



AGENDA

Tuesday, June 14, 2022: 6:00 PM
Town Council Business Meeting
Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PUBLIC COMMENTS

a. Public Comment Note

The Town Council encourages public input and participation in its Council meetings. This part of the meeting is reserved for individuals who would like to bring issues to the attention of the Council and/or to share information. Comments on items that have a Public Hearing shall be reserved until the Council opens the specific hearing. Each speaker is allotted three minutes during this portion of the meeting.

5. PUBLIC HEARINGS

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

Both the applicant and opposing parties have requested that Council postpone the continuation of this hearing until July.

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 for 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.

6. ACTION ITEMS

a. Consider Condemnation and Demolition of 891 W. Pennsylvania Avenue

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.

b. Consider 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.

c. 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.

d. Consider 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.

e. 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 fund the debt service associated with this project.

7. CONSENT AGENDA

a. Appoint Vincent Collogan and Claudia Donahue to the Bicycle and Pedestrian Advisory Committee with Terms to Expire on 11/14/23

The Town has received two applications from individuals seeking appointment to the Bicycle and Pedestrian Advisory Committee. These appointees will fill the unexpired terms of Ken Howell and Robert Farrell, which both expire on November 14, 2023.

b. Adopt 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 Resolution #1012 to Appropriate System Development Fees

Council must annually adopt this ordinance to appropriate system development fees (SDF).

e. Approve Resolution #1013 to Support NCDOT in 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.

f. Approve Resolution #1014 Adopting the 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.

g. Approve Ordinances #2001 and #2002 Amending the FY 21-22 Budget

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 Building Renovation Capital Project Fund to the General Capital Reserve Fund.

h. Approve Ordinances #2003-2005 and #2010-2015 Amending the Town's Capital Project Funds

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

- Ordinance #2003 - Amending the Parking Lot Fund
- Ordinance #2004 Amending the Water Treatment Process Modernization Fund
- Ordinance #2005 - Amending the Sidewalks Phase II Budget
- Ordinance #2010 - Amending Sanitary Sewer Modernization Fund
- Ordinance #2011 - Amending Water and Sewer Improvements Fund
- Ordinance #2012 - Amending Reservoir Park Improvements Fund
- Ordinance #2013 - Amending Facility Modernization Fund
- Ordinance #2014 - Amending Warrior Woods Lift Station Fund
- Ordinance #2015 - Amending Pennsylvania - PeeDee Fund

i. Approve Ordinance #2007 to Amend 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.

j. Approve Ordinance #2008 to Amend the Code of Ordinances 32.076 for FY 22-23 Solid Waste 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.

k. Approve Ordinance #2009 Amending the Town's Code of Ordinances 32.092 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.

l. Approve Ordinance #2016 Amending CRF Fund 64 to Appropriate Water System Development Fees

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

m. Approve Ordinance #2017 Amending CRF Fund 65 to Appropriate Sewer System Development Fees

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

n. Authorize Execution of Contract with FORVIS, LLP to Audit the Town's FY 21-22 Financial Statements

This serves as the letter of engagement and contract with the professional auditing firm to review the Town's current year financial statements.

8. ADJOURNMENT

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

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)



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.

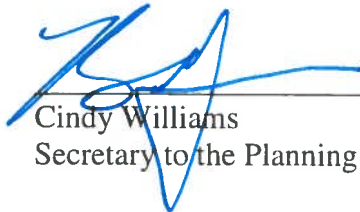
NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff at the request of the Town Council are reasonable, in the public interest and are generally consistent with 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

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)

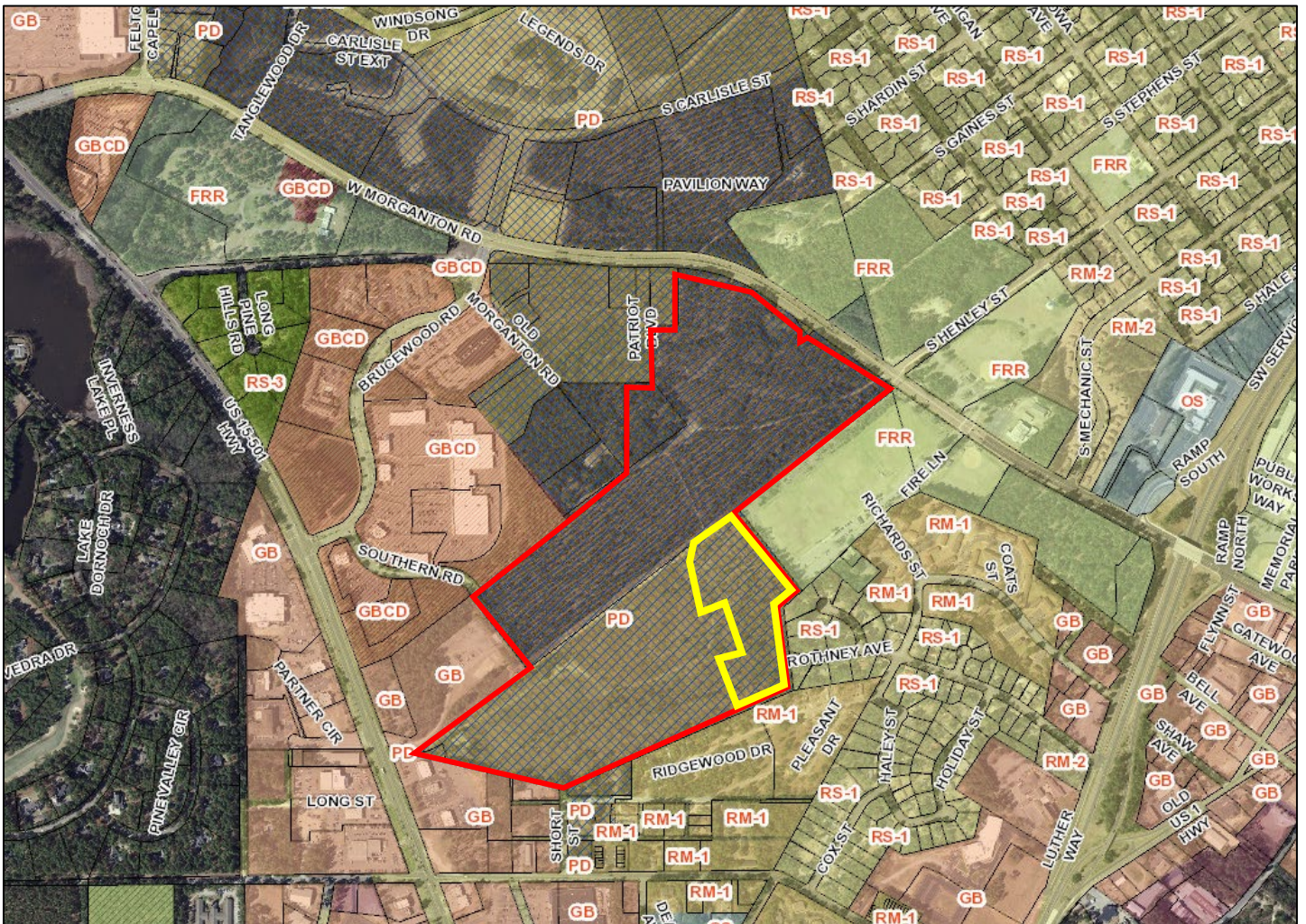
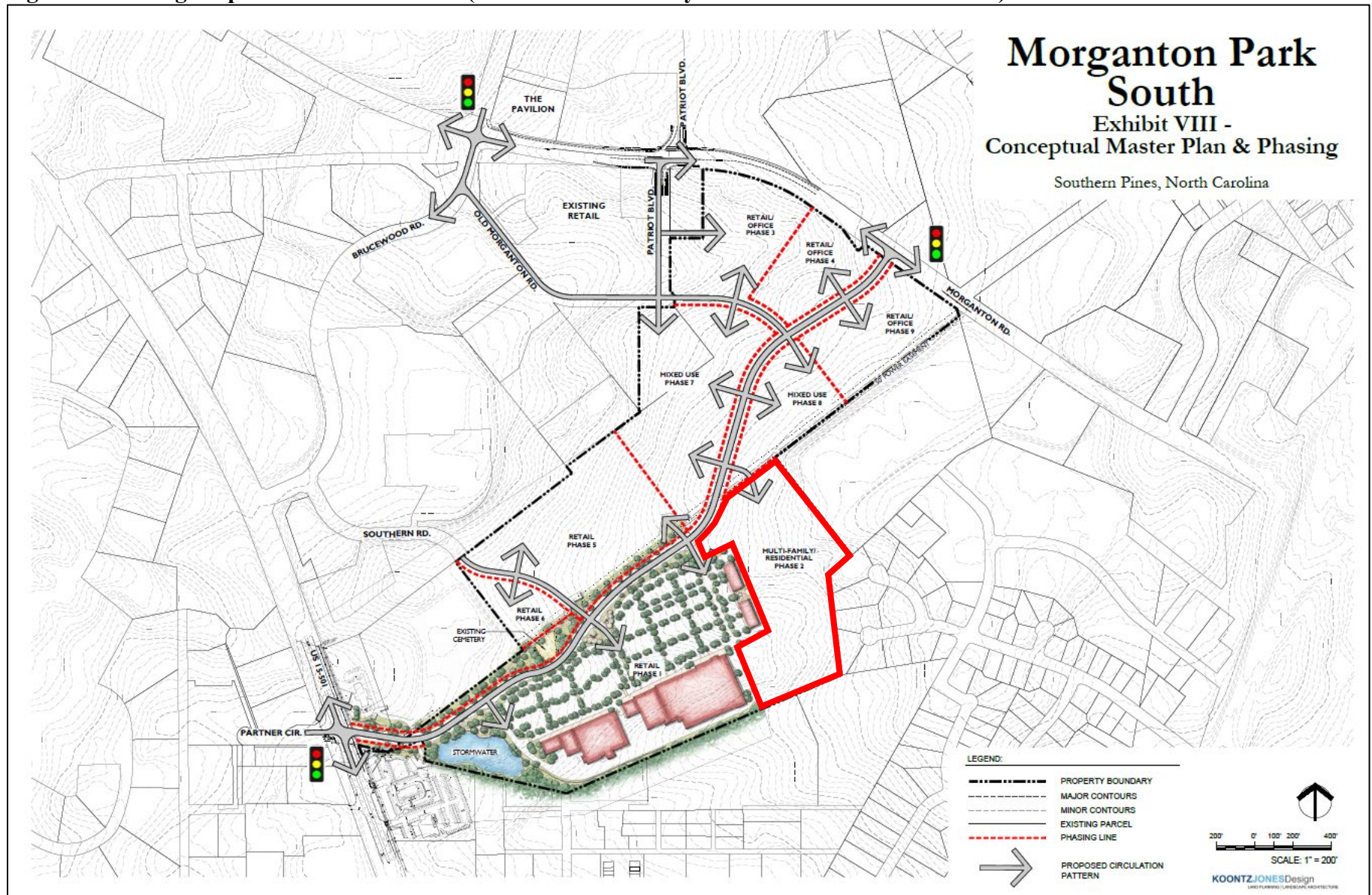


Figure 5: Phasing Map from CDP Submittal (Phase 2 Multi-Family is outlined with solid red line)



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

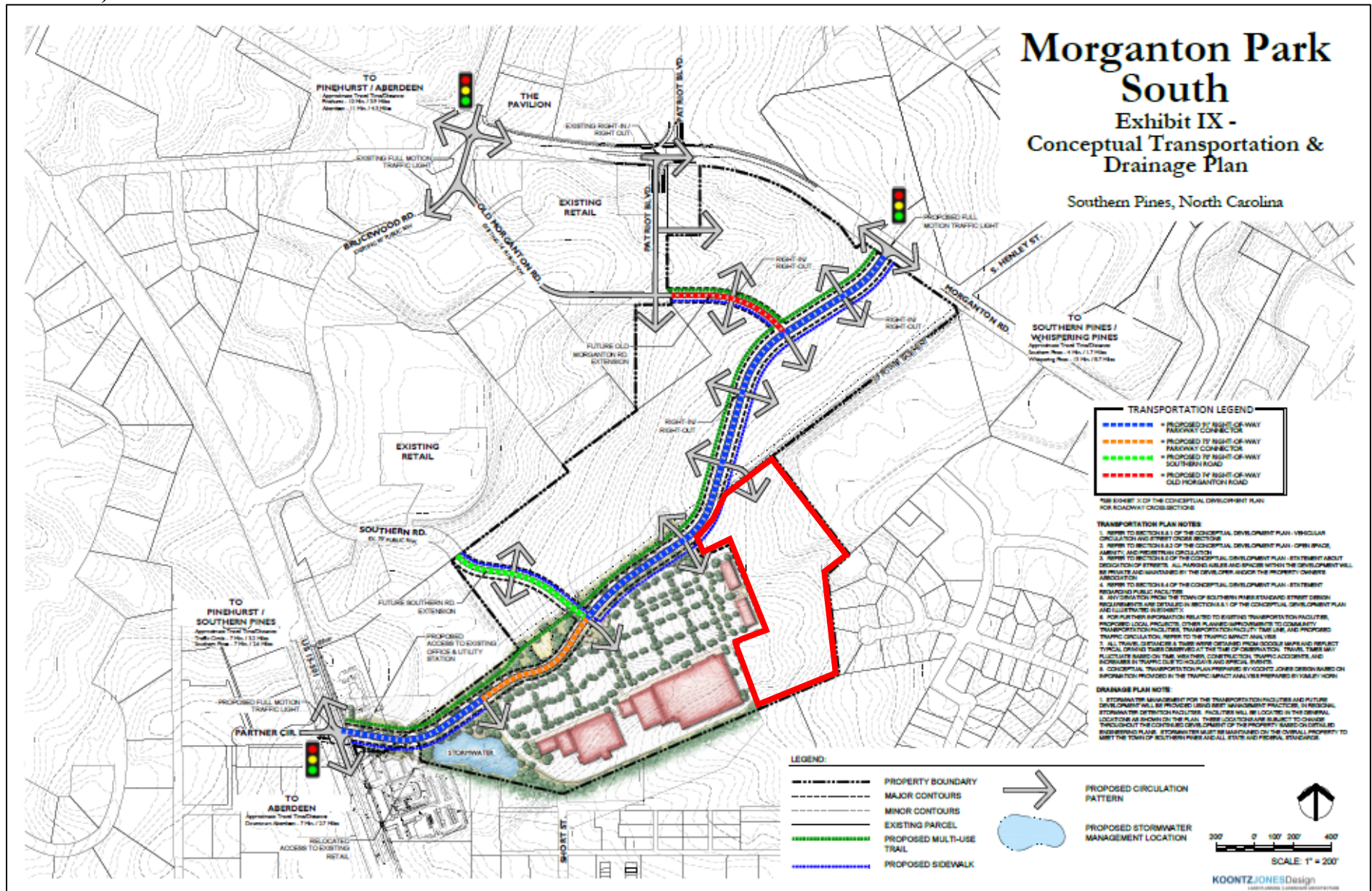
III. Applicable Criteria for Review:

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.



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

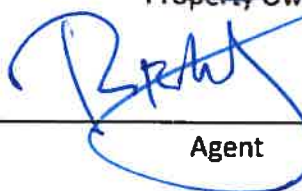
The undersigned owner(s), ZIMMER DEVELOPMENT COMPANY, hereby appoint(s) KOONTZ JONES DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. 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

APPOINTMENT OF AGENT

**HYPERACTIVE COMMERCIAL
INVESTMENTS, LLC**

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.

Phil Cobb
member / manager
Property Owner

Property Owner
[Signature]
Agent

1/12/22

APPOINTMENT OF AGENT

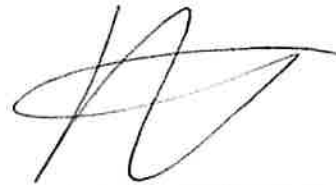
MORGANTON ROAD ENTERPRISES, LLC

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



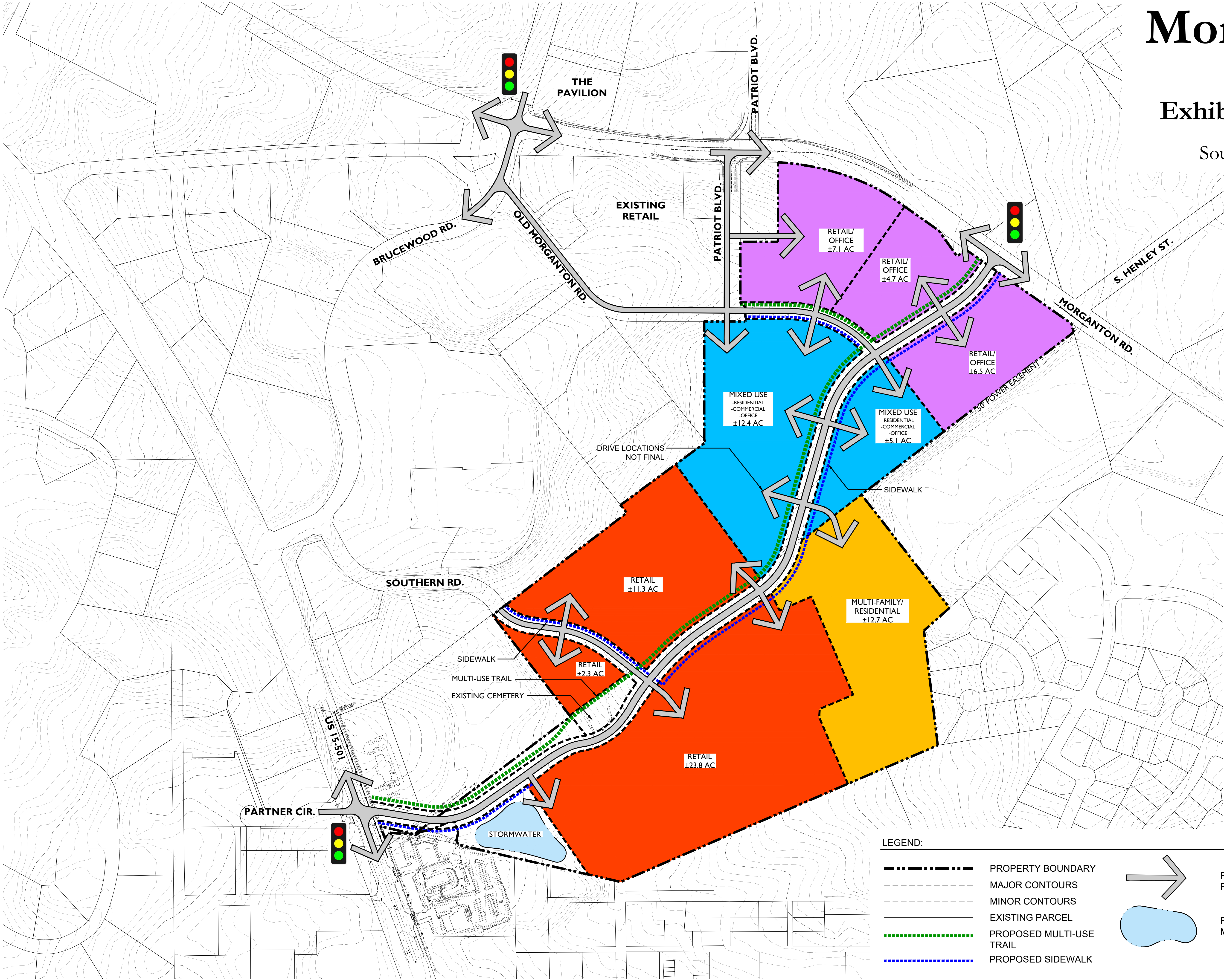
Agent

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

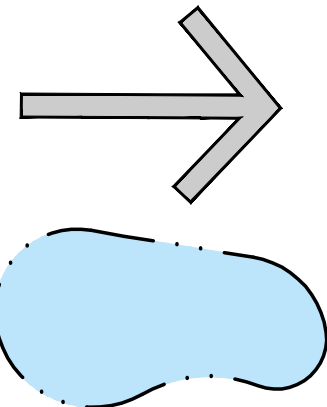
OPEN SPACE REQUIREMENT:

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

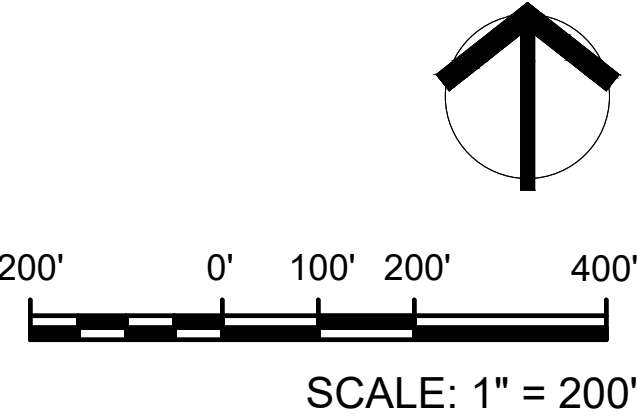
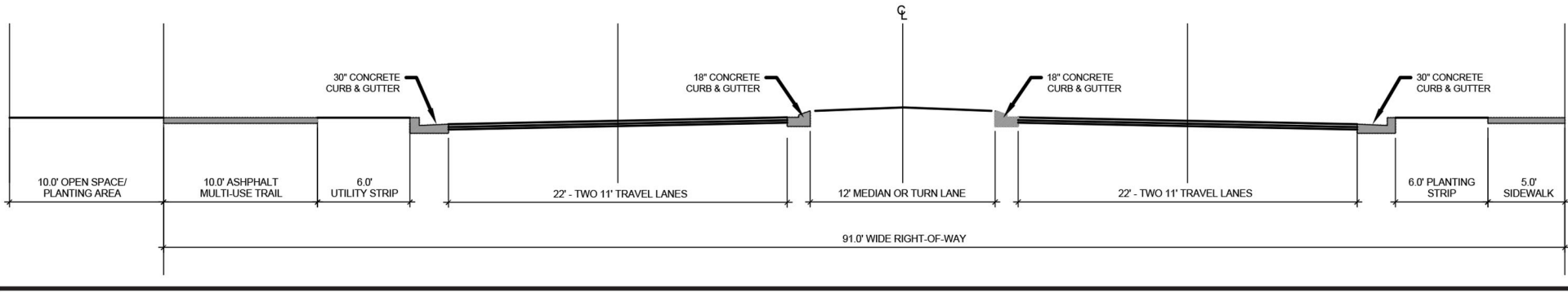
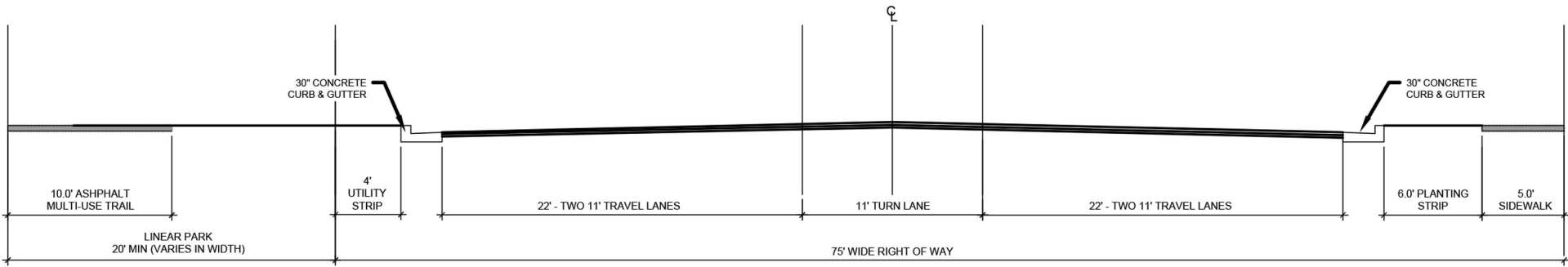


Exhibit X



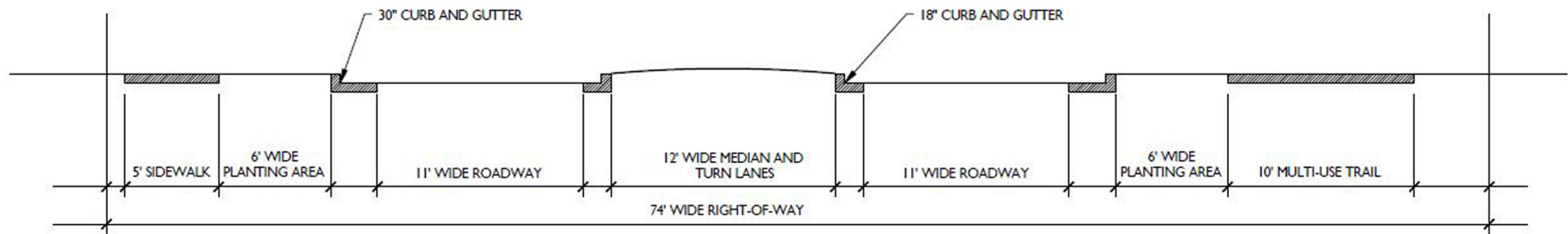
91' Right-of-Way (Parkway Collector Street) NOT TO SCALE



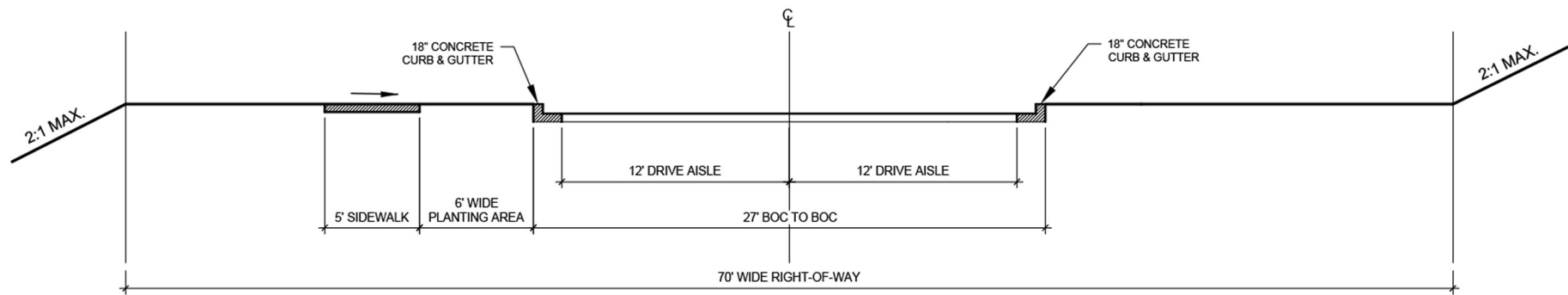
75' Right-of-Way (Parkway Collector Street) NOT TO SCALE

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;

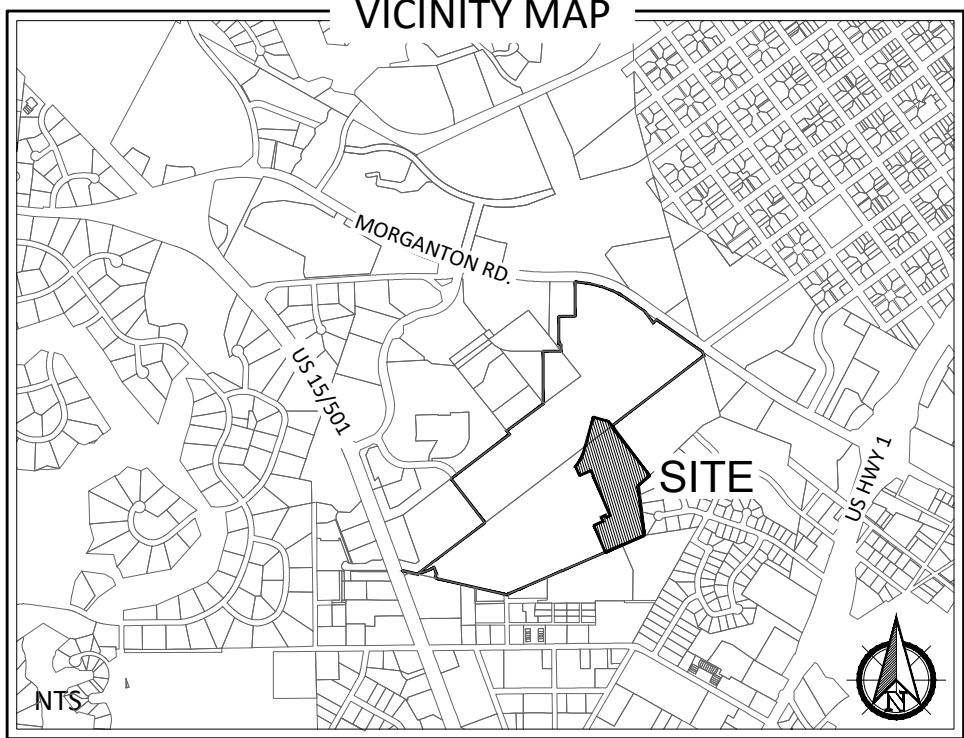
The PDP is consistent with and meets all standards and requirements provided in the CDP plans and documents. In addition, plans conform to the standards of the UDO, which are applicable and not described in the CDP. All uses are consistent with the proposed development program and allowable uses in the 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.

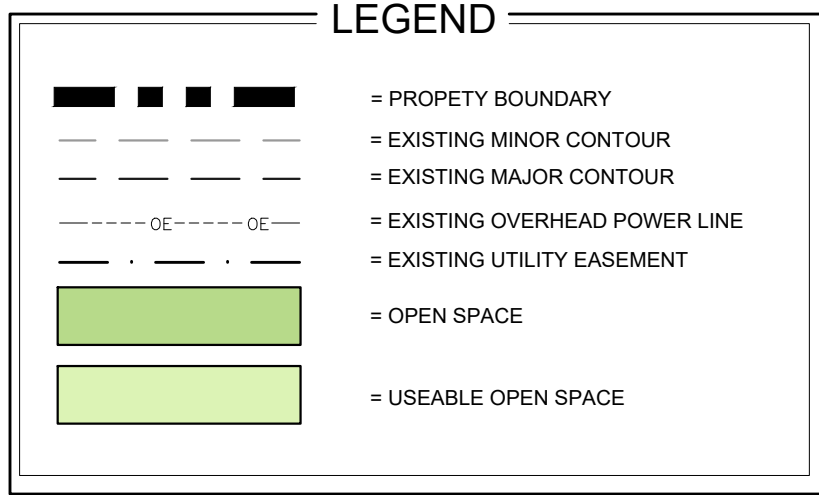
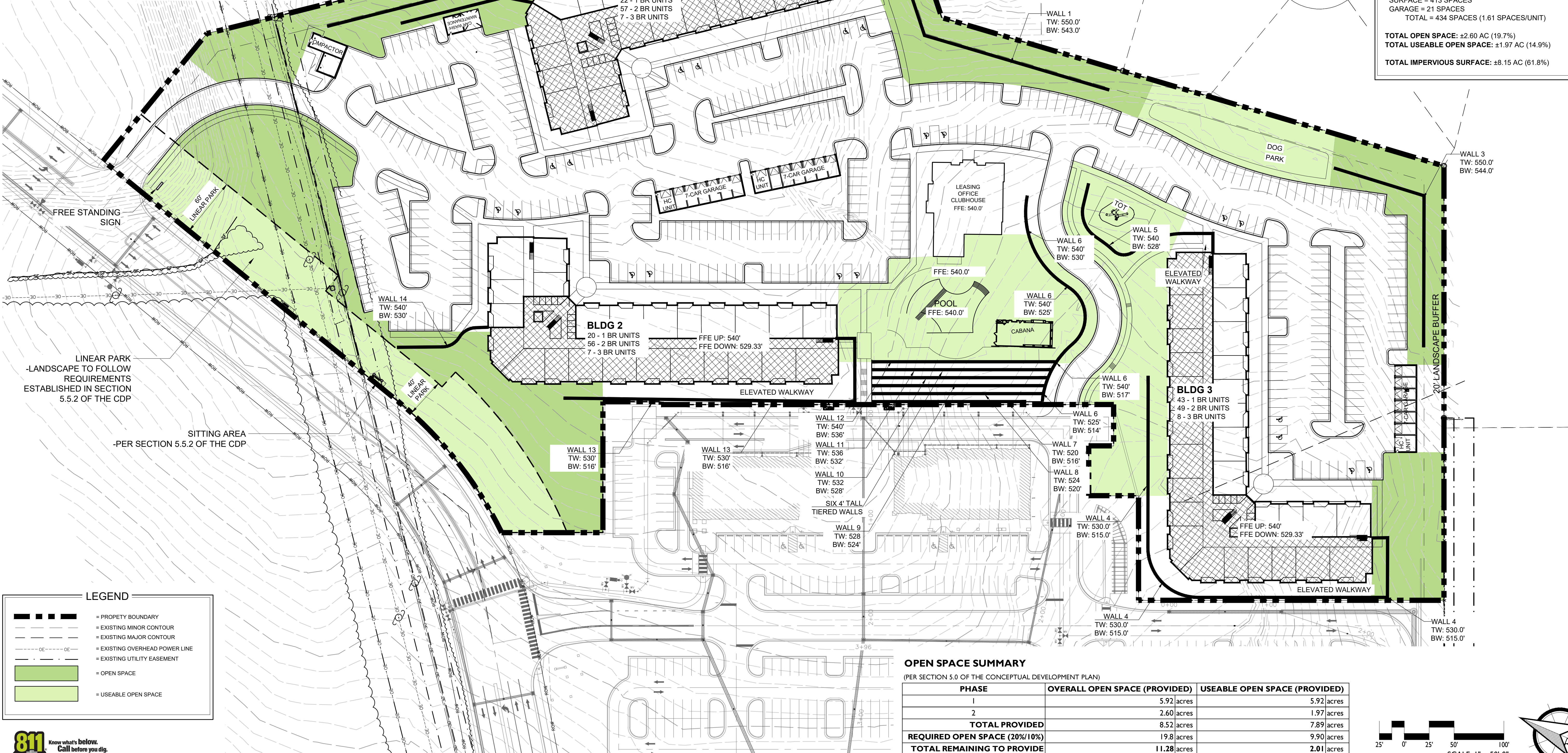


GENERAL NOTES:

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 BEDROOM (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)

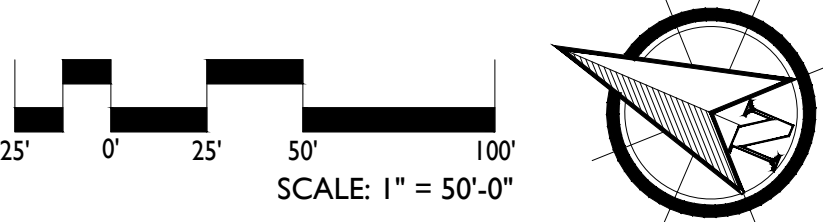
TOTAL OPEN SPACE: ±2.60 AC (19.7%)

TOTAL USEABLE OPEN SPACE: ±1.97 AC (14.9%)

TOTAL IMPERVIOUS SURFACE: ±8.15 AC (61.8%)

OPEN SPACE SUMMARY
(PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)

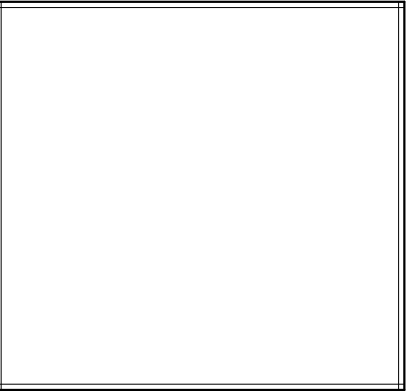
PHASE	OVERALL OPEN SPACE (PROVIDED)	USEABLE OPEN SPACE (PROVIDED)
1	5.92 acres	5.92 acres
2	2.60 acres	1.97 acres
TOTAL PROVIDED	8.52 acres	7.89 acres
REQUIRED OPEN SPACE (20%/10%)	19.8 acres	9.90 acres
TOTAL REMAINING TO PROVIDE	11.28 acres	2.01 acres



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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

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

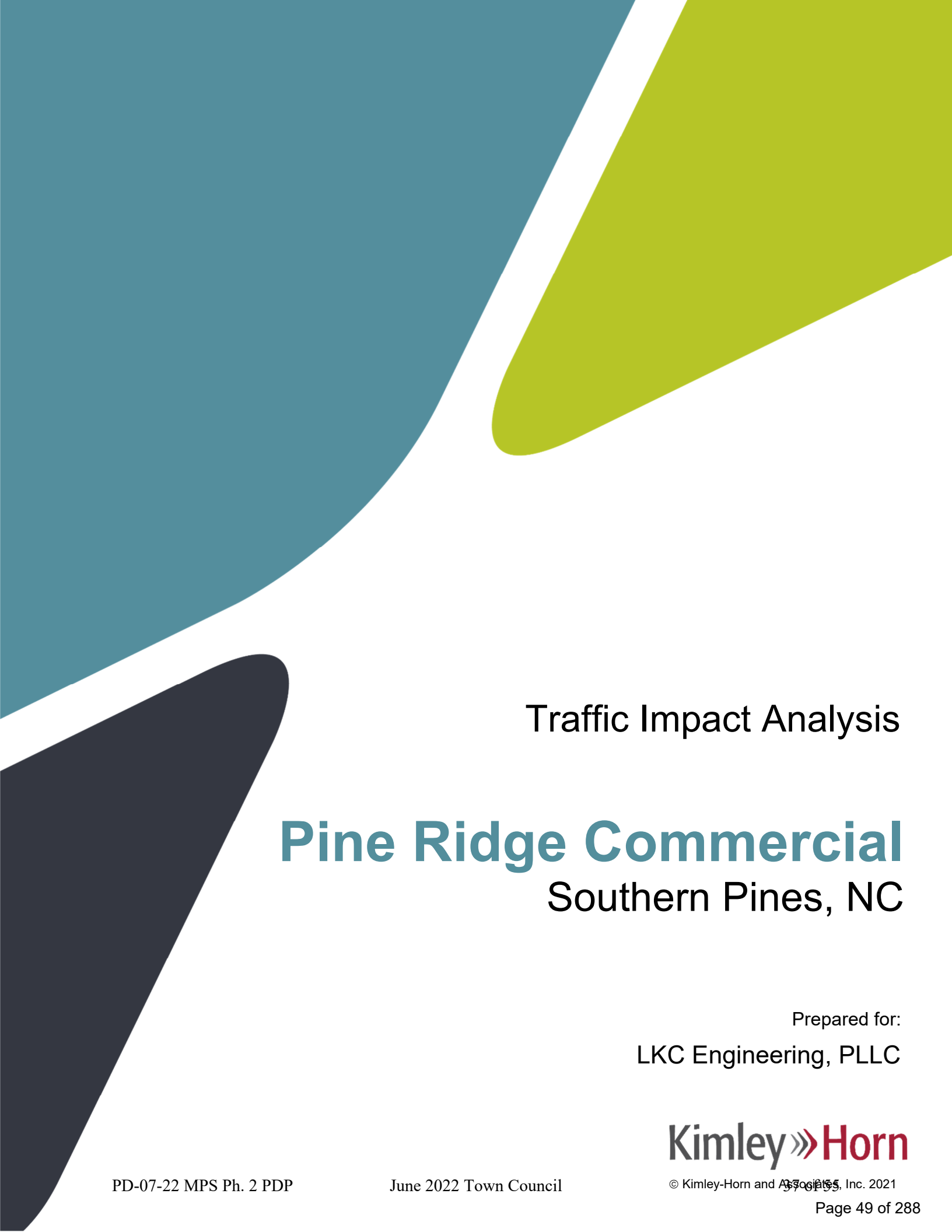


REVISIONS:

MORGANTON PARK SOUTH MULTI-FAMILY
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 04-11-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 50'-0"
PROJECT #: KID21107
SHEET NUMBER#:
L-1.1



Traffic Impact Analysis

Pine Ridge Commercial

Southern Pines, NC

Prepared for:
LKC Engineering, PLLC

Kimley»Horn

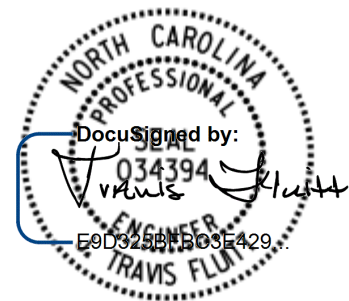
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Traffic Impact Analysis for
Pine Ridge Commercial
Southern Pines, North Carolina

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
018923019



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
<i>Internal Capture Reduction</i>				784	6	6	56	56
<i>Pass-By Reduction</i>				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 – <i>Unsignalized, Full Movement</i>	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 – <i>Unsignalized, Full Movement</i>	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 – <i>Signalized, Full Movement</i>	A (7.4)	B (12.5)
Background (2031) Traffic – <i>Signalized, Superstreet</i>	NB Side - A (7.2) SB Side - B (10.7)	NB Side - A (9.8) SB Side - B (16.3)
Build-Out (2031) Traffic – <i>Signalized, Superstreet</i>	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 - <i>Superstreet</i>	NB Side - B (15.9) SB Side - B (11.4)	NB Side - C (32.2) SB Side - D (37.3)
Build-Out (2031) Traffic - <i>Superstreet</i>	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 – <i>Unsignalized</i>	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 – <i>Signalized</i>	A (5.8)	A (9.0)
Background (2031) Traffic – <i>Signalized</i>	A (7.2)	B (11.0)
Build-Out (2031) Traffic – <i>Signalized</i>	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:

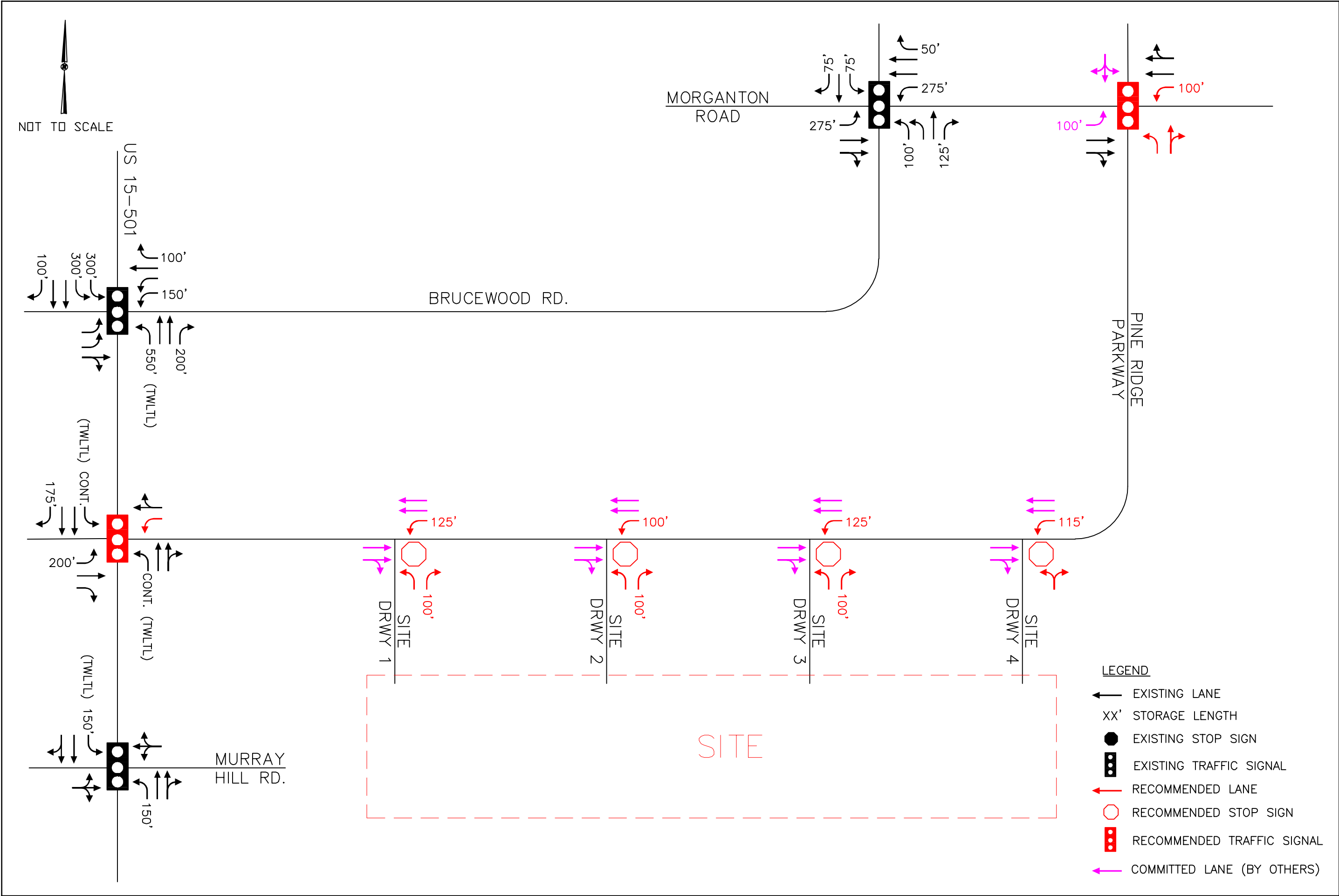
US 15/501 at Partner Circle / Pine Ridge Parkway:

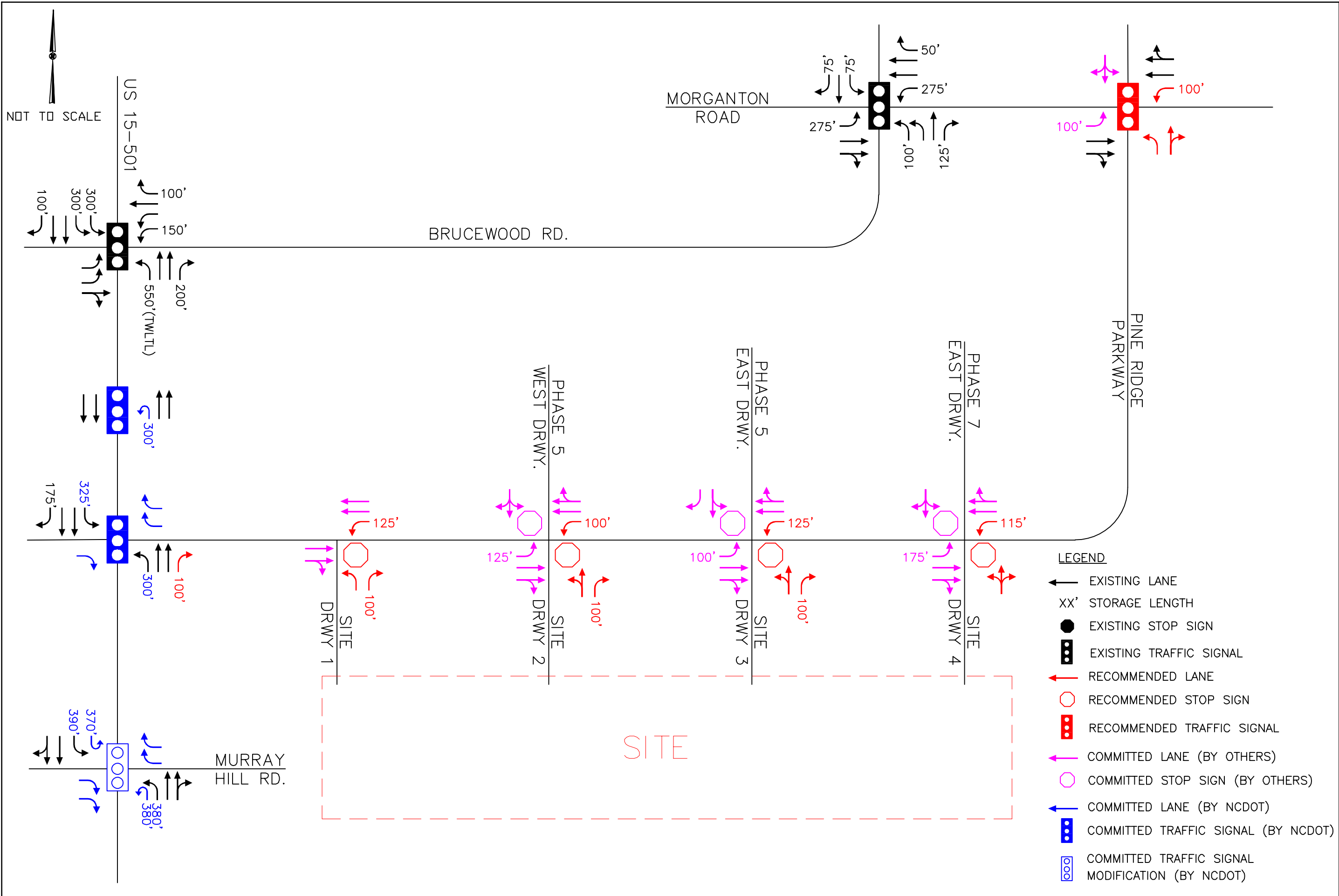
- Construct a northbound right-turn lane on US 15/501 with a minimum of 100 feet of storage and appropriate tapers

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**.





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
<i>Internal Capture</i>										
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
<i>Internal Capture Total</i>		<i>1,022</i>	<i>511</i>	<i>511</i>	<i>12</i>	<i>6</i>	<i>6</i>	<i>112</i>	<i>56</i>	<i>56</i>
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
<u>Internal Capture</u>										
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
<i>Internal Capture Total</i>		<i>1,054</i>	<i>527</i>	<i>527</i>	<i>12</i>	<i>6</i>	<i>6</i>	<i>116</i>	<i>58</i>	<i>58</i>
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

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 <Rlstre@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,

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

Agenda Item

To: Reagan Parsons, Town Manager

From: Jennifer Hunt, Planner I

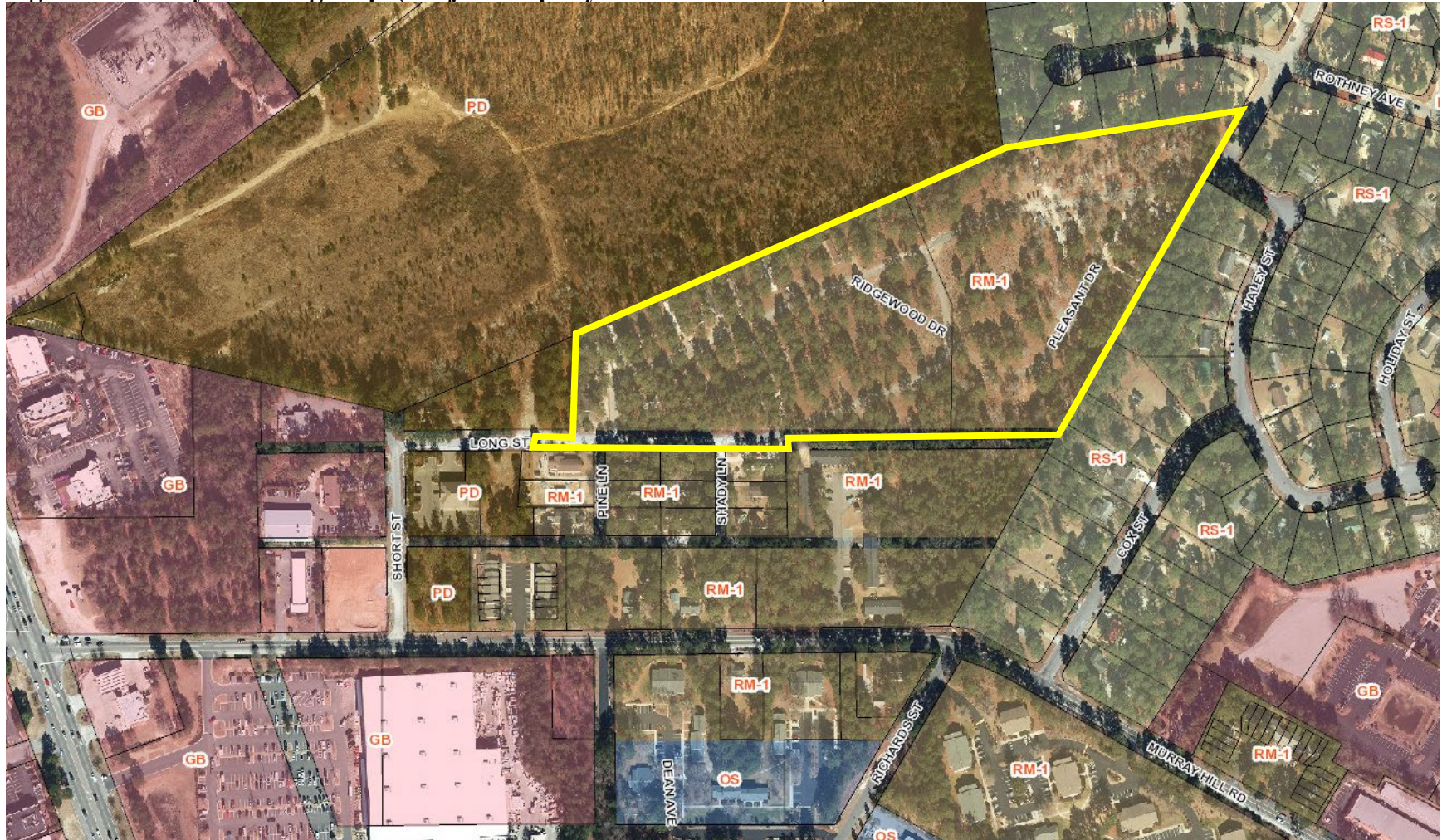
Subject: SU-03-22: A Special Use Permit for 149 units of Multi-Family Development; This is known as Murray Hill Pines; Owner: CLS Holdings, LLC.; Applicant: Davis Park Leasing c/o Craig Davis Properties, Inc. Authorized Agent, if different from Applicant: Koontz Jones Design c/o Bob Koontz.

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.

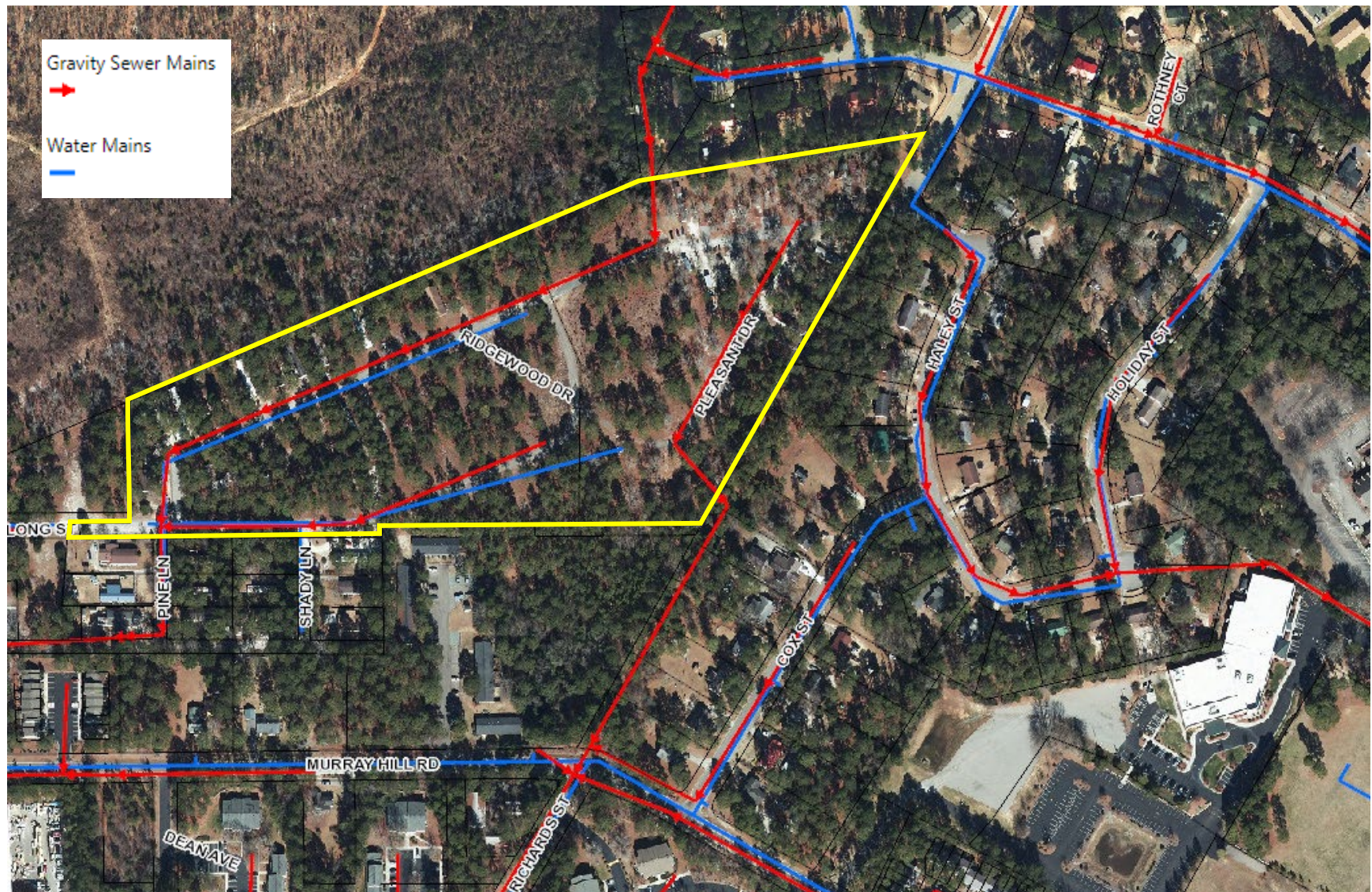


Figure 2: Utilities Infrastructure (Subject Property Outlined in Yellow)

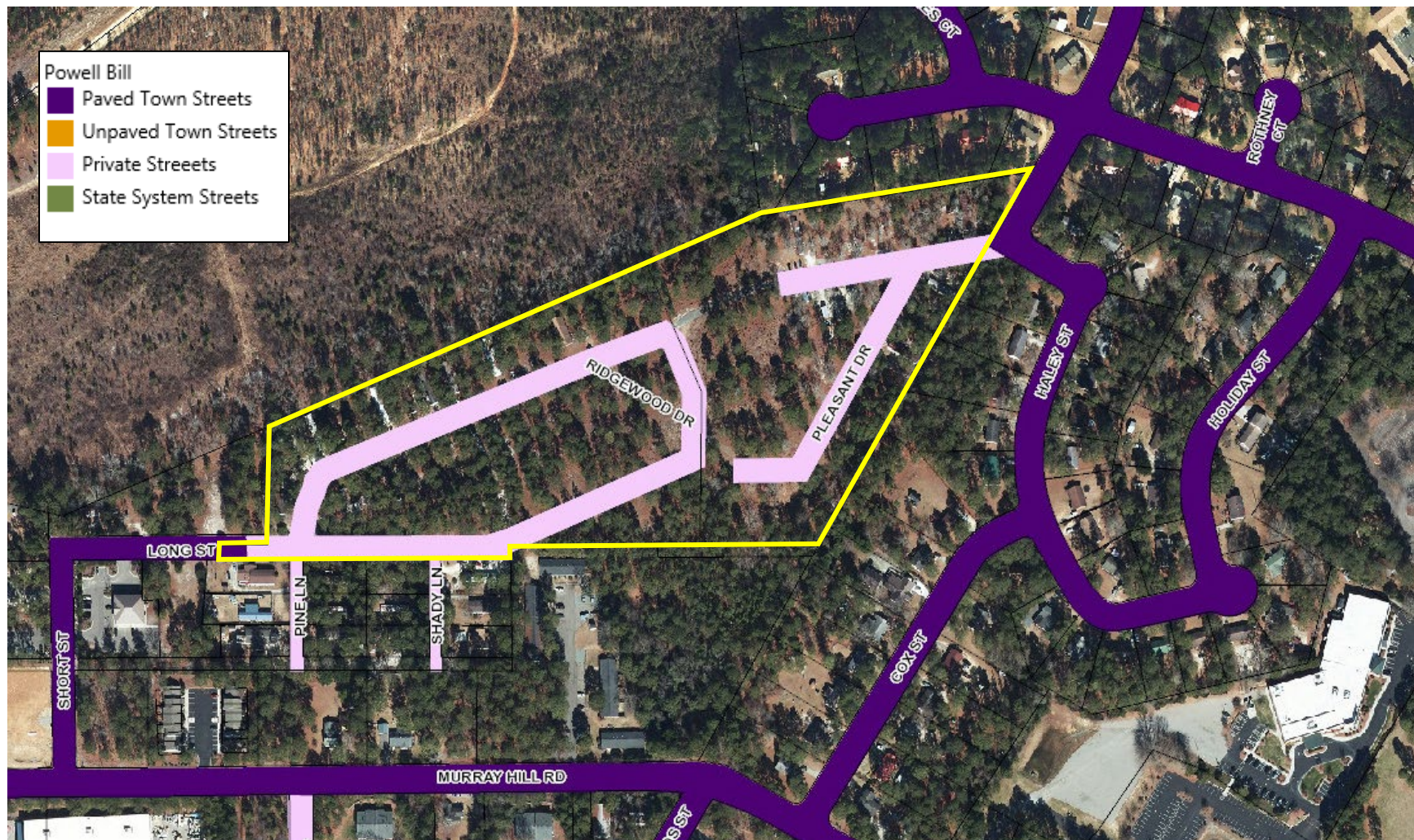


Figure 3: Street Infrastructure and Access (Subject Property Outlined in Yellow)

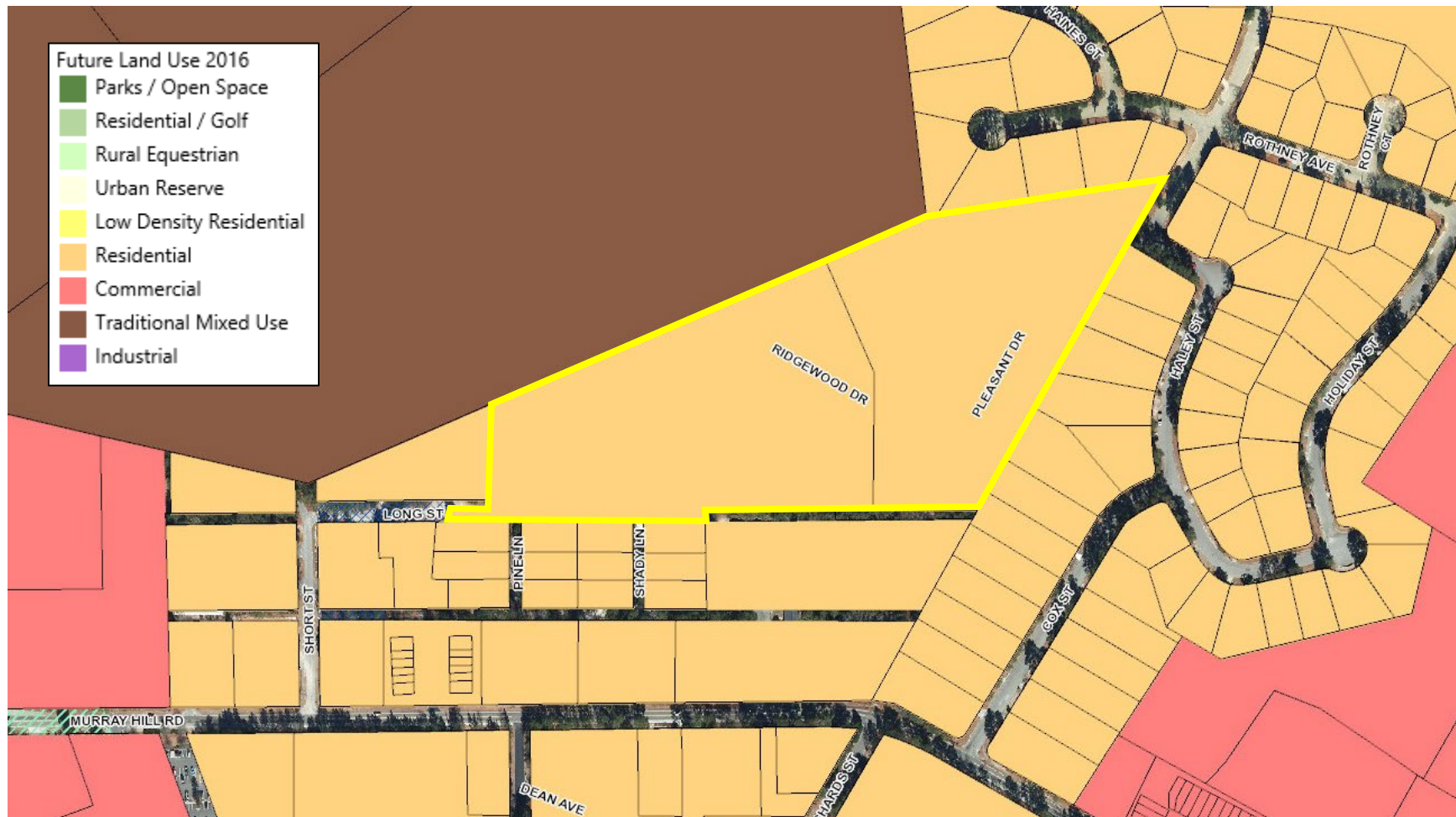


Figure 4: Comprehensive Land Use Plan (CLRP) (Subject Property Outlined in Yellow)

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.



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

DAVIS PARK LEASING
C/O CRAIG DAVIS PROPERTIES, LLC

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.

Signed this 11 day of April, 2022.

Property Owner

Agent

✓ Accepted

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 Anbook 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	EWI 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

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

McNeill

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.

SellerDocs / Hawthorne to CLS Holdings, LLC - 8.44 & 0.50 acres

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 1056, Page 120, Moore County Registry.

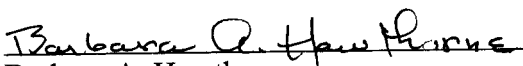
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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.

 (SEAL)
Ellis W. Hawthorne

 (SEAL)
Barbara A. Hawthorne

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.



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.

- **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.

EXHIBIT A

(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

EXHIBIT A

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,

A handwritten signature in black ink, appearing to read 'Rt E. Koontz', with a stylized flourish at the end.

Robert Koontz, PLA

Murray Hill Pines

3/23/2022

Name	Address	Email Address
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Jean McNeil	1702 Cochran Pl. Aberdeen, N.C. 28315	jeanmcnei11@gmail.com
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Opaltha Carswell	302 Haley Street, Southern Pines, N.C. 28387	
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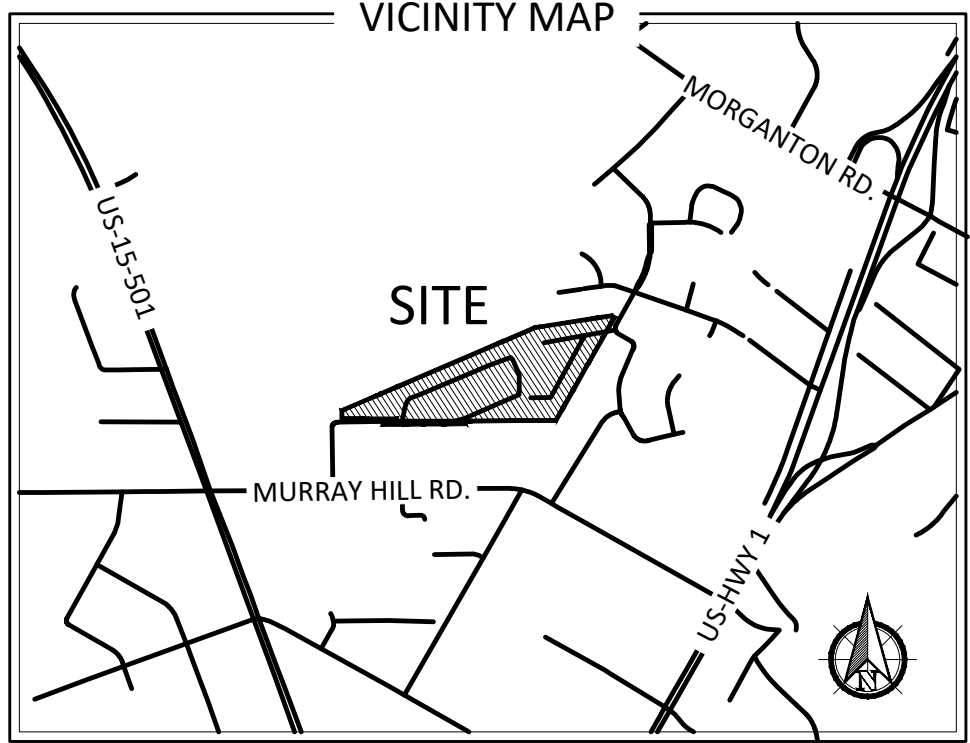
Furze Swagel	145 Pine Lane, Southern Pines, N.C. 28387	
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Carolyn Colington	140 Pine Lane, Southern Pines, N.C. 28387	
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Ruby & Ten Stephen	125 Stady Lane S.P.	28387
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Sanice D. Chiles	560 Rothney Ave	SP 28387
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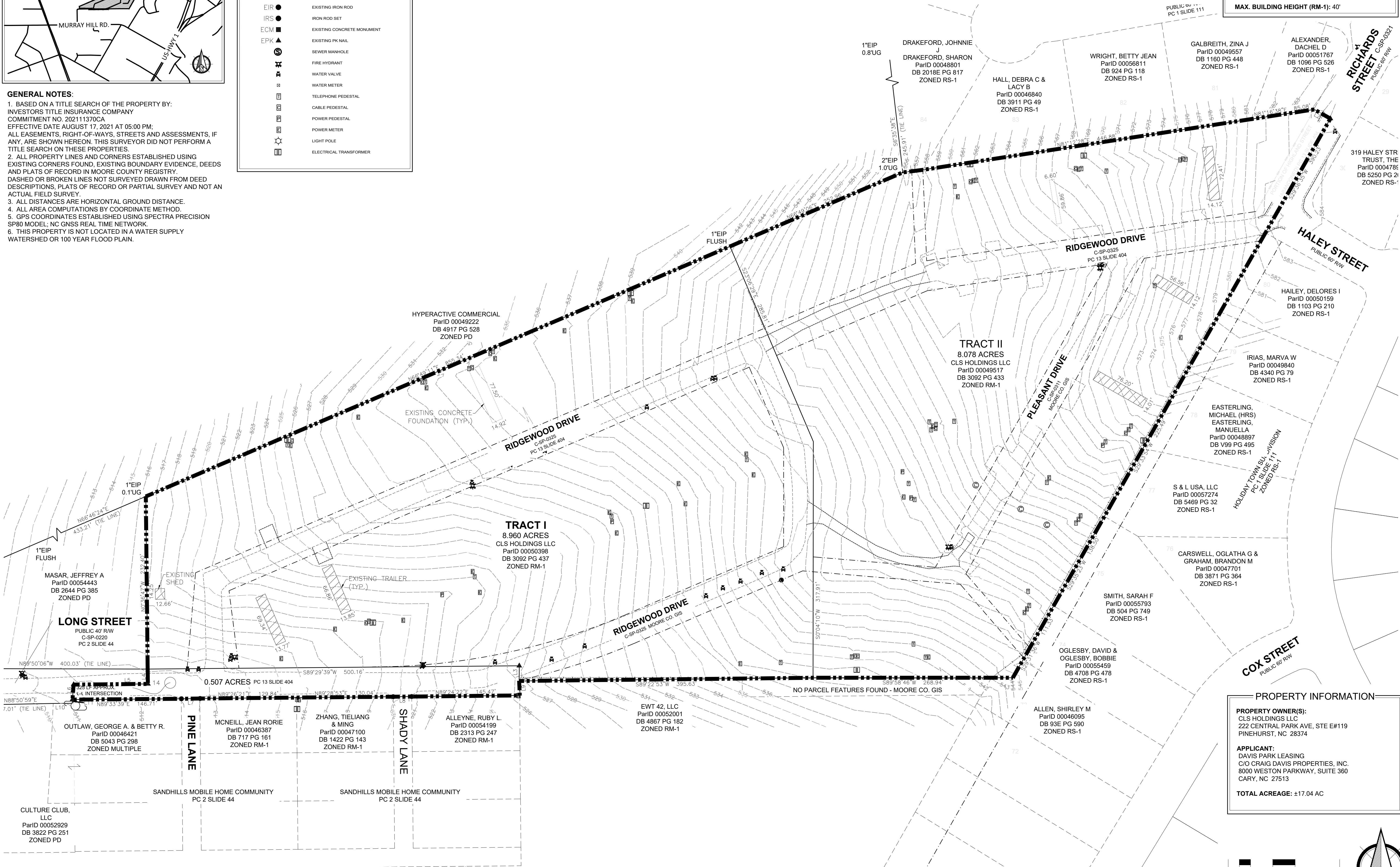
Dorare Breeden	560 Rothney Ave	SP 28387
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- GENERAL NOTES:**
1. BASED ON A TITLE SEARCH OF THE PROPERTY BY: INVESTORS TITLE INSURANCE COMPANY COMMITMENT NO. 202111370CA EFFECTIVE DATE AUGUST 17, 2021 AT 05:00 PM; ALL EASEMENTS, RIGHT-OF-WAYS, STREETS 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.

LEGEND

---	PROPERTY BOUNDARY
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	ABANDONED RIGHT OF WAY
---	BOUNDARY LINE
---	BOUNDARY LINE NOT SURVEYED
---	EXISTING EASEMENT
---	EXISTING FENCE
●	EXISTING IRON PIPE
●	EXISTING IRON ROD
●	IRON ROD SET
■	EXISTING CONCRETE MONUMENT
▲	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'

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
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
SCALE: 1" = 120'-0"
PROJECT #: KJ201090

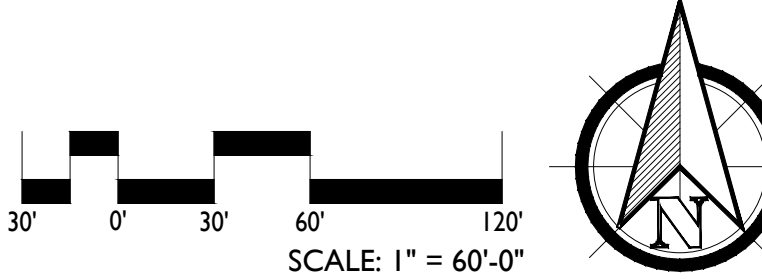
SHEET NUMBER:
L-1.0

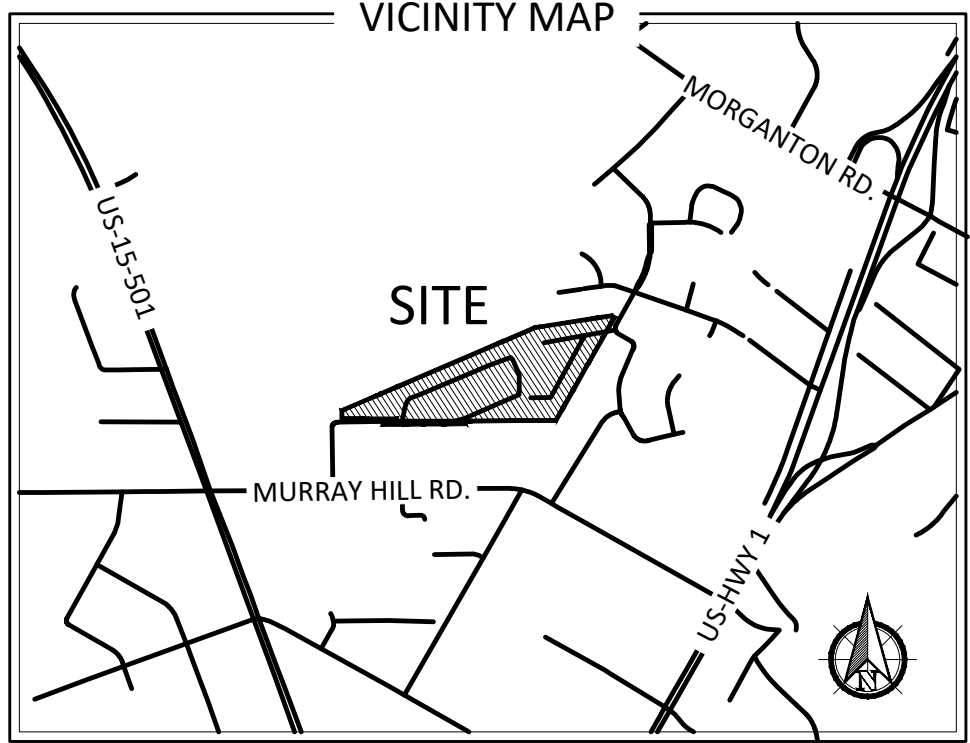
PROPERTY INFORMATION

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





GENERAL NOTES:

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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

LEGEND

---	PROPERTY BOUNDARY
---	EXISTING MAJOR CONTOUR
---	EXISTING MINOR CONTOUR
---	ABANDONED RIGHT OF WAY
---	BOUNDARY LINE
---	BOUNDARY LINE NOT SURVEYED
---	EXISTING EASEMENT
---	EXISTING FENCE
●	EXISTING IRON PIPE
●	EXISTING IRON ROD
●	IRON ROD SET
■	EXISTING CONCRETE MONUMENT
▲	EXISTING PK NAIL
⊙	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



CAUTION

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FLOODPLAIN DATA

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

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 BEDROOM (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%)

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

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

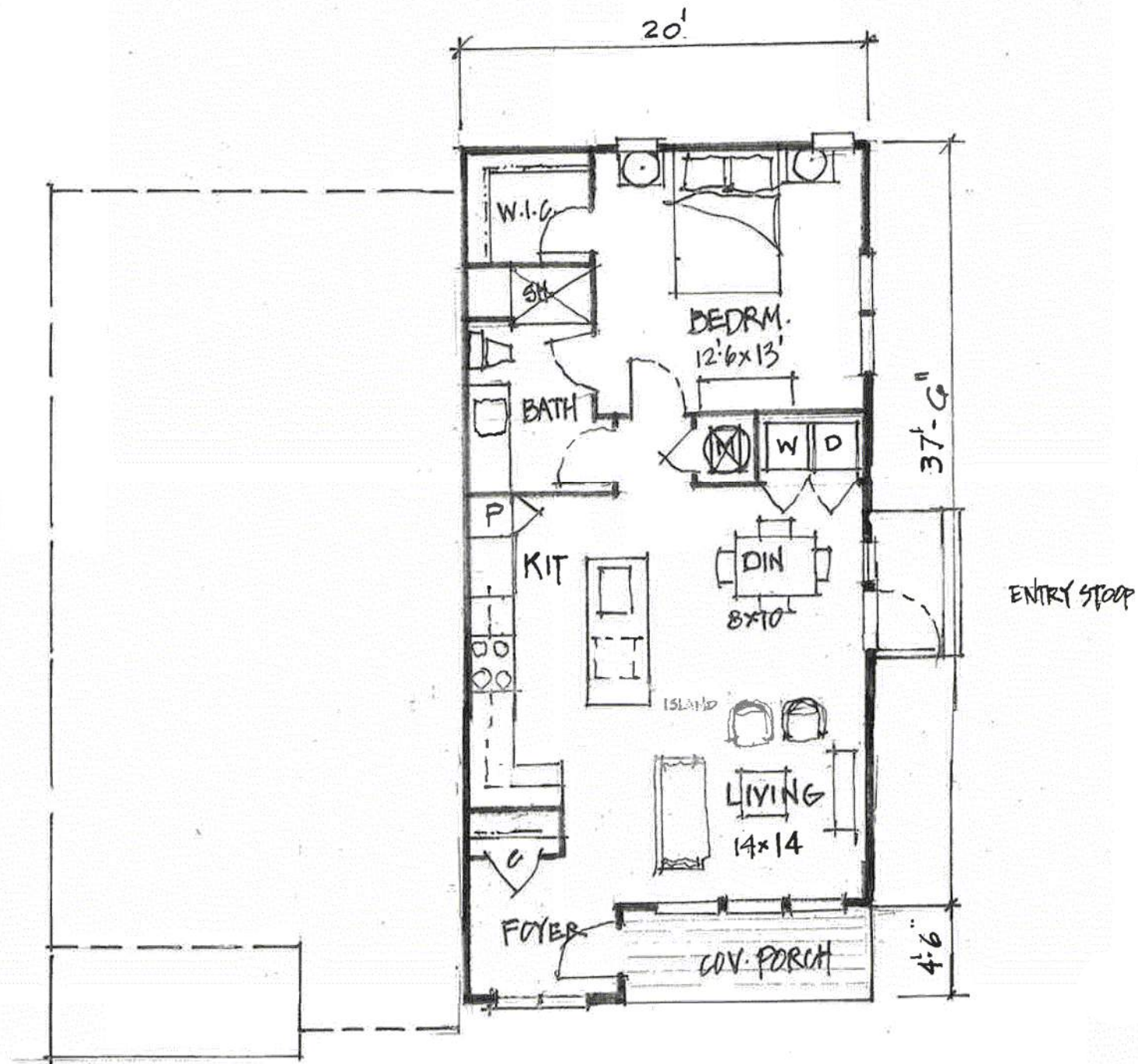
150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
W: www.koontzjonesdesign.com

REVISIONS:

MURRAY HILL PINES
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

DATE: 04-11-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KID21090
SHEET NUMBER:
L-1.1



FLOOR PLAN (785 SF)



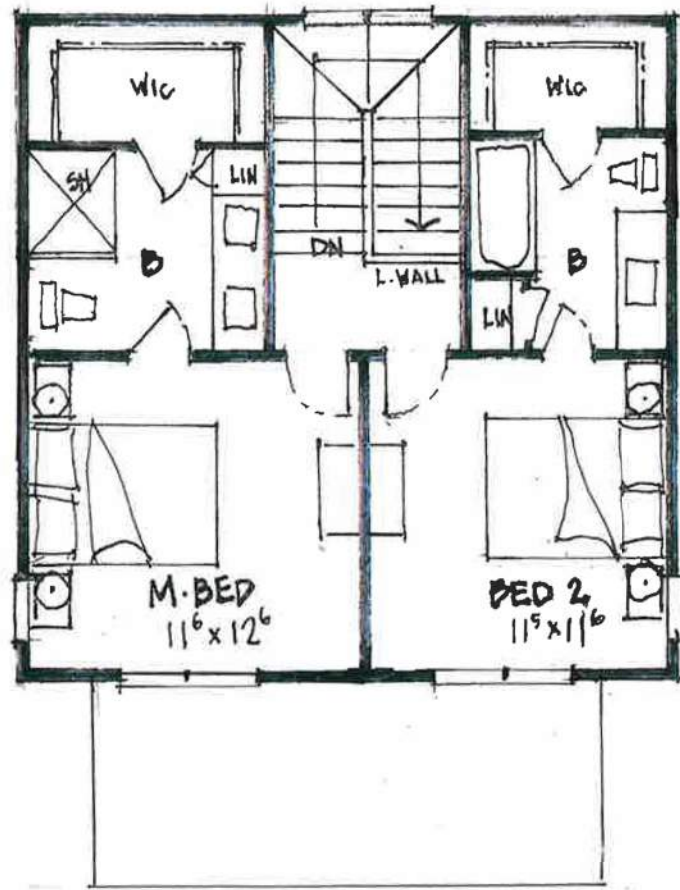
FRONT ELEVATION

-UNIT A - ONE BEDROOM (1-STORY DUPLEX)-

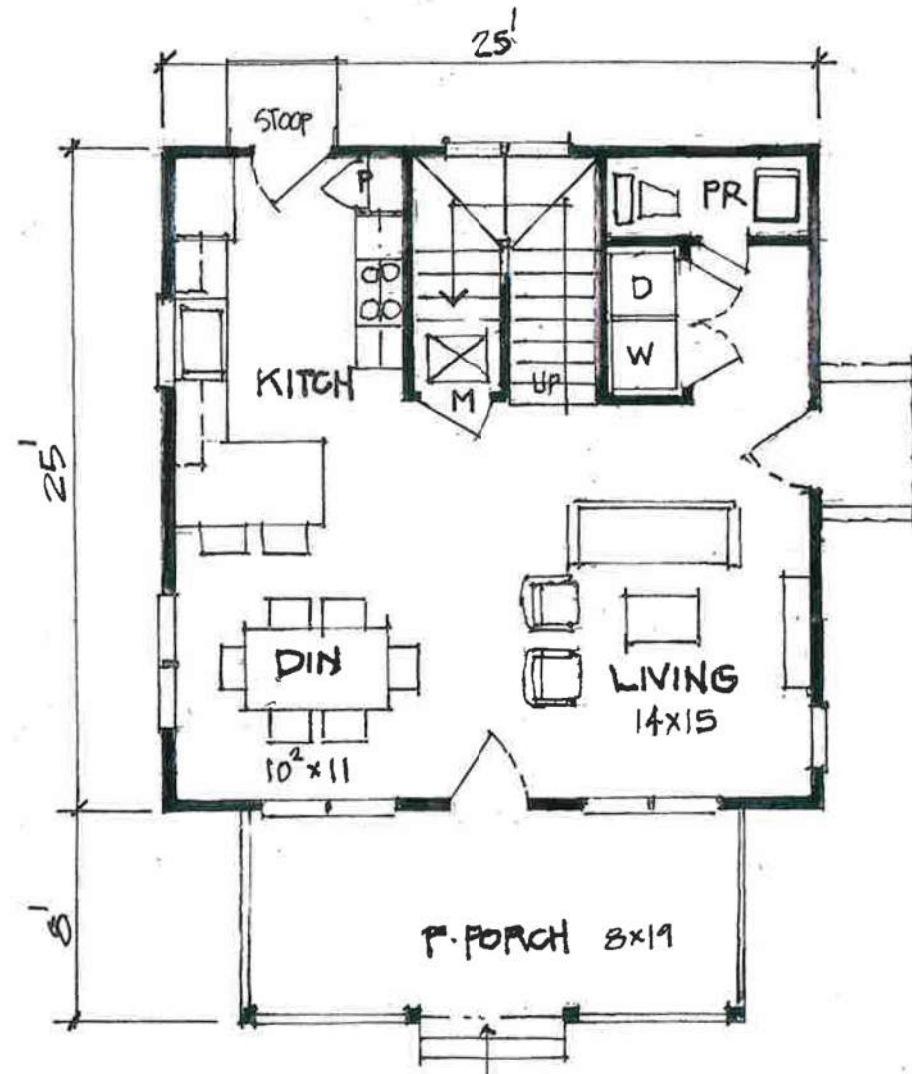
SCALE: NTS

DETACHED MULTI-FAMILY CONCEPT

SGA
NarmourWright
DESIGN



SECOND FLOOR PLAN (565 SF)



FIRST FLOOR PLAN (625 SF)



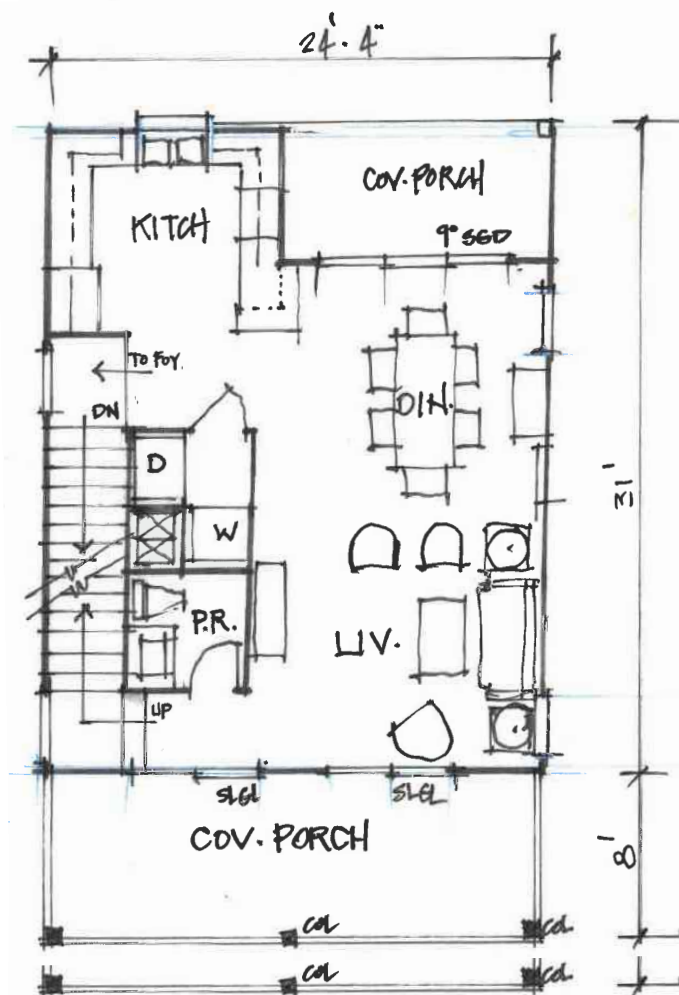
FRONT ELEVATION

-UNIT C - TWO BEDROOM (2-STORY DETACHED)-

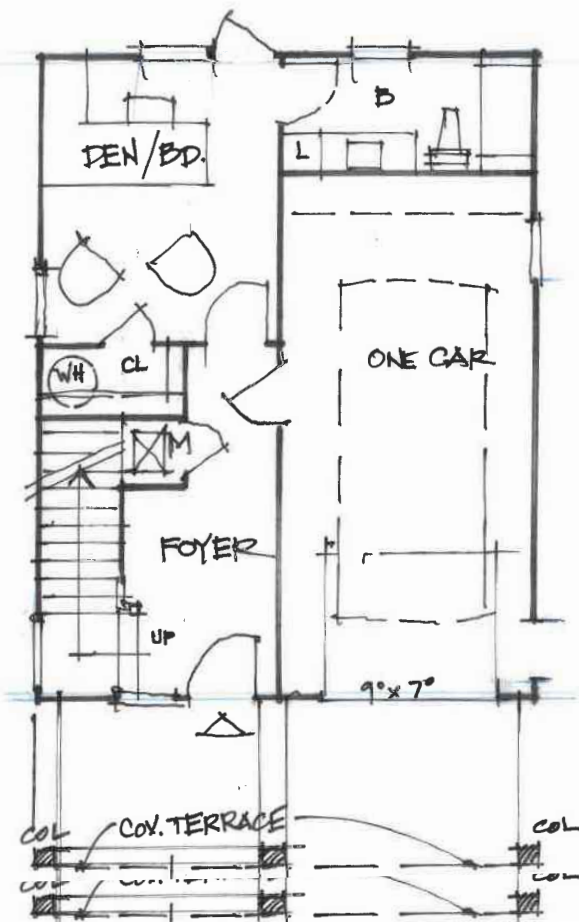
SCALE: NTS

DETACHED MULTI-FAMILY CONCEPT

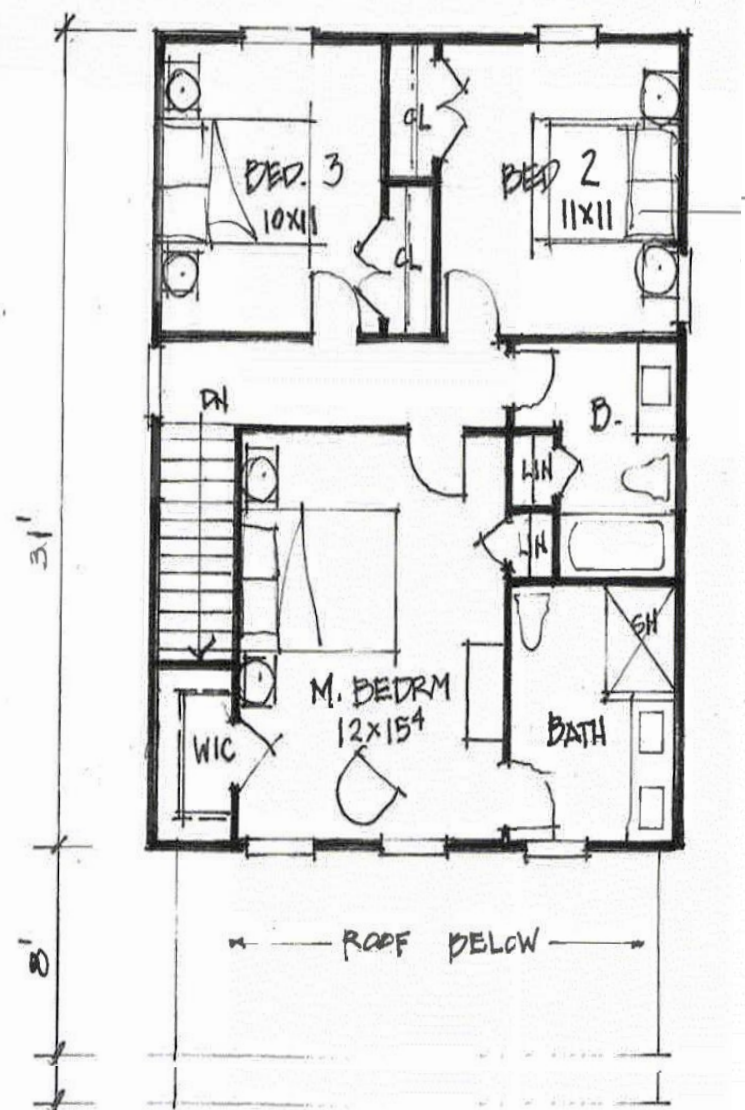
SGA
NarmourWright
DESIGN



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

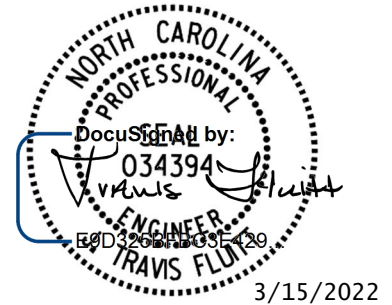
DETACHED MULTI-FAMILY CONCEPT

SGA
NarmourWright
DESIGN



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**



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



	MURRAY HILL PINES SOUTHERN PINES, NC TRAFFIC IMPACT ANALYSIS	SITE LOCATION	FIGURE 1
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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.

\\kimley-horn.com\SE_RAL\RAL_TPTD\Traffic\011174039 Murray Hill Pines\T5 - Report-Submittals\TIA Figures\Murray Hill Pines - TIA Figures.dwg



DEVELOPMENT SUMMARY

Building & Unit Mix:
(40) 4-plex - (50% 2br / 50% 3br)

UNITS PROVIDED: 160

PARKING PROVIDED: 330 (@ 2 P.S./1DU, + 10 VISITOR PARKING)

Note: This plan is conceptual in nature and subject to change.

SGA | **NarmourWright** | **CDP**
DESIGN | CRAIG DAVIS PROPERTIES

Southern Pines
Moore County, NC
Concept Plan 5.0
(Townhome w/ Garage Option)


NORTH


SCALE: 1"=60'-0"

21-186-02 | 11/16/21

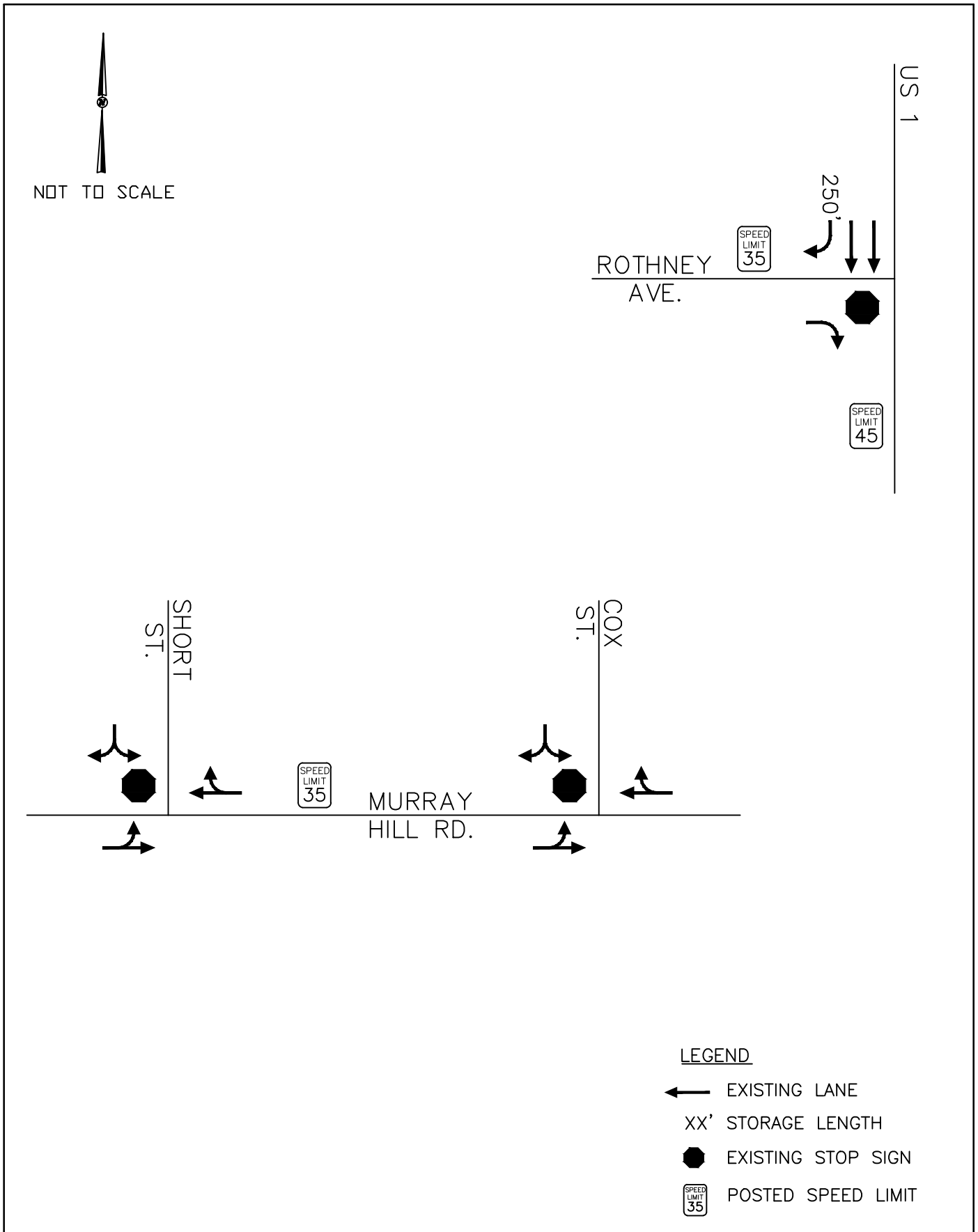
Kimley»Horn

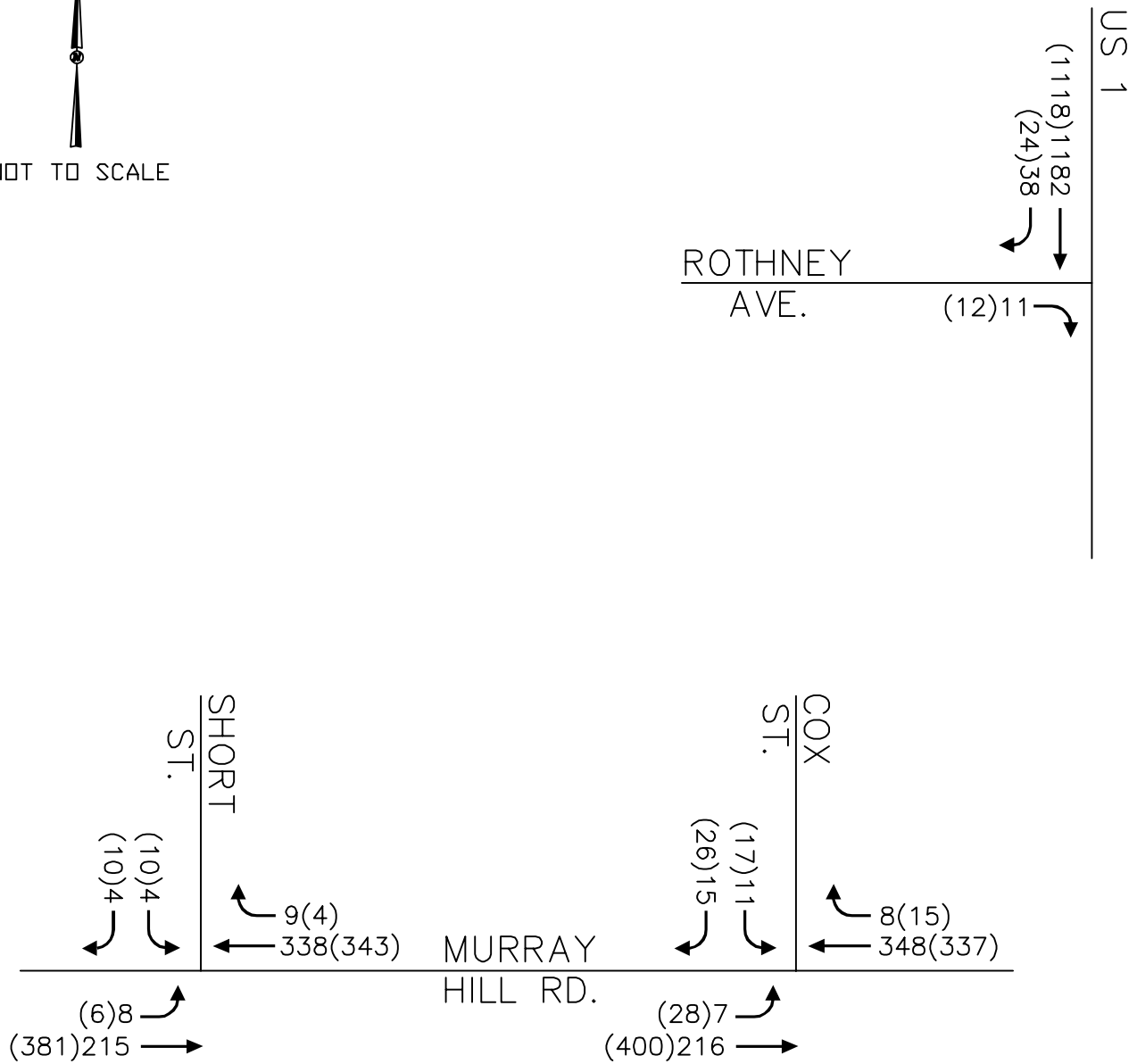
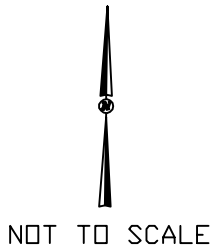
MURRAY HILL PINES
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

SITE PLAN

FIGURE
2

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE 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.

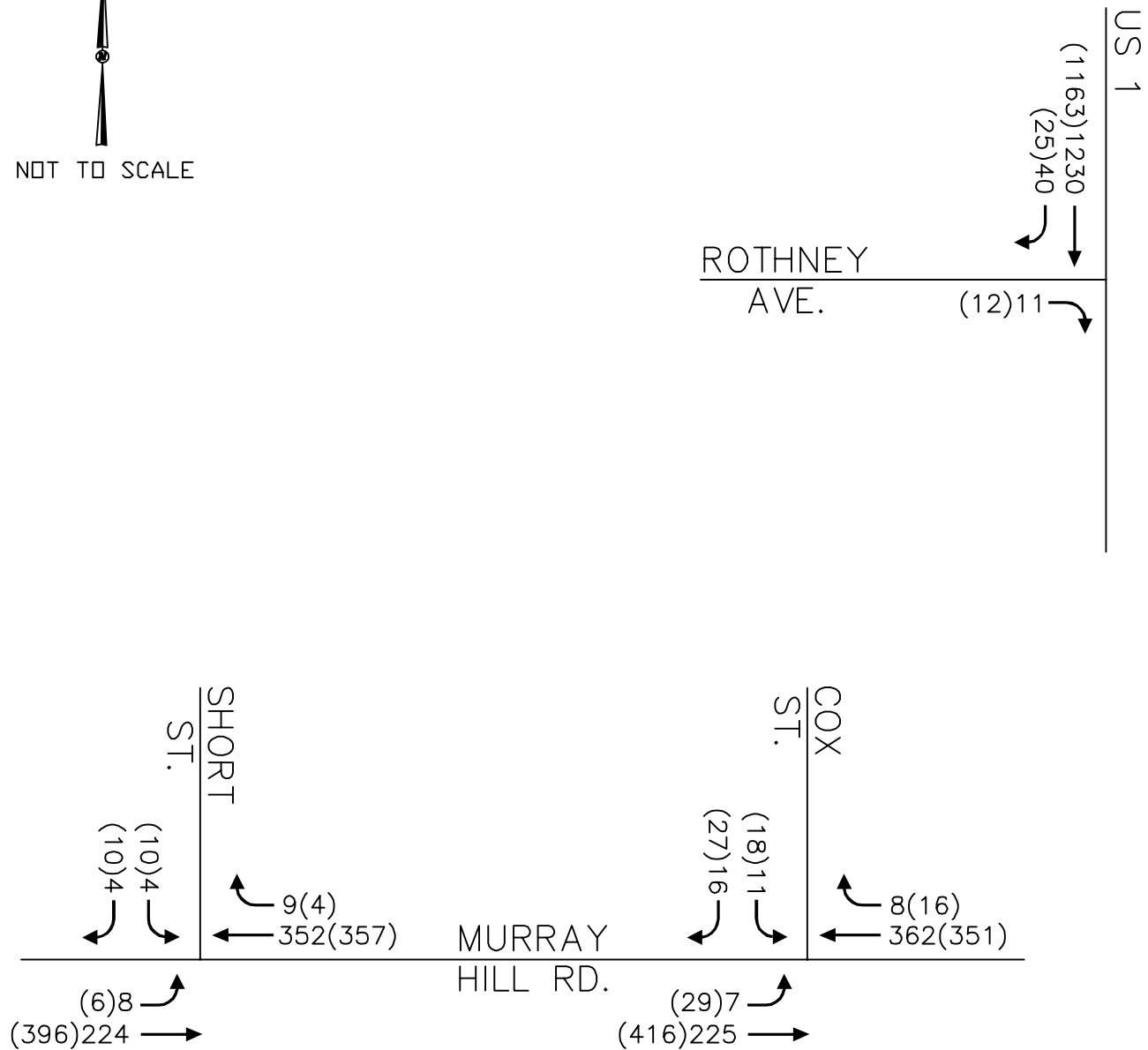
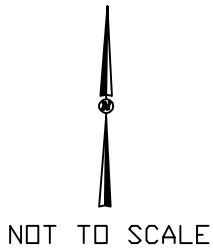




LEGEND

XX AM PEAK HOUR

(XX) PM PEAK HOUR



LEGEND

XX AM PEAK HOUR

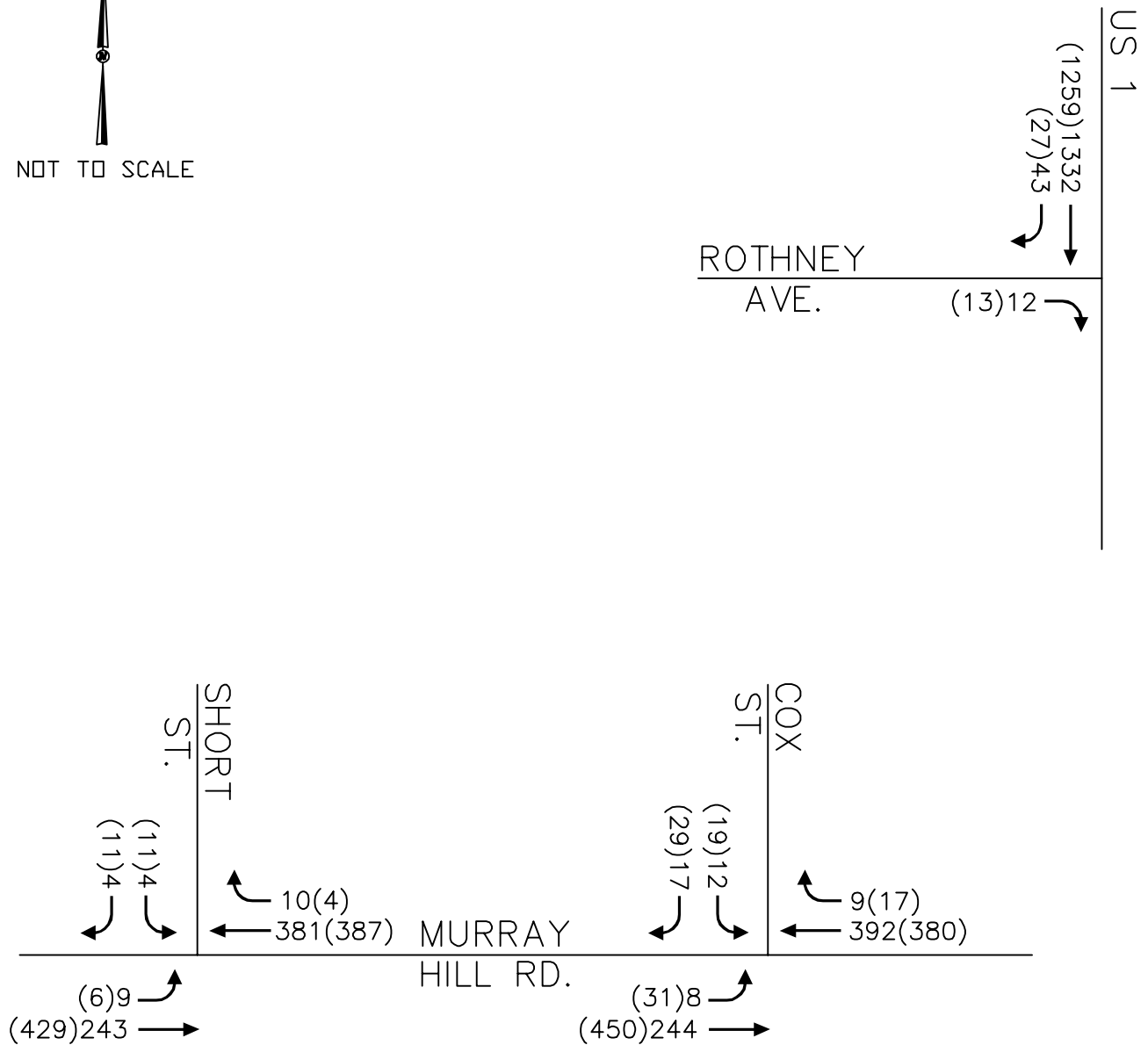
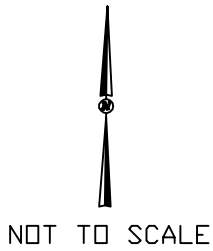
(XX) PM PEAK HOUR

Kimley»Horn

MURRAY HILL PINES
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

PROJECTED (2024)
BACKGROUND
AM & PM PEAK HOUR
TRAFFIC VOLUMES

FIGURE
5



LEGEND

XX AM PEAK HOUR

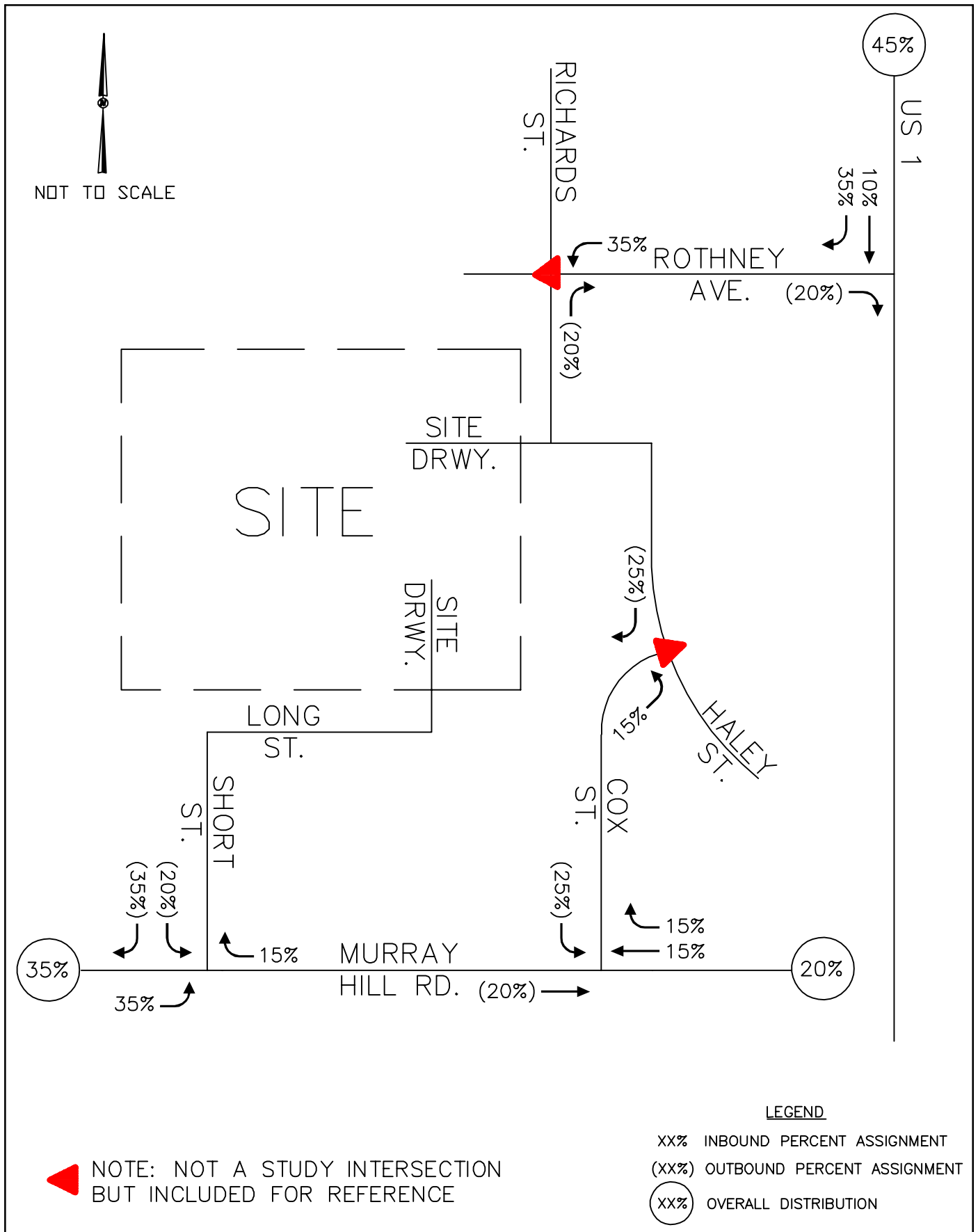
(XX) PM PEAK HOUR

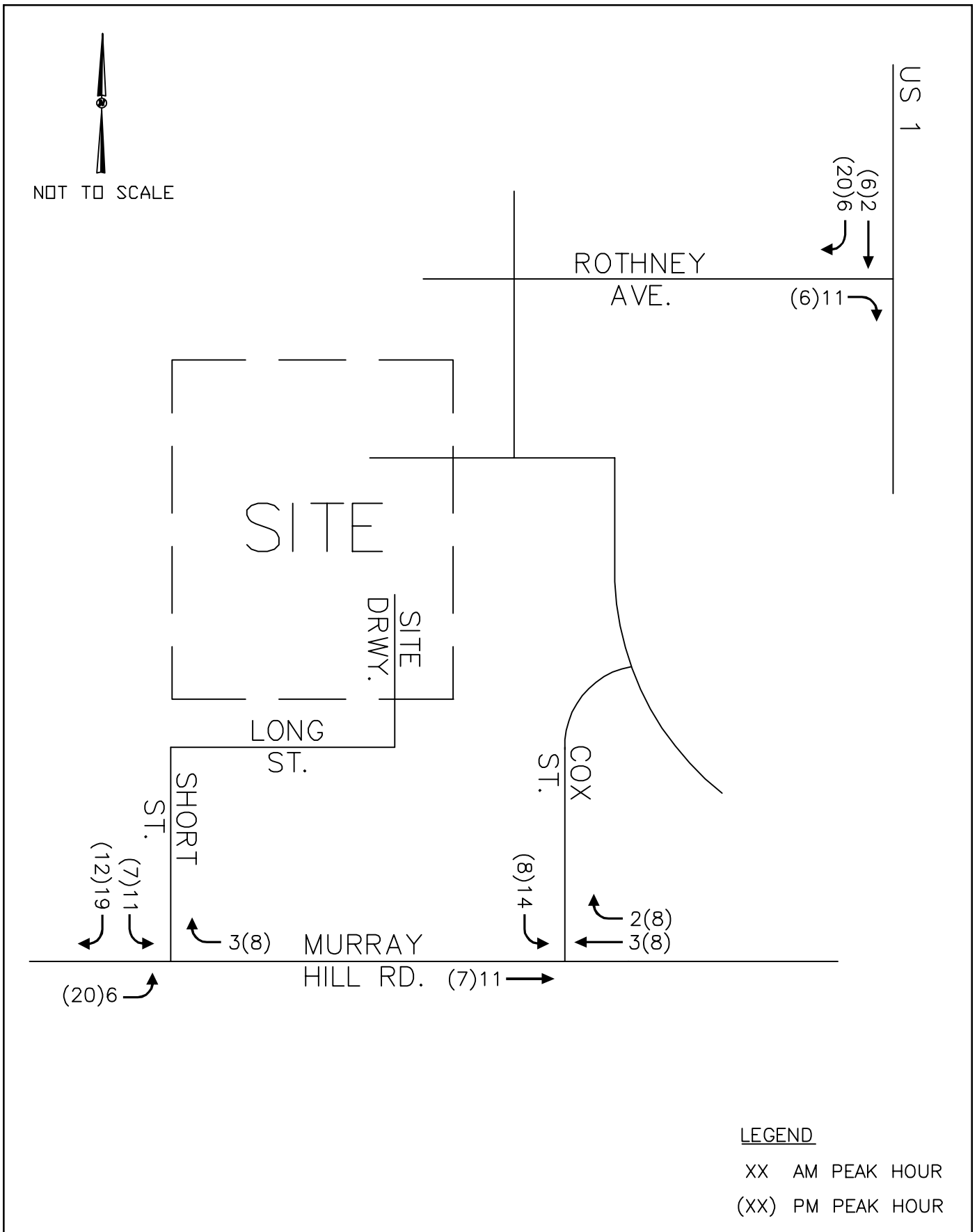
Kimley»Horn

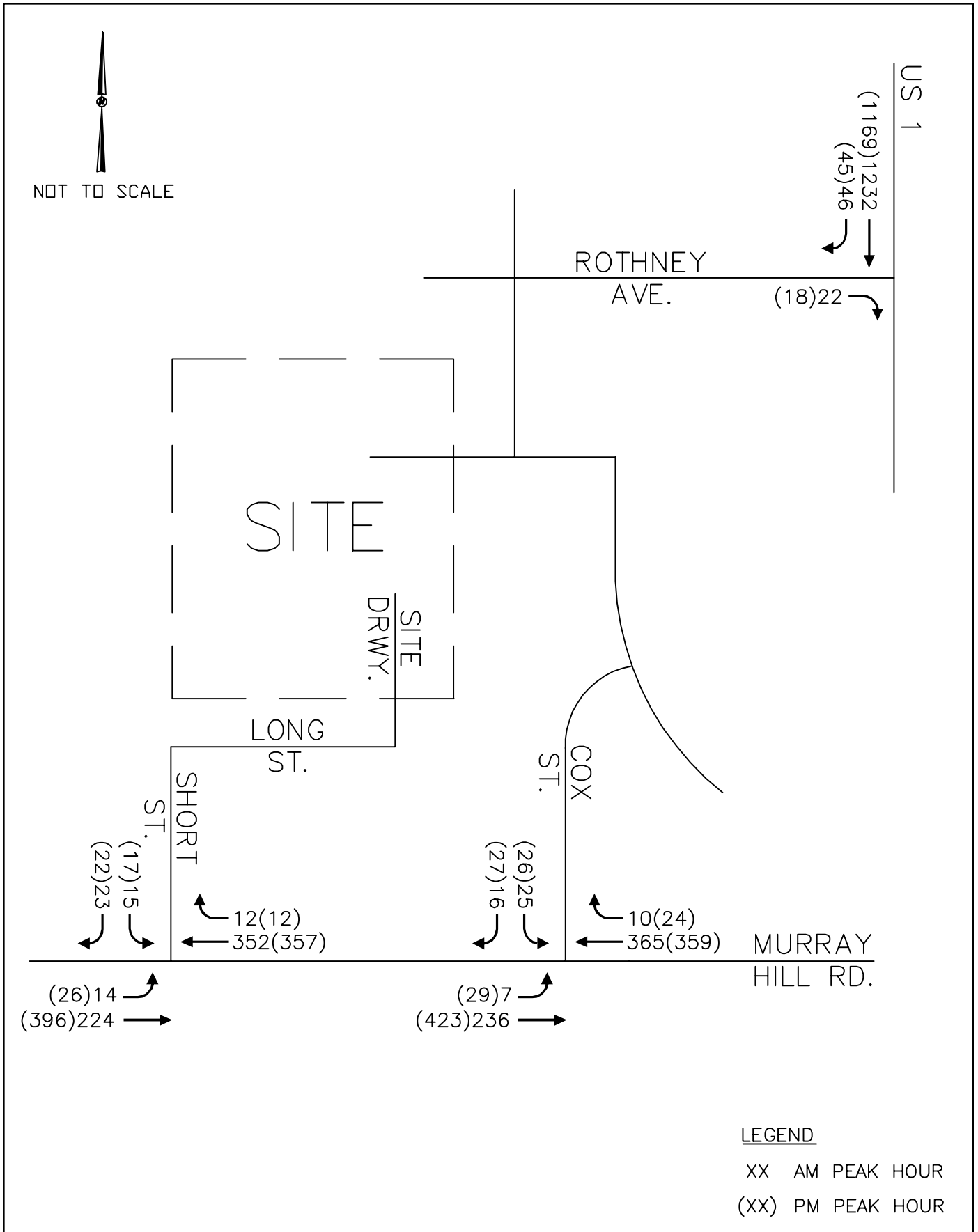
MURRAY HILL PINES
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS

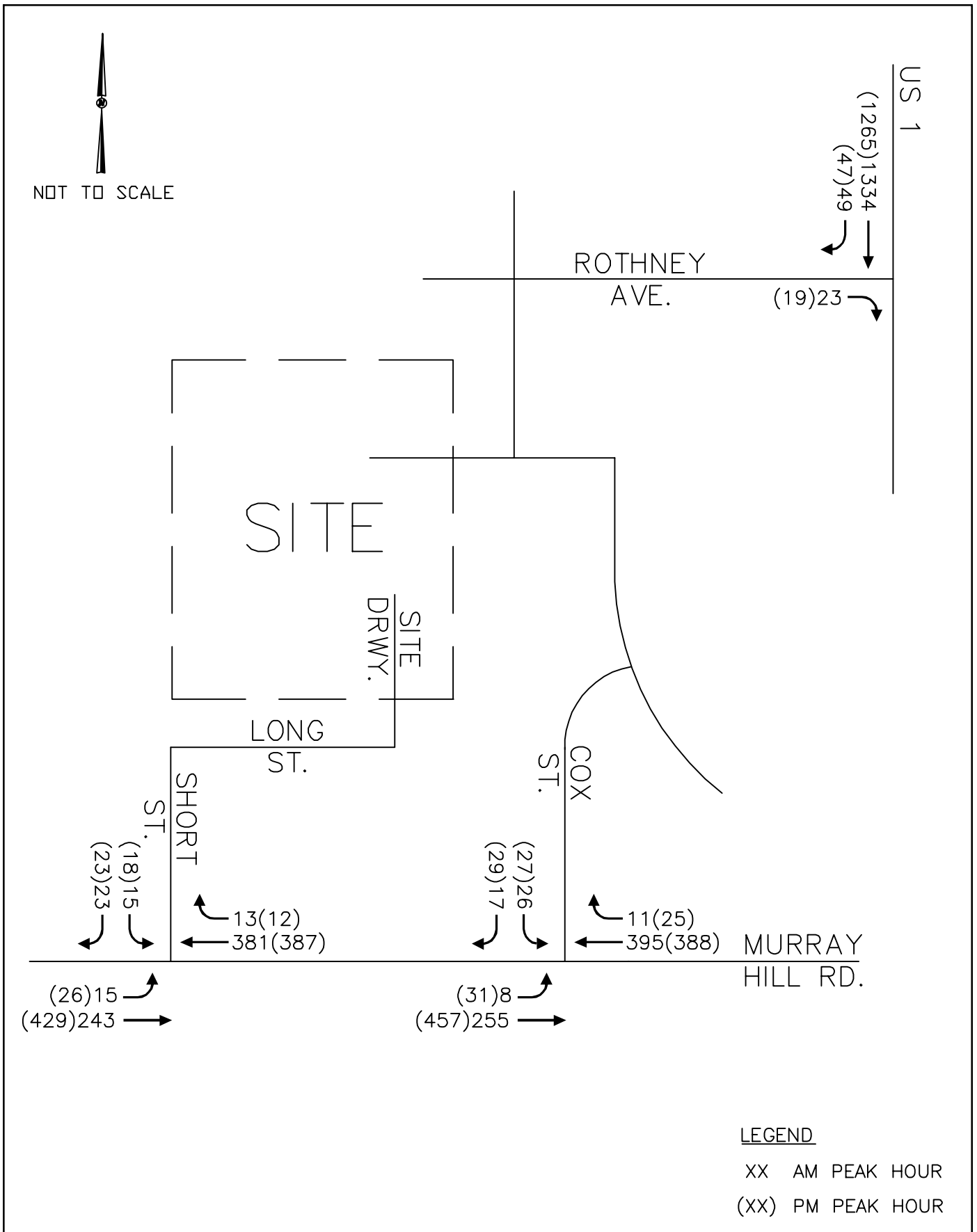
PROJECTED (2032)
BACKGROUND
AM & PM PEAK HOUR
TRAFFIC VOLUMES

FIGURE
6









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,

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

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)

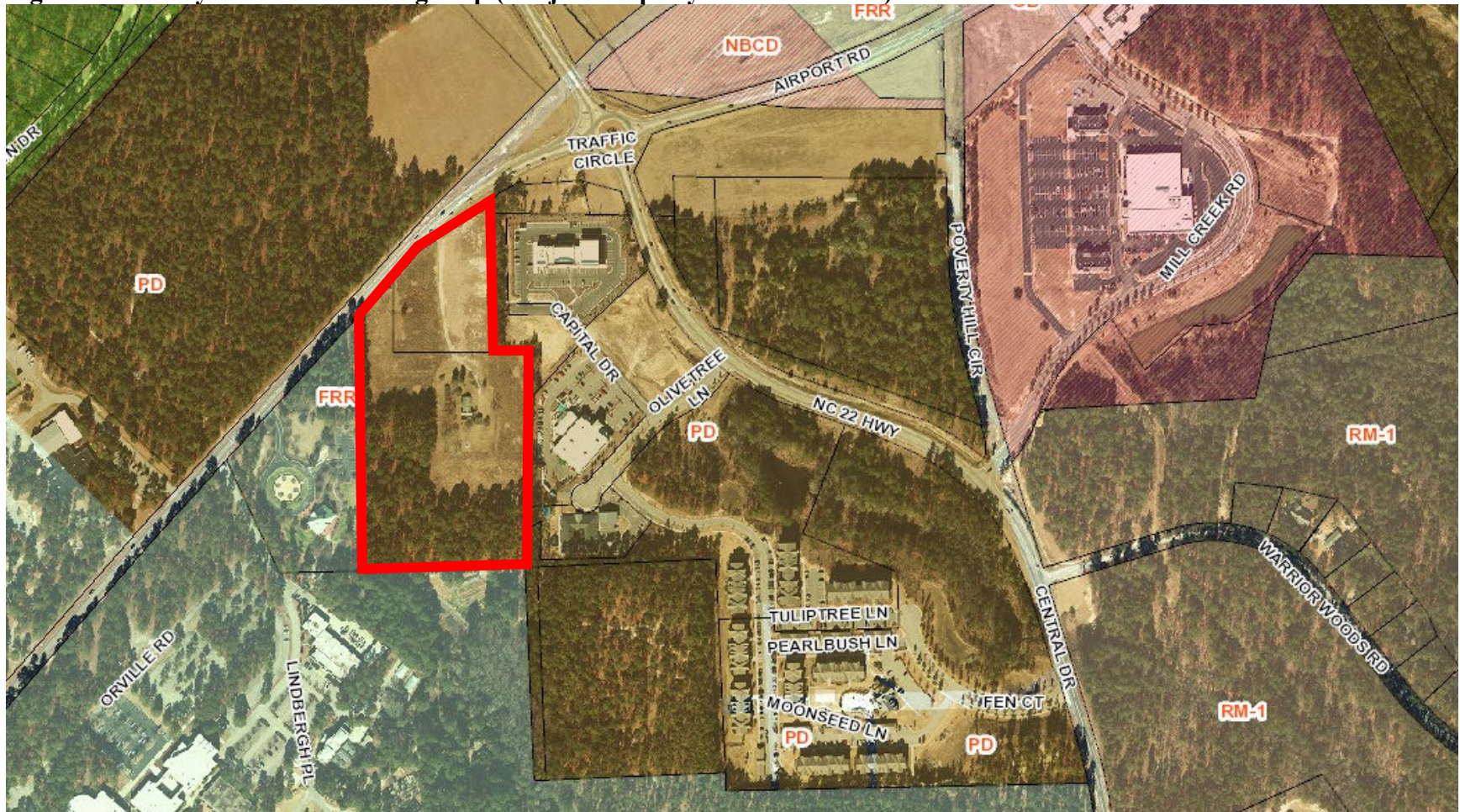
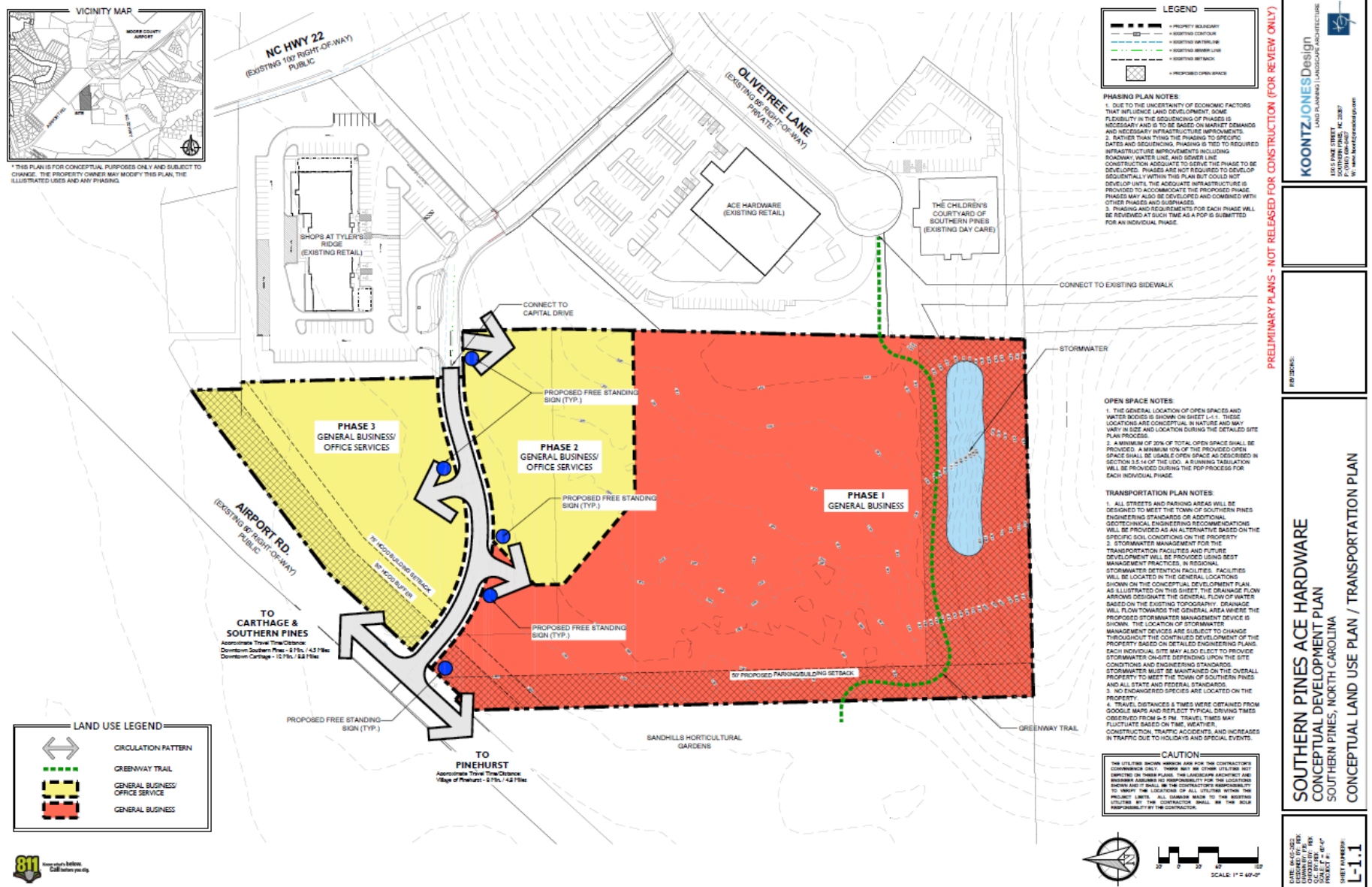


Figure 2: Conceptual Development Plan Layout (PD-01-22)



[illegible]

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 pedestrians 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.



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:

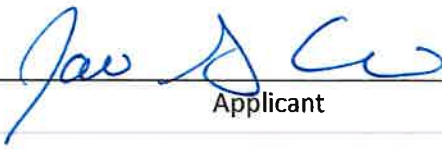
The property which is the subject of this application is located on the South side of Airport Road (St./Ave.), between Capital Drive (St./Ave.) and Lindbergh Place (St./Ave.). The property has a frontage of approx. 660 feet and a depth of approx. 892 feet.

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.

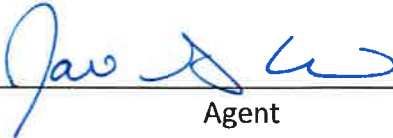
This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 10th day of February, 2022.

DocuSigned by:

15E62DA8C010476...
Property Owner

Property Owner


Agent

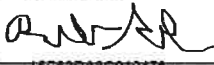
APPOINTMENT OF AGENT

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 Michael Short (SEAL)
Francis Michael Short

Donald H. 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.

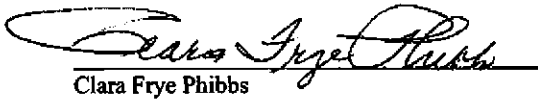
¶ WITNESS WHEREOF, the said Grantors have hereunto set their hands and seals the day and year first above written.

_____, (SEAL)
Betsy Frye Short

_____, (SEAL)
Francis Michael Short

_____, (SEAL)
Donald Frye

_____, (SEAL)
Leslie Frye

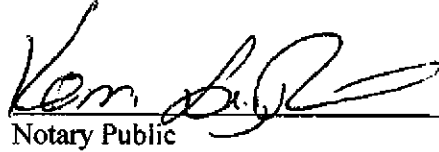
_____, (SEAL)
Clara Frye Phibbs

_____, (SEAL)
Jay Phibbs

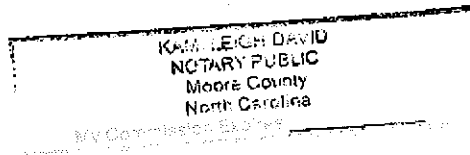
STATE OF NC
COUNTY OF MOORE

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

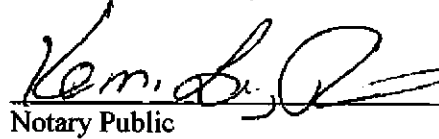
My Commission expires: 11/11/22



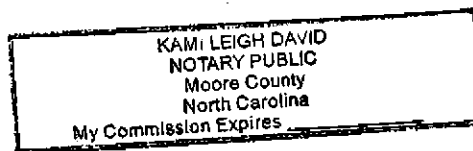
STATE OF NC
COUNTY OF MOORE

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: 11/11/22



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 Elizabeth 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, 20 22

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 Pine ACE Land, 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

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)

JBO 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 \$95,000.00 for a term of _____ year(s), at an initial interest rate not to exceed _____ % per annum (the "Loan").

(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:** [REDACTED]

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.

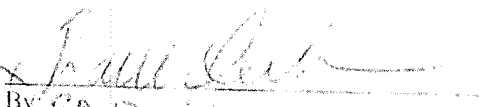
19. **COMPUTATION OF DAYS/TIME OF DAY:** Unless otherwise provided, for purposes of this Contract, the term "days" shall mean consecutive calendar days, including Saturdays, Sundays, and holidays, whether federal, state, local or religious. For the purposes of calculating days, the count of "days" shall 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 Effective 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

 Southern Pines Ace Hardware Company LLC

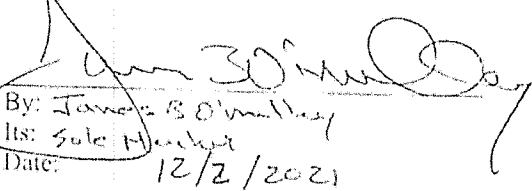
By: 

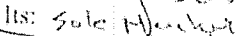
Its: 

Date: 12/2/2021

SELLER

Tyler's Ridge Business Park, LLC

By: 

Its: 

Date: 12/2/2021

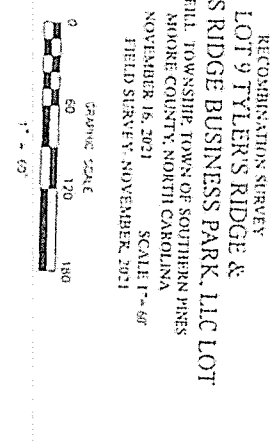
1. Leland Walker, senior officer of Moore County, North Carolina, advised that he was of that section that destruction is attempted at various locations, not reported.

Journal of Walker

11-22-21

WALKER

DATE



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.

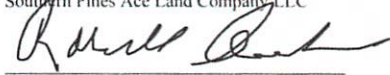
1. Capital Drive. Insert the provision hereinafter set forth as Section 11.

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 ~~4~~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

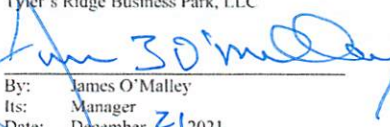
Southern Pines Ace Land Company LLC



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 development 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 development 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 accommodate 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 Horticultural 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 development 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;

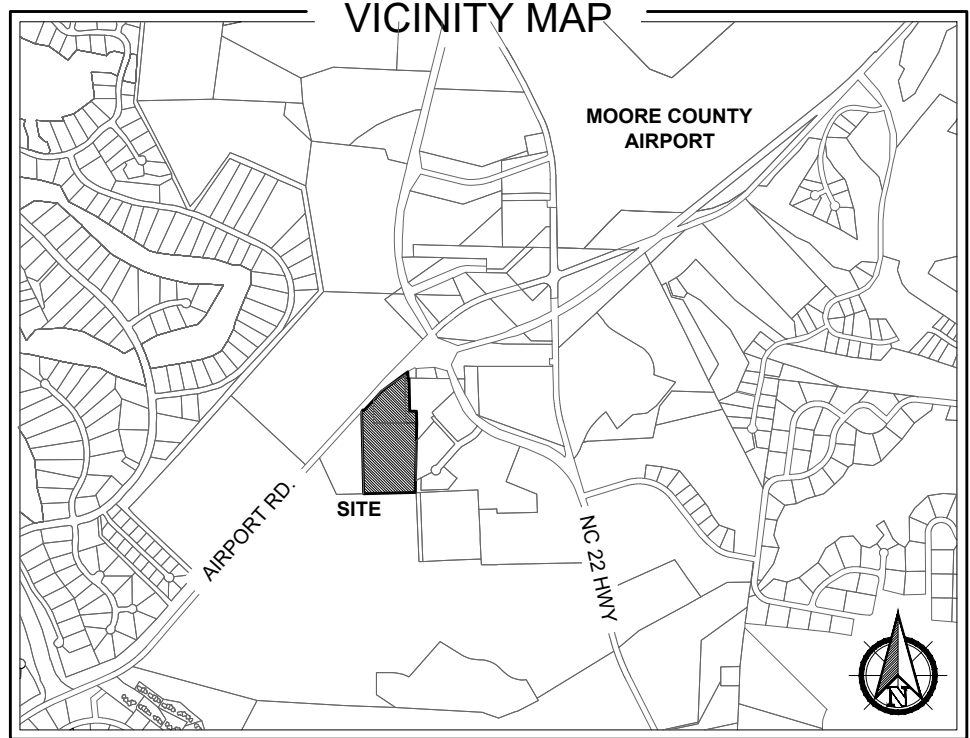
The PDP is consistent with and meets all standards and requirements provided in the CDP plans, and conforms to the standards of the UDO. The hardware supply store is consistent with the proposed development program and allowable uses in the CDP. The development of a +/- 64,825 sf retail building is consistent 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

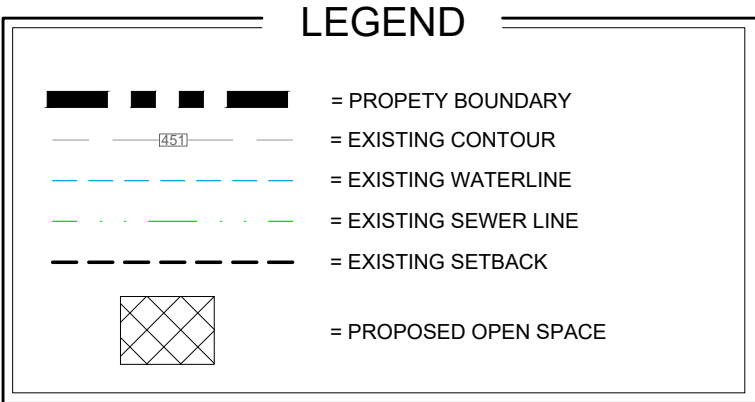
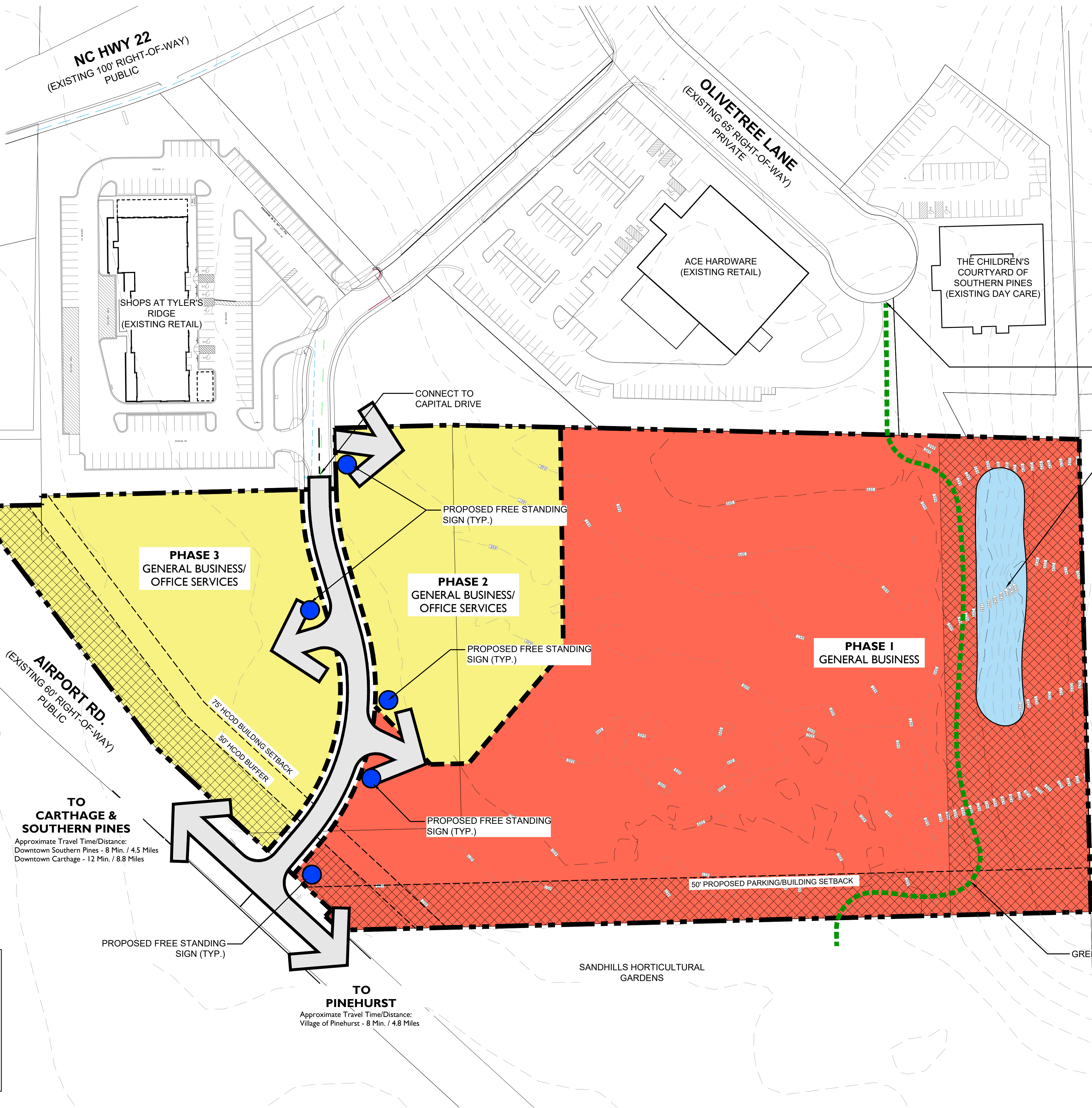
The PDP is consistent with the CDP and the surrounding community which includes a mixed-use building (office, medical office, and restaurant), hardware supply store, multi-family apartment, and child day care center. The CLRP, which takes into account surrounding land uses, designates this property as 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.



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



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 IMPROVEMENTS.
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 REQUIREMENTS FOR EACH PHASE WILL BE REVIEWED AT SUCH TIME AS A PDP IS SUBMITTED FOR AN INDIVIDUAL PHASE.

OPEN SPACE NOTES:

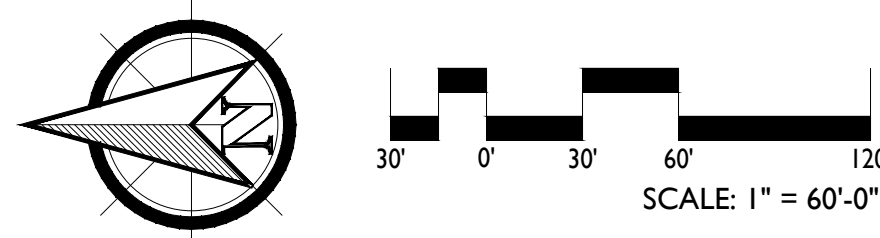
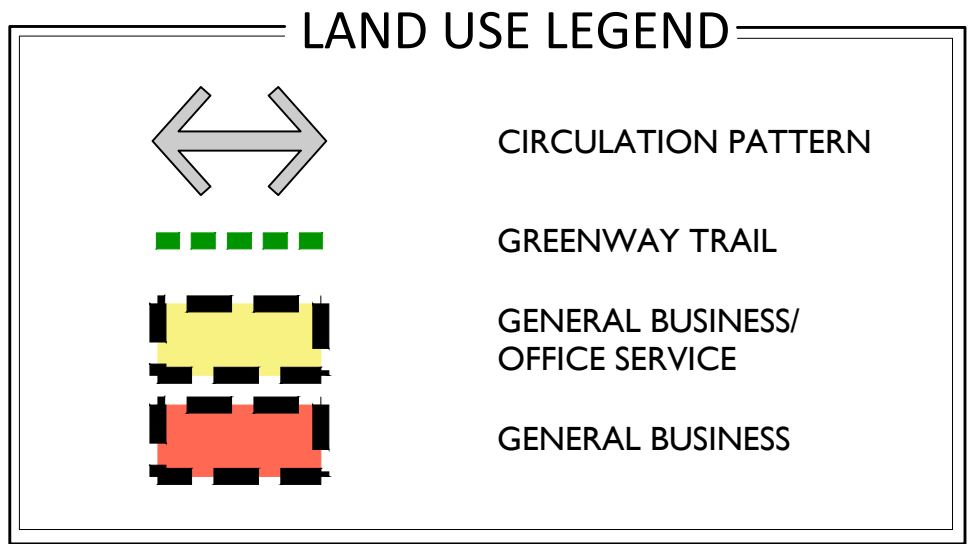
1. THE GENERAL LOCATION OF OPEN SPACES AND WATER BODIES IS SHOWN ON SHEET L-1.1. THESE LOCATIONS ARE CONCEPTUAL IN NATURE AND MAY VARY IN SIZE AND LOCATION DURING THE DETAILED SITE PLAN PROCESS.
2. A MINIMUM OF 20% OF TOTAL OPEN SPACE SHALL BE PROVIDED. A MINIMUM 10% OF THE PROVIDED OPEN SPACE SHALL 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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PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

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LAND PLANNING | LANDSCAPE ARCHITECTURE

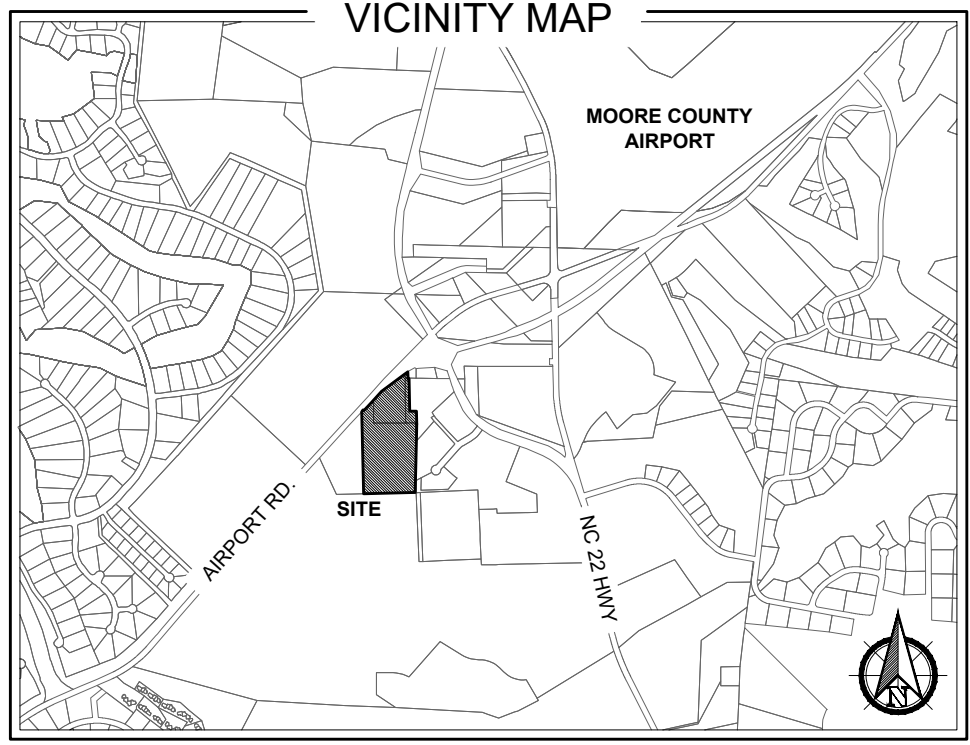
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
W: www.koontzjonesdesign.com

REVISIONS:

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
SCALE: 1" = 60'-0"
PROJECT #:
SHEET NUMBER#:
L-1.1



LEGEND

- — — — — = PROPERTY 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)

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: 857300952219
MOORE COUNTY COMMUNITY COLLEGE
BOARD OF TRUSTEES
DB: 270 PG: 375
ZONING: FRR

WATERSHED INFORMATION

WATERSHED 1:
BASIN: CAPE FEAR
STREAM: LITTLE RIVER (INTAKE NO. 2)
TYPE: WS-IIIP

THIS PROPERTY IS IN A HIGH QUALITY WATERSHED

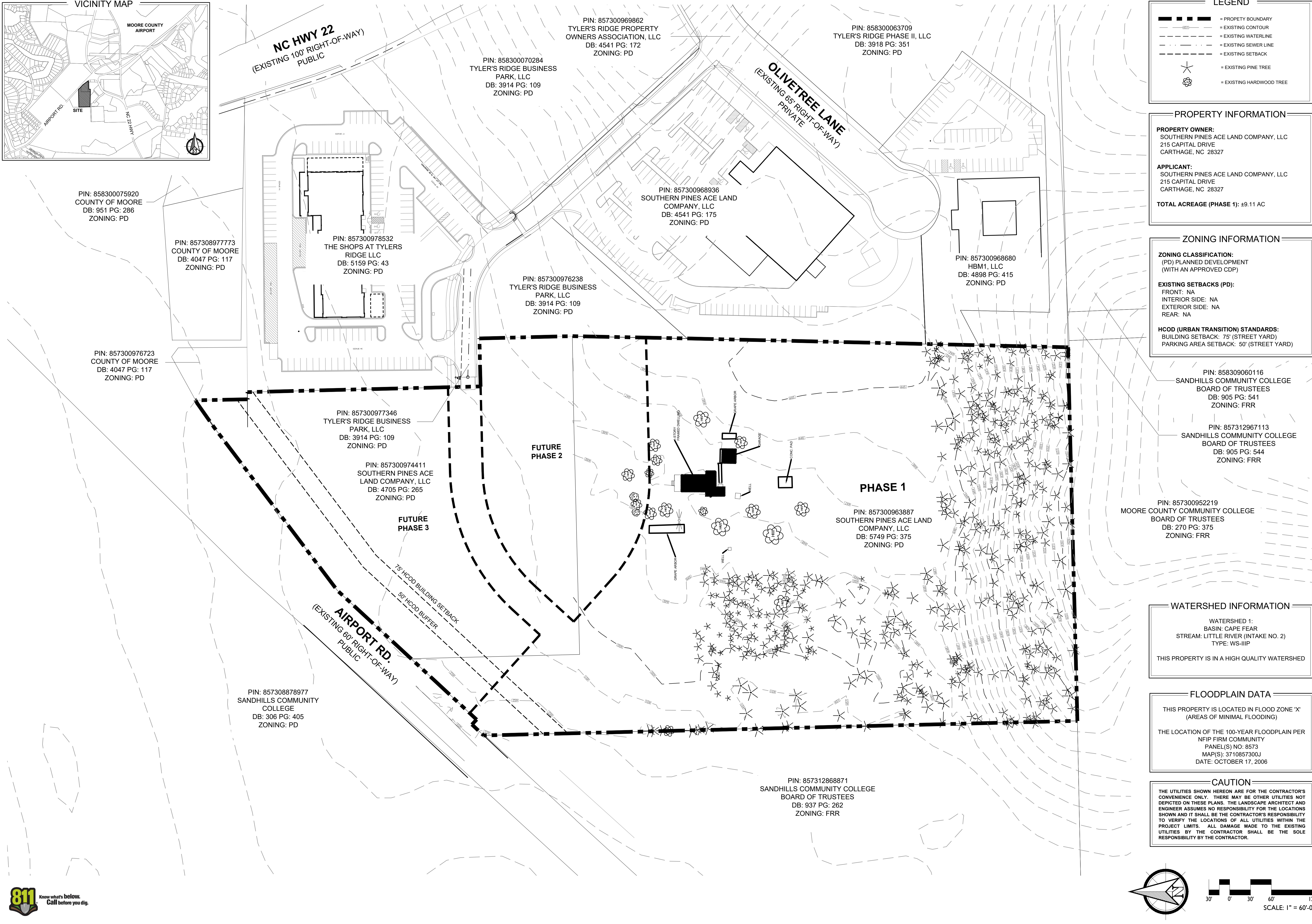
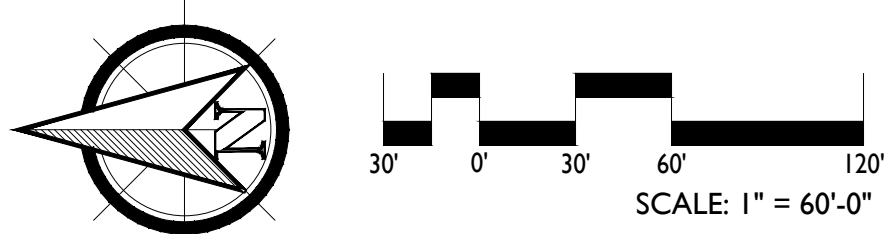
FLOODPLAIN DATA

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

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LAND PLANNING | LANDSCAPE ARCHITECTURE

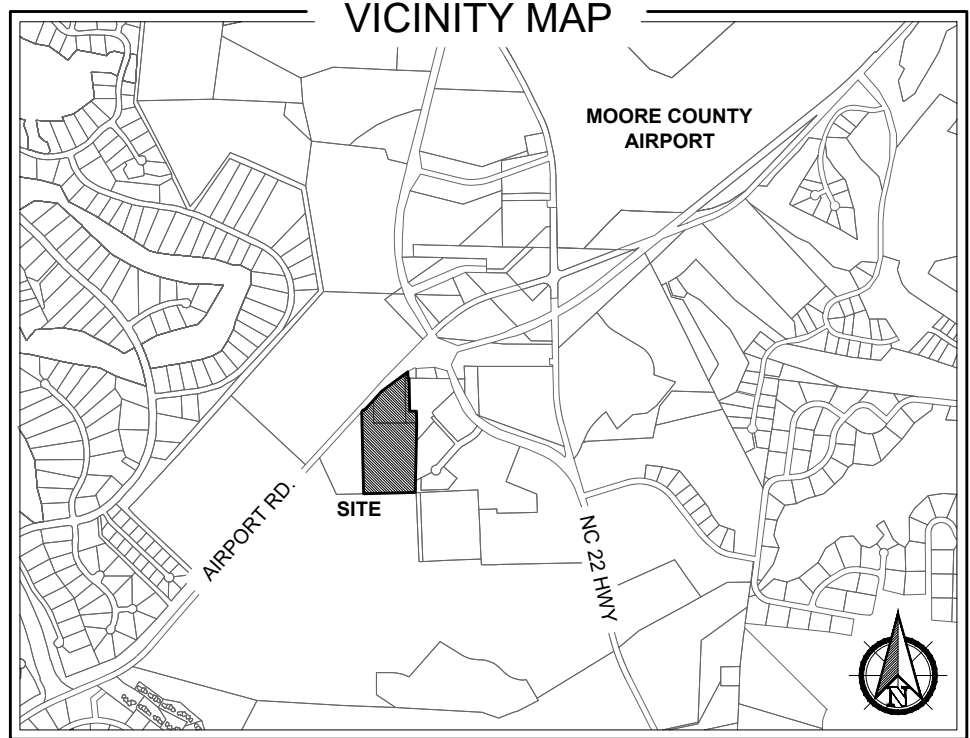
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REVISIONS:

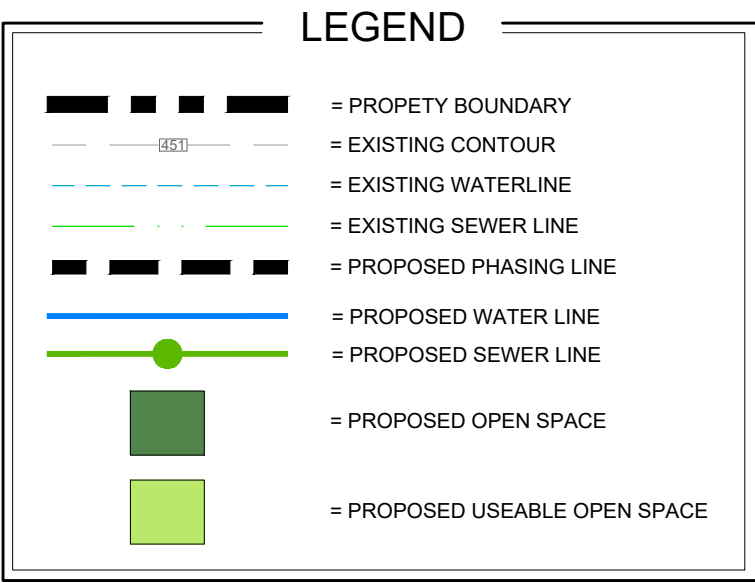
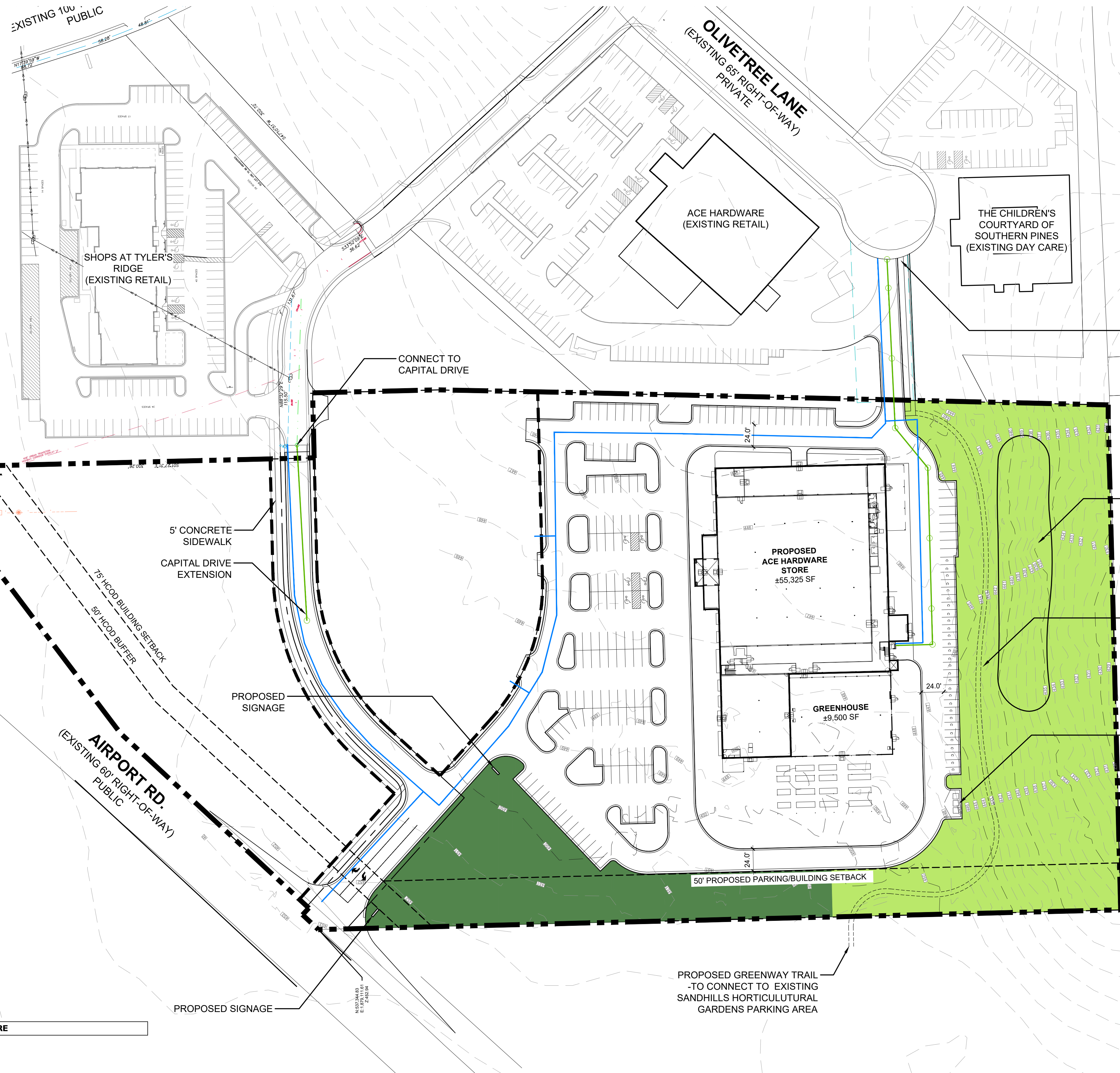
SOUTHERN PINES ACE HARDWARE
PRELIMINARY DEVELOPMENT PLAN - PHASE 1
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 04-22-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KJ221123
SHEET NUMBER:
L-1.0



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.



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:
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

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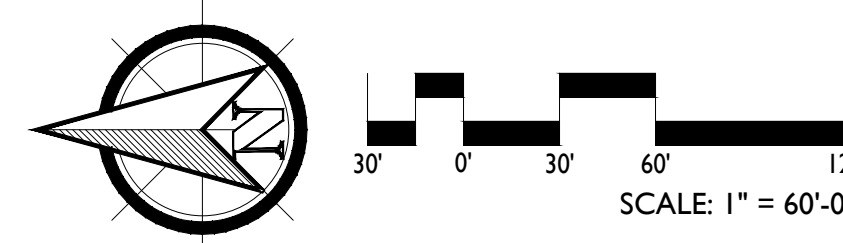
OPEN SPACE SUMMARY - SOUTHERN PINES ACE HARDWARE

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 I	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 I		5.65 acres
TOTAL		5.65 acres



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

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LAND PLANNING | LANDSCAPE ARCHITECTURE

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P: (910) 684-9467
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REVISIONS:

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
SCALE: 1" = 60'-0"
PROJECT #: KID21123
SHEET NUMBER: L-1.1



Southern Pines Retail
Traffic Impact Analysis
Southern Pines, North Carolina



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



A handwritten signature in blue ink, appearing to read "Nathaniel Bouquin", written over the bottom right portion of the professional seal.

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
<i>Internal Capture (11% AM & 21% PM)*</i>			-24	-24	-55	-54
Total External Trips			219	172	202	208
<i>Pass-By Trips: Hardware Store (49% AM, 50% PM)</i>			--	--	-6	-6
<i>Pass-By Trips: Shopping Center (43% PM)</i>			--	--	-40	-40
<i>Pass-By Trips: Fast-Food Restaurant w/ Drive-Thru (36% PM)</i>			-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 minimum of 150 feet of storage and appropriate taper. Provide yield control for the slip lane.

Recommended Improvements by Developer

NC 22 and Airport Road

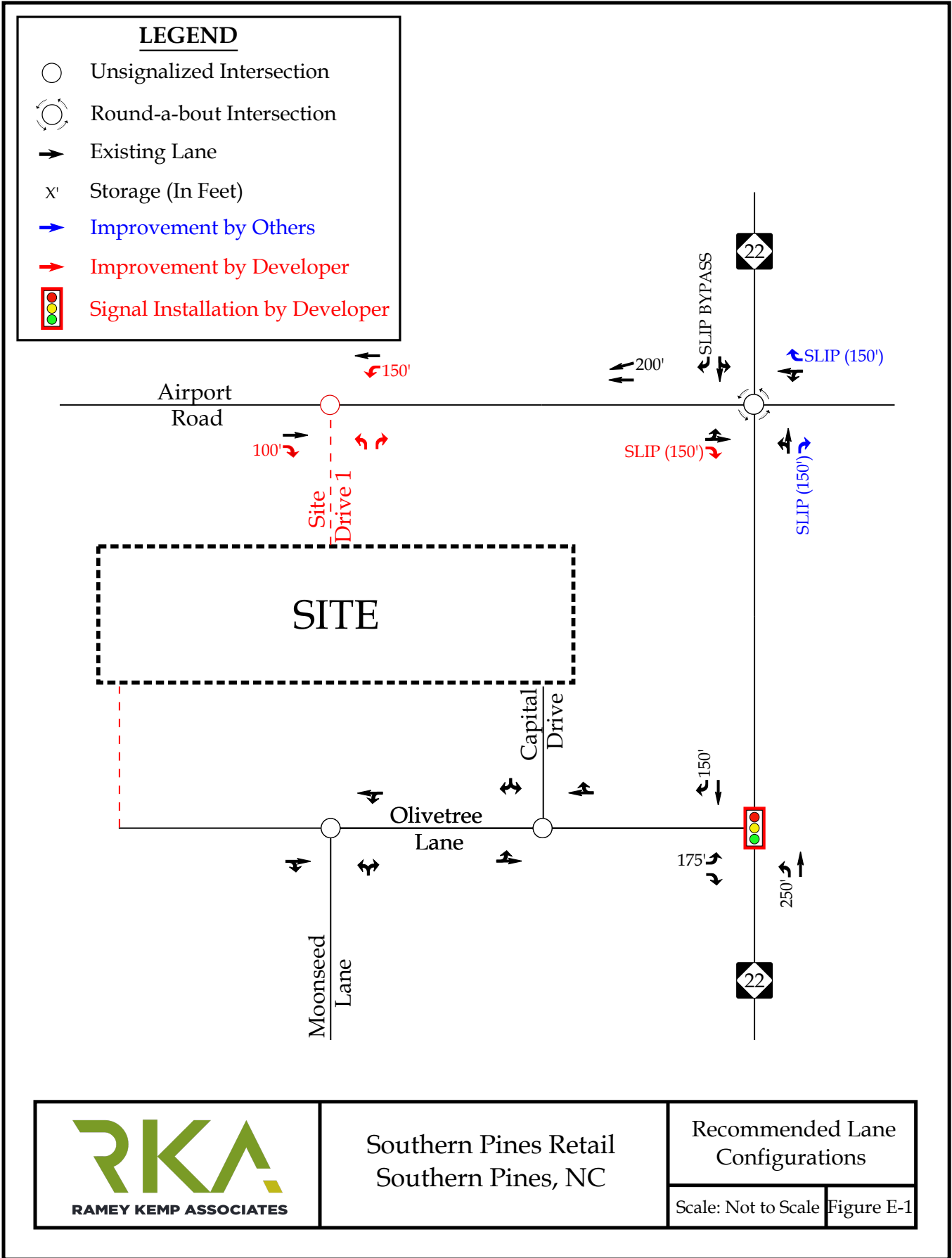
- Construct an exclusive eastbound (Airport Road) right-turn lane slip lane with a minimum of 150 feet of storage with appropriate decel and taper. Provide yield control for the slip lane.

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.



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 REBEKAH PARSONS)

Nature of Complaint:

Contractor ☐

Rental Unit ☐

Condemn ☐

Illegally Occupied ☐

Unsafe ☒

Unsanitary ☐

Other: ☐

DETAILS OF COMPLAINT

Building has 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 falling in with trash & debris inside structure.
Evidence of Vagrants and animals using structure.

Will send out letter to owner and decide what direction to go to resolve issues with structure.

Recommendations: _____

FINAL DISPOSITION

Signature: _____

Date: _____

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
- 4) 11/3/22 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)

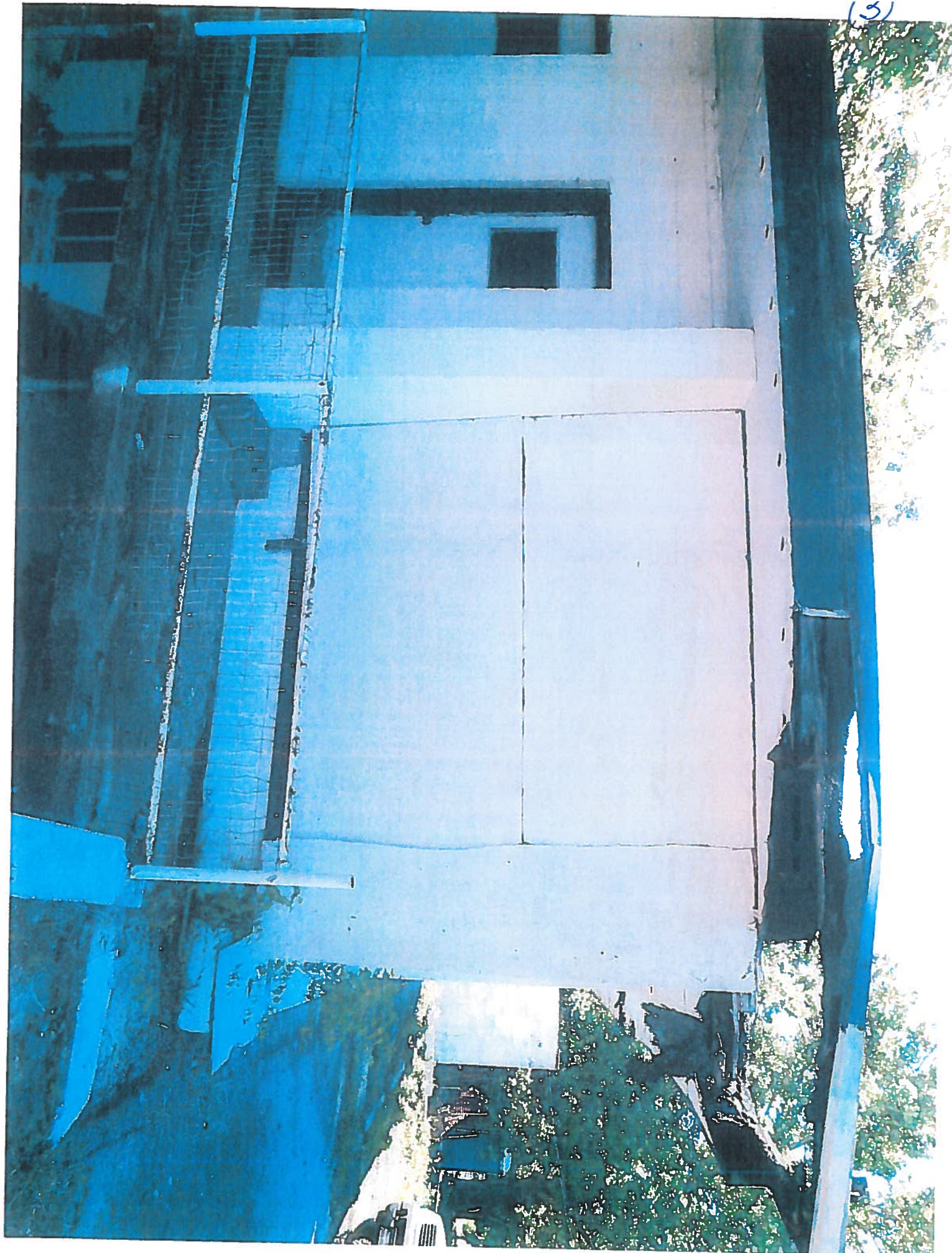
gave extension until Jan 1st







(3)



(3)





4

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, and windows exposed to weather shall be constructed to be watertight".

Please contact the Building/Inspections Department with this building. If we do not hear from you in the process of condemning the building.

matter.

316

9184 THEO 0000 DETT 9102

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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 28387 (891 W. Penn)	
9590 9402 6714 1060 6244 16	
7018 1130 0000 0341 4816	
PS Form 3811, July 2020 PSN 7530-02-000-9053	
COMPLETE THIS SECTION ON DELIVERY	
A. Signature	☐ Agent
B. Received by (Printed Name)	☐ Addressee
C. Date of Delivery	
D. Is delivery address different from item 1? ☐ Yes ☐ No If YES, enter delivery address below:	
3. Service Type	
☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	
☐ Restricted Delivery	
Domestic Return Receipt	



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 safety hazard. The Building Code and must be either demolished or repaired. The sale of the property has not transpired before January 1, 2022. We will proceed with the demolition process.

If you have any questions, please feel free to contact the Building Department from 8 a.m. to 5:00 p.m.

Sincerely,

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Total Postage and Postage \$
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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

SENDER: COMPLETE THIS SECTION

1. Article Addressed to:
**Julene Allen
1210 W. Michigan Ave
So Pines, 28387**

2. Article Number (Manufacturer's)
7018 1130 0000 0341 4939

3. Service Type
☐ Adult Signature
☒ Certified Mail®
☐ Collect on Delivery
☐ Delivery Restricted Delivery
☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X **Julene Allen**

B. Received by (Printed Name)
Julene Allen

C. Date
11/18/21

D. Is delivery address different from item 1? ☐
If YES, enter delivery address below:

PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt

6



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

ir office Monday through Friday, 8:30 a.m. to 5:00 p.m.

7020 1810 0001 3427 0910

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JAN 3 2022
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Your item was delivered to the front desk, reception area, or mail room at 10:01 am on January 5, 2022 in SOUTHERN PINES, NC 28387.

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Status

Delivered, Front Desk/Reception/Mail Room

January 5, 2022 at 10:01 am
SOUTHERN PINES, NC 28387

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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 record paperwork was sent to Ms. Allen by certified mail closed at 10:30 am. Ms. Allen or anyone to speak condemnation of the structure in question.

The necessary demolition paperwork will be presented to the Town Council for their decision on this.

Sincerely,

Robert M. Bullock

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) *Julene Allen*

C. Date of Delivery *2/9/22*

D. Is delivery address different from item 1? ☐ Yes ☒ No
If YES, enter delivery address below:

3. Service Type

☐ Adult Signature	☐ Priority Mail Express®
☐ Adult Signature Restricted Delivery	☐ Registered Mail™
☐ Certified Mail®	☐ Registered Mail Restricted Delivery
☐ Certified Mail Restricted Delivery	☐ Signature Confirmation™
☐ Collect on Delivery	☐ Signature Confirmation Restricted Delivery
☐ Collect on Delivery Restricted Delivery	☐ Restricted Delivery

Article Number (transfer from service label)
9590 9402 6714 1060 6248 74

7020 1810 0001 3427 0972

PS Form 3811, July 2020 PSN 7530-02-000-9053

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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
So Pines NC 28387*

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.

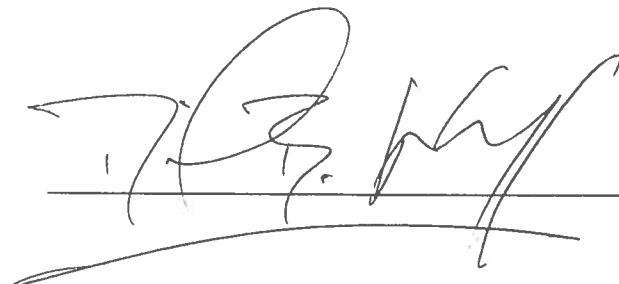
A hearing will be held before the Chief Building Inspector of the Town of Southern Pines, North Carolina, at his office located at 801 SE Service Rd, on Wednesday, February 9, 2022 at 10:00 A.M., for the purpose of finding the facts as to whether or not the condition of such building falls within the 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 fire 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
1-9-16

425443



on this 17 day of January,

Michele Bungarz

MICHELE BUNGARZ
Notary Public, North Carolina
Moore County
My Commission Expires
6-7-24

554571

Statement

4-19-22

Town of Southern Pines

Proposal for Demo work

Kenny Ring Grading
P.O. Box 512 VASS NC. 28394

891 W. Penn. AVE.

Take down & haul away
Building

Seed & Mulch
disturbed Area.

Job Quote \$29,500⁰⁰

**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 Statutes 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 Statutes 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

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.

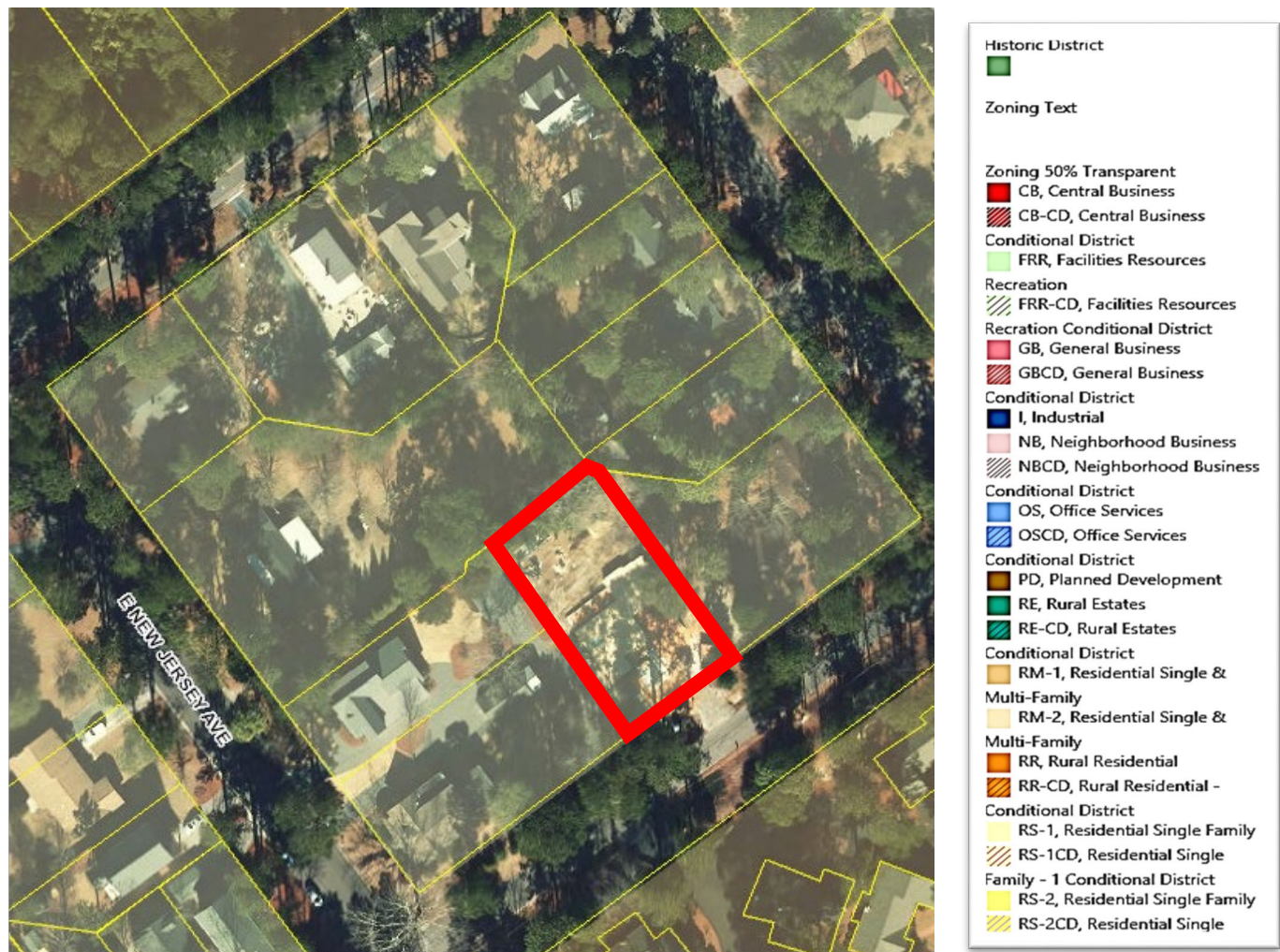
D. Property Zoning Classification:

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 (HQP) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."

- Per UDO Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (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



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-Up Area*: 4,287 s.f.

% of Total Property Acreage Proposed to be Built-Up 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-Up Area May be Found in Chapter 9 of the Unified Development Ordinance.

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

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET

SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net



Appointment of Agent

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
4280CF6CE9F4BC

Signature

Lindsay Baker

Printed Name of Signatory

Authorized Agent:

Date: 4/19/2022

Signature Julia McNeill

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

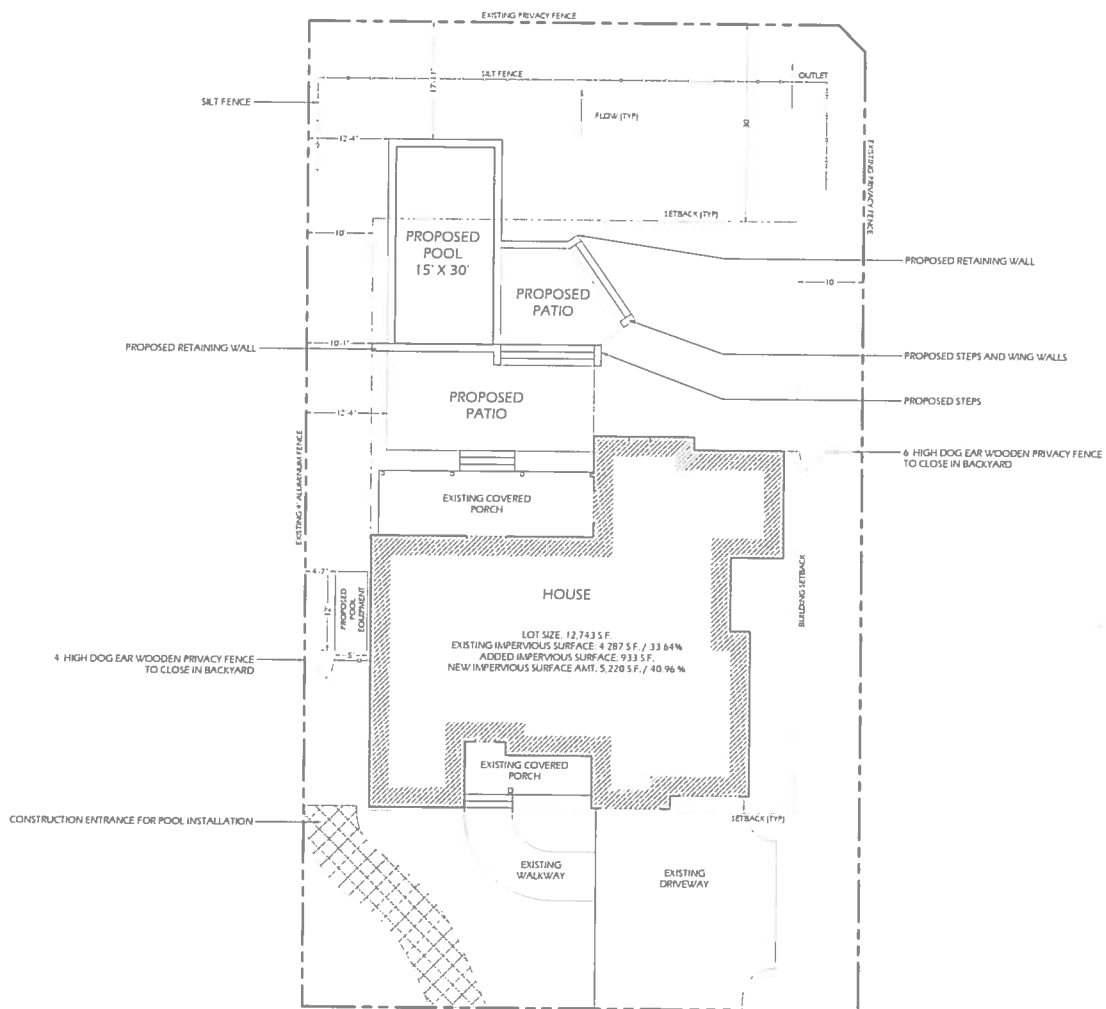
Fence – 4’ & 6’ high dog ear wood privacy fence to match the existing fence in the backyard

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 or 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.

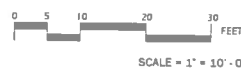
Rendering of Finished Project





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



DATE	CLIENT ADDRESS
12 APRIL 2022	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 12TH DAY OF JUNE, A.D., 2006

Travis L. Nickens
TRAVIS L. NICKENS, PLS NO. 4218



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 OWNERSHIP

I HEREBY CERTIFY THAT I AM (WE ARE) THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SOUTHERN PINES, AND THAT I (WE) FREELY ADOPT THIS PLAN OF SUBDIVISION.

6/20/06
DATE

Steve Simms
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

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS, 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

Burt S. Nichols
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

Burt S. Nichols
WATERSHED ADMINISTRATOR

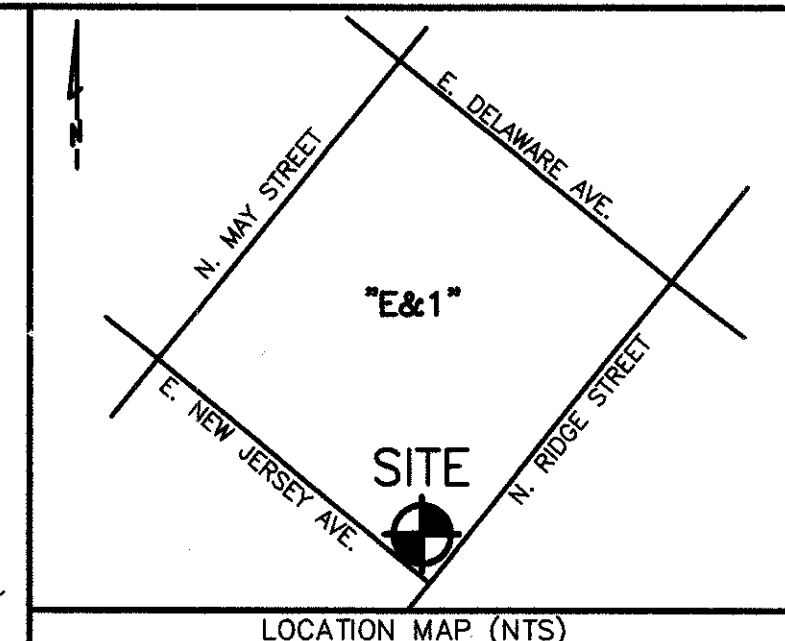
STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, CARLIE 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 Armstrong
REVIEW OFFICER

RECORD MAP



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

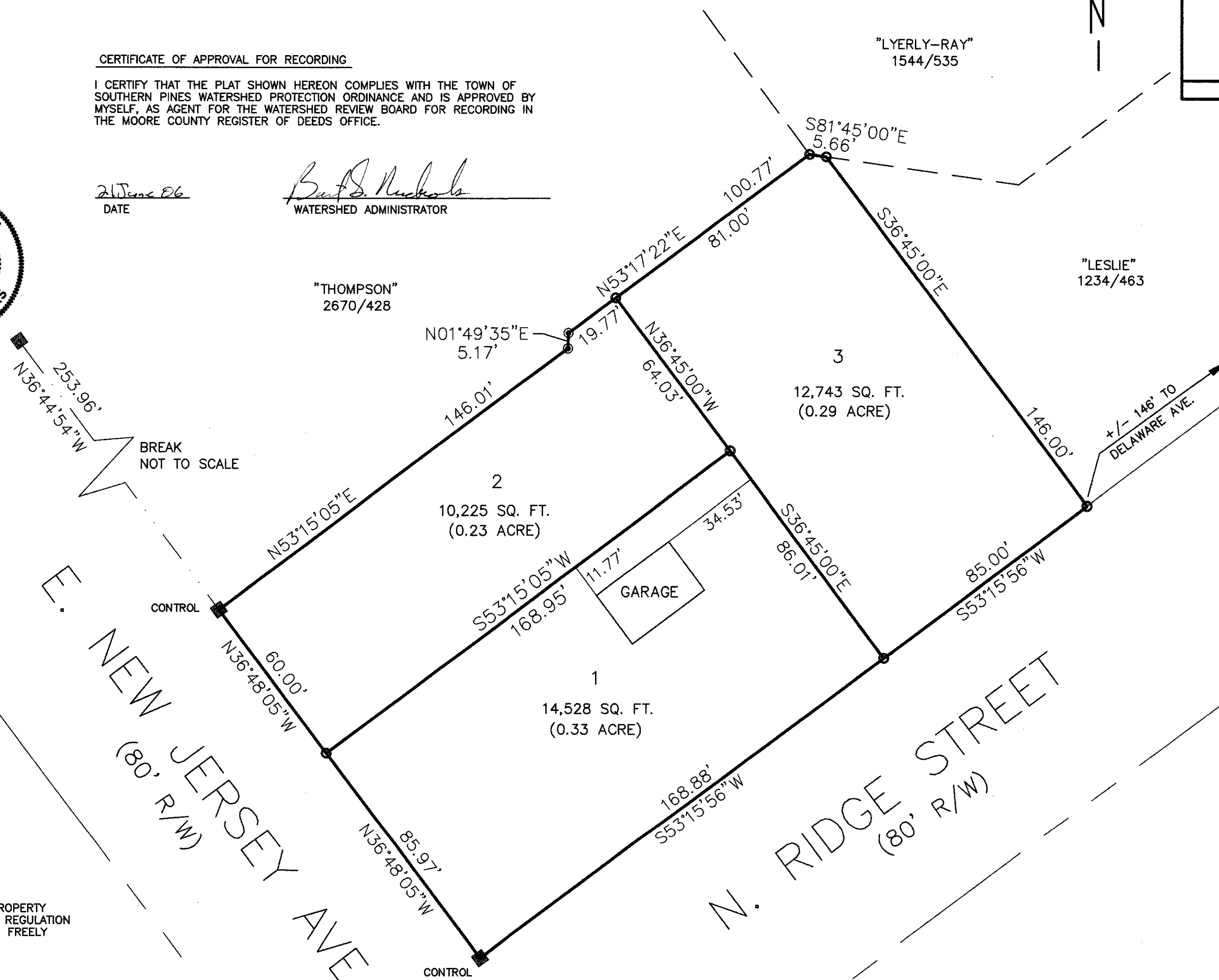
MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327

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'



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'

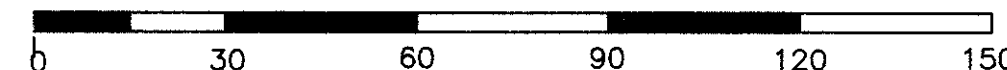


Exhibit 3-14: WPO District Development Density and Intensity Requirements

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

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

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

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

Current 5/70 Watershed Tally Sheet:				
Watershed	Gross Acreage (2012)	5% of Watershed	Total Existing Project Acreage Deductions with Post-1993 Built-Up Area Exceeding 24%	Acreage Left Available since 1993 Allotment of 5%
Little River Intake #2	22,470.88	1123.54	619.33	539.48
Proposed Project: WP-01-22 0.29 Acres on N. Ridge Street				
Total Project Acreage	Total Permitted Amount of Built-Up Area for Project in Acres (70%)	Total Amount of Built-Up Area with Proposed Project	Total Acreage to be Deducted from 5/70 Tally	Acreage Left Available if Request is Approved
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:

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]

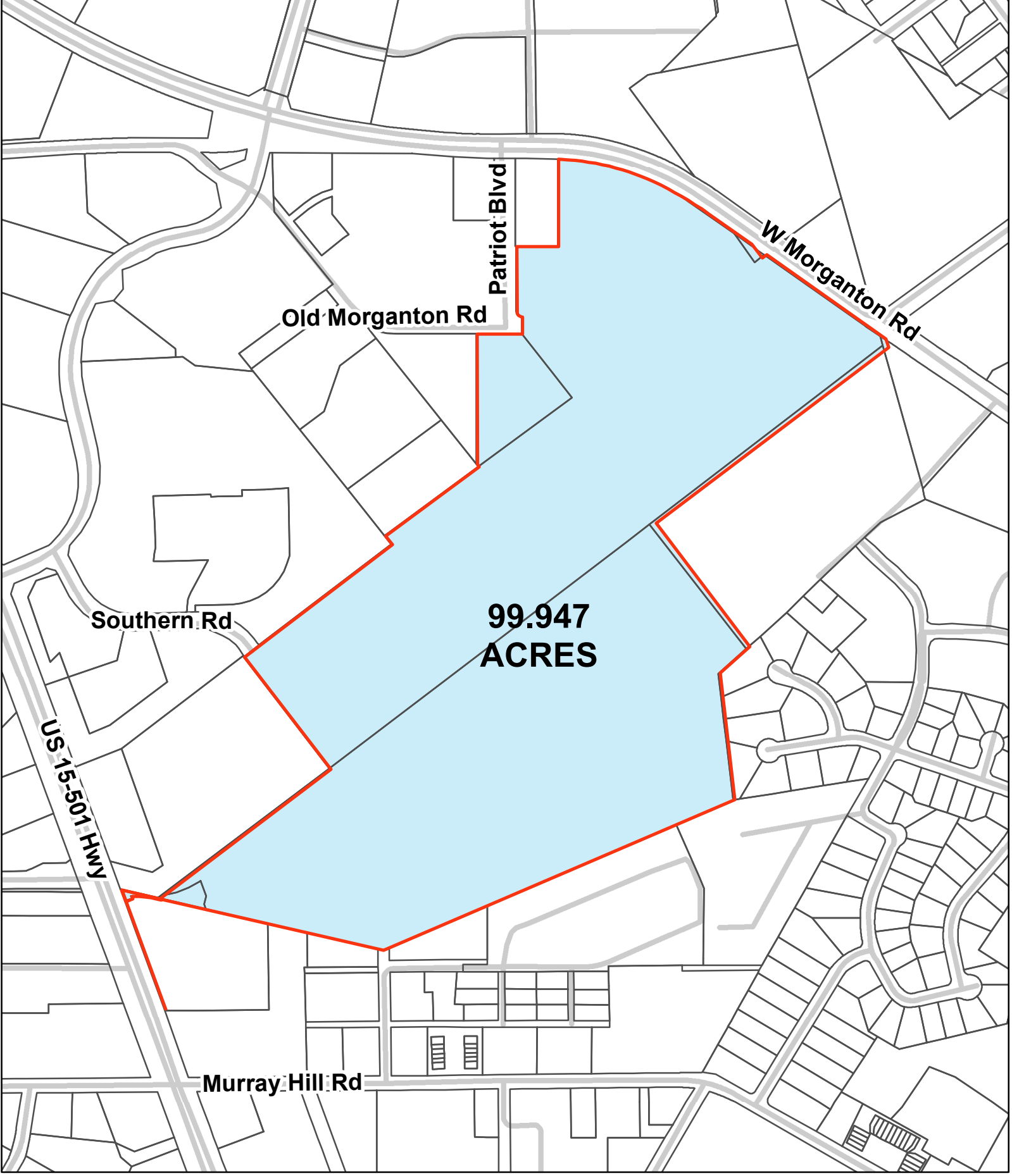
ATTEST: TOWN OF SOUTHERN PINES

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



Map Not To Scale

EXHIBIT A
99.947 ACRES

This map was created by the Town of Southern Pine GIS using a map titled EXHIBIT 99.947 ACRES created by LKC. The Town of Southern Pine, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed 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).
Page 268 of 288
X:\GIS_DATA\MXD_PDF\Annexations\Reagan\99.947 Acres\8.5x11.mxd

**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	<u>\$ 11,760,222</u>

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	<u>\$ 4,413,550</u>

UNRESTRICTED INTERGOVT
REVENUE:

Beer and Wine Tax	\$ 58,000
Video Programming	145,000
Utilities Franchise/Sales	1,000,000
TOTAL	<u>\$ 1,203,000</u>

RESTRICTED INTERGOVT
REVENUE:

Powell Bill Allocation	\$ 481,723
State Aid Library	7,500
Recreation Grants	1,000
TOTAL	<u>\$ 490,223</u>

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	<u>\$ 549,000</u>

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	<u>\$ 1,880,315</u>

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	<u>\$ 597,150</u>

FUND BALANCE:	<u>3,856,359</u>
---------------	------------------

TOTAL GENERAL FUND REVENUES	<u><u>\$ 24,764,819</u></u>
-----------------------------	-----------------------------

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 Reservoir 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	<u><u>\$ 24,764,819</u></u>

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

	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	<u>\$ 1,799,962</u>	<u>\$ -</u>	<u>\$ 1,799,962</u>
2. APPROPRIATIONS			
Land	\$ 1,799,962	\$ -	\$ 1,799,962
TOTAL	<u>\$ 1,799,962</u>	<u>\$ -</u>	<u>\$ 1,799,962</u>
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	<u>\$ 72,000</u>	<u>\$ -</u>	<u>\$ 72,000</u>
2. APPROPRIATIONS			
Construction	\$ -	\$ -	\$ -
Transfer Out -CP Streambank Stabili:	72,000	-	72,000
TOTAL	<u>\$ 72,000</u>	<u>\$ -</u>	<u>\$ 72,000</u>
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	<u>\$ 1,132,059</u>	<u>\$ -</u>	<u>\$ 1,132,059</u>
2. APPROPRIATIONS			
ERP Expenditures	\$ 907,059	\$ -	\$ 907,059
Transfer Out - CP Lib HVAC	225,000	-	225,000
TOTAL	<u>\$ 1,132,059</u>	<u>\$ -</u>	<u>\$ 1,132,059</u>
CAPITAL PROJECT - PARKING LOT PROJECT			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	\$ 288,000	\$ 100,000	\$ 388,000
TOTAL	<u>\$ 288,000</u>	<u>\$ 100,000</u>	<u>\$ 388,000</u>
2. APPROPRIATIONS			
Construction	\$ 288,000	\$ 100,000	\$ 388,000
TOTAL	<u>\$ 288,000</u>	<u>\$ 100,000</u>	<u>\$ 388,000</u>

	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	<u>\$ 571,500</u>	<u>\$ -</u>	<u>\$ 571,500</u>
2. APPROPRIATIONS			
Construction	\$ 571,500	\$ -	\$ 571,500
TOTAL	<u>\$ 571,500</u>	<u>\$ -</u>	<u>\$ 571,500</u>
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	<u>\$ 278,000</u>	<u>\$ -</u>	<u>\$ 278,000</u>
2. APPROPRIATIONS			
Construction	\$ 278,000	\$ -	\$ 278,000
TOTAL	<u>\$ 278,000</u>	<u>\$ -</u>	<u>\$ 278,000</u>
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	<u>\$ 711,484</u>	<u>\$ -</u>	<u>\$ 711,484</u>
2. APPROPRIATIONS			
Construction	\$ 711,484	\$ -	\$ 711,484
TOTAL	<u>\$ 711,484</u>	<u>\$ -</u>	<u>\$ 711,484</u>
CAPITAL PROJECT - RESERVOIR DAM IMPROVEMENTS			
1. REVENUES AND OTHER FINANCING SOURCES			
Interest Earned	\$ -	\$ -	\$ -
Transfer In-GF	75,000	100,000	175,000
TOTAL	<u>\$ 75,000</u>	<u>\$ 100,000</u>	<u>\$ 175,000</u>
2. APPROPRIATIONS			
Design & Construction	\$ 75,000	\$ 100,000	\$ 175,000
TOTAL	<u>\$ 75,000</u>	<u>\$ 100,000</u>	<u>\$ 175,000</u>
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	<u>\$ 718,901</u>	<u>\$ 202,475</u>	<u>\$ 921,376</u>
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	<u>\$ 718,901</u>	<u>\$ 202,475</u>	<u>\$ 921,376</u>

	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	<u>\$ 657,500</u>	<u>\$ -</u>	<u>\$ 657,500</u>
2. APPROPRIATIONS			
Construction	\$ 657,500	\$ -	\$ 657,500
TOTAL	<u>\$ 657,500</u>	<u>\$ -</u>	<u>\$ 657,500</u>
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	<u>\$ 1,057,877</u>	<u>\$ 200,000</u>	<u>\$ 1,257,877</u>
2. APPROPRIATIONS			
Construction	\$ 1,057,877	\$ 200,000	\$ 1,257,877
TOTAL	<u>\$ 1,057,877</u>	<u>\$ 200,000</u>	<u>\$ 1,257,877</u>
CAPITAL PROJECT - RECREATION IMPROVEMENTS			
1. REVENUES AND OTHER FINANCING SOURCES			
Transfer In-General Fund	\$ 499,500	\$ -	\$ 499,500
TOTAL	<u>\$ 499,500</u>	<u>\$ -</u>	<u>\$ 499,500</u>
2. APPROPRIATIONS			
Construction	\$ 499,500	\$ -	\$ 499,500
TOTAL	<u>\$ 499,500</u>	<u>\$ -</u>	<u>\$ 499,500</u>
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	<u>\$ 520,696</u>	<u>\$ -</u>	<u>\$ 520,696</u>
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	<u>\$ 520,696</u>	<u>\$ -</u>	<u>\$ 520,696</u>

	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	<u>\$ 1,513,200</u>	<u>\$ 203,838</u>	<u>\$ 1,717,038</u>
2. APPROPRIATIONS			
Construction	\$ 1,513,200	\$ 203,838	\$ 1,717,038
TOTAL	<u>\$ 1,513,200</u>	<u>\$ 203,838</u>	<u>\$ 1,717,038</u>
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	<u>\$ 760,000</u>	<u>\$ -</u>	<u>\$ 760,000</u>
2. APPROPRIATIONS			
Construction	\$ 760,000	\$ -	\$ 760,000
TOTAL	<u>\$ 760,000</u>	<u>\$ -</u>	<u>\$ 760,000</u>
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	<u>\$ 1,258,590</u>	<u>\$ 981,942</u>	<u>\$ 2,240,532</u>
2. APPROPRIATIONS			
Construction	\$ 1,258,590	\$ 981,942	\$ 2,240,532
TOTAL	<u>\$ 1,258,590</u>	<u>\$ 981,942</u>	<u>\$ 2,240,532</u>
CAPITAL PROJECT - WATER SYSTEM DEVELOPMENT FEES			
1. REVENUES AND OTHER FINANCING SOURCES			
System Develop Fees	\$ 1,126,026	\$ 653,001	\$ 1,779,027
TOTAL	<u>\$ 1,126,026</u>	<u>\$ 653,001</u>	<u>\$ 1,779,027</u>
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	<u>\$ 1,126,026</u>	<u>\$ 653,001</u>	<u>\$ 1,779,027</u>
CAPITAL PROJECT - SEWER SYSTEM DEVELOPMENT FEES			
1. REVENUES AND OTHER FINANCING SOURCES			
System Develop Fees	\$ 652,622	\$ 108,288	\$ 760,910
TOTAL	<u>\$ 652,622</u>	<u>\$ 108,288</u>	<u>\$ 760,910</u>
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	<u>\$ 652,622</u>	<u>\$ 108,288</u>	<u>\$ 760,910</u>

	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	<u>\$ 3,288,466</u>	<u>\$ 665,632</u>	<u>\$ 3,954,098</u>
2. APPROPRIATIONS			
Construction	\$ 3,288,466	\$ 665,632	\$ 3,954,098
TOTAL	<u>\$ 3,288,466</u>	<u>\$ 665,632</u>	<u>\$ 3,954,098</u>
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	<u>\$ 471,398</u>	<u>\$ 130,000</u>	<u>\$ 601,398</u>
2. APPROPRIATIONS			
Construction	\$ 471,398	\$ 130,000	\$ 601,398
TOTAL	<u>\$ 471,398</u>	<u>\$ 130,000</u>	<u>\$ 601,398</u>
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	<u>\$ 499,018</u>	<u>\$ 75,000</u>	<u>\$ 574,018</u>
2. APPROPRIATIONS			
Construction	\$ 499,018	\$ 75,000	\$ 574,018
TOTAL	<u>\$ 499,018</u>	<u>\$ 75,000</u>	<u>\$ 574,018</u>
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	<u>\$ 1,007,000</u>	<u>\$ -</u>	<u>\$ 1,007,000</u>
2. APPROPRIATIONS			
Construction	\$ 1,007,000	\$ -	\$ 1,007,000
TOTAL	<u>\$ 1,007,000</u>	<u>\$ -</u>	<u>\$ 1,007,000</u>

	2021-2022 PROJECT <u>AUTHORIZATION</u>	2022-2023 ADJUSTMENTS <u>INCR/(DECR)</u>	AMENDED PROJECT <u>AUTHORIZATION</u>
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	<u>\$ 3,492,726</u>	<u>\$ 366,744</u>	<u>\$ 3,859,470</u>
2. APPROPRIATIONS			
Design & Construction	\$ 3,492,726	\$ 366,744	\$ 3,859,470
TOTAL	<u>\$ 3,492,726</u>	<u>\$ 366,744</u>	<u>\$ 3,859,470</u>

CAPITAL PROJECT - MIDLAND ROAD WATER LINE REPLACEMENT			
1. REVENUES AND OTHER FINANCING SOURCES			
Impact Fees	\$ 160,438	\$ -	\$ 160,438
TOTAL	<u>\$ 160,438</u>	<u>\$ -</u>	<u>\$ 160,438</u>
2. APPROPRIATIONS			
Design & Construction	\$ 160,438	\$ -	\$ 160,438
TOTAL	<u>\$ 160,438</u>	<u>\$ -</u>	<u>\$ 160,438</u>

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 graphically depicted 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

**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

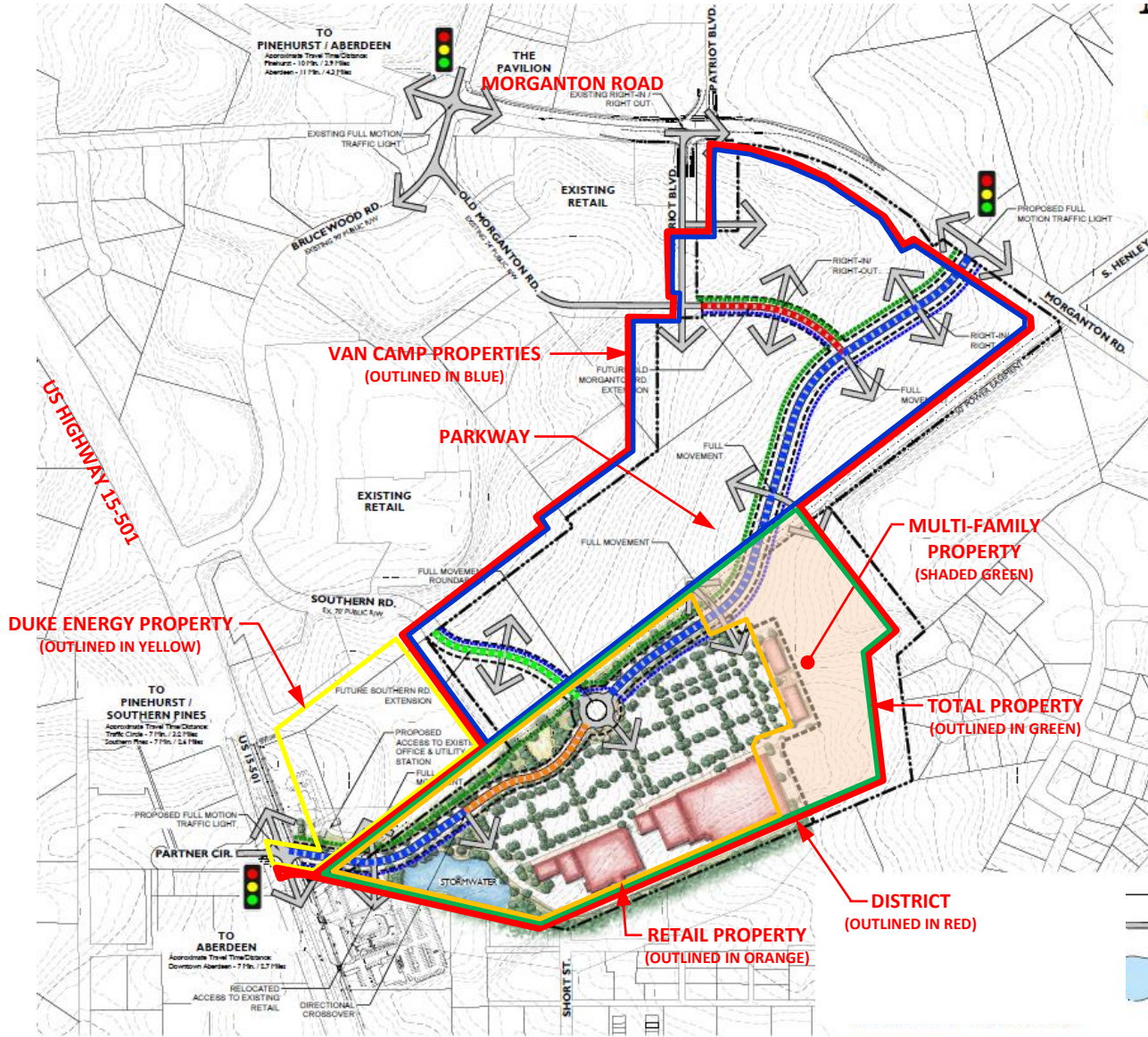
[End of Signatures]

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



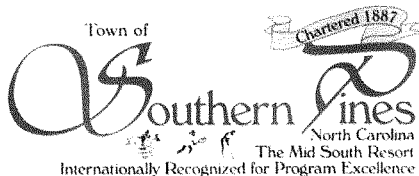
LEGEND:

- | | | |
|-------------------|---|-----------------------|
| 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 _____.



**DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS**

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Bicycle and Pedestrian Advisory Committee

NAME: Vincent Collogan

TELEPHONE: 904-357-0127

ADDRESS: 350 Laurel Rd, Southern Pines, NC

EMAIL: vcologan@outlook.com

EDUCATIONAL BACKGROUND

Master of Science Management Information Systems, BAS Technology Management

EMPLOYMENT

JOB TITLE: Senior Principal Software Engineer

EMPLOYER: BAE Systems

CIVIC AND PROFESSIONAL ACTIVITIES: 100 Mile Club volunteer, Healthy Kids Running Series volunteer,
Beaches Fine Arts Series Triathlon volunteer and bike course co-captain, Pinehurst Triathlon volunteer,
Assistant Martial Arts Instructor.

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: USA Triathlon member,
American Taekwondo Association member, Active Schools Champion.

ANY ADDITIONAL INFORMATION AND COMMENTS: Avid, competitive cyclist and runner with many accolades.

DATE: 5/16/2022

SIGNATURE: 

PLEASE RETURN TO:

Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

Your application will remain on file 12 months from the date of completion



**DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS**

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Bicycle and Pedestrian Advisory Committee

NAME: Claudia Donahue TELEPHONE: (912) 414-9883

ADDRESS: 590 Orchard Rd EMAIL: claudialdonahue@gmail.com

EDUCATIONAL BACKGROUND

B.S., Economics, United States Military Academy, 2006

M.B.A., University of Hawai'i, 2016, Master of Operations Research, NC State University, Expected August 2022

EMPLOYMENT

JOB TITLE: Graduate Student / Military Officer

EMPLOYER: United States Army

CIVIC AND PROFESSIONAL ACTIVITIES: Sunrise Theater volunteer (June 2018 to present), First Baptist Church of Southern Pines nursery volunteer (2017 to 2019)

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: Savannah Bicycle Campaign member (2012-2013), Yuba Cargo Bikes Aficionado (2016 to present)

ANY ADDITIONAL INFORMATION AND COMMENTS: My husband, our three sons, and I bike, walk, and drive through town almost every day. We love living in an area where driving a car is optional for many things. I want to continue to improve upon the awareness, infrastructure, and enforcement we presently enjoy. I moved here in April 2017 and plan to retire from the military around 2026 and remain in Southern Pines.

DATE: 31 March 2022 SIGNATURE: Claudia Donahue

PLEASE RETURN TO: Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

Your application will remain on file 12 months from the date of completion

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

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

Complete

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	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Aberdeen	03-63-020	0.0000	0	0.5000	2053	Yes	Yes	8	Emergency
Dept of the Army (Camp Mackall) cust#: 16388	03-63-617	0.0330	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				8	Regular
Aberdeen - Emergency Connection	03-63-020	0.0000	0	0.1000		Yes	8	Emergency
Carthage - Emergency Connection	03-63-011	0.0000	0	0.5000	2013	Yes	8	Emergency

Water Treatment Plants

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

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 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

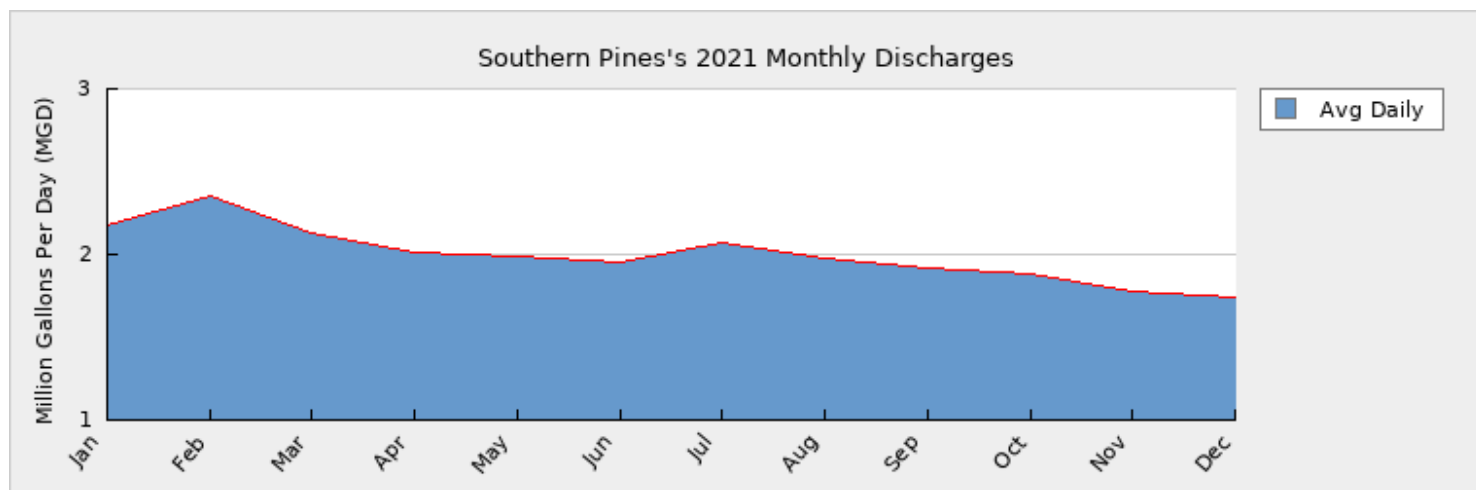
If yes, was any water conservation implemented?

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,

A handwritten signature in blue ink, appearing to read "Linwood E. Peele".

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



MINUTES

Wednesday, May 4, 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

Mayor Haney called the meeting to order.

The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; and Ann Petersen.

Absent: Bill Pate

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons advised the Council that the town is not streaming the meeting live due to a camera malfunction. Repairs are estimated to take approximately 5 weeks due to issues with acquiring parts.

Town Manager Parsons shared that a call was received early this morning reporting water near a town watermain. Town crews responded and found a leak at a joint and performed a temporary patch until they could permanently fix the leak tomorrow.

Town Engineer James Michel received a phone call from the Department of Transportation (DOT) regarding the removal of the concrete median at E. Morganton and May Street. The town has contacted DOT to ask them to reconsider their decision.

Town Manager Parsons asked the Council for a decision regarding placement of the Public Comment Period within the Regular Business Meeting.

Town Manager Parsons reviewed the agenda.

3. PRESENTATIONS FOR AGENDA MEETING

a. AR-09-22 Pinehurst Surgical Center Site 3N

Harold Dean Peacock on behalf of Morganton Park Realty, LLC requests approval of an Architectural Compliance Permit for a 52,905 square foot medical office, located in the planned development known as Morganton Park North and owned by Pinehurst Medical Group, LLC.

Jennifer Hunt, Planner I presented the application and staff report to the Council.

Harold Dean Peacock, on behalf of the applicant, Morganton Park Realty, LLC. is present to answer questions.

Discussion ensued

b. AR-11-22 Old Morganton Park South Outparcel 2

Barry Byrd Architecture and Bradford Equities II, LLC request approval of an Architectural Compliance Permit for a 6,760 square foot commercial retail building in Morganton Park.

Jennifer Hunt, Planner I presented the application and staff report to the Council.

Barry Byrd of Barry Byrd Architecture was present on behalf of CPGKRE Pinehurst Lowes Outparcels, LLC. to answer questions.

Brian Wilburn, Civil Engineer for the applicant, responded to questions from the Council regarding the spacing and design of the parking lot.

Discussion ensued

4. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

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

Mr. Pete Bogle has submitted a Conceptual Development Plan application to allow a private school, athletic fields, cemetery, rectory and religious institution. The subject parcels are currently zoned RE (Rural Estate) and are identified as PARID 00038409, 00991755, and 10001608. This public hearing was opened and held on April 12 and continued to May 10.

Hearing PD-04-22 St. John Paul CDP is being continued from the April Regular Business Meeting. There are no updates from staff at this time.

b. MSD 01-22 Creation of a Municipal Service District Under NCGS Article 23 Chapter 160A to Fund Parkway Improvements Related to a Reimbursement Agreement.

A Municipal Service District (MSD) is proposed in the area between W. Morganton Rd. and 15-501. Following this hearing, state statutes require two votes by the Council to establish the MSD.

Town Manager Parsons reviewed the MSD-01-22 request and noted that the Council will be asked to vote on this subject in Item 5e later in the meeting.

c. Initial Presentation of the Fiscal Year 2022-2023 Budget

Town Manager Reagan Parsons will present the proposed FY 22-23 budget. This is the first of two public hearings, prior to the proposed adoption on June 14.

Town Manager Parsons gave a brief overview of the item for Council.

5. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

Town Manager Parsons gave a brief overview of the Proposed Action Items on the Agenda, elaborating on Item 5d due to changing numbers and because the final agreement is still being refined by the attorneys, so Item 5d will be postponed to the June Regular Business Meeting.

a. Consider AR-09-22: Pinehurst Surgical Center Site 3N

Harold Dean Peacock on behalf of Morganton Park Realty, LLC requests approval of an Architectural Compliance Permit for a 52,905 square foot medical office, located in the planned development known as Morganton Park North and owned by Pinehurst

Medical Group, LLC.

b. Consider AR-11-22: Old Morganton Park South Outparcel 2

Barry Byrd Architecture and Bradford Equities II, LLC request approval of an Architectural Compliance Permit for a 6,760 square foot commercial retail building in Morganton Park.

c. Consider Ordinance #1988: Charter Amendment to Conduct Nonpartisan Municipal Elections Using the Plurality Method

NC General Statutes permit the Town to amend its Charter to change the type of elections. The Council received public comment on the proposed amendment, in accordance with G.S. 163-292, during the April 12th Council meeting.

d. Consider RA-01-22: Reimbursement Agreement with Midland Atlantic, LLC for Infrastructure and Expenses Related to the Initial Oversizing of a Parkway Between Morganton Road and 15/501

This agreement details the reimbursement requirements for the parkway to be constructed within the W. Morganton Road/15-501 MSD.

e. Consider MSD-01-22: Initial Adoption of a Municipal Service District (MSD) for the Purpose of Funding a Parkway & Associated Infrastructure Between Morganton Road and 15-501

This is the first of two votes required by the Town Council to create a MSD between W. Morganton Rd. and 15-501.

6. REVIEW CONSENT AGENDA FOR UPCOMING BUSINESS MEETING

Town Manager Parsons reviewed the Consent Agenda for the Council.

Asst. Town Manager Jessica Roth spoke to the Council clarifying the request for condemnation at 875 Clark Street. The original complaint received by town staff was on both 865 and 875 Clark Street, but upon inspection, town staff didn't feel the property at 865 Clark Street was in such a deteriorated condition as that at 875 Clark Street, so only the one property was included on the request for condemnation.

Items Added to the Consent Agenda

- April Town Council meeting minutes (4 sets) for approval.
- A resolution to consolidate water systems serving the Carolina or Caropines. Town Manager Parsons reviewed the resolution request and gave a history of the project.
- Ordinance requesting a Budget Amendment for the Pennsylvania/PeeDee Water Line Replacement due to rising construction costs.
- Ordinance authorizing the Donation of Playground Equipment from Rounds Park.

a. Condemn the Unsafe Structure at 875 Clark Street and Authorize the Expenditure of \$9,850 for Demolition Work

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.

7. ADJOURNMENT

After discussion by the Council, it was decided to keep the Public Comment Period at the beginning of the Town Council Regular Business Meeting with a 3 minute time limit per speaker. Clarification also needs to be made at the beginning of the meeting that those people wishing to speak on an item on that meeting's agenda wait until that item is before the Council to speak.

Upon a motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 7:13 pm.

Respectfully submitted:



MINUTES

Tuesday, May 10, 2022: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; Bill Pate; and Ann Petersen.

Mayor Haney asked the public to refrain from commenting during the Public Comment Period on subjects that are on the meeting agenda, asking instead that they wait till that item if before the Council to address the Council.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PUBLIC COMMENTS

a. The Town Council encourages public input and participation in its Council meetings. This part of the meeting is reserved for individuals who would like to bring issues to the attention of the Council and/or to share information. Comments on items that have a Public Hearing shall be reserved until the Council opens the specific hearing. Each speaker is allotted three minutes during this portion of the meeting.

- Deb Lawson of 205 Pine Needles Drive, Southern Pines, addressed the Council reviewing the history of the St. John Paul Catholic School and the Catholic Church and its history in Southern Pines.

- Suzanne Coleman of 225 N. May Street, Southern Pines, gave copies of the water bill stuffer to the Council and asked the Town to consider increasing the font size used.

* Ms. Coleman also addressed the Council regarding UDO 3.7.1 and singled out Planned Development Section 2.18-4, asking the Council for clarification and consideration.

- Adam Kiker of 170 E. Illinois, Southern Pines, asked the Council to consider that decreasing the supply of housing available will not change the number of people who want to live here while considering future multi-family developments.

- Dot Bringley of 357 Old Dewberry Lane, Southern Pines, a local resident of 'horse country', spoke in favor of the St. John Paul project and does not feel the addition of a

church will disturb the horses.

- Bill Bissif of 355 Pine Barren Vista, Southern Pines, a local resident in the 'horse country', spoke out against the St. John Paul project, citing the increase in noise, light and traffic and their detrimental effects on horses.

- Suzanne Ward of 575 Clark Street, Southern Pines, advised the Council that she is appalled by the council's short-sightedness in the last 6 months regarding the proposed and approved new developments and their effect on residents, citing traffic, public transportation, curb appeal and safety.

- Felicia Winfield of 1760 W. New York, Southern Pines, spoke to the Council regarding DFI and the revitalization efforts of West Southern Pines, asking that when considering the new Morganton Park South development, any new and/or re-development of currently vacant spaces should be appropriately tailored to the neighborhood's character without displacing the residents and businesses. Ms. Winfield feels that reinvestment should be made to go along with redevelopment to bring revenue back to the community and keep the West Southern Pines Community vital.

5. PUBLIC HEARINGS

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

Mr. Pete Bogle has submitted a Conceptual Development Plan application to allow a private school, athletic fields, cemetery, rectory and religious institution. The subject parcels are currently zoned RE (Rural Estate) and are identified as PARID 00038409, 00991755, and 10001608.

Continued from March meeting.

Peter Longenbaugh of Pine Barrens Vista, Southern Pines, spoke out against the building of a church as part of the St. John Paul project, citing the impact on the character of the horse community and the prestige of the Pine Barrens Community.

Lloyd Sullivan of 225 Pine Barrens, Southern Pines, spoke out against the St. John Paul project feeling it is not compatible with the surrounding residential horse farm community. (Pictures given to the Council)

- Andy Pettish of Pettish Law in Raleigh representing:

- * Jim and Fran Currie of 141 Pine Barrens Court, Southern Pines

- * Loyd and Cheri Sullivan of 225 Pine Barrens Court

- * Trisha and Bill Bissif of 355 Pine Barren Vista, Southern Pines

Mr. Pettish addressed the Council, utilizing both handouts and a PowerPoint presentation to argue that the St. John Paul CDP is not consistent with the current Southern Pines Code of Ordinances or the Southern Pines Comprehensive Long Range Plan.

Both attorneys were asked by the Council if their clients were amenable to continuing the hearing and negotiating a compromise.

- Tom VanCamp, attorney for St. John Paul, spoke to the Council regarding specific

concerns before addressing a mediation request and asked for a brief recess.

- Mr. Pettish indicated that his clients were agreeable to negotiations.
- Father John Forbes of St. John Paul expressed concern that Mr. Pettish doesn't represent everyone who objects to the project and reiterated that a community hearing was held.
- Mr. Pettish stated that he is working with multiple people in the community.
- Dr. Tom Daniels, Equine Veterinarian, of 635 Valleyview Road, Southern Pines, owns a clinic in Southern Pines and spoke about the temperament and fragility of horses and his belief that the St. John Paul Project will be detrimental to the local equine community.
- Pete Bogle of 1655 Country Hill Drive, Salisbury, NC, addressed the Council on behalf of the applicant regarding the concessions that are being made.

Mr. VanCamp addressed the Council stating that all involved clients have agreed to a continuation of the hearing so that they can proceed with mediation.

Upon motion by Councilmember Petersen, seconded by Councilmember Pate and voted in favor unanimously, the Public Hearing for PD-02-22 St. John Paul CDP to be continued to the June 14, 2022 Regular Business Meeting.

Motion passed.

b. MSD 01-22 Creation of a Municipal Service District Under NCGS Article 23 Chapter 160A to Fund Parkway Improvements Related to a Reimbursement Agreement.

A Municipal Service District (MSD) is proposed in the area between W. Morganton Rd. and 15-501. Following this hearing, state statutes require two votes by the Council to establish the MSD. The second vote is planned for the June 14th business meeting.

Councilmember Pate moved to open the public hearing for MSD 01-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Town Manager Parson gave an overview of the proposed agreement to implement an additional tax rate within the "district" to fund a parkway that will connect Morganton and Hwy 15/501. This item requires two votes, the second of which will be held at the June 14, 2022, Regular Business Meeting.

Ms. Rusher has been invited to the regularly scheduled May 25, 2022 Work Session.

Councilmember Petersen moved to close the hearing for MSD 01-22. Seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

Upon motion by Councilmember moved to close the hearing for , seconded by ; the vote was unanimous.

c. Initial Presentation of the Fiscal Year 2022-2023 Budget

Town Manager Reagan Parsons will present the proposed FY 22-23 budget. This is the first of two public hearings, prior to the proposed adoption on June 14.

Councilmember Pate moved to open the hearing for the Fiscal Year 2022-2023 Budget.

Seconded by Councilmember Clement, the vote was unanimous.

Motion passed

Mayor Haney thanked Town Manager Parsons, Finance Director Tess Brubaker-Speis, Asst. Town Manager Roth for their hard work on the budget.

Town Manager Parsons thanked Finance Director Brubaker-Speis and Asst. Town Manager Roth as well as local resident Suzanne Coleman.

Discussion ensued.

- Suzanne Coleman - the state of our union is strong. The increase in fees proposed by Parks & Rec is a small part of our income but has a huge impact on our residents. In view of how well the town is doing and how much we're putting into salary increases and projects, Ms. Coleman feels the town should be able to retain the old fees. Recycling fees are a flat tax and violate the principle of tax fairness. ARPA funds could be used to offset the fee increases.

- Town Manager Parsons clarified that there is not a recycling fee in the budget but a waste removal fee, which includes both collection and removal of all waste.

Upon motion by Mayor Pro Tem Murphy moved to close the hearing for the Fiscal Year 2022-2023 Budget. Seconded by Councilmember Clement, the vote was unanimous.
Motion passed.

6. ACTION ITEMS

a. Consider AR-09-22: Pinehurst Surgical Center Site 3N

Harold Dean Peacock on behalf of Morganton Park Realty, LLC requests approval of an Architectural Compliance Permit for a 52,905 square foot medical office, located in the planned development known as Morganton Park North and owned by Pinehurst Medical Group, LLC.

Councilmember Petersen moved to approve AR-09-22 Pinehurst Surgical Center Site 3N.
Seconded by Mayor Pro Tem Murphy the vote was unanimous.
Motion passed.

b. Consider AR-11-22: Old Morganton Park South Outparcel 2

Barry Byrd Architecture and Bradford Equities II, LLC request approval of an Architectural Compliance Permit for a 6,760 square foot commercial retail building in Morganton Park.

Planning Director Grieve advised the Council that information was received just prior to the May 6, 2022, Town Council Agenda Meeting that, while not included in the staffing report, was discussed at the meeting with the Council and all items needed were submitted by the applicant.

Councilmember Clement expressed her doubt regarding the project.

Mayor Pro Tem Murphy made a motion to approve AR-11-22 Old Morganton Park South Outparcel 2. Councilmember Clement seconded the motion and the vote was unanimous.
Motion passed.

c. Consider Ordinance #1988 - Charter Amendment to Conduct Nonpartisan Municipal Elections Using the Plurality Method

NC General Statutes permit the Town to amend its Charter to change the type of elections. Per the public notice published on March 27, the Council held a public hearing on April 12, 2022 to receive comments on a proposed amendment to conduct future municipal elections according to the nonpartisan plurality method in accordance with G.S. 163-292.

Councilmember Clement moved to approve Ordinance #1988 Charter Amendment to Conduct Nonpartisan Municipal Elections Using the Plurality Method, seconded by Councilmember Pate, the vote was unanimous.
Motion passed.

d. Consider Ordinance #1993 - MSD-01-22: Initial Adoption of a Municipal Service District (MSD) for the Purpose of Funding a Parkway & Associated Infrastructure Between Morganton Road and 15-501

This is the first of two votes required by the Town Council to create a MSD between W. Morganton Rd. and 15-501. The second is scheduled for the June 14th business meeting.

Councilmember Pate moved to approve MSD-01-22 as presented, seconded by Councilmember Clement, the vote was unanimous.
Motion passed.

7. CONSENT AGENDA

Mayor Pro Tem Murphy made a motion to approve the Consent Agenda, seconded by Councilmember Petersen, the vote was unanimous.
Motion passed.

a. Condemn the Unsafe Structure at 875 Clark Street and Authorize the Expenditure of \$9,850 for Demolition Work

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.

b. Donate Playground at Elizabeth Rounds Park to the Lions Club of Ellerbe

As discussed at the April 25 work session, staff is working on a project to replace the playground equipment at Elizabeth Rounds Park. The Lions Club of Ellerbe has requested that the Town donate the old equipment. The Town will not incur any costs or liability associated with transporting the equipment to Ellerbe and re-installing it. This also saves the Town costs that would otherwise be incurred to transport and dispose it.

c. Approve Town Council Meeting Minutes for April 2022

1. April 6, 2022 Town Council Agenda Meeting
2. April 6, 2022 Town Council Budget Retreat
3. April 12, 2022 Town Council Business Meeting
4. April 25, 2022 Town Council Work Session

d. Approve Resolution and Agreement to Consolidate the Water Systems Serving The Carolina (Caropines)

At the May 2021 Council work session, staff reviewed a proposal to transfer a small portion of Moore County's water system (serving part of the Carolina Development - Caropines) to the Town. Council directed staff to continue negotiations with the County, resulting in a mutually accepted agreement to complete this transfer. Town Council must adopt a resolution approving the agreement. The Town Attorney is drafting the resolution for consideration on the May 10 agenda.

Town Manager Reagan Parsons reviewed the proposal for the Council.

Town Engineer James Michel provided details and answered questions from the Council.

Discussion ensued.

e. Approve Budget Amendment for PeeDee/ Pennsylvania Road Water Line Replacement

This budget amendment will update the project budget based on actual bids received on April 27, 2022.

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Petersen, and carried unanimously, Council adjourned at 9:40 pm.

Respectfully submitted:



MINUTES

Monday, May 23, 2022: 3:00 PM

Town Council Work Session

**C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave**

1. CALL TO ORDER

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; Bill Pate; and Ann Petersen. Mayor Haney noted the re-painting of the lines along Broad Street had been completed and looked wonderful.

Mayor Haney mentioned the increased traffic around the new Red's Corner development and advised that the Town has requested that DOT repaint the lines and crosswalks around that intersection for safety reasons.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider RA-01-22: Request to Abandon a Section of Hill Crest Road

Mr. Will Huntley, on behalf of Longleaf Pines Storage, LLC, has submitted a request for the abandonment of a 5,050 square foot section of Hill Crest Rd to allow for the recombination of the surrounding parcels. A public hearing for this item was opened on April 12, 2022, was continued to April 25, 2022 and was continued again to May 23, 2022.

Councilmember Petersen spoke against approval of the abandonment.
Discussion ensued.

Councilmember Clement moved to approve RA-01-22 as it is written in the May 27, 2022 Staff Report.

Discussion ensued

Councilmember Clement moved to approve RA-01-22 for the abandonment of the section of Hill Crest Road as specified on the attached map. Seconded by Mayor Pro Tem Murphy, the Council voted as follows:

- Mayor Haney: aye
- Clement: aye

- Murphy: aye
- Pate: aye
- Petersen: nay

Motion passed.

b. Consider Amendments to FY 21-22 Budget

Staff has identified a number of recommended amendments to the FY 21-22 budget and requests Council approval:

1. Facility Modernization Project Fund Budget: When the 2019 Facility Condition Assessment was completed, a project budget was established to fund needed repairs and renovations. Since that time, the funding has been allocated specific to each facility. Staff recommends consolidating the total funds of \$520,401 into more general appropriations by General Fund and Enterprise Fund. This will provide the flexibility needed to fund the needed repairs and renovations as they become a priority, regardless of the facility.
2. Water & Sewer Capital Funds: In FY 12-13, a capital project fund was established for water and sewer improvements. Staff recommends closing the existing fund and transferring all funds to two funds, a new one for water and sewer improvements and then a separate fund for upgrades to lift stations.
3. Public Safety Extra Duty Pay: This is an amendment to the general fund to account for the revenue and associated expenses of extra duty pay for the Police and Fire departments to accommodate the Women's US Open in June.
4. Fire Department Vehicles: The proposed FY 22-23 budget includes funds to purchase two vehicles for the Fire department. Staff recommends ordering these before the end of the current fiscal year in order to take advantage of current pricing. This amendment allows the order to proceed, but the vehicles will not actually be paid for until the 22-23 fiscal year begins. As a result, this will not impact the fund balance included in the draft FY 22-23 budget.

Councilmember Pate moved to approve Items 3b) 1, 2, 3, and 4 as shown on the Agenda. Discussion ensued.

Seconded by Councilmember Clement, the vote was unanimous.

Motion passed

4. COUNCIL UPDATES AND DISCUSSION

a. Planning & Community Development Specialist Update

Planning & Community Development Specialist Rachel Mann would like to provide the Town Council with a summary of work undertaken since she started in the position on April 11, 2022.

Planning & Development Specialist Rachel Mann gave a detailed review of past, present

and future Town initiatives in West Southern Pines.
Discussion ensued.

b. DFI Phase II Project Update

Sarah Odio from DFI will discuss outcomes from the recent public meetings
Ms. Sarah Odio from DFI gave the Council an update on the feedback received from recent community meetings.
Discussion ensued.

c. Partners in Progress Agreement for Economic Development Services

Partners in Progress (PIP) provides economic development services for the Town as well as Moore County and other municipalities. Executive Director Natalie Hawkins has requested that the Town consider entering into a contract to formally define these services, the Town's financial obligation, and other relevant details. Ms. Hawkins will attend the meeting to answer any questions about her proposal and to provide an update on PIP's recent activities in Southern Pines. Consideration of a contract with PIP will be included on the June 14th business meeting agenda, unless Council prefers otherwise.

Ms. Natalie Hawkins addressed the Council regarding a proposed contract from Partners in Progress to formalize the services provided to the Town by Partners in Progress.
Discussions ensued.

d. Parkway Reimbursement Agreement

Staff will present the final draft of the proposed agreement, to be considered by Council at a future meeting.

Town Manager Parsons reviewed the proposed agreement for the Council. Ms Rusher will be available on June 6th to answer questions from Council.
Discussion ensued.

e. NCDOT Truck Route

Discussion regarding the potential elimination of through trucks on E. Indiana Avenue and E. Morganton Rd. Next steps would include a Resolution of Support from Council to forward to NCDOT.

Town Manager Parsons gave an overview of the item to the Council. The DOT is considering passing a state ordinance to not allow for thru semi-trailers on Indiana Avenue from Hwy 211 to May Street. Town Manager Parsons proposes the Town pass a resolution that supports the state ordinance moving forward, recognizes that keeping trucks from primary routes is not an over-inconvenience and that our police department would enforce the ordinance.
Discussion ensued

f. Budget Update and CIP Review

This is a final check-in prior to the final public hearing and requested adoption to discuss any Council questions or concerns. Additionally, staff will discuss updates to the CIP based on capital transfers and purchases outlined in the FY 22-23 budget.

Town Manager Parsons gave a brief update on the proposed budget.
Town Manager Parsons asked the Council to discuss any changes now so that we can make the necessary changes to the proposed budget before the June Meeting Agenda.
Discussion ensued.

Assistant Town Manager Jessica Roth gave a presentation to the Council reviewing the CIP.
Discussion ensued.

5. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy, and carried unanimously, the Council adjourned at 6:11 pm.

Respectfully submitted:

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.

*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

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 project 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.

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.

Elizabeth Robertson, Town Clerk

**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.

Elizabeth Robertson, Town Clerk

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 Upgrage 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

TOWN OF SOUTHERN PINES RESOLUTION #1014
ADOPTING THE 2022-2032 CAPITAL IMPROVEMENT PROGRAM

WHEREAS, the Town of Southern Pines has a population of over 15,000 residents and encompasses nearly 18 square miles. The Town provides a full range of services, including police and fire protection, streets, planning and zoning, parks and recreation, library, fleet maintenance, and general administrative services. The Town also operates a water and sewer utility system; and

WHEREAS, the Town has a history of fiscally responsible budgeting and financial management. This has allowed the Town to cash flow smaller capital projects and reduce borrowing costs on more significant projects; and

WHEREAS, the Town has identified capital projects and estimated costs related to facilities, public safety, transportation, and utilities that may be expected over a ten-year planning horizon and which are identified in the attached Town of Southern Pines 2022-2032 Capital Improvement Program (CIP); and

WHEREAS, the CIP assists the Town in planning for the replacement and rehabilitation of existing capital assets, identifying future acquisitions or projects, providing time to arrange financing and execute project design and engineering, furthering community development, and advancing other financial and community goals; and

WHEREAS, the CIP is a planning and forecasting tool only and is not a formal authorization or appropriation of funding.

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 adopts the attached 2022-2032 Capital Improvement Program (CIP).
2. The Town Council intends to review, update, and adopt the CIP at least on an annual basis in coordination with the operating budget.

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.

Elizabeth Robertson, Town Clerk

MEMORANDUM

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 Building Renovation 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	<u>\$ 345</u>
Total Project Appropriation Reduction	<u>\$ 345</u>

Section 4: The following additional amount is appropriated for the project:

Transfer Out – General Capital Reserve Fund	<u>\$ 105</u>
Total Additional Project Appropriation	<u>\$ 105</u>

Section 5: The following revenue is reduced for this project:

Interest on Investments	<u>\$ 240</u>
Total Project Revenue Reduction	<u>\$ 240</u>

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

**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	<u>\$ 105</u>
Total Additional Project Appropriation	<u>\$ 105</u>

Section 4: The following other financing sources are appropriated for this project:

Transfer from Capital Project Fund – Building Renovation Fund	<u>\$ 105</u>
Total Additional Project Revenues	<u>\$ 105</u>

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

**AN ORDINANCE
AMENDING THE PARKING LOT PROJECT**

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 | <u>\$ 100,000</u> |
| Total Project Appropriation | <u>\$ 100,000</u> |
- Section 4: The following additional revenue is anticipated to be available to complete this project:
- | | |
|----------------------------|-------------------|
| Transfer In – General Fund | <u>\$ 100,000</u> |
| Total Project Revenues | <u>\$ 100,000</u> |
- 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

**AN ORDINANCE 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	<u>\$ 665,632</u>
Total Project Appropriation	<u>\$ 665,632</u>
- Section 4:

The following revenue is anticipated to be available to complete this project:

Transfer In-System Development Fees - Water	<u>\$665,632</u>
Total Project Revenues	<u>\$ 665,632</u>
- 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

**AN ORDINANCE
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	<u>\$200,000</u>
Total Additional Project Appropriation	<u>\$200,000</u>

Section 4: The following additional revenue is anticipated to be available to complete this project:

Transfer In- General Fund	<u>\$200,000</u>
Total Additional Project Revenues	<u>\$200,000</u>

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

**AN ORDINANCE AMENDING THE
SANITARY SEWER MODERNIZATION CAPTIAL 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 to identify, investigate, rehabilitate and/or replace the Town’s sewer infrastructure.
- 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	<u>\$ 981,942</u>
Total Project Appropriation	<u>\$ 981,942</u>
- Section 4:

The following revenue is anticipated to be available to complete this project:

Transfer In-Utility Fund	\$ 874,360
Transfer In – System Dev Fees – Sewer	<u>107,582</u>
Total Project Revenues	<u>\$ 981,942</u>
- 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, Deputy Town Clerk

**AN ORDINANCE AMENDING THE
WATER & SEWER IMPROVEMENTS CAPITAL 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 for the purpose of funding repairs and upgrades to the water distribution and sewer collection systems.

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 – Sewer Collection System	\$ 75,000
Construction – Water Distribution System	<u>130,000</u>
Total Additional Project Appropriation	<u><u>\$205,000</u></u>

Section 4: The following additional revenue is appropriated for this project:

Transfer In Sewer– Utility Fund	\$ 75,000
Transfer In Water – Utility Fund	<u>130,000</u>
Total Additional Project Revenues	<u><u>\$205,000</u></u>

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 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

CAPITAL PROJECT ORDINANCE
RESERVOIR PARK IMPROVEMENTS 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 adopted:

Section 1: The project authorized is to establish a fund for the purpose of funding and tracking of various projects to rehabilitate and upgrade the dam facilities at Reservoir Park.

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

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

Design & Construction	<u>\$100,000</u>
Total Project Appropriation	<u>\$100,000</u>

Section 4: The following revenue is anticipated to be available to complete this project:

Transfer In – General Fund	<u>\$100,000</u>
Total Project Revenues	<u>\$100,000</u>

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

**AN ORDINANCE AMENDING
THE FACILITY MODERNIZATION PROJECT FUND 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 addressing immediate needs of Town owned buildings as designated by the 2019 Facility Condition Assessment.

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 – Building Repair & Renovation -General Fund	\$ 191,975
Construction – Building Repair & Renovation -Enterprise Fund	<u>10,500</u>
Total Additional Project Appropriation	<u>\$ 202,475</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In – General Fund	\$ 191,975
Transfer In – Utility Fund	<u>10,500</u>
Total Additional Project Revenues	<u>\$ 202,475</u>

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 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

**AN ORDINANCE AMENDING THE
WARRIOR WOODS LIFT STATION**

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 upgrades to the lift station, which will increase capacity and meet expected future demand.
- 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	<u>\$ 203,838</u>
Total Project Appropriation	<u>\$ 203,838</u>
- Section 4:

The following revenue is anticipated to be available to complete this project:

Transfer In – System Development Fees - Sewer	<u>\$ 203,838</u>
Total Project Revenues	<u>\$ 203,838</u>
- 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

**AN ORDINANCE AMENDING THE
PENNSYLVANIA/PEEDEE ROAD WATERLINE REPLACEMENT 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 upgrading existing 10” waterline with a 16” transmission main.
- 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:
- | | |
|-----------------------------|-------------------|
| Design & Construction | <u>\$ 366,744</u> |
| Total Project Appropriation | <u>\$ 366,744</u> |
- Section 4: The following revenue is anticipated to be available to complete this project:
- | | |
|--|-------------------|
| Transfer In- System Development Fees – Water | <u>\$366,744</u> |
| Total Project Revenues | <u>\$ 366,744</u> |
- 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

TOWN OF SOUTHERN PINES ORDINANCE #2007
AMENDING THE TOWN’S CODE OF ORDINANCES
CHAPTER 50, WATER AND SEWER USE, APPENDIX A:
RATES, FEES AND CHARGES

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
 - i. 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:

<i>WATER SERVICE FEES (NO VOLUME)</i>		<i>MINIMUM CHARGE</i>
<i>Meter Size (Inches)</i>	<i>In Town</i>	<i>Out of Town</i>
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	\$2,256.12

- (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:

<i>SEWER SERVICE FEES (NO VOLUME)</i>		<i>MINIMUM CHARGE</i>
<i>Meter Size (Inches)</i>	<i>In Town</i>	<i>Out of Town</i>
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

- (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, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

**ORDINANCE #2008 TO AMEND CHAPTER 32, PUBLIC WORKS,
SECTION 32.076 OF THE CODE OF ORDINANCES OF THE
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, the Code of Ordinances Chapter 32, Public Works Department §32.076 Fees is amended as follows:

1. Delete existing Waste Disposal fees detailed in section (A) of §32.076 FEES and replace with the following:

Waste Disposal (per residential unit) (Waste disposal fee covers the collection and disposal of solid waste, recycling, yard debris, and bulk items.	\$16.75 per month (effective July 1, 2022)
Waste Disposal (per commercial unit) (Waste disposal fee covers the collection and disposal of solid waste and recycling.	\$16.50 per month (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.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

**TOWN OF SOUTHERN PINES ORDINANCE #2009 AMENDING THE TOWN’S CODE
OF ORDINANCES CHAPTER 32, SECTION 32.093
TO REVISE RECREATION & PARKS FEES**

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, the Code of Ordinances Chapter 32, Recreation and Parks Department, §32.093 Fees is amended as follows:

1. Delete the existing content in §32.093 Fees in its entirety and replace with “Attachment A.”

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.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill, Town Attorney

ATTACHMENT A - §32.093 Fees

- (A) Resident Rates: The resident rate and any other discounts or registration benefits shall be available to individuals whose permanent, primary home is in the Town of Southern Pines or who own property in the Town of Southern Pines and municipal property taxes on the subject property.
- 1) In order to receive the resident rate, the registrant must provide valid document(s) that confirm 1) personal identity and 2) current residency, occupancy, and/or ownership of property in the Town of Southern Pines.
 - 2) The non-resident fee shall apply to all other participants.
- (B) In addition to any rental fees, the following deposits or fees must be paid at the time of booking in order to confirm a facility rental.
- 1) Train House, Douglass Center and Train Station: A non-refundable deposit of \$20 for residents and \$40 for non-residents.
 - 2) Community Center Gym: A non-refundable deposit of \$20 for residents and \$40 for non-residents.
 - i. When the renter provides notice of cancellation a minimum of ten (10) business days prior to the rental, the Town will refund fifty percent (50%) of rental fees which have been paid.
 - ii. For any cancellations with a notice of less than ten (10) business days, there is no refund of any rental fees paid.
 - 3) Rental Assistance: If the renter requests assistance from a member of Town staff outside normal Town business days/hours (Monday through Friday, 9am to 5pm), a fee of \$25 for residents and \$50 for non-residents will be added to the rental fee. This fee is intended for staff assistance in locking or unlocking a rental facility or similar.
 - i. When the renter provides notice of cancellation a minimum of ten (10) business days prior to the rental, the Town will refund fifty percent (50%) of rental fees which have been paid.
 - ii. For any cancellations with a notice of less than ten (10) business days, there is no refund of any rental fees paid.
- (C) The following schedule of fees shall be administered by the Director of Recreation and Parks.

Recreation & Parks Fees Schedule: Effective Date July 1, 2022

Description	Resident	Non-Resident
Adult Classes, Programs, and Individual Athletics	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%.	Resident pricing + 40%
Senior Classes, Programs, and Trips	Base cost, which includes materials and contracting services, if any, PLUS 20%.	Resident pricing + 40%
Adult Team (Athletics)	\$125 plus materials and contracting services.	
Youth Individual (Athletics)	\$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 = \$40 After School & Summer Explore Camp Session Fees = Base cost, which includes materials and contracting, plus 40%
Field Rental	*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	\$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	\$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 \$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 \$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
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 \$120 for a 3-hour block \$30/each additional hour Weekends: Friday - Sunday \$150 for a 3-hour block \$40/each additonal hour

Recreation Center Small Gym	\$50/ hour (Athletic type events only) (Availability is limited)	\$100/ hour (Athletic type events only) (Availability is limited)
Recreation Center Large Gym	\$75/ hour (Availability is limited)	\$150/ hour (Availability is limited)
Greenspaces: *Downtown Park Campbell House Pool Park Whitehall Sandhurst Park	\$20/hour Electricity: \$10 flat fee	\$40/hour Electricity: \$20 flat fee
Courts (Basketball, Tennis, Racquetball, Pickleball)	\$15/hour	\$30/hour
Disc Golf Course Rental	\$100/day for 5 hours + \$25/each additional hour	\$200/day for 5 hours + \$50/each additional hour
Pool Admission	Ages 12 & under \$1 Punch Pass \$20 (25 visits) Annual Pass Individual \$40 Ages 13 & up \$2 Res Punch Pass \$40 (25 visits) Annual Pass Individual \$80	Ages 12 & under \$3 Punch Pass \$60 (25 visits) Annual Pass Individual \$120 Ages 13 & up \$6 Res Punch Pass \$120 (25 visits) Annual Pass Individual \$240
Open Gym	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 athletics. 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

*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

Outdoor Special Event Fees

Description	Fee
Outdoor Special Event Application Fee	\$25
Outdoor Special Event Clean-up Deposit Fee	\$50
Parade/Run/Walk Event Permit	\$10
Parade Escort Fee	\$20
Fireworks Permit Fee	\$50
Permit Fee to Close a Street, Lane, Parking, or Sidewalk	\$25, \$50, or \$100 (fee to be determined by the Fire Chief depending on the complexity of the closure and staff time needed to develop a traffic control plan)
Type III Barricade	\$25 per barricade per day
Type II Barricade	\$10 per barricade per day
Traffic Sign	\$5 per sign per day
Traffic Cone	\$2 per cone per day

**AN ORDINANCE
AMENDING THE CAPITAL RESERVE FUND WATER SYSTEM DEVELOPMENT FEES**

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 fund budget is hereby amended:

Section 1: The project authorized is to establish a fund for the purpose of accounting for water system development fees to be utilized in the manner described in the Water Capital Reserve Fund Resolution.

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

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

Transfer to Water Capital Project Funds	<u>\$653,001</u>
Total Project Appropriation	<u>\$653,001</u>

Section 4: The following additional revenue is anticipated to be available to complete this fund:

Water System Development Fees	<u>\$653,001</u>
Total Project Revenues	<u>\$653,001</u>

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 fund.

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

**AN ORDINANCE AMENDING THE
CAPITAL RESERVE FUND SEWER SYSTEM DEVELOPMENT FEES**

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 fund budget is hereby amended:

- Section 1: The project authorized is to establish a fund for the purpose of accounting for sewer system development fees to be utilized in the manner described in the Sewer Capital Reserve Fund Resolution.
- Section 2: The officers of this unit are hereby directed to proceed with the water capital reserve fund within the terms of the budget contained herein.
- Section 3: The following additional amount is appropriated for the fund:
- | | |
|---|------------------|
| Transfer to Sewer Capital Project Funds | <u>\$108,288</u> |
| Total Project Appropriation | <u>\$108,288</u> |
- Section 4: The following additional revenue is anticipated to be available to complete this fund:
- | | |
|-------------------------------|------------------|
| Sewer System Development Fees | <u>\$108,288</u> |
| Total Project Revenues | <u>\$108,288</u> |
- 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 fund.
- 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