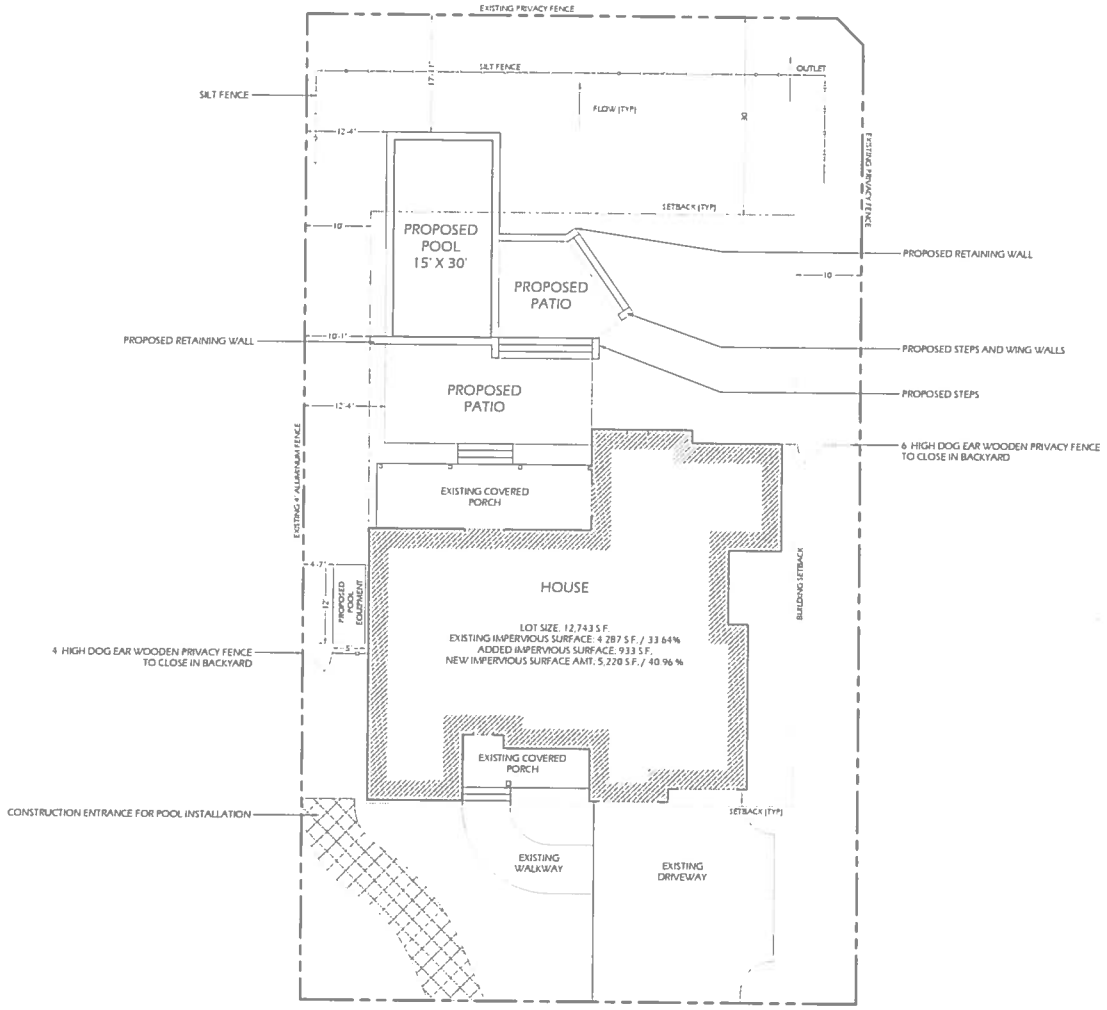
- Ivory Travertine Coping

Fence – 4' & 6' high dog ear wood privacy fence to match the existing fence in the backyard

Existing Description of Backyard

The current backyard consists of grass and landscaping against the home. Three sides of the backyard is fenced with wood and aluminum. The grass slopes from the existing porch steps to the back fence. The change in grade is 4', making the area un-usable for a patio of pool. The backyard requires level patios and retaining walls in order to make the space usable. The development of an outdoor living space and pool in the backyard is very fitting.

Rendering of Finished Project



Old North State LANDSCAPE DEVELOPMENT, INC.	MAILING ADDRESS PO BOX 61748 DURHAM, NC 27715 PH:919-384-1800 OFFICE@ONSLANDSCAPE.COM	PROJECT BAKER RESIDENCE CLIENT JOHN & LINDSAY L: (615) 891-0852 0 5 10 20 30 FEET SCALE = 1" = 10'-0"	DATE 12 APRIL 2022	CLIENT ADDRESS 760 N. RIDGE ST. SOUTHERN PINES, NC 28387 DRAWN BY WM

NOTES:

1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS RIGHT-OF-WAYS, AND AGREEMENTS OF RECORD PRIOR TO THIS PLAT.
2. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING BOUNDARY EVIDENCE AND DEEDS AND PLATS OF RECORD IN MOORE COUNTY REGISTRY.
3. ALL DISTANCES ARE HORIZONTAL GROUND.
4. THIS SURVEY IS LOCATED IN A PORTION OF THE COUNTY THAT IS REGULATED AS TO ORDINANCES THAT REGULATE LAND.

I, TRAVIS L. NICKENS, CERTIFY THAT THIS PLAT WAS DRAWN BY ME FROM AN ACTUAL SURVEY MADE BY ME; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1/10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 16th DAY OF JUNE, A.D., 2006

Travis L. Nickens
TRAVIS L. NICKENS, PLS NO. 4218

NORTH CAROLINA PROFESSIONAL SEAL L-4218 LAND SURVEYOR TRAVIS L NICKENS

I, TRAVIS L. NICKENS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO THE FOLLOWING:

THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

Travis L. Nickens
TRAVIS L. NICKENS, PLS NO. 4218

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVSION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH CHAPTER 101 OF THE SOUTHERN PINES TOWN CODE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SOUTHERN PINES PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

21 June 06
DATE

Bart S. Nuckols
PLANNING AND ZONING ADMINISTRATOR

CERTIFICATE OF APPROVAL FOR RECORDING

I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE TOWN OF SOUTHERN PINES WATERSHED PROTECTION ORDINANCE AND IS APPROVED BY MYSELF, AS AGENT FOR THE WATERSHED REVIEW BOARD FOR RECORDING IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE.

21 June 06
DATE

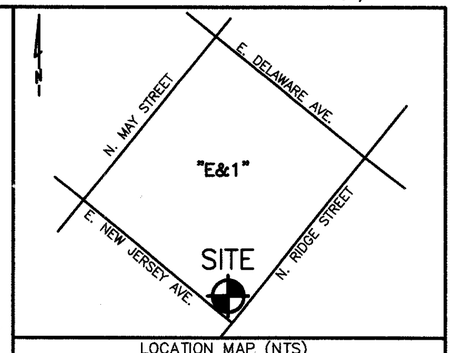
Bart S. Nuckols
WATERSHED ADMINISTRATOR

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, CHRISTIE J. ARMSTRONG REVIEW OFFICER OF MOORE COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

6/26/06
DATE

Christie J. Armstrong
REVIEW OFFICER



LOCATION MAP (NTS)

REFERENCE: DEED BOOK 2919, PAGE 09, MAP BOOK 1, SECTION 2, PAGE 70, MOORE COUNTY REGISTRY.

THIS MAP IS PREPARED FOR RECORDING IN ACCORDANCE WITH G.S. 47-30.

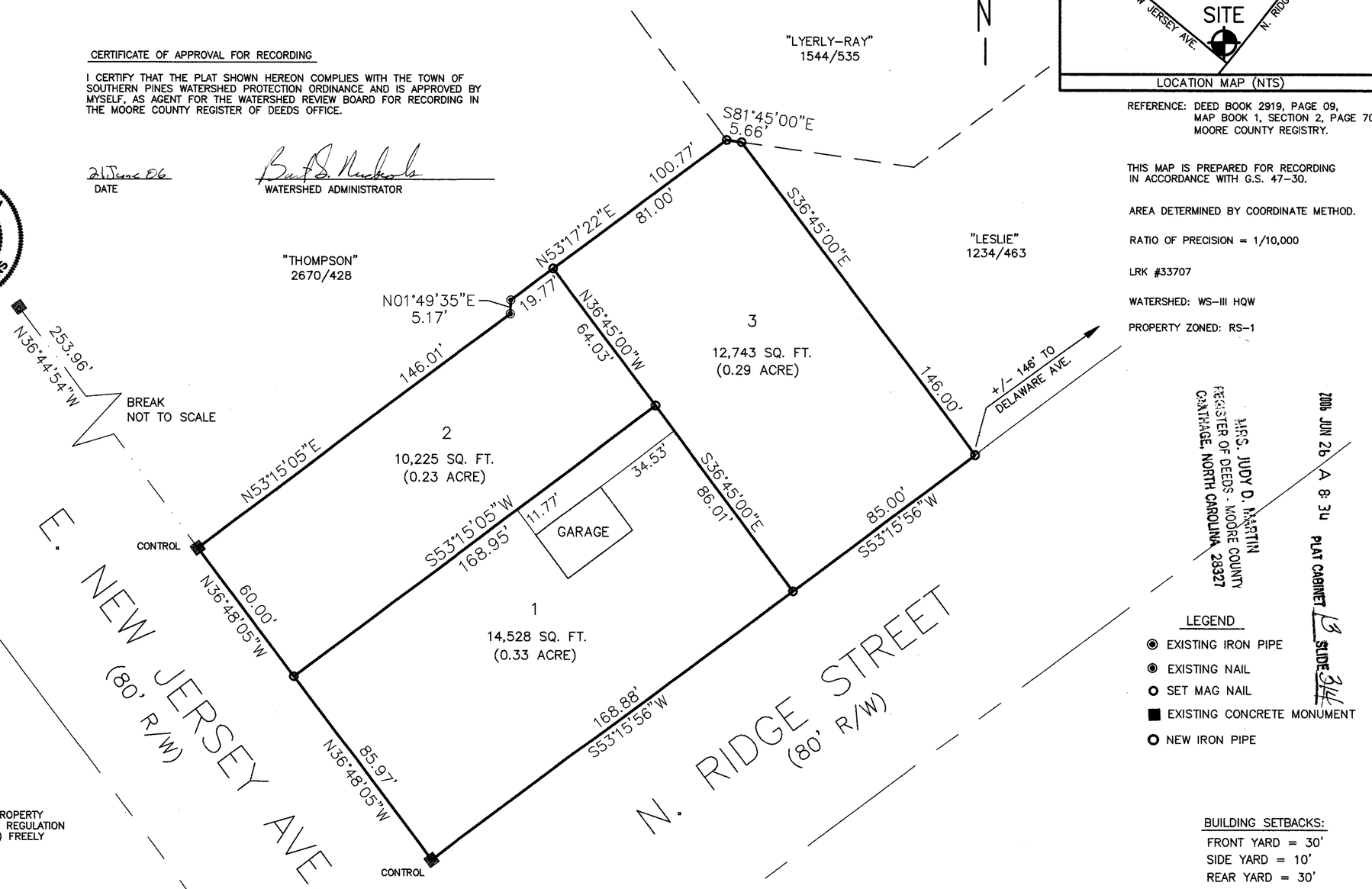
AREA DETERMINED BY COORDINATE METHOD.

RATIO OF PRECISION = 1/10,000

LRK #33707

WATERSHED: WS-III HQW

PROPERTY ZONED: RS-1



RECORD MAP

2006 JUN 26 A 8:34
PLAT CABINET 13 SLIDE 314
MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327

LEGEND

- EXISTING IRON PIPE
- EXISTING NAIL
- SET MAG NAIL
- EXISTING CONCRETE MONUMENT
- NEW IRON PIPE

BUILDING SETBACKS:

FRONT YARD = 30'
SIDE YARD = 10'
REAR YARD = 30'
CORNER LOT = 15'

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURIDICTION OF THE TOWN OF SOUTHERN PINES, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION.

6.20.06
DATE

OWNER

DATE

OWNER

SURVEYORS ADDRESS:
TRAVIS L. NICKENS
250 N. BENNETT STREET
SOUTHERN PINES, NC 28387
(910) 695-1223

OWNERS ADDRESS:
STEVE SIMMS
1877 NIAGARA-CARTHAGE ROAD
CARTHAGE, NC 28327

SURVEY FOR
STEVE SIMS
DIVISION OF LOTS 1-5, AND 24, BLOCK E & 1,
TOWN OF SOUTHERN PINES
McNEILL TOWNSHIP, MOORE COUNTY
MAY 26, 2006 SCALE 1" = 30'

0 30 60 90 120 150

F. B. 3-30-06

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

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

Table Notes:

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

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

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

Current 5/70 Watershed Tally Sheet:				
Watershed	**Gross Acreage (2012)**	**5% of Watershed**	**Total Existing Project Acreage Deductions with Post-1993 Built-Upon Area Exceeding 24%**	**Acreage Left Available since 1993 Allotment of 5%**
Little River Intake #2	22,470.88	1123.54	619.33	539.48
Proposed Project: WP-01-22 0.29 Acres on N. Ridge Street				
Total Project Acreage	**Total Permitted Amount of Built-Upon Area for Project in Acres (70%)**	**Total Amount of Built-Upon Area with Proposed Project**	**Total Acreage to be Deducted from 5/70 Tally**	**Acreage Left Available if Request is Approved**
0.29	0.203	40.96%	0.29	539.19

TOWN OF SOUTHERN PINES ORDINANCE #1993
DEFINING AND ESTABLISHING MUNICIPAL SERVICE DISTRICT NUMBER 1

WHEREAS, on the 12th day of April, 2022, the Town Council of the Town of Southern Pines adopted a resolution stating its intent to consider defining and establishing a municipal service district under Article 23 of Chapter 160A of the General Statutes of North Carolina; and

WHEREAS, the Town Council caused to be prepared, and adopted at its April 12, 2022 meeting, a report (the "MSD Report"), containing (1) a map of the proposed district, showing its proposed boundaries; (2) a statement showing that the proposed district meets the standards required by law; and (3) a plan for providing in the proposed district downtown revitalization services, which services are needed in the proposed district to a greater extent than in the remainder of the Town; and

WHEREAS, the Town Council called a public hearing on the question of whether an ordinance establishing and defining a municipal service district should be adopted, and caused notice thereof, including a map of the proposed district and a statement that the MSD Report was available for inspection in the office of the Town Clerk, to be published as required by law; and

WHEREAS, the MSD Report was made available for public inspection in the office of the Town Clerk for at least four (4) weeks prior to the date of the public hearing; and

WHEREAS, a copy of the MSD Report and the notice of the public hearing was mailed to all property owners owning property located within the boundaries of the proposed municipal service district at least (4) weeks prior to date of the public hearing, and the Town Clerk has certified to the Town Council that such mailing has been completed; and

WHEREAS, the Town Council held a public hearing on defining and establishing the proposed municipal service district at its regularly scheduled Town Council meeting on the 10th day of May, 2022; and

WHEREAS, the Town Council finds and determines that the area located within the boundaries of the proposed municipal service district is in greater need of a parkway to promote downtown revitalization than other areas of the Town and its downtown; and

WHEREAS, the Town Council has determined that a municipal service district should be defined and established to finance, provide, and maintain a downtown revitalization project consisting of the construction and maintenance of a parkway that would connect Highway 15-501 to Morganton Road (the "Parkway"), thus making it easier for vehicular traffic to get to the central city area, and connecting the central city with the Parkway and residents and retail establishments on the Parkway; and

WHEREAS, the MSD would consist of the approximately 100 acres shown on the attached map as a municipal service district (the "MSD"); and

WHEREAS, the Town Council believes that the construction of the Parkway in the MSD will further the public health, safety, welfare, convenience, and economic well-being of the Southern Pines central city area; and

WHEREAS, this ordinance will be effective on July 1, 2022 if approved at two separate meetings of the Town Council;

NOW THEREFORE, be it ordained by the Town Council of the Town of Southern Pines:

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Section 1. Pursuant to the authority vested in it by Article 23 of Charter 160A of General Statutes of North Carolina, entitled "Municipal Service Districts", the Town Council hereby defines and establishes the following described area located in Southern Pines, Moore County, as Municipal Service District Number 1:

An area comprised of 99.97+/- acres contained in the approved Morganton Park South Planned Development District (PD 08-21) lying between 15-501 to the south and Morganton Road to the north, and consisting of parcel ID numbers 00049222, 98000749, and 00052502 according to Moore County tax records as of January 1, 2022, graphically depicted on the GIS map attached hereto as Exhibit A.

Section 2. Municipal Service District Number 1 is defined and established for the purpose of financing, providing, and carrying out a downtown revitalization project in such district to finance, provide, and maintain a public project consisting of the construction, operation, and maintenance of a parkway connecting 15-501 to Morganton Road, thus making it easier for vehicular traffic to get to the central city area, and connecting the central city with the Parkway and residents and retail establishments on the Parkway.

Section 3. Municipal Service District Number 1 is in need of the downtown revitalization project described above to a demonstrably greater extent than the remainder of the Town.

Section 4. This ordinance will be effective on July 1, 2022, but only following approval at two meetings of the Town Council.

Introduced: [May 10, 2022]
Adopted: [May 10, 2022]
Adopted: [June 14, 2022]

ATTEST:

TOWN OF SOUTHERN PINES

_____
Elizabeth Robertson, Town Clerk

_____
Carol R. Haney, Mayor

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on June 14, 2022 as shown in the Minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

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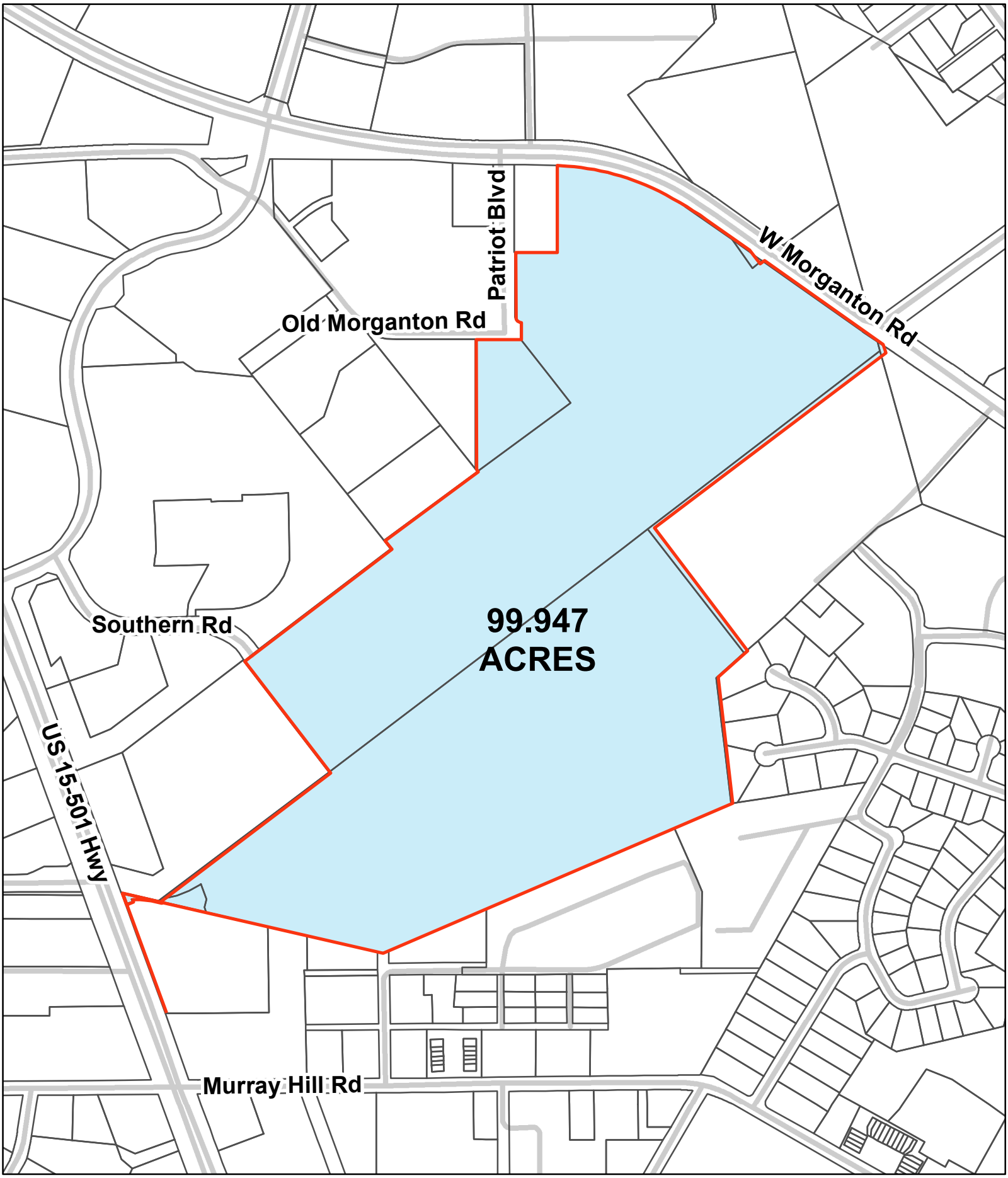

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Map Not To Scale

EXHIBIT A
99.947 ACRES

This map was created by the Town of Southern Pines GIS using a map titled EXHIBIT 99.947 ACRES created by LKC. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expessed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet). Map Date: 8/5/2022

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AN ORDINANCE ADOPTING
THE FISCAL YEAR 2022/2023 BUDGET
AND LEVYING THE TAX RATE

BE IT ORDAINED AND ESTABLISHED by the Town Council of Southern Pines assembled in regular session this 14th day of June 2022, as follows:

SECTION 1. That for the expenses of the Town government and its activities for the fiscal year ending June 30, 2023 as set forth in the Town of Southern Pines, North Carolina Annual Budget, the amounts in the following section, or as much thereof as may be necessary, are hereby appropriated in the manner prescribed in the budget document, and the revenue estimates as forth are hereby adopted:

I. GENERAL FUND

		BUDGET 2022-2023
1. REVENUES		
AD VALOREM TAXES:		
Current	$	11,748,222
Delinquent		8,000
Penalties & Interest		4,000
TOTAL	$	11,760,222
OTHER TAXES AND LICENSES		
1 Cent Local Sales Tax-Article 39	$	1,625,000
1/2 Cent Local Sales Tax-Article 40		860,000
1/2 Cent Local Sales Tax-Article 42		810,000
1/2 Cent Local Sales Tax-Article 44/Hold Harmless		810,000
Short Term Rental Property Tax		50,000
Beer/Wine License		2,400
Solid Waste Disposal Tax		10,000
Municipal Vehicle Tax		61,150
Alcoholic Beverage Ctrl		185,000
TOTAL	$	4,413,550
UNRESTRICTED INTERGOVT REVENUE:		
Beer and Wine Tax	$	58,000
Video Programming		145,000
Utilities Franchise/Sales		1,000,000
TOTAL	$	1,203,000
RESTRICTED INTERGOVT REVENUE:		
Powell Bill Allocation	$	481,723
State Aid Library		7,500
Recreation Grants		1,000
TOTAL	$	490,223
PERMITS AND FEES:		
Inspections	$	325,000
Planning		100,000
Zoning Fees		20,000
Homeowner Recovery Fee		1,000
Street Department		30,000
Public Works		55,000
Police Department		18,000
TOTAL	$	549,000

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		BUDGET 2022-2023
SALES AND SERVICES:		
Library	$	35,000
Police Extra Duty		40,000
Recreation Fees		209,000
Rents		354,013
Facility Rental - Recreation		28,000
Court Facilities Fee		300
Reservoir Park		6,662
Disposal Fee/Recycling Fee		1,207,340
TOTAL	$	1,880,315
INVESTMENT EARNINGS:	$	15,000
OTHER REVENUES:		
Miscellaneous Revenue	$	50,000
Surplus Property Sale		70,000
Cemetery		1,000
Court Costs		2,500
Fire District Revenue		468,150
Fire District Revenue - Escrow		0
Donations		5,500
TOTAL	$	597,150
FUND BALANCE:		3,856,359
TOTAL GENERAL FUND REVENUES	$	24,764,819
Legislative	$	168,451
General Administration		954,365
Information Technology		1,385,690
Financial Services		849,815
Police Administration and Patrol		4,754,804
Police Communications		659,954
Investigations		931,018
Fire/Rescue		3,366,292
Planning		908,627
Inspections		517,565
Street Maintenance		2,346,335
Public Works/Sanitation		2,803,798
Garage		366,450
Recreation		1,544,905
Library		1,026,740
Buildings and Grounds		1,362,700
Special Appropriations		29,000
W/S Indirect Cost		(1,200,526)
Debt Service - Fire Sub-Station		425,729
Debt Service - Police Station		453,538
Debt Service - Annex Up Fit		70,497
Debt Service - Whitehall Land		310,171
Debt Service - Fire Truck		136,926
Transfer to CP Reservior Dam Improvements		100,000
Transfer to CP Parking Lots		100,000
Transfer to CP Facility Modernization		191,975
Transfer to CP Sidewalks - Phase II		200,000
TOTAL GENERAL FUND APPROPRIATIONS	$	24,764,819

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		WATER AND SEWER OPERATING FUND		BUDGET 2022-2023
II.	1.	REVENUES		
		Water Charges	$	5,032,124
		Sewer Charges		3,113,577
		Connection and Tap Fees		225,000
		Service Charge & Penalties		120,000
		Interest on Investments		5,000
		Bulk Water Sales		700,000
		Gain on Sale of Assets		20,000
		Miscellaneous		5,000
		Transfer In- Retained Earnings		617,114
		TOTAL WATER/SEWER FUND OPERATING REVENUES	$	9,837,815
		Water Treatment	$	1,522,194
		Water Extension/Maintenance		1,237,365
		Sewer Extension/Maintenance		1,814,530
		Billing and Collections		562,625
		Sewage Treatment		2,200,000
		Water/Sewer Indirect Cost		1,200,526
		Transfer to CP Facility Modernization		10,500
		Transfer to CP Sanitary Sewer Modernization		874,360
		Transfer to CP Water & Sewer Improvements		205,000
		Interest Expense/Financing Principal		210,715
		TOTAL WATER/SEWER OPERATING APPROPRIATIONS	$	9,837,815

	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CEMETERY PERPETUAL CARE			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ 14,500	$ -	$ 14,500
Sale of Plots	80,000	-	80,000
TOTAL	$ 94,500	$ -	$ 94,500
2. APPROPRIATIONS			
Reserved for Future Exp	$ 94,500	$ -	$ 94,500
TOTAL	$ 94,500	$ -	$ 94,500
SPECIAL REVENUE FUND - ARPA			
1. REVENUES AND OTHER FINANCING SOURCES			
ARPA Funds	$ 4,671,000	$ -	$ 4,671,000
TOTAL	$ 4,671,000	$ -	$ 4,671,000
2. APPROPRIATIONS			
Standard Allowance - Unassigned	$ 4,671,000	$ -	$ 4,671,000
TOTAL	$ 4,671,000	$ -	$ 4,671,000
SPECIAL REVENUE FUND - MUNICIPAL SERVICE DISTRICT #1			
1. REVENUES AND OTHER FINANCING SOURCES			
Ad Valorem Taxes	$ -	$ 68,800	$ 68,800
TOTAL	$ -	$ 68,800	$ 68,800
2. APPROPRIATIONS			
Reserve for Parkway Expenses	$ -	$ 68,800	$ 68,800
TOTAL	$ -	$ 68,800	$ 68,800

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	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - OPEN SPACE			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ 9,700	$ -	$ 9,700
Financing Proceeds	900,000	-	900,000
Transfer In-General Fund	519,262	-	519,262
Transfer In- Capital Reserve	245,000	-	245,000
Transfer In-Fund 47	126,000	-	126,000
TOTAL	$ 1,799,962	$ -	$ 1,799,962
2. APPROPRIATIONS			
Land	$ 1,799,962	$ -	$ 1,799,962
TOTAL	$ 1,799,962	$ -	$ 1,799,962
CAPITAL PROJECT - NICKS CREEK PARKWAY			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ 15,000	$ -	$ 15,000
Land Exc Proceeds/60 Fd	57,000	-	57,000
TOTAL	$ 72,000	$ -	$ 72,000
2. APPROPRIATIONS			
Construction	$ -	$ -	$ -
Transfer Out -CP Streambank Stabili	72,000	-	72,000
TOTAL	$ 72,000	$ -	$ 72,000
CAPITAL PROJECT - ENTERPRISE INFORMATION AND DOCUMENT MANAGEMENT SYSTEM			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ 14,200	$ -	$ 14,200
Transfer In-CP Police Station	240,500	-	240,500
Transfer In-CP Patrick Road	49,985	-	49,985
Transfer In-Utility Fund	256,500	-	256,500
Transfer In-General Fund	570,874	-	570,874
TOTAL	$ 1,132,059	$ -	$ 1,132,059
2. APPROPRIATIONS			
ERP Expenditures	$ 907,059	$ -	$ 907,059
Transfer Out - CP Lib HVAC	225,000	-	225,000
TOTAL	$ 1,132,059	$ -	$ 1,132,059
CAPITAL PROJECT - PARKING LOT PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	$ 288,000	$ 100,000	$ 388,000
TOTAL	$ 288,000	$ 100,000	$ 388,000
2. APPROPRIATIONS			
Construction	$ 288,000	$ 100,000	$ 388,000
TOTAL	$ 288,000	$ 100,000	$ 388,000

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	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - STORM WATER IMPROVEMENTS			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ 22,500	$ -	$ 22,500
Transfer In-CP Patrick Rd	50,000	-	50,000
Transfer In-General Fund	499,000	-	499,000
TOTAL	$ 571,500	$ -	$ 571,500
2. APPROPRIATIONS			
Construction	$ 571,500	$ -	$ 571,500
TOTAL	$ 571,500	$ -	$ 571,500
CAPITAL PROJECT - BIKE TRANSPORTATION PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-CP Patrick Rd	$ 138,000	$ -	$ 138,000
Transfer In-General Fund	140,000	-	140,000
TOTAL	$ 278,000	$ -	$ 278,000
2. APPROPRIATIONS			
Construction	$ 278,000	$ -	$ 278,000
TOTAL	$ 278,000	$ -	$ 278,000
CAPITAL PROJECT - STREAMBANK STABILIZATION PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	$ 459,484	$ -	$ 459,484
Transfer In-CP General Reserve	180,000	-	180,000
Transfer In-CP Nick's Creek	72,000	-	72,000
TOTAL	$ 711,484	$ -	$ 711,484
2. APPROPRIATIONS			
Construction	$ 711,484	$ -	$ 711,484
TOTAL	$ 711,484	$ -	$ 711,484
CAPITAL PROJECT - RESERVOIR DAM IMPROVEMENTS			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ -	$ -	$ -
Transfer In-GF	75,000	100,000	175,000
TOTAL	$ 75,000	$ 100,000	$ 175,000
2. APPROPRIATIONS			
Design & Construction	$ 75,000	$ 100,000	$ 175,000
TOTAL	$ 75,000	$ 100,000	$ 175,000
CAPITAL PROJECT - FACILITY MODERNIZATION FUND			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	$ 416,567	$ 191,975	$ 608,542
Transfer In-Utility Fund	302,334	10,500	312,834
TOTAL	$ 718,901	$ 202,475	$ 921,376
2. APPROPRIATIONS			
Construction-General Fund	$ 416,567	$ 191,975	$ 608,542
Construction-Utility Fund	103,834	10,500	114,334
Construction-Water Treatment Plant	198,500	-	198,500
TOTAL	$ 718,901	$ 202,475	$ 921,376

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	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - UNPAVED STREET			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-GF	$ 657,500	$ -	$ 657,500
TOTAL	$ 657,500	$ -	$ 657,500
2. APPROPRIATIONS			
Construction	$ 657,500	$ -	$ 657,500
TOTAL	$ 657,500	$ -	$ 657,500
CAPITAL PROJECT - SIDEWALKS - PHASE II			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	$ 1,011,150	$ 200,000	$ 1,211,150
Transfer In-CP SIDEWALKS	46,727	-	46,727
TOTAL	$ 1,057,877	$ 200,000	$ 1,257,877
2. APPROPRIATIONS			
Construction	$ 1,057,877	$ 200,000	$ 1,257,877
TOTAL	$ 1,057,877	$ 200,000	$ 1,257,877
CAPITAL PROJECT - RECREATION IMPROVEMENTS			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	$ 499,500	$ -	$ 499,500
TOTAL	$ 499,500	$ -	$ 499,500
2. APPROPRIATIONS			
Construction	$ 499,500	$ -	$ 499,500
TOTAL	$ 499,500	$ -	$ 499,500
GENERAL CAPITAL RESERVE			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	$ 112,500	$ -	$ 112,500
Transfer In-CP PS Comm	3,697	-	3,697
Transfer In-CP Building Renovation	105	-	105
Transfer In-CP Library HVAC	161	-	161
Transfer In-CP Tyr Tactical	620	-	620
Transfer In-CP Fiber Optics	2,120	-	2,120
Transfer In-CP Patrick Rd	80,773	-	80,773
Transfer In-Downtown Park	6,748	-	6,748
Transfer In-Pool Park	12,740	-	12,740
Transfer In-Public Access Road	27,590	-	27,590
Transfer In-Fire Sub Station	273,642	-	273,642
TOTAL	$ 520,696	$ -	$ 520,696
2. APPROPRIATIONS			
Transfer to Capital Project Fund	$ 8,196	$ -	$ 8,196
Transfer to CP Open Space	245,000	-	245,000
Transfer to CP Streambank Stabilizat	180,000	-	180,000
Transfer to CP Building Renovation	87,500	-	87,500
TOTAL	$ 520,696	$ -	$ 520,696

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	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - WARRIOR WOODS LIFT STATION			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-Utility Fund	$ 263,750	$ -	$ 263,750
Transfer In-System Dev Fees-Sewer	402,900	203,838	606,738
Transfer In-Sewer Impact	846,550	-	846,550
TOTAL	$ 1,513,200	$ 203,838	$ 1,717,038
2. APPROPRIATIONS			
Construction	$ 1,513,200	$ 203,838	$ 1,717,038
TOTAL	$ 1,513,200	$ 203,838	$ 1,717,038
CAPITAL PROJECT - NORTH PRESSURE WATER ZONE			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ 10,000	$ -	$ 10,000
Transfer In-Utility Fund	750,000	-	750,000
TOTAL	$ 760,000	$ -	$ 760,000
2. APPROPRIATIONS			
Construction	$ 760,000	$ -	$ 760,000
TOTAL	$ 760,000	$ -	$ 760,000
CAPITAL PROJECT - SANITARY SEWER MODERNIZATION			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-System Dev Fees	$ 46,590	$ 107,582	$ 154,172
Transfer In-Utility Fund	1,212,000	874,360	2,086,360
TOTAL	$ 1,258,590	$ 981,942	$ 2,240,532
2. APPROPRIATIONS			
Construction	$ 1,258,590	$ 981,942	$ 2,240,532
TOTAL	$ 1,258,590	$ 981,942	$ 2,240,532
CAPITAL PROJECT - WATER SYSTEM DEVELOPMENT FEES			
1. REVENUES AND OTHER FINANCING SOURCES			
System Develop Fees	$ 1,126,026	$ 653,001	$ 1,779,027
TOTAL	$ 1,126,026	$ 653,001	$ 1,779,027
2. APPROPRIATIONS			
Transfer to Cap Imp Water	$ 379,375	$ (379,375)	$ -
Transfer to Penn/PeeDee Rd	404,757	366,744	771,501
Transfer to Water Treatment Plant	165,966	665,632	831,598
Transfer to East Morganton Rd	175,928	-	175,928
TOTAL	$ 1,126,026	$ 653,001	$ 1,779,027
CAPITAL PROJECT - SEWER SYSTEM DEVELOPMENT FEES			
1. REVENUES AND OTHER FINANCING SOURCES			
System Develop Fees	$ 652,622	$ 108,288	$ 760,910
TOTAL	$ 652,622	$ 108,288	$ 760,910
2. APPROPRIATIONS			
Transfer to Cap Imp Sewer	$ 203,132	$ (203,132)	$ -
Transfer to Sanitary Sewer	46,590	107,582	154,172
Transfer to Warrior Woods	402,900	203,838	606,738
TOTAL	$ 652,622	$ 108,288	$ 760,910

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	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - WATER TREATMENT PROCESS MODERNIZATION			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest	$ 21,600	$ -	$ 21,600
Transfer In -CP Water Distribution	1,212,000	-	1,212,000
Transfer In- System Develop Fees	165,966	665,632	831,598
Transfer In-Utility Fund	1,888,900	-	1,888,900
TOTAL	$ 3,288,466	$ 665,632	$ 3,954,098
2. APPROPRIATIONS			
Construction	$ 3,288,466	$ 665,632	$ 3,954,098
TOTAL	$ 3,288,466	$ 665,632	$ 3,954,098
CAPITAL PROJECT - WATER DISTRIBUTION UPGRADES & REPAIR			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ -	$ -	$ -
Transfer In-CP Water Improvements	471,398	-	471,398
Transfer In-Utility Fund	-	130,000	130,000
TOTAL	$ 471,398	$ 130,000	$ 601,398
2. APPROPRIATIONS			
Construction	$ 471,398	$ 130,000	$ 601,398
TOTAL	$ 471,398	$ 130,000	$ 601,398
CAPITAL PROJECT - SEWER COLLECTION SYSTEM UPGRADES & REPAIR			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	$ -	$ -	$ -
Transfer In-CP Sewer Dist	499,018	-	499,018
Transfer In-Utility Fund	-	75,000	75,000
TOTAL	$ 499,018	$ 75,000	$ 574,018
2. APPROPRIATIONS			
Construction	$ 499,018	$ 75,000	$ 574,018
TOTAL	$ 499,018	$ 75,000	$ 574,018
CAPITAL PROJECT - LIFT STATION UPGRADES			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-Sewer Collection Fund	$ 477,000	$ -	$ 477,000
Transfer In-Utility Fund	530,000	-	530,000
TOTAL	$ 1,007,000	$ -	$ 1,007,000
2. APPROPRIATIONS			
Construction	$ 1,007,000	$ -	$ 1,007,000
TOTAL	$ 1,007,000	$ -	$ 1,007,000

DRAFT

	2021-2022 PROJECT AUTHORIZATION	2022-2023 ADJUSTMENTS INCR/(DECR)	AMENDED PROJECT AUTHORIZATION
CAPITAL PROJECT - PENNSYLVANIA/PEEDEE ROAD LINE REPLACEMENT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In - Water System Dev	$ 404,757	$ 366,744	$ 771,501
Transfer In-Utility Fund	1,139,200	-	1,139,200
Transfer In-CP Morganton Rd	7,952	-	7,952
Transfer In-CP Morganton Rd SDF	17,249	-	17,249
Transfer In-CP Morganton Rd Impact	84,251	-	84,251
Transfer In - Impact Fees	1,839,317	-	1,839,317
TOTAL	$ 3,492,726	$ 366,744	$ 3,859,470
2. APPROPRIATIONS			
Design & Construction	$ 3,492,726	$ 366,744	$ 3,859,470
TOTAL	$ 3,492,726	$ 366,744	$ 3,859,470
CAPITAL PROJECT - MIDLAND ROAD WATER LINE REPLACEMENT			
1. REVENUES AND OTHER FINANCING SOURCES			
Impact Fees	$ 160,438	$ -	$ 160,438
TOTAL	$ 160,438	$ -	$ 160,438
2. APPROPRIATIONS			
Design & Construction	$ 160,438	$ -	$ 160,438
TOTAL	$ 160,438	$ -	$ 160,438

DRAFT

SECTION 2. That in order to raise the revenue to meet the expenses of the Town Government and its activities as provided in the foregoing appropriation for the fiscal year ending June 30, 2023, there is hereby levied a tax of forty cents ($0.40) per one hundred dollars ($100) valuation of taxable property as listed for taxes on January 1, 2022. This rate is based on a total valuation of $2,981,782,200 and an estimated collection rate of 98.5%.

SECTION 3. There is hereby levied a tax at the rate of forty cents ($0.40) per one hundred dollars ($100) valuation of property as listed for taxes as of January 1, 2022, for the purpose of raising revenue in the Municipal Service District Fund #1 in Section 1 of this ordinance. The area is comprised of 99.97+/- acres contained in the approved Morganton Park South Planned Development District (PD08-21) lying between 15-501 to the south and Morganton Road to the north, as described in Ordinance #1993, and graphicially dipicted on exhibit A and according to Moore County tax records as of January 1, 2022 with a total current valuation of property for the purpose of taxation of $17,212,110 and at an estimated collection rate of 100%.

SECTION 4. There is hereby levied a fee of five dollars ($5.00) for each vehicle within the Town of Southern Pines, as authorized by North Carolina General Statute 20-97, for the purpose of raising the revenue listed as "Municipal Vehicle Tax" revenue as listed in Section 1 of this ordinance. Under North Carolina Statute 20-97, five dollars ($5.00) is available for any lawful purpose.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022, as shown in the minutes of the Town Council for that date.

_____

Elizabeth Robertson, Town Clerk

DRAFT

REIMBURSEMENT AGREEMENT
FOR THE PARKWAY

This Reimbursement Agreement (the "Agreement") is made this __ day of _____, 2022 (the "Effective Date") by and between Midland Southern Pines Retail, LLC (the "Owner") and the Town of Southern Pines (the "Town").

WHEREAS, the Owner is or will be the owner of a tract of land containing approximately forty-four (44) acres, more or less, located in the Town of Southern Pines, North Carolina, together with all appurtenances thereunto appertaining, and more particularly identified on Exhibit A (the "Total Property"); and

WHEREAS, the Owner will retain or has retained a portion of the Total Property containing approximately thirty-one (31) acres, more or less, together with all appurtenances thereunto appertaining, as more particularly identified as Morganton Park South-Phase I on Exhibit A (the "Retail Property") for a retail development; and

WHEREAS, in addition to the Retail Property, the Owner intends to convey to an unaffiliated third-party a portion of the Total Property containing approximately thirteen (13) acres, more or less, together with all appurtenances thereunto appertaining, as more particularly identified on Exhibit A (the "Multi-Family Property") for multi-family development. After the conveyance of Multi-Family Property to an unaffiliated third party, other than the inclusion of the Multi-Family Property into the District (as hereinafter defined), the owner of the Multi-Family Property shall have no obligations or benefits under this Agreement, including, but not limited to, the construction of the Parkway or entitlement to any reimbursement under this Agreement; and

WHEREAS, pursuant to the Town of Southern Pines Unified Development Ordinance adopted October 8, 2013 and amended from time to time thereafter (the "UDO"), the Owner has submitted, and the Town has approved, a Conceptual Development Plan Ord. #1947 PD-08-21 ("CDP") and a Preliminary Development Plan (PD-09-21) with an effective date of October 28, 2021 ("PDP") that includes an approximately 220,000 square foot retail center with associated parking and other site improvements to be constructed on the Retail Property (the "Retail Component"); and

WHEREAS, as part of the development of the Retail Property, Owner has agreed to construct a new to-be named road to connect U.S. Highway 15-501 to Morganton Road identified as the "Parkway" on Exhibit A (the "Parkway").

WHEREAS, the Parkway is part of the Town's long term capital improvement plan, as evidenced by the Town of Southern Pines 2022-2023 CIP which has been provided to the Owner; and

WHEREAS, the Town has agreed to enter into this Agreement in order to allow the Parkway to be completed as quickly as possible in connection with the development of the Retail Property; and

WHEREAS, Owner intends to obtain all permits from local, state and federal agencies for the development of the Retail Property and the construction of the Retail Component and the Parkway; and

WHEREAS, the Town has adopted Town of Southern Pines Ordinance #1951 amending Chapter 34 Establishing Section 34.20 Reimbursement Policy for Public Infrastructure, a copy of which has been provided

to Owner, which sets forth the procedures and terms under which the Town can enter into reimbursement agreements relating to infrastructure; and

WHEREAS, subject to the terms and conditions contained herein, the Town has agreed to reimburse Owner for a portion of the costs and the construction of the Parkway upon its completion, approval and acceptance for dedication by the Town, pursuant to N.C.G.S. § 160A-499; and

WHEREAS, pursuant to Article 23 of Chapter 160A of the North Carolina General Statutes (the "Municipal Service District Act"), the Town has agreed to create a municipal service district that will encompass the Total Property, and (i) an adjacent approximately fifty-two (52) acre parcel currently owned by Morganton Road Enterprises, LLC, Thomas M. Van Camp, as Trustee of the Ashley Ann Reader Irrevocable Trust, under Agreement dated December 2, 1996, Robert W. and Julie M. Van Camp, as Trustee of the Robert W. and Julie M. Van Camp Living Trust under Agreement dated December 22, 1998 and WSF Land Holding Company, and (ii) and an approximately three (3) acre tract owned by Robert W. and Julie M. Van Camp, as Trustee of the Robert W. and Julie M. Van Camp Living Trust under Agreement dated December 22, 1998 ((i) and (ii) collectively, the "Van Camp Properties"), as outlined on Exhibit A (the "District"), in order to further the economic well-being of the Southern Pines central city by providing direct access from U.S. Highway 15-501 to Morganton Road and the Town's central city; and

WHEREAS, the Owner and the owners of the Van Camp Properties have consented to having their real property included in the District; and

WHEREAS, as permitted by the Municipal Service District Act, the Town intends to impose additional property taxes within the District in order to provide funds to pay for the cost of reimbursing the Owner for the construction of the Parkway and other related infrastructure, including, but not limited to, utilities, sidewalks and storm water facilities;

NOW, THEREFORE, for and in consideration of the mutual promises, covenants and agreements hereinafter contained, it is agreed by and between the parties hereto as follows:

1. Design of the Parkway. The Owner has selected LKC Engineering PLLC (the "Engineering Firm") to design and prepare construction documents for the Parkway. The Engineering Firm shall also administer the contract for the construction of the Parkway, shall prepare the appropriate right-of-way and/or easement maps, and coordinate and secure any required State and Federal environmental and encroachment permits. The Parkway shall extend from U.S. Highway 15-501 to Morganton Road approximately 4,000 linear feet across the Retail Property, the Multi-Family Property, the Van Camp Properties and property of Duke Energy, as shown on the attached Exhibit A and as more particularly described in the plans referenced in Exhibit B. Design specifications shall be mutually agreed upon by the Town and Owner. Construction of the Parkway will also include associated water lines, sewer lines, storm water lines, planted median and/or turn lanes, sidewalks, multi-use paths, street trees, street lighting and curb and gutter sections (collectively, the "Associated Construction Items"), in accordance with the approved CDP, and appropriate to such a cross section in accordance with the Town's UDO. The Town and Owner shall mutually agree upon a name for the Parkway prior to dedication to the Town.

2. Acquisition of Right-of-Way. Upon the preparation of right-of-way and/or easement maps for the Parkway by the Engineering Firm, Owner or its designee intends to secure all of the rights-of-way and/or easements for the Parkway, including slope and construction easements where required.

3. Construction of the Parkway. The Town and the Owner acknowledge and agree that the Owner will construct the Parkway in accordance with the bidding requirements of Article 8 of Chapter 143 of the North

Carolina General Statutes. The Engineering Firm has completed design documents to enable a solicitation of public bids for the construction of the Parkway, and has selected, through public bidding conducted in compliance with normal Town policies and applicable law, a contractor for the construction of the Parkway (the "Contractor").

4. Reimbursement. Upon completion of the construction of the Parkway, the Town shall, subject to the terms of this Agreement, reimburse Owner for the Project Costs up to a maximum amount of Six Million Eight Hundred Thousand Dollars ($6,800,000.00) (the "Maximum Amount"). As used hereunder, the term "Project Costs" shall mean:

(a) Actual costs paid to the Contractor (or its subcontractors) under the construction contract for the construction of the Parkway and associated improvements required at the intersections, including, but not limited to, those intersections with U.S. Highway 15-501 and Morganton Road;

(b) Design costs paid to the Engineering Firm (or its subcontractors) for the design and oversight of construction of the Parkway, including, but not limited to, traffic impact studies and geotechnical investigations;

(c) Costs of relocating and burying electrical lines impacted by the construction of the Parkway, to include the reconnection of existing facilities; and

(d) Cost of installation of the Associated Construction Items required as part of the Parkway as set forth in Section 1.

The Developer shall be responsible for the portion of Project Costs exceeding the Maximum Amount.

5. Completion of the Parkway; Termination of Agreement. Owner or its designee and the Town shall use their best efforts to complete the construction of the Parkway as soon as reasonably and practicably possible. If within twelve (12) months from the execution of this Agreement, the construction of the Parkway has not begun, then this Agreement shall terminate and the Town shall have no obligation to participate in any Project Costs unless an extension of this Agreement is mutually agreed to in writing. In addition, in the event that the Owner fails to close on the purchase of the Total Property by _____ [insert date], then the Owner or Town may terminate this Agreement upon written notice to the other party, whereupon the District implementation shall become null and void, with the Town taking any necessary steps to evidence the same.

6. Condition to Obligate to Reimburse. The Town's obligation to reimburse the Owner for the cost of the Parkway is subject to the following conditions, which the Town agrees to timely and diligently pursue:

(a) The Town is able to obtain financing for the reimbursement of the cost of the Parkway in accordance with Section 7.

(b) The Town has implemented the District.

7. Arrangement for Financing of the Parkway. The Town agrees to arrange for financing to reimburse the Owner for the costs of the Parkway upon its completion. The Town expects to work with Davenport & Company, its financial advisor, in obtaining such financing. The Town agrees that it shall use timely and good faith efforts to obtain such financing.

(a) The Town will take such steps as are required under the Municipal Service District Act to establish the District on or before June 30, 2022 in order to be effective for the fiscal year beginning July 1, 2022. The Owner agrees to cooperate with the Town in creating such District, and will formally consent to the

Property being included in the District, and to any required additional taxes related to this Agreement in the District. The owners of the Van Camp Properties are executing this Agreement to indicate their consent to the Van Camp Properties being included in the District and to any required additional taxes related to this Agreement in the District.

(b) The Town Manager will include an additional property tax within the District equal to (i) 40 cents (.40) per $100 in value of property subject to taxation in the Town's proposed budget for the 2022-23 fiscal year and (ii) thereafter, an additional property tax per $100 in value (up to the maximum permitted by applicable law less the then current Town tax rate) to permit the Town to pay the principal and interest due with respect to the IFC (as defined below) and to pay for any other additional services deemed necessary or desirable, and eligible for funding in the District under applicable law.

(c) Upon completion of the Parkway, the Owner shall provide reasonable evidence of the associated construction costs to the Town (which may include copies of draw requests or pay applications along with paid invoices, affidavits and lien waivers), and shall initiate the dedication of the Parkway to the Town as a public Street. Provided the Parkway conforms to the requirements of this Agreement, the Town will inform the Owner in writing that the Town will accept the dedication of the Parkway (the "Acceptance Notice"). Within thirty (30) days of the Town's Acceptance Notice, the Town will issue a Request for Proposals to various banks requesting term sheets for an installment financing contract (the "IFC") with the Town to finance the costs of the Parkway to be paid under this Agreement, to be secured by various fixtures that are part of the Parkway. The amount to be financed will not exceed the Maximum Amount plus costs of issuance for a term of not more than 20 years.

(d) The Town will timely apply for and diligently pursue in good faith the approval of the IFC from the North Carolina Local Government Commission (the "LGC"), including attending a preapplication conference, filing a formal application and undertaking such other items as the LGC may require. The Owner will cooperate with the Town in this process, including attending meetings with the LGC and providing copies of construction documentation, as required.

8. Dedication of Parkway. Upon completion of the construction of the Parkway, the Owner will offer the Parkway to the Town by giving written notice to the Town (the "Parkway Offer Notice"). Upon receipt of the Parkway Offer Notice, the Town shall promptly review the construction of the Parkway and notify Owner of any deficiencies. When the Parkway is in form ready for dedication, the Town shall notify the Owner of its acceptance of the dedication of the Parkway.

9. Reimbursement for the Parkway. As soon as reasonably practicable but in no event later than July 1, 2024, the Town will use the proceeds of the IFC to reimburse the Owner the sum of the actual Project Costs of the construction of the Parkway permitted under Section 3, as evidenced in the accounting for costs required by Section 7(c), not to exceed the Maximum Amount.

10. Binding Effect. This Agreement shall be binding upon and inure to the benefit of all of the parties hereto and their successors and assigns.

11. Choice of Law. All matters relating to this Agreement shall be governed by the laws of the State of North Carolina, without regard to its choice of law provisions, and venue for any action related to the Agreement shall be the Moore County Superior Court or the United States District Court for the Middle District of North Carolina.

12. Notices. Any notice given pursuant to this Agreement, shall be deemed given if delivered by hand or if deposited in the United States Mail, postage paid, certified mail, return receipt requested, and addressed as follows:

If to Town:	Town of Southern Pines 125 SE Broad Street Southern Pines, NC 28387 Attention: Town Manager
And a copy to:	Douglas R. Gill Town Attorney 225 N. Bennett Street Southern Pines, North Carolina 28387
If to Owner:	Midland Southern Pines Retail, LLC c/o Midland Atlantic Properties 8044 Montgomery Road, Suite 370 Cincinnati, Ohio 45236 Attention: John Silverman
And a copy to:	Suzanne Schaffer Lodestar Law 4722 Park Road, Suite B Charlotte, North Carolina 28209

13. Amendments. This Agreement constitutes the entire agreement and understanding of the Town and the Owner with respect to the subject matter hereof, and shall not be amended or modified except in writing signed by both parties hereto.

14. Default. The terms and conditions of this Agreement shall be enforceable by actions for specific performance or injunction in addition to any other remedies available at law or in equity, provided that the non-defaulting party provides due notice setting forth with reasonable particularity the nature of the default and the evidence supporting the finding and determination and an opportunity to cure to the defaulting party and the defaulting party fails to cure the breach within a reasonable time. Any failure or omission of the non-defaulting party to exercise any right or remedy provided herein shall not be deemed a waiver of such party's right to enforce strictly the defaulting party's obligations in any other instance.

15. Severability. If any provision of this Agreement shall be determined to be void by any court of competent jurisdiction, such determination shall not effect any other provision hereof, all of which other provisions shall remain in full force and effect. It is the intention of the parties hereto that if any provision of this Agreement is capable of two constructions, one of which would render the provision void and the other of which would render the provision valid, then the provision shall have the meaning which renders it valid.

16. Attorney's Fees. If any suit, action or proceeding in law or equity is brought to enforce the provisions of this Agreement, the prevailing party shall be entitled to reasonable costs and attorneys' fees.

17. Authority to Enter into Agreement. Owner and the Town certify that they are legally empowered to enter into this Agreement

18. Force Majeure. Notwithstanding anything to the contrary herein, the Owner shall not be liable to the Town for any failure to perform under this Agreement as a result of a force majeure, including, without limitation, the following, acts of governmental authorities, including, without limitation, the denial of permits which Owner has pursued in good faith, delays in the acquisition or condemnation of necessary rights of way or other property for public infrastructure, embargoes, fire, flood, hurricanes, tornadoes, explosions, acts of God or a public enemy, strikes, labor disputes, vandalism, civil riots, or acts of terrorism.

[Remainder of page intentionally left blank]

In witness whereof, the parties here to have executed this Development Agreement as of the date first above written.

MIDLAND SOUTHERN PINES RETAIL, LLC,
a Delaware limited liability company

By: Midland Southern Pines Venture Partners, LLC,
a Delaware limited liability company,
its sole Member

By:_____
Name:_____
Title:_____

TOWN OF SOUTHERN PINES, NORTH CAROLINA

By: _____
Name:_____
Title:_____

[Signatures of the Owners of the Van Camp Properties on next page]

The undersigned hereby acknowledge their consent to inclusion of their portion of the Van Camp Properties in the Municipal Service District described in Section 7(a) hereof.

MORGANTON ROAD ENTERPRISES, LLC,
a North Carolina limited liability company

By:_____
Name:_____
Title:_____

WSF LAND HOLDING COMPANY,
a North Carolina charitable organization

By:_____
Name:_____
Title:_____

ROBERT W. AND JULIE M. VAN CAMP
LIVING TRUST UNDER AGREEMENT
DATED DECEMBER 22, 1998

_____
Robert W. Van Camp, Trustee

_____
Julie M. Van Camp, Trustee

ASHLEY ANN READER IRREVOCABLE
TRUST, UNDER AGREEMENT DATED
DECEMBER 2, 1996

_____
Thomas M. Van Camp, Trustee

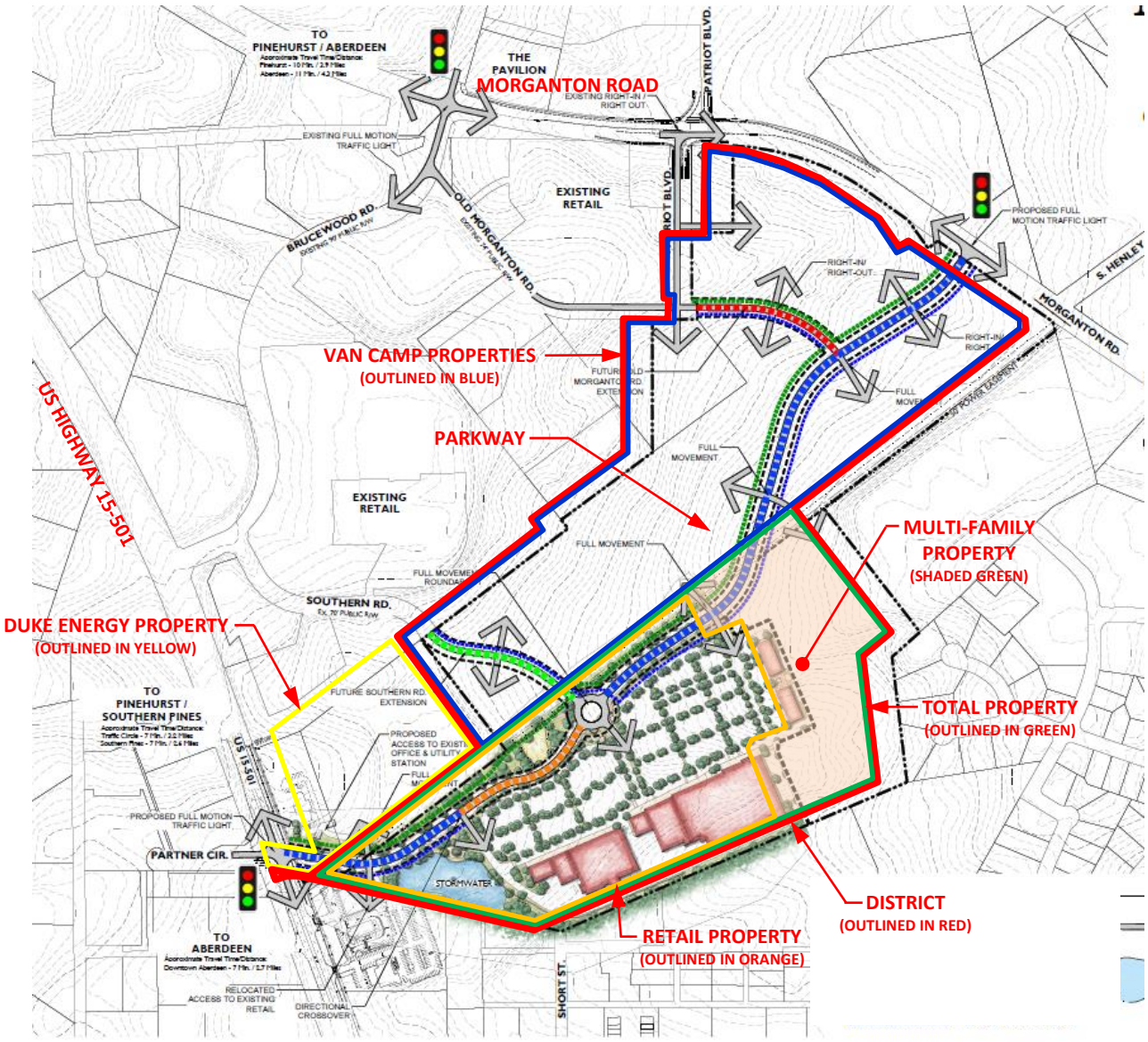
[End of Signatures]

Exhibit A

Map

See attached Map identifying the following:

1. Total Property
2. Morganton Park South-Phase I - Retail Property
3. Multi-Family Property
4. Parkway
5. District
6. Van Camp Properties
7. Duke Energy Property



LEGEND:

Yellow Outline	-	Due Energy Property
Orange Outline	-	Retail Property
Red Outline	-	District
Green Outline	-	Total Property
Blue Outline	-	Van Camp Properties
Green Shaded Area	-	Multi-Family Property

Exhibit B

Plans for the Parkway

- Those certain Civil Plans for Pine Ridge Parkway prepared by LKC Engineering, PLLC dated February 18, 2022 (Sheets C.0 – C-30 and Sheets D-01 – D-10) approved by the Town on _____.

- Those certain Streetscape Plans for Pine Ridge Parkway prepared by Koontz Jones Design dated December 20, 2021 (Sheets L-1.0 – L-3.0) approved by the Town on _____.

- Those certain Offsite Improvement Plans for Pine Ridge Parkway prepared by Kimley-Horn & Associates, Inc. dated January 9, 2022 (Sheets R0.00 – R7.03) approved by the Town on _____.

- Those certain Signal Plans for Pine Ridge Parkway prepared by Kimley-Horn & Associates, Inc. dated February 2022 (Sheets Sig 1.0 – Sig 2.0) approved by the Town on _____.

- Those certain Lighting Plans for Pine Ridge Parkway prepared by Duke Energy dated March 3, 2022 (Sheets 1 – 2) approved by the Town on _____.

Proposed Recreation & Parks Fees Schedule: Effective Date July 1, 2022 - DRAFT

Description	Recommended Resident Pricing Alternate Schedule	Recommended Resident Pricing Staff Recommendation	Recommended Non-Resident Pricing	Notes
Adult Classes, Programs, and Individual Athletics	Base cost, which includes materials and contracting services, if any, PLUS 25%.	Base cost, which includes materials and contracting services, if any, PLUS 25%.	Resident pricing + 40%	
Youth Classes & Programs	Base cost, which includes materials and contracting services, if any, PLUS 20%.	Base cost, which includes materials and contracting services, if any, PLUS 20%.	Resident pricing + 40%	Includes after school program and camps during school year. Excludes summer day camp, i.e. Summer Explorers.
Senior Classes, Programs, and Trips	Base cost, which includes materials and contracting services, if any, PLUS 20%.	Base cost, which includes materials and contracting services, if any, PLUS 20%.	Resident pricing + 40%	Senior fees apply to adults who are ages 55 or over.
Adult Team (Athletics)	$125 plus materials and contracting services.			Minimum 4 teams per league. *Team fee is determined prior to program cycle. Number of teams determines amount of games. The registration fee is the same for all teams, regardless of residency.
Youth Individual (Athletics)	$30	$30	$60	
Full Day Camp Weekly i.e. Summer Exploreres	Summer Explorer Camp Deposit = $20 After School & Summer Explore Camp Session Fees = Base cost, which includes materials and contracting, plus 20%	Summer Explorer Camp Deposit = $20 After School & Summer Explore Camp Session Fees = Base cost, which includes materials and contracting, plus 20%	Summer Explorer Camp Deposit = $40 After School & Summer Explore Camp Session Fees = Base cost, which includes materials and contracting, plus 40%	Summer Explorer Camp Deposits are non-refundable and non-transferable. Deposit are assessed for each session, per child, at time of registration. The deposit is applied towards the session fee.
Field Rental	***Per hour (2 hours minimum)** Field $20 Bases $20 Lining field $20 Lights $20	***Per hour (2 hours minimum)** Field $20 Bases $20 Lining field $20 Lights $20	***Per hour (2 hours minimum)** Field $40 Bases $40 Lining field $40 Lights $40	
Shelter Rentals	$35 for a 3-hour block $15/each additional hour	$35 for a 3-hour block $15/each additional hour	$70 for a 3-hour block $30/each additional hour	
Pool Park Stage	$40 for a 3-hour block $60 for a 3-hour block w/electricity $15/each additional hour	$40 for a 3-hour block $60 for a 3-hour block w/electricity $15/each additional hour	$80 for a 3-hour block $120 for a 3-hour block w/electricity $30/each additional hour	
Train Station (seats 30)	Weekdays: Mon-Thu $50 for a 3-hour block $15/each additional hour Weekends: Friday - Sunday $60 for a 3-hour block $20/each additonal hour	Weekdays: Mon-Thu $50 for a 3-hour block $15/each additional hour Weekends: Friday - Sunday $60 for a 3-hour block $20/each additonal hour	Weekdays: Mon-Thu $100 for a 3-hour block $30/each additional hour Weekends: Friday - Sunday $120 for a 3-hour block $40/each additonal hour	
Douglas Community Center (seats 90)	Weekdays: Mon-Thu $35 for a 3-hour block $10/each additional hour $10 for kitchen access Weekends: Friday - Sunday $50 for a 3-hour block $10/each additonal hour $10 for kitchen access	Weekdays: Mon-Thu $60 for a 3-hour block $15/each additional hour $15 for kitchen access Weekends: Friday - Sunday $75 for a 3-hour block $20/each additonal hour $20 for kitchen access	Weekdays: Mon-Thu $120 for a 3-hour block $30/each additional hour $30 for kitchen access Weekends: Friday - Sunday $150 for a 3-hour block $40/each additonal hour $40 for kitchen access	
Train House (seats 80)	Weekdays: Mon-Thu $60 for a 3-hour block $15/each additional hour Weekends: Friday - Sunday $75 for a 3-hour block $20/each additonal hour	Weekdays: Mon-Thu $60 for a 3-hour block $15/each additional hour Weekends: Friday - Sunday $75 for a 3-hour block $20/each additonal hour	Weekdays: Mon-Thu $120 for a 3-hour block $30/each additional hour Weekends: Friday - Sunday $150 for a 3-hour block $40/each additonal hour	
Greenspaces: *Downtown Park Campbell House Pool Park Whitehall Sandhurst Park	$20/hour Electricity: $10 flat fee	$20/hour Electricity: $10 flat fee	$40/hour Electricity: $20 flat fee	*The use of electricity at Downtown Park is only permitted for authorized Outdoor Special Events (OSE).
Courts (Basketball, Tennis, Racquetball, Pickleball)	$15/hour	$15/hour	$30/hour	
Disc Golf Course Rental	$100/day for 5 hours + $25/each additional hour	$100/day for 5 hours + $25/each additional hour	$200/day for 5 hours + $50/each additional hour	Additional fees may apply If renters or user groups are hosting a tournament. A user fee per person will be determined based on registration fee. This fee will be agreed upon by the Director of Recreation & Parks and the tournament Director
Pool Admission	**Ages 12 & under** $1 **Ages 13 & up** $2 Res	**Ages 12 & under** $2 Punch Pass $25 (25 visits) Annual Pass Individual $40 **Ages 13 & up** $3 Res Punch Pass $50 (25 visits) Annual Pass Individual $75	**Ages 12 & under** $4 Punch Pass $50 (25 visits) Annual Pass Individual $80 **Ages 13 & up** $6 Res Punch Pass $100 (25 visits) Annual Pass Individual $150	No fee is charged for entry during the last hour of operation each day.
Open Gym	**Ages 15 & under** $2 per visit Season Pass $10 **Ages 16 & up** $4 per visit Season Pass $20	**Ages 15 & under** $2 per visit Season Pass $10 **Ages 16 & up** $4 per visit Season Pass $20	**Ages 15 & under** $4 per visit Season Pass $20 **Ages 16 & up** $8 per visit Season Pass $40	
Town Employee Discount	Current employees will receive a 15% discount on the advertised price of programs, classes, and youth athetics. Employee residency will determine advertised cost.			Facility & Shelter rentals and Summer Explorers Day Camp are exempt from discounts.
Town Resident Early Registration	Registrations for programs, classes, camps, and similar will be open to Town residents for one week before non-residents are permitted to register.		N/A	

To: Reagan Parsons, Town Manager

From: Jessica Roth, Assistant Town Manager
Cindi King, Recreation & Parks Director

Date: June 1, 2022

Re: FY 22-23 Recreation & Parks Fees: Douglass Community Center

As part of developing the FY 22-23 proposed budget, staff has evaluated the Town's recreation fee schedule in detail, analyzing cost recovery revenues from user fees against expenditures for staffing, supplies, and facility operations. Based on a review of historic documents, it is believed that this fee schedule was last updated in 2005. Due to the length of time that has passed, there are many fees that were obsolete and/or have not kept pace with the Town's increased expenditures for these programs and facilities. Staff presented a draft fee schedule to Council on April 25, 2022, with the plan to forward the schedule for consideration at the June 14th Council meeting and to go in effect on July 1 with the FY 22-23 budget.

During the May 23rd Council work session, Council and staff further discussed the recommended fees for the Douglass Community Center (DCC) and the swimming pool. It is understood that some residents of West Southern Pines have expressed concerns about the affordability of increased fees for facilities in that neighborhood. There was consensus that the fee schedule would be reviewed again during the June 8th agenda meeting and staff would provide an alternative fee schedule and more details on these recommendations.

This memo will outline the Town's expenditures operating the DCC (both for Town activities and private rentals) and the rental fees that have been received over the past year. The memo will further detail the estimated expenditures and revenues (based on the recommended and alternative fee schedules) for FY 22-23.

Douglass Community Center: Usage in FY 21-22

The Town uses the DCC for a variety of functions, including meetings of the Town Council, Planning Board, and other entities as well as programs for adults who are 55 and older. The center is open to the public each weekday from 8:30am to 5pm. The DCC is available for private rentals in the evenings and on weekends or if space permits during the weekdays. Renters have access to the auditorium, which seats 90 with the provided tables and chairs. For an additional fee, users may also have full access to the kitchen for food storage and service. The current rates for rentals are:

	Resident Rate	Non-Resident Rate
3-hour rental: Mon through Thurs	$35	$70
3-hour rental: Fri through Sun	$50	$100
Kitchen Access	$10	$20
Each additional hour	$10	$20

From March 2021 through March 2022, DCC was used a total of 96 times for private events. The majority of these rentals are attributed to two users with standing weekly rentals, one for a Sunday church service and the other for a recurring Alcoholics Anonymous meeting. The remaining rentals are for social gatherings, such as birthday parties, baby and wedding showers, and similar. Saturdays are the most popular day for rentals, with most renters opting for the three-hour block with no additional hours.

Outside the standing weekly rentals who use DCC as a "home facility," there were 42 individuals who rented DCC during this time period. 74% of the renters (31) were Town residents and the remaining 26% (11 renters) were from other areas,

most commonly Carthage or Aberdeen. Among the Town residents, 55% (17 renters) were residents of the surrounding West Southern Pines neighborhood and 45% (14 renters) were from other areas in Southern Pines.

The Town collected a total of $8,040 in rental fees during this time. 75% of those fees were generated by Town residents (totaling $6,020), while the remaining $2,020 was received from non-residents. The Town also made DCC available at no charge to community-oriented groups/events during this time. The American Red Cross held three blood drives and the 2021 elections were hosted at DCC. The Veterans Day parade committee used DCC for seven hours to plan their event. The West Southern Pines Task Force reserved DCC for 51 hours and met for approximately 15 of those hours. These rentals are not included in the user data since they were provided at no charge.

It is estimated that over 10,000 individuals (collectively, not unique individuals) attended a function at DCC during this time period. 51% of these individuals attended a private event, while the remaining 49% participated in a Town program or meeting. It is estimated that DCC was open to the community a total of approximately 2,700 hours during the 12-month period, either for day-to-day operations, a Town meeting or event, or a private rental.

Douglass Community Center: Operating Costs in FY 21-22

Staff analyzed the costs of operating and maintaining DCC as a Town and community facility during the same time period of March 2021-2022. The total O&M costs are detailed in the following table.

Description	Expenses
Labor: custodial, facility/grounds keeping services	$23,500
Utilities: power, natural gas, water/sewer, solid waste	$16,500
Facility Preservation: mechanical systems, renovations, etc.	$10,000
Supplies/equipment usage	$2,200
Total Expenses	***$52,200***

As the detail above indicates, it takes considerable resources to keep a public facility maintained and operating for public use. Town staff dedicated nearly 1,000 hours to DCC during that 12-month period, meaning 0.5 FTEs (Full Time Equivalent employees) are allocated to the maintenance and upkeep of DCC each year.

We do not have data available to document the precise O&M expenses that are attributed to private rentals. Based on the number of individuals attending private rentals vs. Town-sponsored activities and the number of hours the building was in use for the different uses, it would be reasonable to assign 70% of these expenses to Town uses ($36,540) and 30% to private rentals ($15,660). Based on these estimated expenses and actual rental receipts, the expenses to host private rentals exceeded revenues from rental fees by approximately $7,600.

Based on expenditure trends, staff estimates these expenses will increase during FY 22-23. Applying the same usage patterns for FY 22-23, staff projects the total O&M expenditures for DCC will total approximately $56,000. Using the 70%/30% split, that would mean approximately $40,000 would be for Town activities and $16,000 for private rentals.

Douglass Community Center: Capital Expenditures

The Town has invested considerable resources into upgrading and improving DCC over the past few years. Recent projects have totaled nearly $180,000 and have included: new interior flooring, paint, and ceiling tiles; new roof and exterior siding; new HVAC and electrical systems; and similar. The Town has nearly $120,000 planned over the next year, to include more interior painting, exterior façade improvements, upgrading the auditorium to LED lighting, and $100,000 toward paving the existing gravel parking lot.

Despite the past and planned expenditures, there are still more projects that the Town has been unable to fund to date. One project includes a restroom renovation to match the updated interior of the remainder of the building. This project has a total cost estimate of $30,000.

Douglass Community Center: Recommended Rental Fees

Facility rental fees are a type of revenue source classified as a user/beneficiary charge. These charges have some important characteristics that distinguish them from property taxes and other sources of general revenue. First, they are payments for specific services. Unlike property taxes which support a broad range of services, a user knows exactly what he or she is receiving in exchange for paying the rental fee. Second, user charges are paid by the consumer of the service – the person renting the facility, the participant joining a recreation program or class, etc.

Given these characteristics, there are some distinct benefits to user/beneficiary charges. One, they help to cover the cost of services when legal, political, or economic constraints limit other revenue sources. Second, the public generally considers a user charge as a fair and appropriate way to pay for services that are not used by the community at large. When the user charges adequately cover the service received, this re-directs property taxes and other general revenues to public goods that serve the community at large, such as police, fire protection, street maintenance, and similar.

With this understanding in mind, staff has recommended increases to the rental rates for all Town facilities. Given that the last update was in 2005, they have not kept pace with O&M costs or allowed the Town to recoup any of the capital investments that were made toward improving the rental experience. Staff recommends the following fee schedule for private rentals at DCC:

	Resident Rate	Non-Resident Rate
3-hour rental: Mon through Thurs	$60	$120
3-hour rental: Fri through Sun	$75	$150
Kitchen Access	$20	$40
Each additional hour	$20	$40

Much like the expenditure analysis, staff forecasted potential revenues from this fee schedule, assuming the same rental scenarios as March 2021-2022. Using these assumptions, the proposed fees could generate $13,000 toward the expected $16,000 in expenses to host private rentals. While this does not achieve 100% cost recovery, it reduces the existing gap and keeps it from further growing as expenses continue to increase. If the schedule is evaluated each year as part of the budget, minor adjustments can be made over time to attain full cost recovery, if desired.

Staff does recommend continuing to offer certain rentals at no charge for those events that provide a community benefit, such as planning for community events, blood drives or vaccination clinics, elections, and similar.

As requested, staff has also prepared an alternative fee schedule for consideration, that does not increase resident rates, but does adjust non-resident rates to those suggested by staff above. This fee schedule is as follows:

	Resident Rate	Non-Resident Rate
3-hour rental: Mon through Thurs	$35	$120
3-hour rental: Fri through Sun	$50	$150
Kitchen Access	$10	$40
Each additional hour	$10	$40

Using these assumptions, the proposed fees could generate $9,200 toward the expected $16,000 in expenses to host private rentals, with the Town covering approximately $6,800 toward the cost of hosting private rentals.

To: Reagan Parsons, Town Manager

From: Jessica Roth, Assistant Town Manager
Cindi King, Recreation & Parks Director

Date: June 2, 2022

Re: FY 22-23 Pool Expenditures & Revenues

As part of developing the FY 22-23 proposed budget, staff has evaluated the Town's recreation fee schedule in detail, analyzing cost recovery revenues from user fees against expenditures for staffing, supplies, and facility operations. Based on a review of historic documents, it is believed that this fee schedule was last updated in 2005. Due to the length of time that has passed, there are many fees that were obsolete and/or have not kept pace with the Town's increased expenditures for these programs and facilities. Staff presented a draft fee schedule to Council on April 25, 2022, with the plan to forward the schedule for consideration at the June 14th Council meeting and to go in effect on July 1 with the FY 22-23 budget.

During the May 23rd Council work session, Council and staff further discussed the recommended fees for the Douglass Community Center (DCC) and the swimming pool. It is understood that some residents of West Southern Pines have expressed concerns about the affordability of increased fees for facilities in that neighborhood. There was consensus that the fee schedule would be reviewed again during the June 8th agenda meeting and staff would provide an alternative fee schedule and more details on these recommendations.

This memo will outline the Town's expenditures operating the pool and the user fees that have been received over the past year. The memo will further detail the estimated expenditures and revenues (based on the recommended and alternative fee schedules) for FY 22-23.

Pool: Usage in Summer 2021

The Town's pool is open to the public in the summer, beginning on Memorial Day weekend and closing in mid-August. The pool is open Monday through Saturday from 12:30pm to 6:30 pm and is supervised by lifeguards employed by the Town. The pool facility includes a 3,000 square-foot pool, a toddler wading pool, and a bathhouse with restrooms. A splash pad adjoins the pool and does not require an entry fee. Attendance for the 2021 season was as follows:

	Attendance	Entry Fee	Total Fees Received
Residents: 12 & under	1,441	$1	$1,441
Residents: 13 & older	1,087	$2	$2,174
Non-residents: 12 & under	690	$2	$1,380
Non-residents: 13 & older	644	$4	$5,152
Free entry: 5:30-6:30pm	279	$0	$0
Summer Day Camp	1,014	$0	$0
TOTALS	**5,155**		**$7,571**

Outside the summer campers, there were 4,141 entries into the pool during the summer 2021 season; 3,862 of the entries were paid, generating a total of $7,571 in revenues.

- At the beginning of the summer last year, the management team made an administrative decision to change the daily "free hour" from the first hour of operation to the last, meaning there is no entry fee charged for anyone who arrives at 5:30 pm or later to swim. Staff included this on the proposed FY 22-23 fee schedule to formally memorialize this practice as it is continuing this summer. There were 279 people who took advantage of this "free hour" in 2021.
- Of the paid entries, 61% were Town residents. The lifeguards only verify Town residency and do not notate specific addresses for people who use the pool.

- The Town hosted a "back to school" pool party on August 22, 2021. Admission was free to all and the Town partnered with a local church to provide backpacks filled with school supplies to youth. 65 people attended this party.

The Town also has a user agreement with the Sandhills Sandsharks, who use the pool year-round. The Sandsharks offer a competitive swim team, summer league, lessons for youth and adults, and access for lap swimming. Per the agreement, the Sandsharks cover the pool's operating & maintenance costs when the Town is not operating it and then the Town and Sandsharks split the costs 50/50 during the summer season. Capital expenses are shared between the two organizations, as appropriate.

Pool: Operating Costs

Staff analyzed the Town's costs of operating and maintaining the pool for the period of May 2021-2022 and projected the same for FY 22-23. The total O&M costs are detailed in the following table.

Description	FY 21-22 actual	FY 22-23 projected
Labor: custodial, facility/grounds keeping services	$19,350	$20,500
Utilities	$2,015	$2,520
Supplies/equipment usage	$8,500	$9,500
Subtotal – Buildings & Grounds	***$29,865***	***$32,520***
Lifeguards	$13,195	$17,295
Total Operating Costs	***$43,060***	***$49,815***

The Town's expenditures for the pool during FY 21-22 were over $43,000. The Town collected $7,571 in user fees last summer, which covered only 18% of the operating costs (or 57% of the expenses for lifeguard staffing).

There will be a considerable increase for lifeguard wages for the 2022 summer. These starting pay rates had not been adjusted in a number of years which made it challenging to recruit lifeguards. The minimum hourly rate was adjusted to $12.50 and staff expects this will increase actual pay by 33% compared to last summer. With other increases to supplies and utilities, staff projects the costs for the 2022 season to be right at $50,000.

Recommended Fees for FY 22-23

Staff recognizes that it is not the goal of public parks and facilities to be profitable or to even break even in most cases. If that were the goal, the Town would have needed to collect over $10 from each person who visited the pool in the 2021 season in order to cover the $43,000 in operating costs. There is also a community-wide benefit to having a pool that is publicly accessible.

Even understanding the nature of a public good, it is financially prudent to identify widening gaps between revenues and expenditures and possible adjustments that can improve efficiencies. It would not be unreasonable, for example, to expect entry fees to cover the costs of staffing the pool with lifeguards whose service directly benefits those who actually use the pool. Knowing this cost alone will increase by more than 30% this summer, staff has recommended a $1 increase for Town residents and $2 for non-residents.

Staff also recommends the introduction of pool passes. As an example, a parent could purchase an annual pass for a child under 12 for $40. For those families who use the pool regularly, this would bring the actual entry fee below $1/visit, which is the current fee. In addition to cost savings, this is a convenience over bringing a cash payment for each pool visit. As requested, staff has also prepared an alternative fee schedule for consideration, that does not increase resident rates, but does adjust non-resident rates to those suggested by staff above. Both options are detailed in the following table.

	Staff Recommended Resident Rate	Alternative Resident Rate	Recommended Non-Resident Rate
Daily admission: 12 & under	$2	$1	$4
Punch pass: 12 & under, 25 visits	$25	$25	$50
Annual pass	$40	$40	$80
Daily admission: 13 & over	$3	$2	$6
Punch pass: 13 & over, 25 visits	$50	$50	$100
Annual pass	$75	$75	$150
Admission: 5:30pm – 6:30pm	No charge	No charge	No charge

If the Town sees similar user trends this summer, the recommended fee schedule could generate an additional $7,500 or so in revenues or a total of over $15,000, which would nearly cover the expected lifeguard expenses of $17,000. This would help cover approximately 30% of the total operating costs, compared to 18% last summer. Staff projects the alternative resident fee schedule (combined with the recommended non-resident rates) would generate approximately $11,500 in revenues. These fees would cover approximately 23% of the total operating costs (67% of the lifeguard staffing expenses).

The Pool's History and Future

The Town's pool has been a source of much discussion over the past 20 years or so, largely due to its age, condition, attendance, and the growing costs it requires each year to operate. The Town Council minutes from February 11, 2014 (attached) provide a detailed account of this history until that point. As a summary:

- The Town appointed an Aquatics Task Force in 2005, who completed a study of the pool and the Town's aquatics services. The Task Force recommended in 2005 that the pool be closed due to its age and low attendance. At that time, the pool had been in operation for 42 years and the typical lifespan for a pool without significant renovations or complete reconstruction is 25-30 years; the pool is now approaching 60 years in operation.
- Based on the Task Force's recommendations, the Town completed the *Pool Park Master Plan* in 2009 which identified a new splash pad, pavilion, playground, walking trails, and shelter. The existing pool was to be demolished to accommodate the new additions, but the bathrooms would remain and be renovated.
- After completion of the 2009 master plan, the Town began setting aside funding to implement the plan.
- In 2014, the Town began moving forward with the master plan and received bids to demolish the pool.
- At the February 11, 2014 meeting, Council and staff presented the pending projects and received comments from the public on the plans. Multiple residents from the surrounding neighborhood encouraged Council to leave the pool open and expressed general support that solutions would need to be identified to address the rising operational costs and long-term capital needs.
- The Pool Park plan was amended to retain the existing pool and construction of some elements, including the splash pad, subsequently occurred.

MINUTES

Regular Business Meeting of the Southern Pines Town Council
February 11, 2014, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

Present: Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon, Councilmember Teresa VanCamp

Absent: None

Call To Order

Pledge of Allegiance

1. Manager's Comments

Town Manager Parsons gave an overview of the items on the Consent Agenda.

2. Consent Agenda

A. Adopt Agenda Meeting Minutes of January 8, 2014 and Regular Business Meeting Minutes of January 14, 2014 as written.

B. Budget Amendments

- Fund Balance to Special Appropriations $5,000

C. Board Appointments

- Appearance Commission
  - Harry Neely 02/12/2014 – 10/31/2016

D. Acceptance of Fiscal Year 2012-2013 Annual Audit

E. Camden Villas Performance Bond Renewal: $54,338

F. Resolution: Moore County Transportation Committee

Upon motion by Councilmember Walden, seconded by Councilmember Simeon and carried unanimously, the Consent Agenda was adopted.

3. Architectural Reviews

A. AR-01-14 Outback Steakhouse, 100 Southern Rd., Landon Bradshaw, Petitioner

Mayor McNeill gave a brief overview of the proposed architectural review.

No discussion ensued.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously, AR-01-14 Outback Steakhouse, 100 Southern Rd. was approved.

4. Public Hearing

A. Community Development Block Grant Applications

Town Manager Parsons gave a brief overview and commented that the hearing is to announce the Town's intention to apply for CDBG funds and the hearing is required prior to submitting specific applications. Town Manager Parsons

continued by commenting the next public hearing will be held next month regarding an application for funds for a project in the Southern Pines Corporate Park.

There were no public comments.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously, the Public Hearing was closed.

5. Miscellaneous

A. Pool Park Plans Presentation: Recreation & Parks Director Robert Reeve

Mayor McNeill commented that this project dates back a number of years and Council desires to inform the public of what is to occur with Pool Park and to allow comments regarding the plans.

Recreation & Parks Director Robert Reeve gave an overview of the 2005 Aquatics Services Study and Pool Park Master Plan and commented in 2005, a decision was made to close the pool that due to its age and low attendance issues. Director Reeve continued with an overview of 3 options in the Aquatics Services Study that would continue pool operations and commented the Aquatics Task Force suggested constructing a new aquatic facility at an alternate site with a splash pad if the Town decided upon installing a new pool.

Director Reeve spoke regarding the process of compiling the Pool Park Master Plan and commented when the process reached the point where funding could be researched, the suggested elements in the plan would be pursued and a fund was created 2 years ago to allocate funds toward designing the first elements of the master plan to proceed in installing a splash pad with the understanding that the pool would be unavailable for public use.

Director Reeve commented they are at the point to build a splash pad and it is the first priority in the process. Director Reeve continued by commenting bids for the proposed performance stage are expected to be received in the next couple of days.

Councilmember VanCamp asked Director Reeve to address safety concerns. Director Reeve commented that 4 lifeguards are hired are hired each year due to the extreme liability of a pool, but lifeguards are not necessary with a splash pad due to no standing water.

Councilmember Simeon inquired what types of safety issues the Town would institute to include a splash pad in the park. Director Reeve commented rules and regulations would be posted at the park and the splash pad could be supervised during certain group events. Councilmember Simeon inquired how the safety issues would be implemented. Director Reeve responded by commented the splash pad is an element just like any other park element and could be supervised by adults or age limitations could be set with adult supervision and that the splash pad could be staffed if desired.

Councilmember Simeon commented anytime there is water, there is the same liability or safety concern that is not present with a basketball or tennis court.

Councilmember Walden inquired the present condition of the pool. Director Reeve responded by commenting that a typical pool has a use of approximately 25-30 years and the Town's pool is almost 51 years old with several issues. Director Reeve continued by commenting the pool and the decking have significant cracks which pose tripping hazards and the changing rooms are not ADA accessible along with other issues. Director Reeve commented significant funds were not invested towards the facility due to the idea of moving forward with the new park elements.

Director Reeve commented the cosmetic issues need to be addressed but underground issues such as the pipes have not been discussed and the pool is showing its age.

Councilmember VanCamp inquired what communities in Moore County have a public swimming pool or a splash pad. Director Reeve responded by commenting he was not aware of any other splash pads and that Taylortown may have a public pool.

Councilmember VanCamp commented the loss of providing swimming lessons is a negative and inquired if arrangements could be made to provide swimming lessons. Director Reeve responded by commenting that he has contacted other pools in the area for providing swimming lessons and they seem willing to make accommodations.

B. Public Comments on Pool Park

Cheryl Mensch, 20 Hunter Court, commented that she thinks that kids growing up should always have an available pool and a splash pad does not compare to a swimming pool. Mrs. Mensch continued by suggesting investing the money for the alternative park elements into renovating the pool or building a new pool.

Deeca Miller, 829 S. Mechanic Street, commented it was irresponsible to allow to the pool to get it in its present condition and kids don't have anything to do during the summer. Ms. Miller continued by commenting she doesn't think it is fair to the low-income single parents because the pool is an outlet and they need the pool.

Arthur Mason, 795 W. New Hampshire Avenue, commented he thinks the splash pad will be too dangerous for children without supervision and he would hate to lose the pool.

Roy McCoy, Pastor, Worship Center, commented discussion regarding closing the pool should not occur unless a new pool is to be built and demolition should not be considered due to the citizens not having anywhere to go. Mr. McCoy continued by commenting that it is a slap in the face when all citizens are not being considered and it is an embarrassment to the Town to not want to fund the repairs and lifeguards for the pool.

Sinaya Lawrence, 829 S. Mechanic Street, commented that safety is a concern with a splash pad.

Tessie Taylor, 937 N. Ashe Street, commented in her opinion, a splash pad is ok for little kids and for it to be effective, parents would not have the freedom to allow their kids to go to the splash pad unsupervised. Ms. Taylor continued by commenting when there is water and children, there is danger and she thinks the splash pad would increase the Town's liability.

Ms. Taylor inquired if half of the proposed $1.7Million could be invested in rebuilding the pool at its current location and if CDBG funds could be applied for to renovate the pool. Ms. Taylor continued by commenting she thinks there is a concerted effort to create an insignificance of West Southern Pines and it appears that all major Town upgrades occur east of the bridge.

Ms. Taylor commented it is difficult for a people to have their identity slowly stripped away due to dollar signs when the dollars belong to those people.

O'Linda Gillis, Moore County NAACP President, requested county and municipal budgets for the pool in the Southern Pines Pool Park and commented she was told the Pool Park was a neighborhood park and that it does not match up in comparison to other Town parks. Ms. Gillis continued by requesting total federal, state, and local funds used for operational expenses for all Town parks and commented that funds can be found to renovate and keep the pool and that there are no sponsor signs in the Pool Park as in other Town parks.

Michael Lawrence, 829 S. Mechanic Street, asked for Council to keep the pool open.

Dorothy Brower, 102 Eastman Road, commented that she is upset with the school and pool closings in West Southern Pines and that those are two community assets that the citizens are very proud of. Ms. Brower continued by commenting a lot of labor and love went into both of those institutions and she thinks the pool is closing due to intentional neglect.

Ms. Brower spoke regarding pools in Asheboro, Sanford and other counties and commented that federal, state and local funds can be applied for and that she sympathizes with the Town regarding funds being spent to maintain the pool but she thinks it is due to no prior preventative maintenance.

Ms. Brower spoke regarding opportunities to make more money at the pool and commented there are groups and individuals that are willing to donate funds to ensure that kids can swim who want to. Ms. Brower continued by commenting that whatever is done needs to be more attractive for children.

Ms. Brower inquired if the Town is in violation for keeping the pool operational in its current condition without making proper repairs and commented that no one has complained because the kids are happy to be there. Ms. Brower continued by commenting that she thinks the priority should be in community building and providing the resources for people who move to Town.

Oliver Hines, 635 W. Michigan Avenue, spoke regarding the importance of the pool's location and commented the location is important and is awesome. Mr. Hines continued by commenting that at some point a change will have to be embraced but it can't be now.

Mr. Hines spoke regarding kids dressing inappropriately and commented there is no security for the splash pad and we can't create situations that we can't control and we are asking for something we don't need. Mr. Hines commented you have to think about safety and the concern of others.

Mr. Hines commented we need options before we consider closing the pool and we shouldn't close places in the community that the citizens are used to and it is not a good time to close the pool.

Maurice Holland, Jr., 346 Midway Road, Aberdeen, commented that the Town of Aberdeen built the Lake Recreation Facility with grant funds and the Town could look into the Blue Cross Blue Shield Foundation for grant funds.

Hugh Mensch, 20 Hunter Court, commented he never heard of the Aquatics Study while serving on the Comprehensive Long Range Plan Committee and the West Southern Pines Committee and continued by commenting a splash pad might be good for younger children but he doesn't see anything in the plans for the older kids.

Mr. Mensch commented he hasn't heard anything regarding operational costs for the pool, which seems to be the main objection and he thinks Council should look for a comparison of what can be done to keep the pool open or other sources of funds to keep the pool open. Mr. Mensch continued by commenting that it seems the community wants to keep the pool and that the needs of the families in the community to have a pool are justified.

Marsh Smith, 568 San Tee Road, commented as long as he can remember the Town pool and Elks Club pool has always been here and the Elks Club pool is maintained by a small group of volunteers and looks pretty good. Mr. Smith continued by commenting that the Town can maintain the pool and should fix the parts that have fallen into disrepair.

Mr. Smith commented the Town can take pride in keeping the pool going and that the pool allows people to learn to swim and surely the Town can find funds to pay for lifeguards.

Cynthia McDonald, 893 W. Pennsylvania Avenue, commented that kids look forward to the pool in the summer.

Mayor McNeill commented this was not a public hearing but an opportunity for public input and the item was presented to Council at the January Worksession. Mayor McNeill continued by commenting there is disconnect between what is recommended in the plan and what the community wants.

Councilmember VanCamp thanked those who spoke and provided input.

Councilmember Walden thanked everyone for attending and commented that the discussion regarding closing the pool took place 9 years ago due to decreased usage. Councilmember Walden continued by commenting that Council must have reason to justify its decisions they make and that numbers reveal a lot of things and the pool's use was way down last year. Councilmember Walden presented pool use statistics and operational cost for 2013.

Councilmember Walden commented he was looking for the users of pool to express the value of the service the community is receiving and it doesn't seem the community is using the pool as we have the sentiment in keeping it open and it seems the sentiment is ownership.

Roy McCoy commented there is a lot that can be done as a community and we can come together to receive funds and grants.

Mayor Pro Tem Fields gave an overview of the operational and repair cost for the pool and commented it could cost approximately $100,000 to open the pool this year. Mayor Pro Tem Fields continued by commenting revenues in 2013 totaled $1,800 and he understands the importance of the pool and what it means to the community, but Council has to be careful with the tax dollars and he is concerned with the cost to open the pool and if it is reopen, he thinks the rest of the Pool Park plans need to be scrapped.

Councilmember Simeon commented he still has the opinion that a mechanism needs to be found to keep the pool open or to have a viable alternative and that swimming pools were significant parts of the community he grew up in and spoke regarding public pools in other communities.

Councilmember Simeon commented he thinks a pool and what it does for a community is tremendous and the lessons learned in swimming are transferrable to other areas of life. Councilmember Simeon commented he thinks the Town needs to look into alternative revenue possibilities and do what is possible to keep the pool open. Councilmember Simeon commented he looks at learning to swim in the same way as he looks at learning to read.

Councilmember VanCamp commented she is working with information she was given and there were surveys and studies done where people were interested in a splash pad but she is not sure that is presently the case. Councilmember VanCamp continued by commenting she understands that a pool is an outlet for kids in the summer.

Councilmember VanCamp commented the decision is difficult but she would refer to the community that uses the pool to help make the decisions and if the community would possibly forgo a year of pool use. Councilmember VanCamp commented she doesn't have all the answers but she looks at the potential and everyone will have to make difficult decisions if this is going to happen.

Mayor McNeill commented he thinks the 2009 plan was well-intended but disconnect is present between what was planned and where we are today and inquired if the splash pad contract has been executed.

Town Manager Parsons responded in the negative and commented there was no intent to move forward until a decision was made by Council.

Mayor McNeill inquired if there are any penalties for not executing the contract. Town Manager Parsons responded in the negative and commented there are no financial penalties other than what has been spent on design and engineering.

A motion was made by Mayor McNeill for Council direct staff to not proceed with the splash pad, for Recreation & Parks Director Robert Reeve to determine the cost to open the pool for the 2014 season, for Council to form and appoint a 5-member committee to review the Pool Park Master Plan to make sure the Pool Park plans are consistent with the desires of the community, and research to be conducted for potential funding sources, such as the North Carolina Parks and Recreation Trust Fund, Z. Smith Reynolds Foundation, Blue Cross Blue Shield Foundation, as well as Community Development Block Grants.

Town Manager Parsons inquired if Mayor McNeill would include in the motion not to proceed with opening of bids for the performance stage until the long-term plan for Pool Park is determined. Mayor McNeill was in agreement.

Mayor McNeill commented he thinks a committee needs to be formed to work with staff in reviewing the Pool Park Master Plan.

Motion was seconded by Councilmember Walden.

Councilmember Simeon commented the Mayor's proposal gives the opportunity to evaluate available options and he encouraged Council to proceed.

Mayor Pro Tem Fields commented an Aquatics Study was done in 2005 and a redevelopment plan in 2009 where 500 people spoke regarding closing the pool and its alternative and commented he has been under the assumption that the pool would close and a splash pad would go in its place.

Mayor McNeill commented he did not hear any of the 500 people speak about the position they were in 5 years ago and the redevelopment plan in 2009 was well-intended and the perception was another pool would be built, which did not occur. Mayor McNeill continued by commenting he thinks the proposed committee will review the Pool Park Master Plan and make recommendations to Council at a Worksession for discussion and they will also work staff researching funding opportunities and he thinks it is worth pursuing.

Mayor Pro Tem Fields commented he is concerned that Council is just 'kicking the can down the road' again because a vote was called in 2005 to close the pool.

Councilmember VanCamp commented it would be ridiculous to have this happen all over again and that a time limit or specific goals should be set but with more community involvement.

Councilmember Simeon commented that Council has to look at the alternatives of renovation cost or building a new facility in a new location. Discussion ensued.

Mayor Pro Tem Fields commented Council has reviewed some of the alternatives which are very expensive and tough decisions will need to be made on where the funding will come from and what services or programs will not be provided to the Town to help fund a new pool.

Mayor McNeill commented he does not look to the Town to be the sole-provider of a new swimming pool and he can't see the Town undertaking such a large project without outside assistance.

Councilmember VanCamp commented she thinks a 5-member committee is a good idea as long as they have time constraints.

Mayor McNeill commented the committee will bring recommendations to Council prior to spending any money on opening the pool.

Mayor Pro Tem Fields commented the process to open the pool has to start now and he doesn't think the committee has time to deliver recommendations. Discussion ensued.

Councilmember VanCamp commented she would like to see the $100,000 put towards something new and Council needs renovation totals to review.

Town Manager Parsons commented he will ask staff to compile the bare minimum totals for opening the pool for this year.

Discussion ensued regarding delaying opening the pool.

Mayor Pro Tem Fields inquired if the Mayor's motion would include delaying opening the pool for 1 year while the information is compiled. Mayor McNeill responded in the affirmative.

Motion carries unanimously.

C. Budget Amendment

- Fund Balance to Pool Park Plan $25,000

6. Public Comments

Marsh Smith, 568 Santee Road, thanked Mayor McNeill for his leadership and commented it was a courageous stand in keeping the pool open. Mr. Smith continued by commenting that the problem with keeping the pool open is symptomatic of the problems in West Southern Pines and the underlying problem is many residential lots in West Southern Pines have had intestate succession issues. Mr. Smith continued by commenting with intestate succession issues, banks will not issue loans for remodeling or renovations and the Town needs to consider helping the Southern Pines Land and Trust receive a grant to help the community cleanup ownership titles which will help with revitalization in West Southern Pines.

Dorothy Brower, 102 Eastman Road, commented that dialogue tonight was not directed at one particular person and that people weren't aware of the Aquatics Study. Ms. Brower continued by commenting that she does not think Council had the numbers of the community in regards to closing the pool and this new opportunity can be more inclusive.

Tessie Taylor, 937 N. Ashe Street, commented she was one of the original people who requested and initiated the Aquatics Study and the problem lies in the premise that we can wait until the time to hold these types of discussions and these discussions should occur months prior to decisions being made.

Ms. Taylor continued by commenting the communication lines need to open and we need to hear where we are in project processes and the citizens are looking forward to working with the Town to get the best dollar-value for the community.

O'Linda Gillis, President of Moore County NAACP, commented that people came to speak regarding the use and continued use of the pool and that the citizens cannot read Council's minds regarding what they are looking for. Ms. Gillis continued by commenting that due to weather conditions, more young people were not in attendance but more could have been present to speak against closing the pool.

As so incorporated to these minutes of February 11, 2014 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 9:13 p.m.

_____
Phillip Britt
Town Clerk

Southern Pines

2021

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

1. System Information

Contact Information

Complete

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

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-12	4.80 %
Cast Iron	1-12	12.60 %
Ductile Iron	6-18	5.30 %
Galvanized Iron	2	0.40 %
Other	1-16	12.80 %
Polyvinyl Chloride	2-12	64.10 %

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

How many feet of distribution lines were replaced during 2021? 1,000 Feet

How many feet of new water mains were added during 2021? 5,691 Feet

How many meters were replaced in 2021? 20

How old are the oldest meters in this system? 9 Year(s)

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 1,643

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

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

Programs

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

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

Does this system have a cross-connection program? Yes

Does this system have a program to replace meters? No

Does this system have a plumbing retrofit program? No

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

Does this system have a leak detection program? No

Water Conservation

What type of rate structure is used? Flat/Fixed

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

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

2. Water Use Information

Service Area

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

What was the year-round population served in 2021? 15,500

Has this system acquired another system since last report? No

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	9,649	1.5503	0	0.0000
Commercial	946	0.4500	0	0.0000
Industrial	7	0.0035	0	0.0000
Institutional	152	0.1178	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.1630 MGD

System processes include hydrant flushing/flow testing, street sweeping, sewer jetting, storage tank draining/cleaning, water breaks and projects using significant volumes of water.

Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	Contract			Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration	Recurring			
Aberdeen	03-63-020	0.0000	0	0.5000	2053	Yes	Yes	8	Emergency
Dept of the Army (Camp Mackall) cust#: 16388	03-63-617	0.0330	365	0.0450	2025	Yes	Yes	8	Regular
Moore Co - Addor	03-63-153	0.0022	365	0.0450	2025	Yes	Yes	6	Regular
Moore Co - Carolina (Warrior Woods)	03-63-152	0.0086	365	0.0300	2025	Yes	Yes	6	Regular
Moore Co - Pinehurst (Midland Rd)	03-63-108	0.4599	365	1.0000	2025	Yes	Yes	8	Regular
Oakwood Hills-Pinebluff Cust#: 010258	03-63-151	0.0171	365	0.0000	2025	Yes	Yes	6	Regular
Town of Carthage	03-63-025	0.0757	2	0.5000	2027	Yes	Yes	8	Emergency
Whispering Pines (Carolina Water)	03-63-112	0.3134	365	0.3500	2025	Yes	Yes	8	Regular

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	2.3679	2.8795	May	4.3006	6.7115	Sep	4.1329	5.2353
Feb	2.2762	2.6169	Jun	4.5303	6.2345	Oct	3.6942	4.6038
Mar	2.4492	2.8975	Jul	4.5592	4.9645	Nov	3.1286	4.2045
Apr	3.5457	5.0475	Aug	4.6315	5.5677	Dec	2.8953	3.2145

Includes water plant source water (reservoir) and purchased from Aberdeen via Cypress Creek interconnection.

Ground Water Sources

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

Ground Water Sources (continued)

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

Are ground water levels monitored? No,

Does this system have a wellhead protection program? Yes

Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Drowning Creek	Southern Pines Plant Reservoir	3.5393	365	6.7010	14.0000	F	0.0000

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

Surface Water Sources (continued)

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

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

Are surface water sources monitored? Yes, Daily

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

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

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased (MGD)	Days Used	Contract			Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
				MGD	Expiration	Recurring			
Aberdeen - Cypress Creek	03-63-020	0.0105	365				Yes	8	Regular
Aberdeen - Emergency Connection	03-63-020	0.0000	0	0.1000		Yes	Yes	8	Emergency
Carthage - Emergency Connection	03-63-011	0.0000	0	0.5000	2013	Yes	Yes	8	Emergency

Water Treatment Plants

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

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2021? No

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2021? No

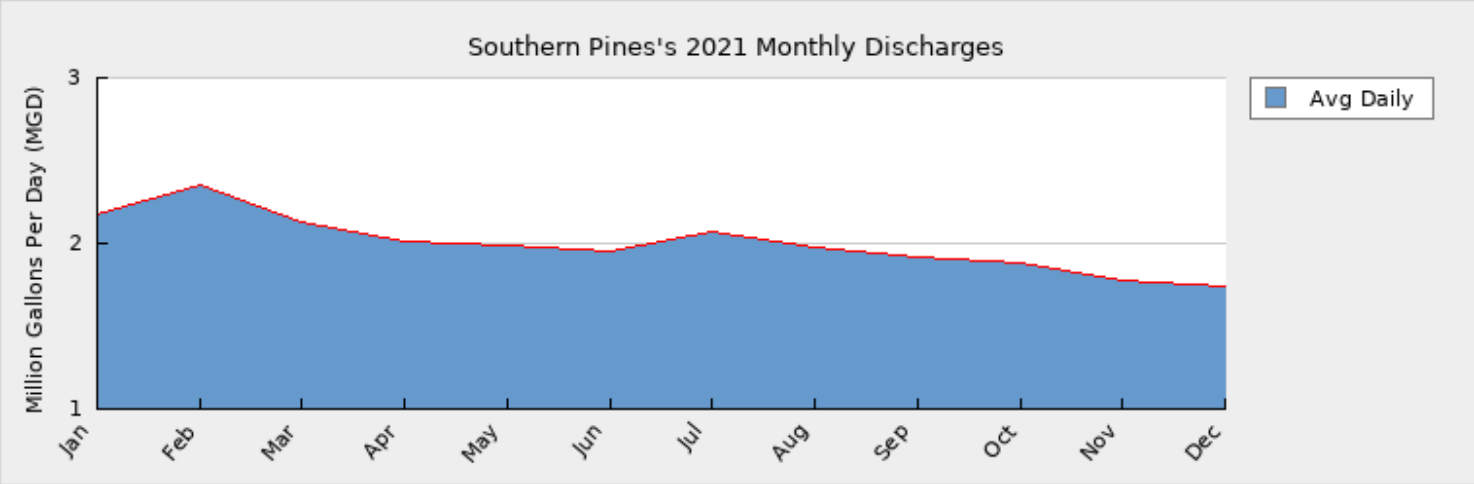
If yes, was any water conservation implemented?

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

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	2.1765	May	1.9932	Sep	1.9214
Feb	2.3573	Jun	1.9580	Oct	1.8829
Mar	2.1281	Jul	2.0657	Nov	1.7790
Apr	2.0170	Aug	1.9800	Dec	1.7436



How many sewer connections does this system have? 7,054

How many water service connections with septic systems does this system have? 1,677

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

Includes discharge to Moore County, Aberdeen and NPDES discharge from water treatment plant.

Wastewater Permits

Permit Number	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NCG590018	0.4800	0.8640	0.1837	0.3074	Aberdeen Creek	Lumber River (09-1)

Discharge from filter backwash.

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Moore Co Public Utilities	03-63-108	Discharging	1.7744	365	0.0000
Town of Aberdeen - Poplar St	03-63-020	Discharging	0.0401	365	0.0000
Town of Aberdeen	03-63-020	Receiving	0.0276	365	0.0306

The discharges of 0.0401 MGD and 0.0276 MGD of wastewater to Aberdeen (Poplar Street) and Aberdeen, respectively, were checked and are correct.

5. Planning

Projections

	2021	2030	2040	2050	2060	2070
Year-Round Population	15,500	15,810	18,000	20,000	22,000	24,000
Seasonal Population	0	0	0	0	0	0
Residential	1.5503	1.5810	1.8000	2.0000	2.2000	2.4000
Commercial	0.4500	0.5500	0.6200	0.6500	0.6800	0.7000
Industrial	0.0035	0.0045	0.0048	0.0050	0.0055	0.0057
Institutional	0.1178	0.1185	0.1188	0.1192	0.1195	0.1198
System Process	0.1630	0.1633	0.1636	0.1639	0.1642	0.1645
Unaccounted-for	0.4306	0.4560	0.4820	0.4950	0.5050	0.5150

Demand v/s Percent of Supply

	2021	2030	2040	2050	2060	2070
Surface Water Supply	14.0000	14.0000	14.0000	14.0000	14.0000	14.0000
Ground Water Supply	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Purchases	0.0105	0.0105	0.0105	0.0105	0.0105	0.0105
Future Supplies		0.0000	0.0000	0.0000	0.0000	0.0000
Total Available Supply (MGD)	14.0105	14.0105	14.0105	14.0105	14.0105	14.0105
Service Area Demand	2.7152	2.8733	3.1892	3.4331	3.6742	3.9050
Sales	0.8346	1.4871	1.4871	1.4871	1.4871	1.4871
Future Sales		0.0000	0.0000	0.0000	0.0000	0.0000
Total Demand (MGD)	3.5498	4.3604	4.6763	4.9202	5.1613	5.3921
Demand as Percent of Supply	25%	31%	33%	35%	37%	38%

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

Your long-term water demand is 100 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here.

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

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs?

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

Additional Information

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

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

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

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR

staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

TOWN OF SOUTHERN PINES

RESOLUTION FOR APPROVING LOCAL WATER SUPPLY PLAN

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

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

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

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

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

This the_____day of June 2022.

_____
Carol R. Haney, Mayor

ATTEST:

_____
Beth Robertson, Town Clerk

ROY COOPER
Governor
ELIZABETH S. BISER
Secretary
RICHARD E. ROGERS, JR.
Director

NORTH CAROLINA
Environmental Quality

March 28, 2022

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

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

Dear Mr. Istre,

This letter is to notify you that our staff has reviewed the information contained in the 2021 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Southern Pines Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355(l).

Your water system's 2021 LWSP is now viewable online from the LWSP website found at: **https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php**. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2021 LWSP complete.

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

Sincerely,

Linwood E. Peele, Supervisor
Division of Water Resources, NCDEQ

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

M E M O R A N D U M

TO: Town Council
Reagan Parsons, Town Manager

FROM: Tess Brubaker - Speis, Finance Director

DATE: June 2, 2022

SUBJECT: Closing of Capital Project Fund

I am requesting the authorization to close the Building Renovation Project Fund.

The building Renovation capital project fund was created in fiscal year 2017-2018 to renovate and upfit the Garage and Public Works Annex campus. All expenditures for the project have been completed.

Please authorize the closing of the Building Renovation capital project fund. In addition, please authorize the transfer of unspent funds and interest from the East Morganton Road capital project fund to the General Capital Reserve fund.

Thank you in advance for your consideration.

TOWN OF SOUTHERN PINES ORDINANCE #2001
AMENDING THE BUILDING RENOVATION PROJECT FUND

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 project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of renovating the Public Works Annex property.

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 reduced for the project:

Construction	$ 345
Total Project Appropriation Reduction	$ 345

Section 4: The following additional amount is appropriated for the project:

Transfer Out – General Capital Reserve Fund	$ 105
Total Additional Project Appropriation	$ 105

Section 5: The following revenue is reduced for this project:

Interest on Investments	$ 240
Total Project Revenue Reduction	$ 240

Section 6: Copies of this capital project ordinance shall be furnished to the Clerk of the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 7: This ordinance becomes effective June 14, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

DRAFT

TOWN OF SOUTHERN PINES ORDINANCE #2002
AMENDING THE GENERAL CAPITAL RESERVE FUND

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 acquisition, renovation and/or construction of major capital facilities and improvements to the Town's infrastructure.

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

Section 3: The following additional appropriation for the project:

Transfer to Capital Project Funds	$ 105
Total Additional Project Appropriation	$ 105

Section 4: The following other financing sources are appropriated for this project:

Transfer from Capital Project Fund – Building Renovation Fund	$ 105
Total Additional Project Revenues	$ 105

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 June 14, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

DRAFT

TOWN OF SOUTHERN PINES ORDINANCE #2003
AMENDING THE PARKING LOT PROJECT FUND

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 project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of the construction and renovation of parking lots owned by the Town.

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 amounts are appropriated for the project:

Construction	$ 100,000
Total Project Appropriation	$ 100,000

Section 4: The following additional revenue is anticipated to be available to complete this project:

Transfer In – General Fund	$ 100,000
Total Project Revenues	$ 100,000

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 ordinance becomes effective July 1, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

DRAFT

TOWN OF SOUTHERN PINES ORDINANCE #2004
AMENDING THE WATER TREATMENT PROCESS MODERNIZATION FUND

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 project budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of modernizing equipment and processes at the Water Treatment Plant.

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:

Construction	$ 665,632
Total Project Appropriation	$ 665,632

Section 4: The following revenue is anticipated to be available to complete this project:

Transfer In-System Development Fees - Water	$665,632
Total Project Revenues	$ 665,632

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 ordinance becomes effective July 1, 2022.

DRAFT

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2005
AMENDING THE SIDEWALKS – PHASE II 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 project budget is hereby amended:

Section 1: The project authorized is for the purpose of constructing additional and repairing and modifying existing sidewalks in the Town.

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:

Construction	$200,000
Total Additional Project Appropriation	$200,000

Section 4: The following additional revenue is anticipated to be available to complete this project:

Transfer In- General Fund	$200,000
Total Additional Project Revenues	$200,000

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 ordinance becomes effective July 1, 2022.

DRAFT

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2007
AMENDMENT TO CHAPTER 50, WATER AND SEWER USE,
APPENDIX A: RATES, FEES AND CHARGES
CODE OF ORDINANCES TOWN OF SOUTHERN PINES

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled on the 14th day of June, 2022, that Chapter 50, Water and Sewer Use, Appendix A: Rates, Fees and Charges of the Code of Ordinances be amended as follows:

1. Revise subsection (A) and (B) under § 1. SCHEDULE OF RATES, FEES AND CHARGES of APPENDIX A: RATES, FEES AND CHARGES to the following:

(A) Water Rates. The rates will be reviewed annually and adjusted as necessary via an ordinance amendment.

(1) Rates and Minimum Charges.

(a) These fees shall be in effect beginning on July 1, 2022

(b) For water service, the charge per 1,000 gallons of water provided by the Town to a customer is as follows:

(a) To property within the Town limits	$3.70
(b) To property outside the Town limits	$7.40
(c) To public entities that operate water systems for the public	As provided by written agreement between the Town and the other entity

ii. For water service, the minimum monthly charge for water is based on the specific water meter size and is as follows:

WATER SERVICE FEES (NO VOLUME)		***MINIMUM CHARGE***
Meter Size (Inches)	***In Town***	***Out of Town***
3/4"	$13.65	$27.30
1"	$22.40	$44.80
1½"	$47.34	$94.68
2"	$82.29	$164.58
3"	$182.22	$364.44
4"	$322.01	$644.02
6"	$721.63	$1,443.26
8"	$1281.07	$2,2562.12

DRAFT

(2) Bulk water rate calculations.

(a) *Contract amount*. The contract amount will be for any quantity equal to or greater than 50,000 gallons per day.

(b) Minimum take or pay. The customer must take or pay for the annual minimum stated in the contract.

(c) Usage over contract amount. The customer may use an amount greater than the contract amount when capacity is available, and the customer has obtained prior permission from the town.

(d) Annual adjustment to contract amount. The contract provisions may be modified or altered by mutual written agreement of the parties.

(e) Flat rate charge. The contract will provide for a flat rate charge, based on per 1,000 gallons purchased, with a minimum total payout.

(f) Rate adjustments. The town will adjust the rate, same percentage, per 1,000 gallons sold to the purchaser as it does to its regular, in-town, paying customers. The rate charge shall become effective in the July billing each year.

(B) Sewer Rates. These charges will be reviewed annually and adjusted as necessary via an ordinance amendment.

(1) Rates and Minimum Charges.

(a) These fees shall be in effect beginning July 1, 2022.

i. For sewer service, the charge per 1,000 gallons of water provided by the Town to a customer is as follows:

(a) To property within the Town limits	$6.68
(b) To property outside the Town limits	$13.36
(c) To public entities that operate water systems for the public	As provided by written agreement between the Town and the other entity

ii. For sewer service, the minimum monthly is based on the specific water meter size and is as follows:

SEWER SERVICE FEES (NO VOLUME)		***MINIMUM CHARGE***
Meter Size (Inches)	***In Town***	***Out of Town***
3/4"	$7.10	$14.20
1"	$9.24	$18.48
1½"	$15.24	$30.48
2"	$23.72	$47.44
3"	$47.84	$95.68
4"	$81.60	$163.20
6"	$178.16	$356.32
8"	$313.34	$626.68

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(2) The Town may waive sewerage charges for:

(a) Water customers who are not connected to a public sewer system; or

(b) Water customers who use water provided by the Town for purposes that do not result in discharge to a public sewer system, if the customer provides a separate meter for such water to which standard water rates apply, including minimum and connection fees.

(3) Sewer service for customers utilizing well water, but desiring sewerage service, must allow the Town to furnish and install, at the property owner's expense, a meter and appurtenances on the well at actual cost for materials, labor and equipment, plus 30%. Unrestricted access will be afforded Town employees to inspect.

Effective July 1, 2022.

Adopted this 14th day of June, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

_____ _____

Elizabeth Robertson, Deputy Town Clerk Carol R. Haney, Mayor

APPROVED AS TO FORM:

_____

Douglas R. Gill, Town Attorney

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TOWN OF SOUTHERN PINES RESOLUTION #1012
CAPITAL RESERVE FUND
SYSTEM DEVELOPMENT FEES

WHEREAS, there is a need in the Town of Southern Pines to provide funds for future capital projects related to its combined water and wastewater system, and WHEREAS, NCGS 159-18 authorizes the creation of a capital reserve fund, and WHEREAS, NCGS 162A, Art. 8 requires that all system development fee proceeds be accounted for in a capital reserve fund, the revenue assumptions below reflect an estimate of system development fees to be collected over a period of twelve months beginning April 1, 2022 in addition to any adjustments made necessary as a result of actual collections over/ under estimates during the previous twelve month period:

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of Southern Pines that:

Section 1: The Town Council hereby amends the Capital Reserve Fund -Water for the purpose of funding the following capital projects related to the Town's water system:

East Morganton Road Water Line Replacement. An existing 6-inch water line was replaced with a 12-inch water line along East Morganton Road from Ridge Street to Valley Road. This project was initiated in FY19-20 and completed in FY 20-21. Changes resulting from in-field findings during construction and NCDOT requirements, in addition to a volatile construction market at the time, resulted in the project coming in above original estimate. The Town adjusted the SDF appropriations based on final costs at the time of closing the East Morganton Water Line Project Fund. **The final SDF appropriation was $158,678.88** or thirty-eight percent (38%) of the adjusted final project cost. Final actual cost was $556,768, while the adjusted cost becomes $417,576 after accounting for the 25% statutorily mandated developer's discount. The project will address future infill development while reducing areas of low fire flow along Morganton Road, south of Weymouth Woods.

No further appropriation from the budget ordinance to the CRF-Water of SDF proceeds is necessary.

Pennsylvania Avenue/Pee Dee Road Water Line Replacement. An existing 10-inch water line will be replaced with a 16-inch water line originally planned along Pennsylvania/Pee Dee Road from Connecticut Avenue to Central Drive. This project was implemented in 2019 and estimated costs were updated to $1,957,800 as part of the 2020 SDF Report. Initial engineering uncovered issues related to tree removal and easement acquisition that would have significantly increased project costs. A new alignment was designed utilizing a roadway scheduled for paving anyhow, thereby limiting tree removal and right of way/easement acquisition. Market and supply chain realities resulted in significant cost escalation leading up to bids be opened, with the low bid for construction coming in at $3,251,748.61 plus contingency. Following bid opening the Town transferred an additional $1,000,000 to the project. The Town previously added $17,249.12 in unspent SDF Fees upon closing the East Morganton project, in addition to another $92,202.88 in other revenues. This brings the total to date of SDF revenue appropriated for this project to $422,006.12 in addition to other funding totaling $3,125,334.50 for a total of $3,547,340.60 to the CPF. The balance of upfront costs is being covered by water capital funds and remaining Impact Fees collected prior to October 1, 2018. Ultimately, the project is eligible for an estimated $1,356,857.72 in SDF, based on 51% of the **current projected costs**, after accounting for the 25% discount (adjusted final estimate $2,660,505.45) The project will address future growth, pressure, and flow rates to the northern portion of Town and in particular the proposed North Elevated Storage Tank.

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*The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is **$366,744***

Midland Road Water Line Replacement. An existing 6-inch and 8-inch water line will be replaced with a 12-inch water line along Midland Road from Knoll Road to Pee Dee Road. This project is scheduled for implementation in 2023 and is estimated to cost $1,237,600. The Town intends to appropriate approximately $176,358, based on 19% of project cost after 25% discount, of System Development Fee revenues to the CRF for this purpose, having already appropriated $71,861. The balance of upfront costs will be covered by water capital funds and remaining Impact Fees collected prior to October 1, 2018. The project will address future growth and pressures to anticipated further development in the Mid-South and Talamore areas.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $0

North Pressure Zone. The Town plans to install a 184 ft. high 1.0 MG North Elevated Storage Tank and associated valves. This project is scheduled for implementation in 2023 and is estimated to cost $4,749,400. The Town intends to appropriate approximately $1,674,163.50, or 47% of final costs after 25% discount, of System Development Fee revenues to the CRF for this purpose with the balance of upfront costs covered by water capital funds and installment loans. The project will successfully add a pressure zone in the northern portion of our service area to address potential low flow conditions which could impact future growth in this area.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $0

US 1 Booster Pump Addition. The Town plans to install infrastructure to provide for an additional 4,500 gpm Pumping Capacity to the US 1 Booster Pump Station. This project is scheduled for implementation in 2025 and is estimated to cost $627,600. The Town intends to appropriate approximately $197,694 based on 42% of project costs after 25% discount, of System Development Fee revenues to the CRF for this purpose with the balance of upfront costs covered by water capital funds and potentially loans. The additional flow will support ongoing development throughout our Water service area.

The 2022-2023 appropriation from the budget ordinance to the CRF – Water of SDF proceeds for this purpose is $0

Water Treatment Plant Expansion. The Town Water Plant operates off of a license to produce 8.0 MGD but has the ability to produce up to 11.0 MGD. It is anticipated based on current growth models that an application for expansion of Plant capacity will need to be developed and filed around the year 2027. Fees and adjustments associated with application are estimated to be $137,600 and 21% of the final costs after 25% discount are eligible for SDF. To this end, the Town intends to appropriate $21,672 of System Development Fee revenues to the CRF for this purpose with the balance of upfront costs covered by water capital funds and Retained Earnings. The additional licensed capacity will support ongoing development throughout our Water service area.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $0

US1 Parallel Transmission Main. This project was envisioned to install a 20” water line parallel to the existing 18” transmission main from the US1 Booster Pump Station to the intersection of US1 and Saunders in addition to replacing a 6” line along the west side of Old US1 from Murray

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Hill to Morganton. Some of the original intended alignment, and original implementation date of 2024, may need to be adjusted as a result of the planned relocation of the existing Transmission Main as part of the NCDOT US1 Synchronization project. A projected $1,658,700 project, it is 79% SDF eligible resulting in a planned SDF appropriation of $982,779.75 after the 25% discount. The project supports the ability to distribute additional amounts of water and is scheduled in anticipation of the licensing increase to 11MGD at the Water Plant.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $0

US 15-501 Water Line Replacement. An existing 8-inch waterline will be replaced with a 12-inch waterline along US-15-501/Commerce Avenue from Murray Hill Road to Turner Street. This project will improve transmission capacity and eliminate an existing bottleneck in the system. The **p**roject has an estimated cost of $682,200, and is eligible for $46,048.50 in SDF Revenues based on 9% of estimated final costs after the 25% discount.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $0

System Development Fee Analysis. The $20,000 update to the SDF report is eligible for 75% SDF funding, 50% ($ 7,500) of which will be appropriated from water SDF.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $0

Water Treatment Plant (Buy-In project). The 2020 depreciated value of the Water Plant was $17,953,190 and an additional $9,513,000 in rehabilitation projects are scheduled per the adopted CIP. Previous CRF appropriations for this purpose have been made in the amount of $414,154 and transfers to the Capital Project Fund have been made in the amount of $165,966.

The 2022-2023 appropriation from the budget ordinance to the CRF-Water of SDF proceeds for this purpose is $665,632

Section 2: The Town Council hereby amends the Capital Reserve Fund- Sewer for the purpose of funding the following capital projects related to the Town's wastewater system:

Warrior Woods Pump Station Improvements: Significant upgrades to both the Warrior Woods Pump Station and associated Force Main will occur through a series of projects that are ultimately scheduled for completion in 2027. The estimated cost of all projects is $8,025,900. The Town intends to appropriate approximately $4,880,812.50 of System Development Fee revenues to the CRF for this purpose with the balance derived from Retained Earnings, Sewer Capital Funds, loans, and remaining Impact Fees collected prior to October 1, 2018. The first phase of this project was initiated in FY 2018-2019 with completion in 2020 with $791,250 appropriated in the 2018-2019 Budget from the previous Impact Fee account and $263,750 appropriated from Sewer Capital Funds. Previously, $525,912 has been appropriated to the CRF-Wastewater SDF toward this multi-phased project with $402,900 having been transferred to the CPF. The upgrades will address additional capacity needed to support further development within all wastewater infrastructure in addition to replacing the maintenance heavy current facilities.

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The 2022-2023 appropriation from the budget ordinance to the CRF-Sewer of SDF proceeds for this purpose is $203,838

System Development Fee Analysis. The $20,000 update to the SDF report is eligible for 75% SDF funding, 50% ($ 7,500) of which will be appropriated from sewer SDF.

The 2022-2023 appropriation from the budget ordinance to the CRF-Sewer of SDF proceeds for this purpose is $0

Waste Water Collection Rehabilitation (Buy-In project). The 2020 Depreciated value of the Waste Water Collection system was $4,143,044 and an additional $6,500,600 in rehabilitation projects are scheduled per the adopted CIP. Previously $118,914 has been appropriated to the CRF for this purpose and $46,590 transferred to the Capital Project Fund.

The 2022-2023 appropriation from the budget ordinance to the CRF-Sewer of SDF proceeds for this purpose is $107,582

Section 3: These Capital Reserve Funds shall remain effective until all the above listed projects, and any projects added in the future, are completed. Capital Reserve Funds may be amended by the Town Council as needed to add additional appropriations, modify or eliminate existing capital projects, and/or add new capital projects.

Section 4:

This resolution becomes effective July 1, 2022.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

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Elizabeth Robertson, Town Clerk

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TOWN OF SOUTHERN PINES RESOLUTION #1013
SUPPORTING NCDOT TO LIMIT TRUCK TRAFFIC ON INDIANA AND EAST MORAGNTON ROADS - DESIGNATING TRUCK ROUTES

WHEREAS, the Town Council of Southern Pines is comprised of persons elected to both legislate and represent the interests of the population of the Town; and

WHEREAS, citizens of Southern Pines residing along both Indiana Avenue and East Morganton Road have expressed concerns for years over the inadequacy of these facilities to accommodate semi-trailer and similar trucks due to the narrow and winding alignment of the pavement and inability of these vehicles to safely maneuver various turning movements to and from May Street; and

WHEREAS, the difficulty with travel by these types of vehicles has been demonstrated on numerous occasions via vehicular accidents and recurring damage to signage at the subject intersections; and

WHEREAS, both subject roads are maintained and overseen by the North Carolina Department of Transportation (NCDOT); and

WHEREAS, NCDOT has offered to limit these routes to local truck traffic only, subject to support of the Southern Pines governing body;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 14th day of June, 2022, that;

1. The Town Council of Southern Pines hereby supports efforts by the North Carolina Department of Transportation to restrict thru truck traffic along both Indiana and East Morganton, routing trucks to Primary routes.

2. The Town Council of Southern Pines recognizes that there is a public safety purpose in designating Primary Truck Routes, and that it is not an unreasonable inconvenience for NCDOT to mandate that thru trucks utilize them as opposed to roads designed for local traffic.

3. The Southern Pines Police Department intends to enforce any State issued restrictions to the best of its abilities relative to the language ultimately contained in any such provision.

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

Adopted this 14th day of June, 2022

TOWN OF SOUTHERN PINES

_____
Carol R. Haney, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of June 14, 2022 as shown in the minutes of the Town Council for that date.

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Elizabeth Robertson, Town Clerk

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TOWN OF SOUTHERN PINES: 2022-2032 CIP

CATEGORY	PROJECT	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	SUBTOTAL FY 22-23 THROUGH FY 26-27	FUTURE YEARS FY 27-28 to FY 31-32	TOTAL ESTIMATE FY 22-23 to FY 31-32
Facilities	Facility Modernization Projects	$ 100,000	$ -	$ -	$ -	$ -	$ 100,000	$ -	$ 100,000
Facilities	Facility Modernization Projects	$ -	$ 125,000	$ 125,000	$ 125,000	$ 125,000	$ 500,000	$ 625,000	$ 1,125,000
Facilities	Finance Building (scope & costs TBD)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Facilities	Fire Station #1 Renovation (scope & costs TBD)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Facilities	Police Property/Evidence Facility (scope & costs TBD)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Facilities	Whitehall Master Plan Implementation (scope & costs TBD)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
	Facilities Total	***$ 100,000***	***$ 125,000***	***$ 125,000***	***$ 125,000***	***$ 125,000***	***$ 600,000***	***$ 625,000***	***$ 1,225,000***
Public Safety	Fire Brush Truck - Station #2	$ -	$ 210,000	$ -	$ -	$ -	$ 210,000	$ -	$ 210,000
Public Safety	Fire Engine Truck - Replacement of 812	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,350,000	$ 1,350,000
Public Safety	Fire Engine Truck - Replacement of 813	$ -	$ 750,000	$ -	$ -	$ -	$ 750,000	$ -	$ 750,000
Public Safety	Fire Fleet Vehicles	$ 88,000	$ -	$ 45,000	$ -	$ -	$ 133,000	$ 135,000	$ 268,000
Public Safety	Fire Ladder Truck - Replacement of L81	$ -	$ -	$ 1,200,000	$ -	$ -	$ 1,200,000	$ -	$ 1,200,000
Public Safety	Fire Portable Radios	$ 25,000	$ 25,750	$ 26,500	$ 27,500	$ 28,500	$ 133,250	$ 470,000	$ 603,250
Public Safety	Fire SCBA	$ 43,500	$ 48,000	$ 49,000	$ 51,000	$ 52,000	$ 243,500	$ 860,000	$ 1,103,500
Public Safety	Fire Tanker Truck - Replacement of 830	$ -	$ -	$ -	$ -	$ -	$ -	$ 500,000	$ 500,000
Public Safety	Fire Turnout Gear	$ 38,000	$ 39,000	$ 40,000	$ 41,000	$ 42,500	$ 200,500	$ 705,000	$ 905,500
Public Safety	Police Fleet Vehicles	$ 336,000	$ 245,000	$ 245,000	$ 245,000	$ 245,000	$ 1,316,000	$ 2,025,000	$ 3,341,000
	Public Safety Total	***$ 530,500***	***$ 1,317,750***	***$ 1,605,500***	***$ 364,500***	***$ 368,000***	***$ 4,186,250***	***$ 6,045,000***	***$ 10,231,250***
Transportation	Morganton Park South Parkway	$ -	$ 6,800,000	$ -	$ -	$ -	$ 6,800,000	$ -	$ 6,800,000
Transportation	Sidewalk Construction	$ 200,000	$ 200,000	$ 200,000	$ 200,000	$ 200,000	$ 1,000,000	$ 1,000,000	$ 2,000,000
Transportation	Street Construction (scope & costs TBD)	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Transportation	Street Resurfacing	$ 900,000	$ 1,214,208	$ 1,250,634	$ 1,288,153	$ 1,326,798	$ 5,979,794	$ 7,255,475	$ 13,235,269
	Transportation Total	***$ 1,100,000***	***$ 8,214,208***	***$ 1,450,634***	***$ 1,488,153***	***$ 1,526,798***	***$ 13,779,794***	***$ 8,255,475***	***$ 22,035,269***
Utilities - General	Utilities Fleet Vehicles	$ 587,000	$ -	$ -	$ 200,000	$ 292,915	$ 1,079,915	$ 1,716,588	$ 2,796,503
	Utilities - General Total	***$ 587,000***	***$ -***	***$ -***	***$ 200,000***	***$ 292,915***	***$ 1,079,915***	***$ 1,716,588***	***$ 2,796,503***
Utilities - Wastewater	ARO Lift Station Replacement (Wastewater Project #4)	$ 569,000	$ -	$ -	$ -	$ -	$ 569,000	$ -	$ 569,000
Utilities - Wastewater	Gravity Sewer System - Annual Rehabillitation (Wastewater Project #8)	$ 425,000	$ 438,000	$ 452,000	$ 466,000	$ 480,000	$ 2,261,000	$ 2,632,000	$ 4,893,000
Utilities - Wastewater	Longleaf Dam Sewer Relocation (Wastewater Project #7)	$ 393,000	$ -	$ -	$ -	$ -	$ 393,000	$ -	$ 393,000
Utilities - Wastewater	Sewer Lift Station Emergency Backups (Wastewater Project #5)	$ 85,000	$ 606,000	$ -	$ -	$ -	$ 691,000	$ -	$ 691,000
Utilities - Wastewater	W. New York Ave. Aerial Sewer Repair (Wastewater Project #6)	$ 273,000	$ -	$ -	$ -	$ -	$ 273,000	$ -	$ 273,000
Utilities - Wastewater	Warrior Woods Pump Station Uprgrade Phases IB, II, III (Wastewater Projects #1-3)	$ 1,483,000	$ 2,592,000	$ -	$ -	$ 435,000	$ 4,510,000	$ 4,648,000	$ 9,158,000
	Utilities - Wastewater Total	***$ 3,228,000***	***$ 3,636,000***	***$ 452,000***	***$ 466,000***	***$ 915,000***	***$ 8,697,000***	***$ 7,280,000***	***$ 15,977,000***
Utilities - Water	Midland Rd. Water Line Replacement (Water Project #2)	$ -	$ 331,000	$ 2,205,000	$ -	$ -	$ 2,536,000	$ -	$ 2,536,000
Utilities - Water	North Pressure Zone (Water Project #4)	$ -	$ 916,000	$ 3,051,500	$ 3,051,500	$ -	$ 7,019,000	$ -	$ 7,019,000
Utilities - Water	Penn Ave/PeeDee Rd Water Line Replacement (Water Project #1)	$ 3,767,000	$ -	$ -	$ -	$ -	$ 3,767,000	$ -	$ 3,767,000
Utilities - Water	Pinebluff Parallel Transmission Main (Water Project #8)	$ -	$ -	$ -	$ -	$ -	$ -	$ 30,123,000	$ 30,123,000
Utilities - Water	US-1 Booster Pump Station Addition (Water Project #5)	$ -	$ -	$ -	$ 731,000	$ -	$ 731,000	$ -	$ 731,000
Utilities - Water	US-1 Parallel Transmission Main (Water Project #6)	$ -	$ -	$ -	$ 448,000	$ 3,299,000	$ 3,747,000	$ -	$ 3,747,000
Utilities - Water	US-1 Water Line Relocation & Upsize (Water Project #3)	$ -	$ 1,909,000	$ -	$ -	$ -	$ 1,909,000	$ -	$ 1,909,000
Utilities - Water	US-15-501 Water Line Replacement & Upsize (Water Project #7)	$ -	$ -	$ -	$ -	$ -	$ -	$ 1,511,000	$ 1,511,000
	Utilities - Water Total	***$ 3,767,000***	***$ 3,156,000***	***$ 5,256,500***	***$ 4,230,500***	***$ 3,299,000***	***$ 19,709,000***	***$ 31,634,000***	***$ 51,343,000***
Utilities - Water Plant	Water Treatment Plant Capacity Expansion Study/Permit (WTP Project #5)	$ -	$ -	$ -	$ -	$ -	$ -	$ 150,000	$ 150,000
Utilities - Water Plant	Water Treatment Plant Modifications (WTP Projects #1-4)	$ 315,300	$ 3,035,700	$ 1,782,000	$ -	$ -	$ 5,133,000	$ -	$ 5,133,000
Utilities - Water Plant	Water Treatment Plant Pumping Capacity Improvements (WTP Project #6)	$ -	$ -	$ -	$ -	$ -	$ -	$ 7,860,000	$ 7,860,000
	Utilities - Water Plant Total	***$ 315,300***	***$ 3,035,700***	***$ 1,782,000***	***$ -***	***$ -***	***$ 5,133,000***	***$ 8,010,000***	***$ 13,143,000***
	Grand Total	**$ 9,627,800**	**$ 19,484,658**	**$ 10,671,634**	**$ 6,874,153**	**$ 6,526,713**	**$ 53,184,959**	**$ 63,566,063**	**$ 116,751,022**