



AGENDA

Wednesday, July 6, 2022: 6:00 PM

Town Council Agenda Meeting

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

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

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

Mr. Pete Bogle of Bogle Firm Architecture has submitted an application for a Planned Development District – Conceptual Development Plan to allow a private school, athletic fields, cemetery, rectory and religious institution. The subject parcels are currently zoned RE (Rural Estate). This is a continuation of a public hearing that was originally opened on April 12, 2022 and continued several times to July 12, 2022.

b. Consider PD-07-22: Morganton Park South Phase II PDP

Mr. Bob Koontz of Koontz Jones Design has submitted an application for 269 multi-family residential units on 13.18 acres for Phase 2 of the Morganton Park South Planned Development. This public hearing was opened and held on June 14, 2022 and continued upon request of the applicants to July 12, 2022.

4. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

a. Consider Proclamation Declaring July as Parks and Recreation Month

The U.S. House of Representatives has designated July as Parks and Recreation Month across the country. The Town's recreation and parks staff has a number of activities planned to highlight the role and benefits of parks and recreation in the community and has requested that Council issue a proclamation designating July as Parks and Recreation Month in Southern Pines.

b. Consider AR-16-22: Ace Hardware

Sheri Halpin with LMHT & Associates is requesting approval of an Architectural Compliance Permit for "Ace Hardware," a 55,000 square-foot retail development at Airport Road, just east of Sandhills Community College.

c. Consider AR-18-22: Discount Tire, Inc.

Donaville Group, Inc. of Duluth, GA is applying for an Architectural Compliance Permit to build a 7,680 square-foot commercial service building (Discount Tire, Inc.) at 10935 US Highway 15-501 (former location of Sandhills Urgent Care).

d. Consider AR-10-22: 600 SW Broad St.

PTAH, LLC is requesting approval of an Architectural Compliance Permit for “600 SW Broad Street Addition,” a 1,954 square-foot retail café and restaurant located at 600 SW Broad Street..

e. Consider AR-13-22: Waterworks SNC

Neal Smith Engineering, Inc. has applied for an Architectural Compliance Permit for a 13,272 square-foot expansion of the existing historic brick building located at the Waterworks development at 1605 Central Drive.

f. Consider AR-17-22: Old Morganton Park South Outparcel 1

Ubuntu Developer, LLC has applied for an Architectural Compliance Permit for a 7,000 square-foot multi-unit retail building on the southeast corner of West Morganton Road and Brucewood Road.

g. Consider Setting Hearing for AX-02-22 Pinehurst Surgical Clinic Site 3B

Charles Gregg, on behalf of Morganton Park Realty, LLC, is requesting voluntary annexation of a 5.19-acre contiguous parcel on the southwest corner of South Carlisle Street and Patriot Boulevard. The Town Council directed the Town Clerk to investigate the sufficiency of the petition for annexation at the June 27, 2022 Work Session. The public hearing will be set for August 9, 2022.

h. Approve Town Council Meeting Minutes for June 2022

Approve Town Council Meeting Minutes for June 2022

- June 8, 2022 Agenda Meeting
- June 15, 2022 Business Meeting
- June 27, 2022 Work Session

5. 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

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

Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

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

II. TOWN COUNCIL REVIEW & ACTION:

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

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

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

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

On May 18, 2022 Planning staff received a revised copy of the application form for PD-04-22. The revised application form specifically excludes high schools as a possible use and ensures consistency of proposed allowable land uses with those already listed in Section 5.1 of the proposed CDP text. On May 26, 2022, Planning staff was informed by Messrs. Bogle and Petesch that a mediation meeting between the parties had been scheduled for June 6, 2022 and that no new information or CDP text or map modifications would be submitted prior to that date. Since the deadline for staff reports and packets for the June 14, 2022 Town Council meeting was June 1, 2022, additional information regarding mediation efforts was not included in the packet for the June 14, 2022 continued public hearing.

On June 7, 2022, Planning staff received a written request from Pete Bogle and Tom VanCamp, representing the applicant, for a continuance from the June 14, 2022 Town Council meeting to the July Town Council meeting. At the June 14, 2022 Town Council meeting, this request for an additional continuance was granted.

On June 29, 2022, Planning staff received an email from Pete Bogle, representing the applicant, requesting an additional continuance from the July 12, 2022 Town Council meeting to the August 9, 2022 Town Council meeting. The reason for the additional continuance was to continue to work in good faith with neighbors towards an amicable resolution of their concerns. Recent correspondence as a result of attempts at mediation had introduced new issues needing additional time to resolve. Planning staff informed Mr. Bogle that the Town Council would be made aware of the additional continuance request at the July 6, 2022 Agenda Meeting so that a formal decision regarding a continuance of the public hearing could be made at the July 12, 2022 Town Council meeting.

III. PLANNING BOARD RECOMMENDATION:

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

Following staff's comments, Mr. Pete Bogle, the applicant's representative, spoke to the Planning Board. Mr. Bogle presented information regarding the purpose and design of the proposed PD and the general nature of the two phases of development set forth in the CDP. Mr. Bogle responded to concerns raised by planning staff in the Planning Board staff report:

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

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

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

1. Proximity of the proposed land uses and parking lot to an area designated as "Rural Equestrian" on the CLRP Future Land Use Map.
2. Inconsistency with Goal 5 in the CLRP: "**G-5. Horse Country.** Retain the aesthetic and functional characteristics of Horse Country."
3. Impacts of noise and traffic on horses in Pine Barrens.
4. The slope of the property from east to west and runoff from impervious surfaces.
5. Light pollution from the proposed land use.
6. Negative impacts to the "horse lifestyle."
7. Negative impacts to "horse country" and the economic impacts of developing horse country to other land uses.

8. Traffic from the proposed land use.
9. Future expansion of the proposed parking area and/or the proposed land use.
10. Pollution.
11. Concerns that a Planned Development with only “institutional” land uses does not contain an adequate mix of land uses, per UDO 3.5.14(D).
12. Insufficiency of a 10’ planted buffer between the proposed driveway and the Pine Barrens property line.
13. Inappropriate use of a Planned Development.
14. Concerns that the application is being “fast tracked” since the Town Council hearing is already scheduled.
15. Planning staff’s draft documents appear to support approval.
16. Inconsistency with the description of the “Residential” Future Land Use designation because the school is k-8, not elementary and disagreement with Planning staff that “civic uses” includes religious institutions/places of worship.
(Planning staff note: Following the Planning Board meeting, staff conducted some additional research, on definitions of “civic land uses.” Clearly the term means different things to different people in different places. There are many examples of places that consider churches to be “civic land uses,” such as Garner, NC¹ and Austin, TX², and examples of long range plans that consider “civic buildings” to include churches, such as Painesville, OH.³ However, there are some legal definitions of “civic use” found online⁴ that appear to restrict civic land uses to only governmental land uses like post offices, libraries, police stations, schools, parks, etc. The Southern Pines CLRP does not define “civic land uses” as referenced in the “Residential” Future Land Use designation, and the American Planners Association Planner’s Dictionary does not define the term. Chapter 3 of the UDO lists Religious Institutions (LBCS 6600) as by-right (permitted) uses in Rural Residential (RR) and General Business (GB) zones. The Town Council may determine if Religious Institutions are an acceptable land use in the proposed Planned Development located in an area with a “Residential” Future Land Use designation.)
17. Overall inappropriateness of the area of town in which the proposed PD is located.
18. Desire for a much bigger buffer since McDeed’s Creek School has a 100’ buffer.
19. Future complaints from churchgoers and students and parents at the school about smells and noises from working horse farms.
20. Negative impacts to the tax contributions of horse people.

Following public comments, Father John Forbes spoke regarding the church’s desire to be good neighbors and the history of how the catholic church came to acquire the property.

¹ [637496785356700000 \(garnernc.gov\)](https://www.garnernc.gov/)

² [zoning_landuse_chart.pdf \(austintexas.gov\)](https://www.austintexas.gov/landuse-chart.pdf)

³ [Microsoft PowerPoint - 2009-02-06 Painesville book - draft \(govoffice2.com\)](#)

⁴ [civic use Definition: 116 Samples | Law Insider](#)

Father Forbes shared that the Town of Southern Pines staff (in 2001) encouraged them to move outside of downtown to allow for future church growth. Father Forbes stated that there are many uses in the area with which he feels the proposed church and school are compatible, such as Belle Meade, McDeed's Creek School and the Knollwood Planned Development and the Anglican Church. Father Forbes expressed thoughts about quality of life including the practicing of religion.

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

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

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

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

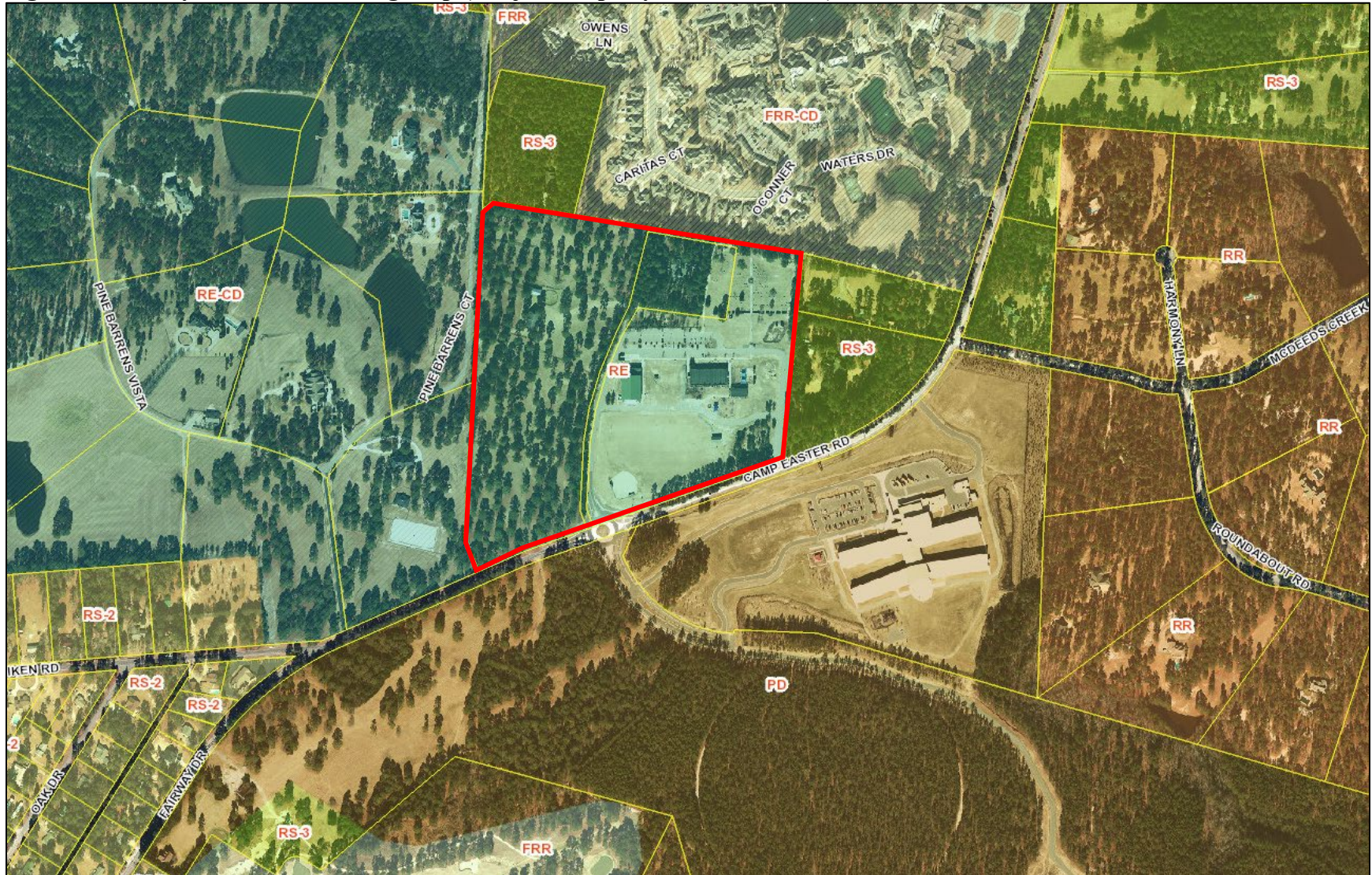


Figure 2: Aerial Image Looking Northeast at Subject Property (February 25, 2022):



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

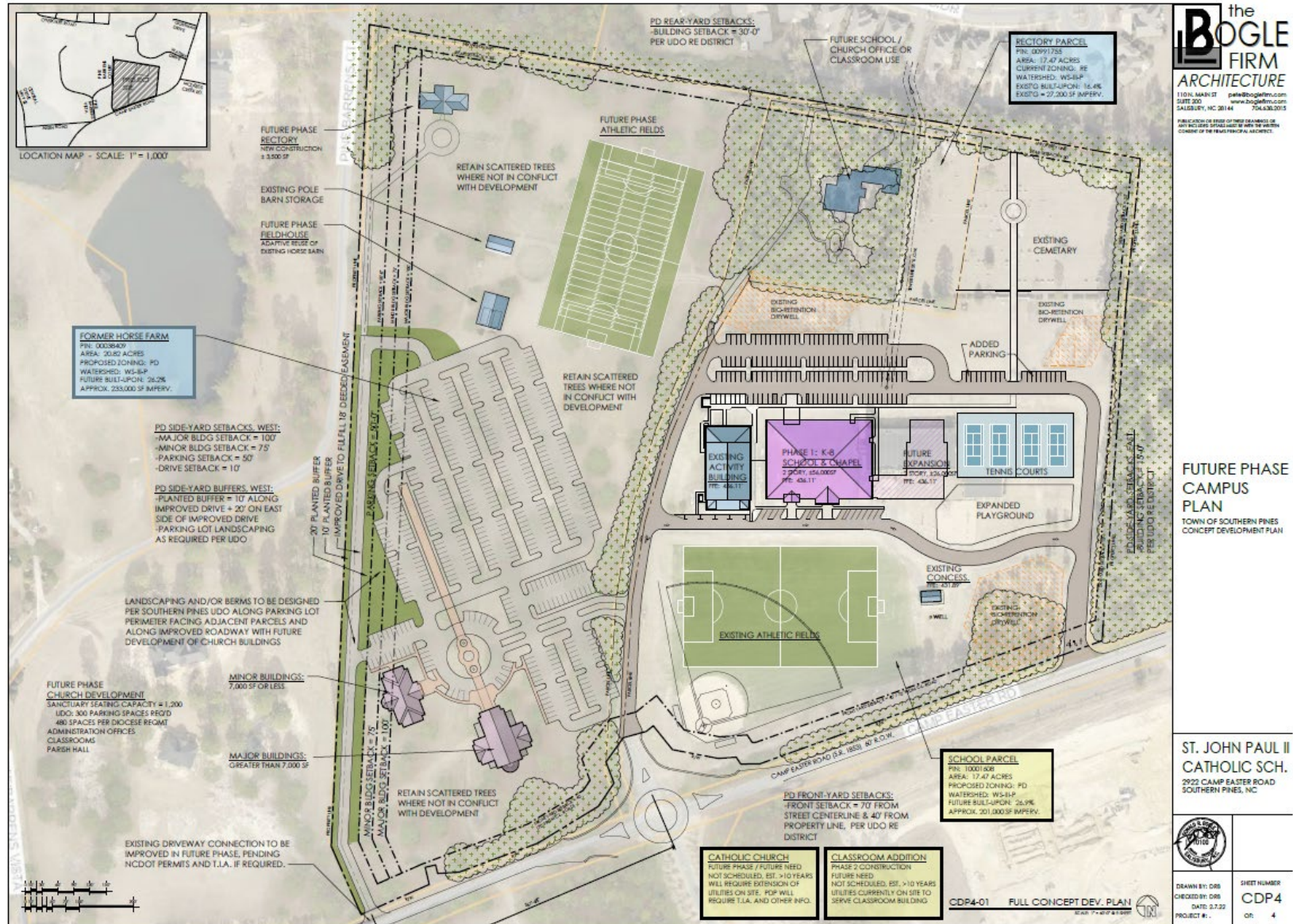


Figure 4: DRAFT REVISED Conceptual Development Plan Layout (Emailed to Planning Staff March 30, 2022):

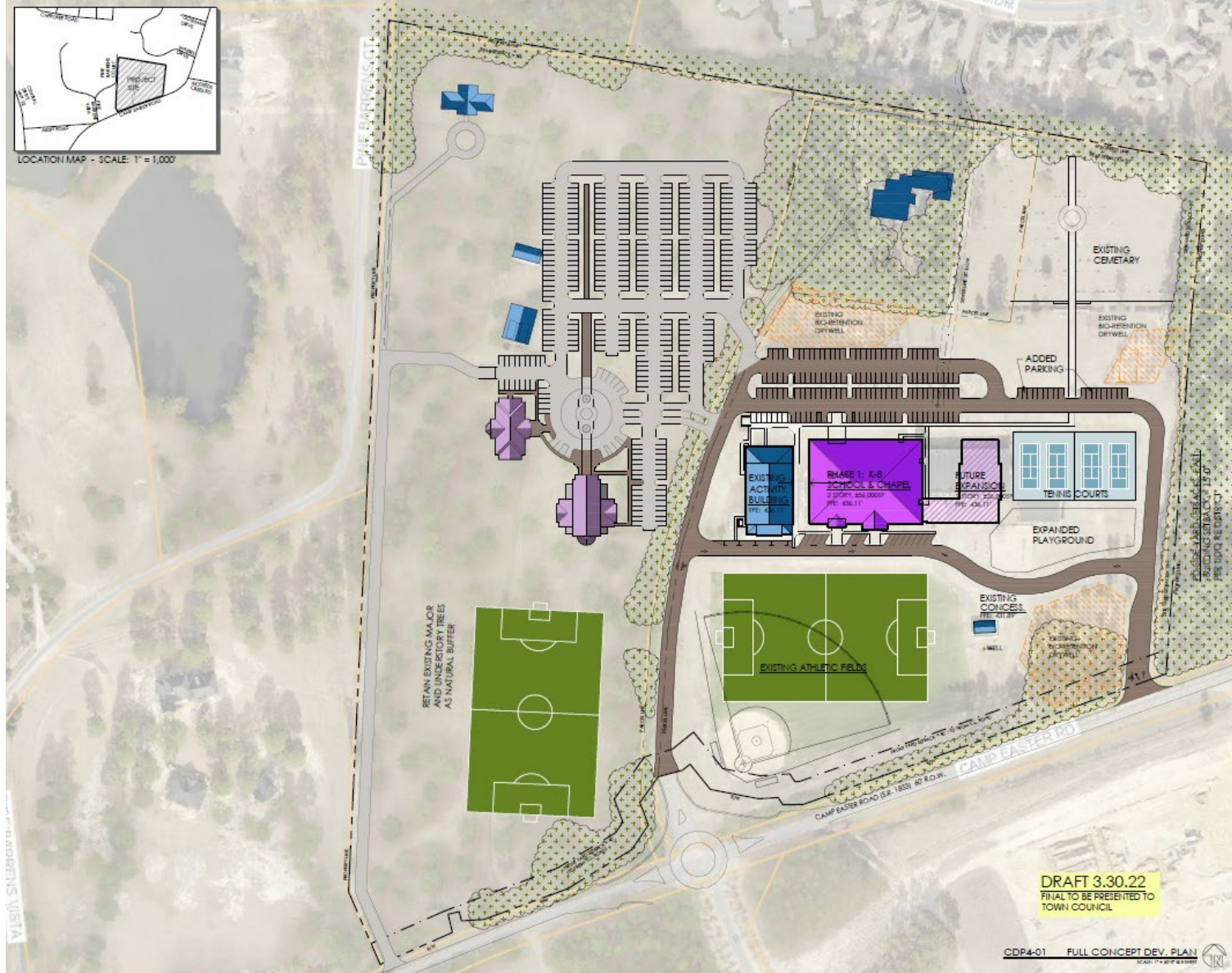
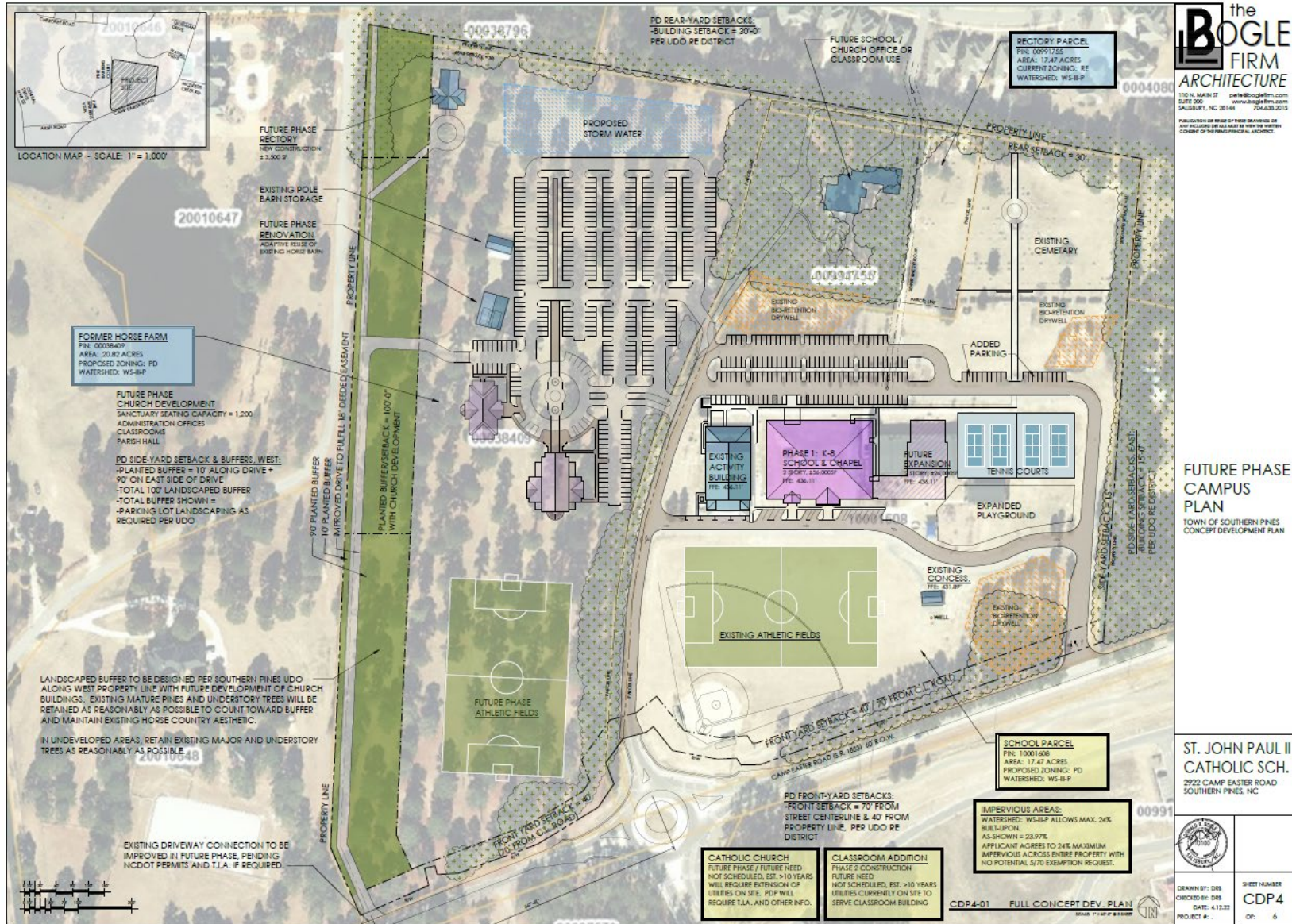


Figure 5: 2nd DRAFT REVISED Conceptual Development Plan Layout (Presented at April 12, 2022 T.C. Hearing):



IV. STAFF REVIEW:

A. Review Process:

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

B. Application Review Dates:

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



C. Criteria for Review:

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

Conceptual Development Plan

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

D. Staff Comments:

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

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

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

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

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

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

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

iii. Deviations from Unified Development Ordinance (UDO):

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

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

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

- **Transportation (Streets):** The proposed Planned Development makes clear that the internal transportation network may be built as private driveways, not public or private streets.
- **Sidewalks:** The proposed Planned Development requires sidewalks connecting buildings and parking areas, but not connecting uses on the campus. This is a deviation from UDO 4.11.15(D) that would require sidewalks to connect all on-site activity centers.

iv. Consultation with Technical Review Committee:

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

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

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

Primary Uses:

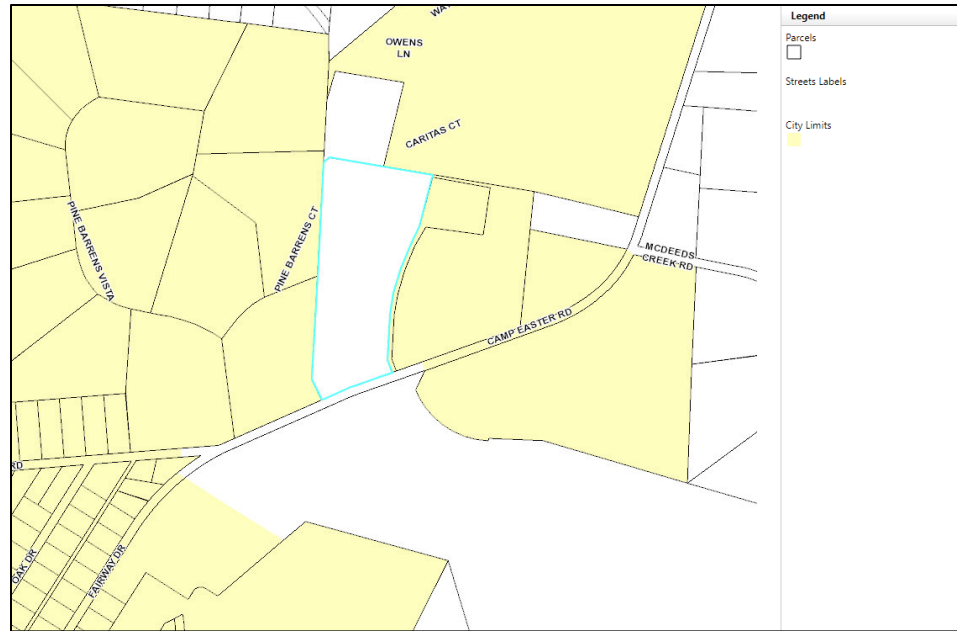
- Private School (Pre-K through 8th grade) LBCS-6110, 6121, 6122, 6125
- Religious Institution (large church) LBCS-6600
- Residential, single-family home (rectory) LBCS-1111

Accessory Uses:

- Administrative Services (associated with the school/church) LBCS-2421
 - Athletic Fields / Tennis Courts / Playgrounds (associated with school/church)
 - Cemetery (accessory to religious institution) LBCS 6720
 - Temporary Uses (subject to UDO 5.18 and 5.22 with permitting)
 - Accessory Uses (subject to UDO 5.3)
- The proposed Planned Development is located within the Little River Intake No. 2 Water Supply Watershed. Presently, all phases of development of the properties appear to involve built-upon area in excess of 24%. Rather than allocate 42.2 acres of exemption allocation to a project that appears to have a future built-upon surface of only 26.2% for the west parcel and 26.9% for the east parcel, planning staff recommends that Section 5.2.2 of the CDP be modified to restrict built-upon area to no more than 24% of the 42.2 acre Planned Development zoning district.

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

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



- The applicants have provided information regarding an access easement along the west side of the property that has a noteworthy impact on site design and the use of buffers along the west boundary of the Planned Development.
- A Traffic Impact Analysis (TIA) is not required to be submitted with a Planned Development CDP application. General transportation planning information is provided on the CDP plan. A TIA will be required with each phase of development that will be reviewed individually as Preliminary Development Plans (PDP).
- The proposed Parking Setback directly adjacent to the required 20' Planted Buffer does not leave room for Vehicle Use Area Perimeter Landscaping which must be located with a planting area of no less than 10', per UDO 4.3.6(C)(2). Staff recommends maintaining the 20' buffer to comply with UDO Exhibit 4-2 and adding 10' between the buffer and the parking setback to accommodate perimeter parking standards.

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

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

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

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

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

V. Cooperating Agency Review and Comments:

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

- Dagoberto JuarezPozos with NCDOT commented on March 4, 2022: *"Due to the expansion of the site they will need to submit a driveway permit. We will also need to see a more detailed breakdown of the land uses. Maximum number of students and a more definitive church size so we can run a trip gen and see if (any) roadway improvements are triggered."* A copy of NCDOT's comments are attached to this staff report.
- John McNeill and Vagn Hansen with the Regional Land Use Advisory Commission (RLUAC) provided written comments via email on March 8, 2022. A copy of RLUAC's comments are attached to this staff report.

VI. ATTACHMENTS:

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

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

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

VII. TOWN COUNCIL ACTION:

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

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

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

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

And, therefore, I move to:

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



ATTACHMENT A

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

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

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

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

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

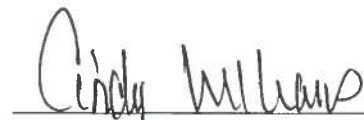
AND, THEREFORE, BE IT FURTHER RESOLVED that there were no additional matters considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-04-22:

ADOPTED this the 24th day of March, 2022.



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board



Subject: REVISIONS

Project: St. John Paul II Catholic School & Campus Master Plan

Date: 3.30.2022

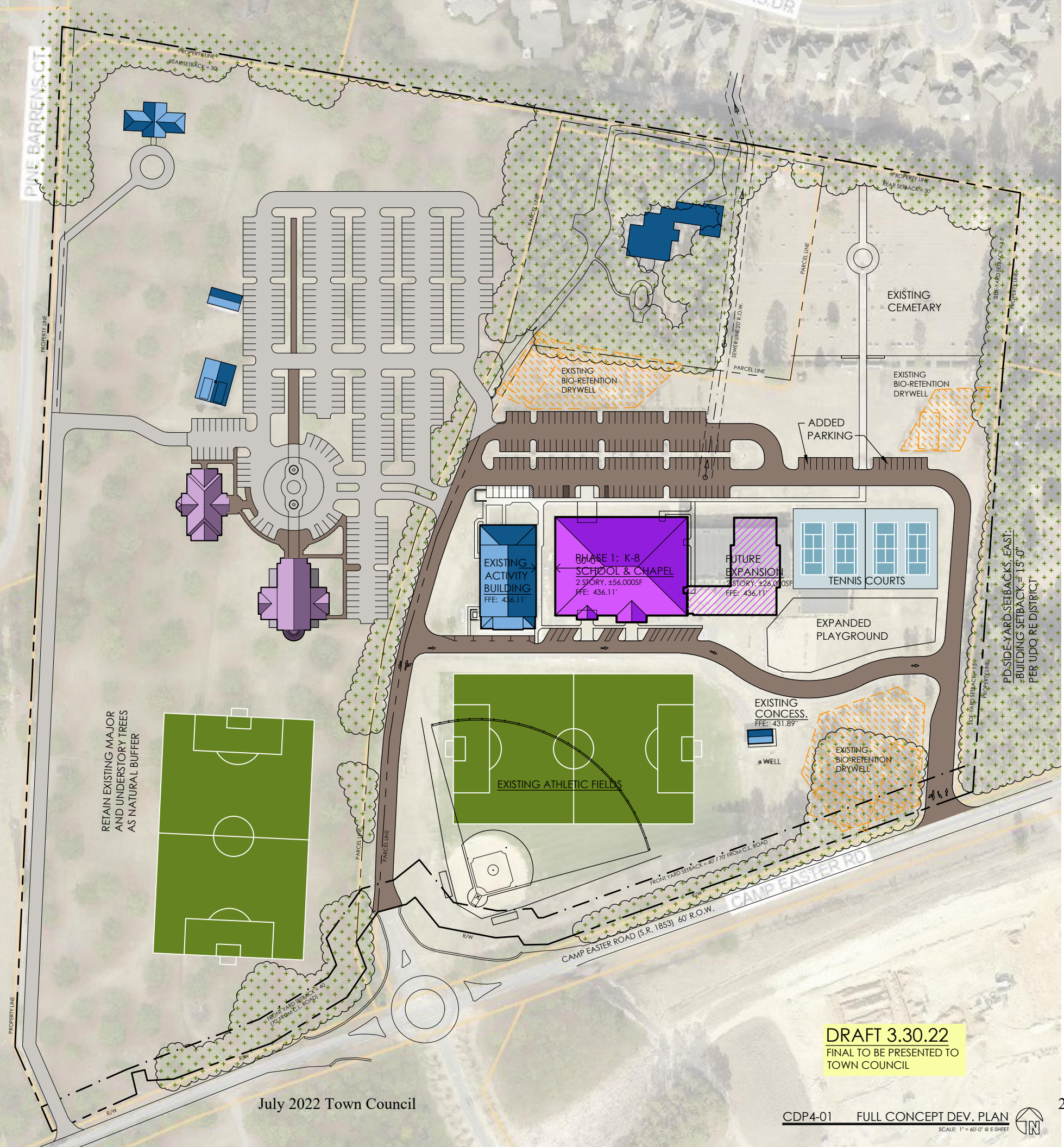
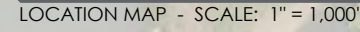
Town Council Members

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

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

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

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





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

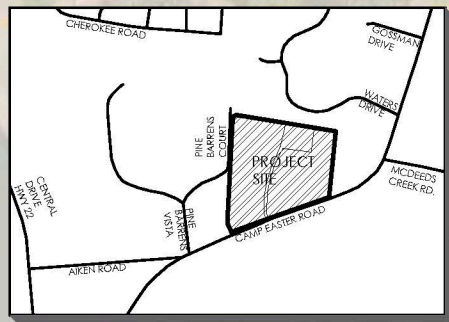
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LOCATION MAP - SCALE: 1" = 1,000'



DRAFT 3.30.22
FINAL TO BE PRESENTED TO
TOWN COUNCIL





Planned Development District **Conceptual Development Plan**

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Submitted by:

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

and

Tony Bornhorst
Lead Project Manager
Rhetson Companies, Inc.

Planned Development District **Conceptual Development Plan Narrative & Design Guidelines** **St. John Paul II Catholic School & Future Church Campus Master Plan**

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1.0: PURPOSE / SUMMARY:

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

- Need for Rezoning: Existing Pre-K through 8th grade school is non-compliant with current UDO, which only allows Elementary Schools within RE district. In order to build a permanent Classroom Building and remove mobile units, property must meet current UDO standards. Southern Pines Planning staff recommend rezoning to Planned Development (PD) as is consistent with the recently PD rezoned McDeed's Creek Elementary School directly across Camp Easter Road from the St. John's property. PD will establish zoning criteria to direct future phases of development on the entire 42.2 acre property.
- For clarity within this document:
 - "School Development" includes work proposed primarily on Parcel ID 10001608, which includes the existing St. John Paul II Catholic School facilities. Athletic fields shown on Parcel ID 00038409 are included within School Development.
 - "Church Development" includes work proposed solely on Parcel ID 00038409 and involves church facilities, parking lots, and drives.
- **Development Phasing**
 - Phase 1 – Immediate Need
 - New Classroom Building on previously prepared building pad
 - Expected Timeline = Completion within 2 to 3 years
 - Future Phases
 - Classroom Expansion Building adjacent to Phase 1
 - Expected Timeline = More than 10 years
 - Athletic Fields / Tennis Courts
 - Expected Timeline = 5 to 10 years
 - Church Facilities and parking
 - Expected Timeline = More than 10 years
 - New Rectory
 - Expected Timeline = 5 to 10 years

2.0: PROJECT OVERVIEW:

2.1 LOCATION

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

2.2 DEVELOPMENT VISION:

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

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

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

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

2.3 APPLICANT AND PROJECT TEAM:

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

2.4 COMPLIANCE:

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

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION, CHECKLISTS, & SUPPORT DOCUMENTS

See separate document, Exhibit A

4.0 EXISTING CONDITIONS

4.1 EXISTING NATURAL FEATURES

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

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

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

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

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

4.2 EXISTING MAN-MADE FEATURES

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

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

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

4.3 EXISTING LEGAL FEATURES

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

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

Adjacent parcel information can be seen on CDP1.

5.0 DEVELOPMENT CONDITIONS

5.1 ALLOWABLE USES

Uses within this PD will be limited to the following:

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

5.1 LAND USE

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

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

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

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

5.2 DEVELOPMENT STANDARDS / ADDITIONAL DESIGN CONDITIONS

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

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

5.2.2 Summary of PD Development Standards

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

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

11:00 PM. Church reserves the right to leave lights on during special events as defined in Accessory Uses UDO 5.3.

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

APPENDIX 1

EXISTING PROPERTY INFORMATION:

Property Information by parcel

- **School Property:**
 - Property Owner: Roman Catholic Diocese, Raleigh
 - Parcel ID: 10001608
 - Address: 2878 Camp Easter Road (school mailing address is 2922 Camp Easter)
 - Acres: 17.47 acres
 - Current Zoning: RE
 - Current Use: Pre-K through 8th Grade Private Catholic School, associated athletic fields, and existing cemetery
 - Watershed: WS-III-P ; Basin = Cape Fear ; Stream = Little River
 - Property Description: Existing property is located on the north side of Camp Easter Road between Pine Barrons Vista to the west and McDeed's Creek Road to the east. Structures consists of an existing Pre-K through 8th grade private Catholic School with Activity Building, mobile classroom buildings, athletic fields, out-buildings, and associated parking, drives, etc. Civil drawings from the Activity building project (2009) included utilities and storm water control for planned New Classroom Building. An existing cemetery is located in the northeast corner of the property. The site is relatively flat with an overall slope from southeast to northwest and is located within the WS-III-P watershed.
 - Utilities: The site currently has access to public water, public sewer, electrical, gas, telephone, cable, and internet services. A building pad, sewer and water connections, and stormwater control were provided for the proposed new classroom building during the construction of the Activity Building.
 - The proposed development will not require any utility extensions.
- **Rectory Property:**
 - Property Owner: Roman Catholic Diocese, Raleigh
 - Parcel ID: 00991755
 - Address: 2952 Camp Easter Road
 - Acres: 3.91 acres
 - Current Zoning: RE
 - Current Use: Residential
 - Watershed: WS-III-P ; Basin = Cape Fear ; Stream = Little River
 - Property Description: Existing property is located on the north side of Camp Easter Road between Pine Barrons Vista to the west and McDeed's Creek Road to the east. Property is mostly wooded and structures consists of an existing large estate house that is currently being used as a Rectory by the Diocese.
 - Utilities: The existing estate house currently has water, septic, electrical, telephone, cable, and internet services.
 - No development is proposed to this parcel and thus no utility extensions.
- **Former Horse Farm Property:**
 - Property Owner: Roman Catholic Diocese, Raleigh
 - Parcel ID: 00038409
 - Address: 2978 Camp Easter Road
 - Acres: 20.82 acres
 - Current Zoning: RE
 - Current Use: Existing offices above horse barn being used by school. No other current use.

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

APPENDIX 2

CONCEPTUAL DEVELOPMENT PLAN CRITERIA:

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 3

ZONING MAP AMENDMENT CRITERIA:

Responses to UDO Section 2.17.9 Criteria for Zoning Map Amendments

A. **Consistency.** *Rezoning shall be consistent with the adopted Comprehensive plan.*

This CDP is consistent with the Comprehensive Plan – Southern Pines’ Vision (Chapter 2)

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

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

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

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

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

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

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

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

provide greater safety for students, be more energy efficient, and provide a healthier interior environment for students and staff.

- Church Development will provide worship opportunities to fit the needs of the growing Catholic population of the area. Churches, by nature, promote the health, safety, and welfare of the community.
- No historic or cultural places will be affected by the proposed development.

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

- The planned growth of St. John Paul II Catholic School will allow provide private education opportunities to more students, thus serving a greater number of families to help meet the growing residential population in Southern Pines.
- Future Church Development will respond to the growing Catholic population in the Southern Pines area.

F. **Size of Tract.** *The Hearing Body shall consider the size, shape, and characteristics of the Tract in relation to the affected neighboring lands. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.*

- Existing property is a total of approximately 42.2 acres. Existing site Built-Up / Impervious areas calculate to approximately 9%.
- Built-Up / Impervious Areas are projected as follows at the completion of each phase as listed:
 - PHASE 1 Classroom Building = 12% Impervious Maximum
 - FUTURE PHASE Classroom Expansion and Tennis Courts = 15% Impervious Maximum
 - FUTURE PHASE Church Development = 30% Impervious Maximum
 - Note: 5/70 Exemption will be required for WS-III-P compliance once built-upon areas exceed 24%.

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

- None submitted.

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

- The proposed PD district does not increase the range of permitted uses on the site, rather limits the uses and adds control to the site based on the required master plan. Therefore, a possible range of uses is not of concern.

APPENDIX 4

CONCEPTUAL TRANSPORTION PLAN:

Responses to Conceptual Transportation Checklist from UDO Appendicies

- A. *The project boundary and the area surrounding the project that is included in the Conceptual Transportation Plan.*
See Overview Concept Plan, sheet CDP1 for graphics depicting CTP.
- B. *Proposed transportation facilities within the project boundary including:*
- 1) *Location and type of transportation facilities. Examples may include (but are not limited to) streets, sidewalks, bridges, shared-use paths and trails.*
See CDP1 for location of private drives, parking lots, and sidewalks
 - 2) *Location and type of intersections where transportation facilities cross.*
See CDP1 for intersections. Intersections on site are private and controlled with signage. Connection to Camp Easter Road is discussed below.
 - 3) *Location and type of stormwater management facilities that will serve proposed transportation facilities.*
See CDP1 for locations of existing and proposed stormwater management facilities. Existing stormwater devices were designed with capacity to serve Phase 1 Classroom Building. Engineering will be submitted in PDP to verify. Future stormwater devices will be of similar underground design, which are appropriate for the sandy soil types found on site and will be located within the general areas shown on CDP1.
 - 4) *Identification of street classifications (arterial, collector, local, service, etc.).*
 - All existing roadways are privately owned and in good condition.
 - Private Driveway: Drive from Rectory to intersection at Camp Easter Road. This section of roadway is primarily an access to the future Rectory, serves as the deeded easement for Parcel ID 00038796, and provides a secondary connection to Camp Easter Road from the rear Church Development Parking lots.
 - All other transportation facilities are privately owned connections from parking lots to existing privately owned, existing drives.
 - 5) *Identification of ownership arrangement for proposed transportation facilities (public or private).*
Privately owned.
 - 6) *For transportation facilities that are to be privately owned, information on long term maintenance and replacement of facilities.*
Maintenance of privately owned paved surfaces shall be the sole responsibility of the property owner.
 - 7) *Estimated rights of way necessary for proposed transportation facilities.*
Deeded Easement, per description from deed, is 18 feet.
No other rights of way are proposed for transportation facilities
 - 8) *Cross-section illustrations with labelled dimensions of proposed transportation facilities.*
See CTP1, attached below.
 - 9) *Identification and description of unique transportation elements to be utilized within the project. Examples may include (but are not limited to) complete streets, traffic calming, noise mitigation, public art, landscaping and wayfinding.*
See descriptions of buffering and easements in PD Design Guidelines.
- C. *For proposed transportation facilities within the project boundary that deviate from the standard design requirements found in Chapter 4 of the UDO, clear identification of the deviation(s) and explanation of the purpose of the deviation(s).*

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

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

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

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

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

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

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

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

- 1) *Location and type of facility,*

Primary arterial road = Camp Easter Road

- 2) *Connectivity to other community facilities*

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

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

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

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

McDeed's Creek Elementary School (PD district zoning)

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

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

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

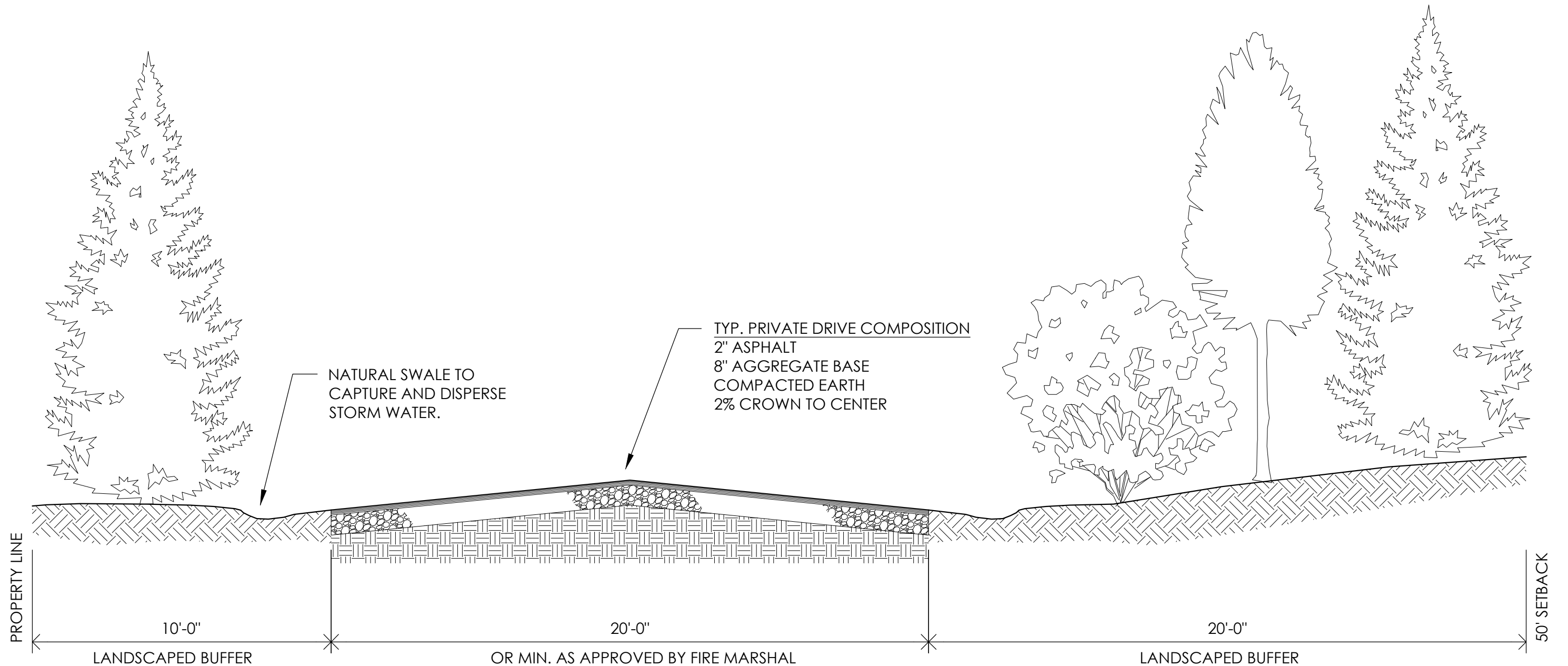
School Development will not require any transportation facility improvements. Proposed transportation improvements will be implemented with the Church Development phase of the proposed CDP.

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

Pete Bogle, AIA, LEED-AP

Principal / Owner

Bogle Firm Architecture, PLLC



CTP1 PRIVATE DRIVE SECTION

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

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

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

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



Planned Development District **Conceptual Development Plan**

EXHIBIT A

Checklists, Applications and Additional Documentation

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Checklists

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

Planned Development District Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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

PLANNED DEVELOPMENT DISTRICT CONCEPTUAL DEVELOPMENT PLAN APPLICATION CHECKLIST

Process Overview

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

Submittal Requirements*

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



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



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



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



NEIGHBORHOOD MEETING RECORDS – Records shall include the following:

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



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

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

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



NATURE OF SERVICES – Planned utility services and providers.



DRAINAGE CONCEPT PLAN (*if applicable*) - see separate checklist.



CONCEPTUAL TRANSPORTATION PLAN (*if applicable*) - see separate checklist.



WRITTEN NARRATIVE - describing the application's consistency with the Conceptual Development Plan, the UDO, and any other applicable regulations.



APPLICATION FEE – as specified in Appendix H.



SIGNED APPLICATION – by the applicant or authorized agent. A property owner authorized agent requires an affidavit giving permission to sign the application.



ADDITIONAL DOCUMENTATION – Additional text and/or maps provided to demonstrate consistency with the approval criteria in section 2.17 of the UDO.

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

CONCEPTUAL TRANSPORTATION PLAN CHECKLIST

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

- A. The project boundary and the area surrounding the project that is included in the Conceptual Transportation Plan.
- B. Proposed transportation facilities within the project boundary including:
 - (1) Location and type of transportation facilities. Examples may include (but are not limited to) streets, sidewalks, bridges, shared-use paths and trails.
 - (2) Location and type of intersections where transportation facilities cross.
 - (3) Location and type of stormwater management facilities that will serve proposed transportation facilities.
 - (4) Identification of street classifications (arterial, collector, local, service, etc.).
 - (5) Identification of ownership arrangement for proposed transportation facilities (public or private).
 - (6) For transportation facilities that are to be privately owned, information on long-term maintenance and replacement of facilities.
 - (7) Estimated rights of way necessary for proposed transportation facilities.
 - (8) Cross-section illustrations with labelled dimensions of proposed transportation facilities.
 - (9) Identification and description of unique transportation elements to be utilized within the project. Examples may include (but are not limited to) complete streets, traffic calming, noise mitigation, public art, landscaping and wayfinding.
- C. For proposed transportation facilities within the project boundary that deviate from the standard design requirements found in Chapter 4 of the UDO, clear identification of the deviation(s) and explanation of the purpose of the deviation(s).
- D. Location of proposed connection points or "gateways" between project transportation facilities and existing or future community transportation facilities. Include a description of the reason for the selected locations as well as a discussion of compliance with basic transportation engineering concepts with regard to the selected locations.
- E. Route distances and approximate travel times from project gateways to common community destinations. Examples may include (but are not limited to) shopping centers, schools, parks, major employers and downtown.
- F. An inventory of existing community transportation facilities in the vicinity of the proposed development including:
 - (1) Location and type of facility,
 - (2) Connectivity to other community facilities,
 - (3) Information on the condition and capacity of each facility,
- G. A description of entitled development projects in the vicinity of the proposed development that involve planned improvements to community transportation facilities.

- H. Planned improvements to community transportation facilities intended to mitigate impacts of the proposed development. Examples may include (but are not limited to) improvements to connectivity, safety, capacity and aesthetics.
- I. If the timeline for completion of any portion of the transportation facility improvements associated with the project does not match the overall project timeline or phasing plan as set forth in the Conceptual Development Plan, a separate timeline or phasing plan for transportation facility improvements shall be included in the Conceptual Transportation Plan.
- J. Name and professional affiliation(s) of the individual(s) that prepared the CTP.

Application & Forms

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



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

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

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

PIN: 858315538280, 858315635655, & 858315635197

Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres

Zoning: RE

Applicant:

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

Email: fr.john.forbes@raldioc.org

Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

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

Email: pete@boglefirm.com

Phone: 704.638.2015

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

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

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

Email: Michael.Wengenroth@raldioc.org

Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

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

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

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

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

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

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

Date: 2/7/2022


Applicant

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner
Bogle Firm Architecture

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

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:

Russell C. Elway
Property Owner

Property Owner

Agent

8-27-21

APPOINTMENT OF AGENT

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

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:

Russell Celwaga
Property Owner

Property Owner

Agent

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

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

List of Adjacent Property Owners

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

SJPCS Properties:

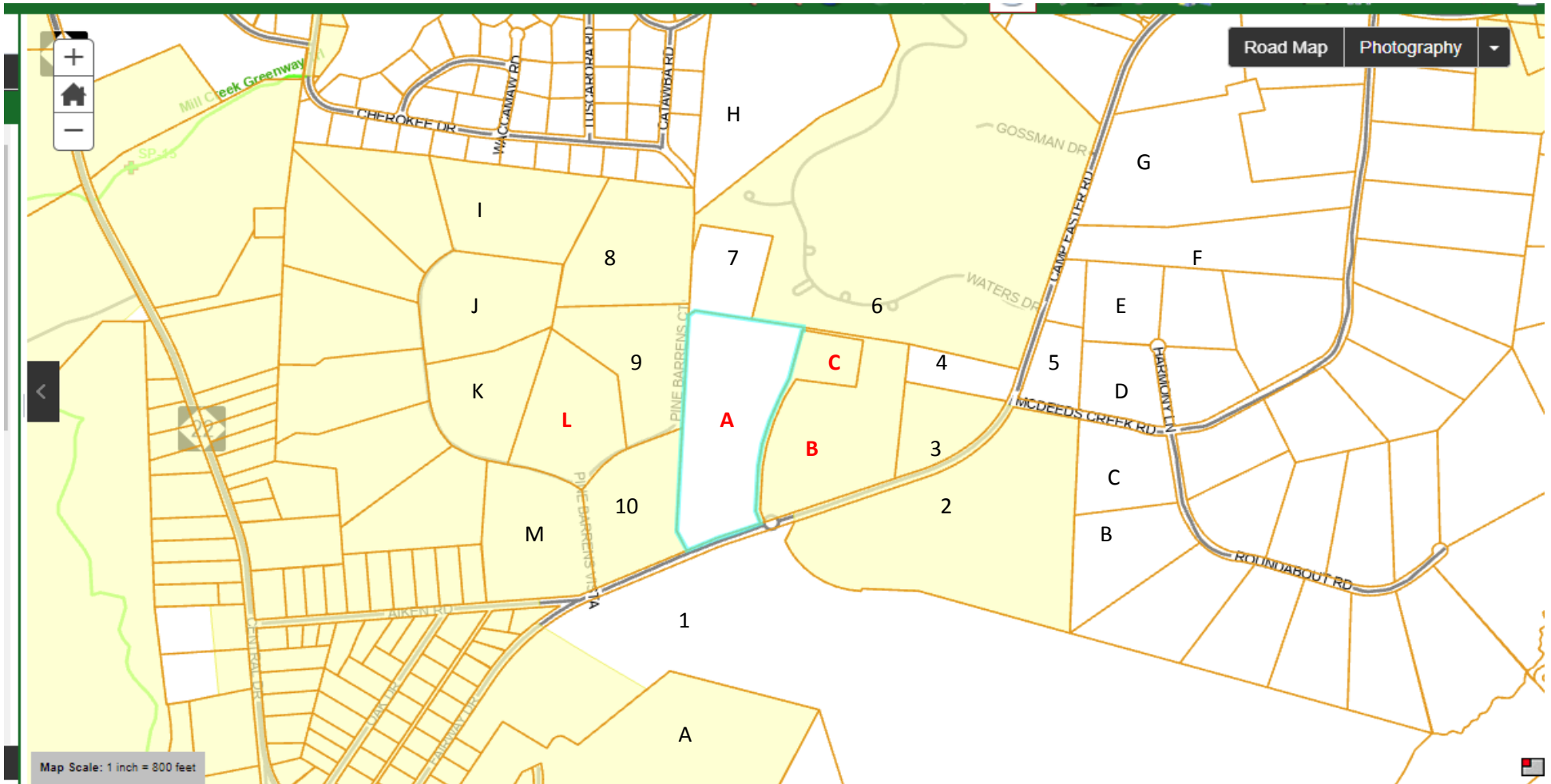
- A.** 2978 Camp Easter Rd
- B.** 2878 Camp Easter Rd
- C.** 2952 camp Easter Rd

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

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

Secondary List of Owners:
(beyond required notification range)

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



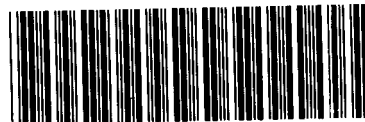
Deeds & Proof of Ownership

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin
Moore County, NC
June 01, 2012 01:46:47 PM
Book 4034 Page 345-347
FEE: \$26.00

NC REVENUE STAMP: \$1,500.00
INSTRUMENT # 2012007969

HM



INSTRUMENT # 2012007969

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,500.00

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

By: _____

Mail/Box to: _____

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

Brief description for the Index: 20.82 acres, McNeill Township

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

GRANTOR

GRANTEE

DONALD W. LONGSTREET, Unmarried
P.O. Box 56
Southern Pines, NC 28387

MICHAEL F. BURBIDGE, BISHOP
of the Roman Catholic Diocese of Raleigh,
North Carolina
715 Nazareth Street
Raleigh, NC 27506-2187

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

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

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

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

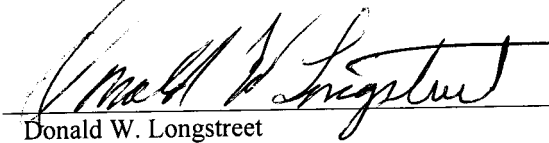
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

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

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

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

 (SEAL)
Donald W. Longstreet

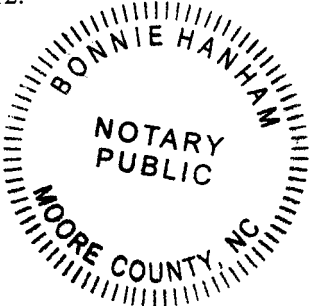
By: _____ (SEAL)

By: _____ (SEAL)
Title: _____

By: _____ (SEAL)
Title: _____

State of North Carolina - County of Moore

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



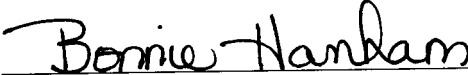
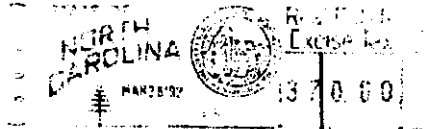

Notary Public
Bonnie Hanham
Print or Type Name of Notary Public
My Commission Expires: July 5, 2015

EXHIBIT A

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

806 Bethesda Ave
Asheville, N.C. 28715

TAX ADDRESS
RECORDING \$10.00
STAMP 370.00
TOTAL \$380.00



BOOK PAGE
00827 00079
Mar 26 2 29 PM '92

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

Excise Tax Recording Time, Book and Page
Tax Lot No. Parcel Identifier No.
Verified by County on the day of 19
by
Mail after recording to Arthur Rowe
155 E. New Hampshire Rd. Southern Pines, N. C. 28387
This instrument was prepared by Barclays Bank of North Carolina
Brief description for the Index 6.13 acres
Camp Easter Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 17th day of March, 1992, by and between

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

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.
WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Moore County, North Carolina and more particularly described as follows:

See Exhibit A Attached Hereto

Row

14-3993

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

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

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

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

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

BARCLAYS BANK OF NORTH CAROLINA

By: *[Signature]*
Senior Vice President

ATTEST: *[Signature]*
Assistant Secretary (Corporate Seal)

USE BLACK INK ONLY

(SEAL)
(SEAL)
(SEAL)
(SEAL)

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of 19.

My commission expires: Notary Public

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

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

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

North Carolina--Moore County

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

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

Judith M. Adams

REGISTER OF DEEDS FOR Moore COUNTY

By *[Signature]* Deputy/Assistant - Register of Deeds

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

Tax Address Same

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

Excise Stamps \$

Recording Time, Book & Page

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

Brief Description for Index 18.23 acres, McNeills Twp

UPDATED SURVEY AND
GIS SHOWS 17.47 ACRES

NORTH CAROLINA GENERAL WARRANTY DEED

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

WITNESSETH

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

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

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 783, Page 405, Moore County Registry

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

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

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

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

ROYAL & ANCIENT INVESTORS, LTD

By



Kelly R. Miller, General Partner

NORTH CAROLINA, MOORE COUNTY

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

My commission expires _____

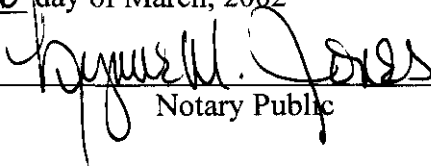
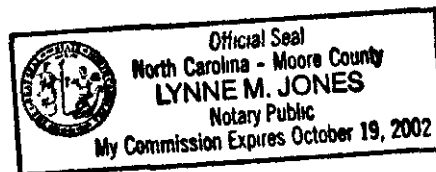

Notary Public

EXHIBIT "A"

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

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

EXHIBIT "A"

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

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

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

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2002 MAR 28 11:35:54 AM
BK: 1958 PG: 519-522 FEE: \$1,019.00
NC REVENUE STAMP: \$999.00
INSTRUMENT # 2002005988

5999 00
Excise Stamps \$1,000 00

Recording Time, Book & Page

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

Brief Description for Index 3.91 acres, McNeills Twp

NORTH CAROLINA GENERAL WARRANTY DEED

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

WITNESSETH

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

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

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 783, Page 405, Moore County Registry.

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

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

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

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

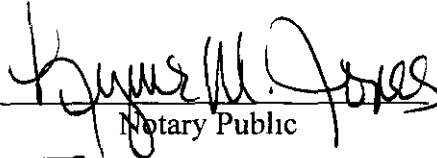

_____(SEAL)
Kelly R. Miller


_____(SEAL)
Peggy A. Miller

NORTH CAROLINA, MOORE COUNTY

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

My commission expires _____


Notary Public

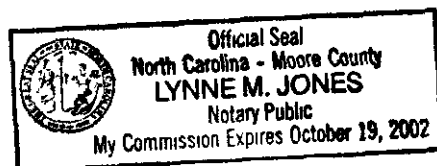
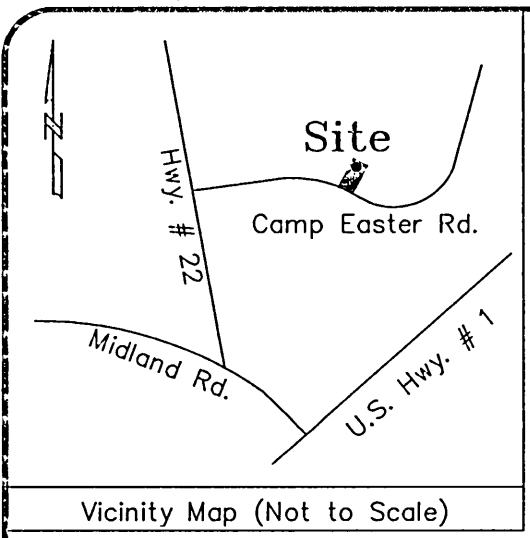


EXHIBIT "A"

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

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

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



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

Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

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

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

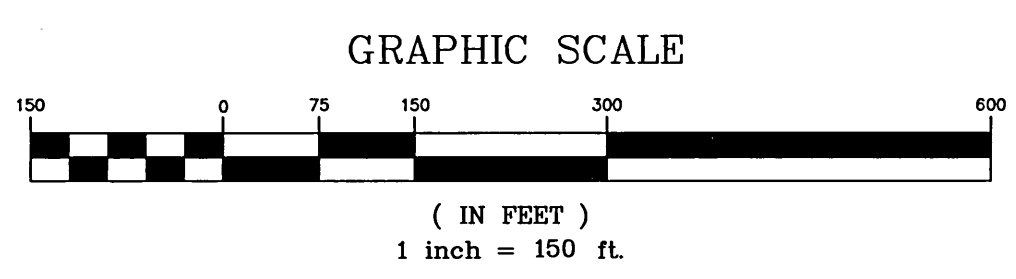
I, Ryan D. McBryde, a Professional Land Surveyor L-4394, certify to one or more of the following as indicated:

- ☐ A. That this plat is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plat is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☒ C. That this plat is of a survey of an existing parcel or parcels of land and does not create a new street or change an existing street.
- ☐ D. That this plat is of a survey of another category, such as the recombination of existing parcels, a court survey, or an exception to the definition of subdivision.
- ☐ E. That the information available to this surveyor is such that it is reasonable to make a determination to the best of his professional ability as to provisions contained in (A) through (D) above.

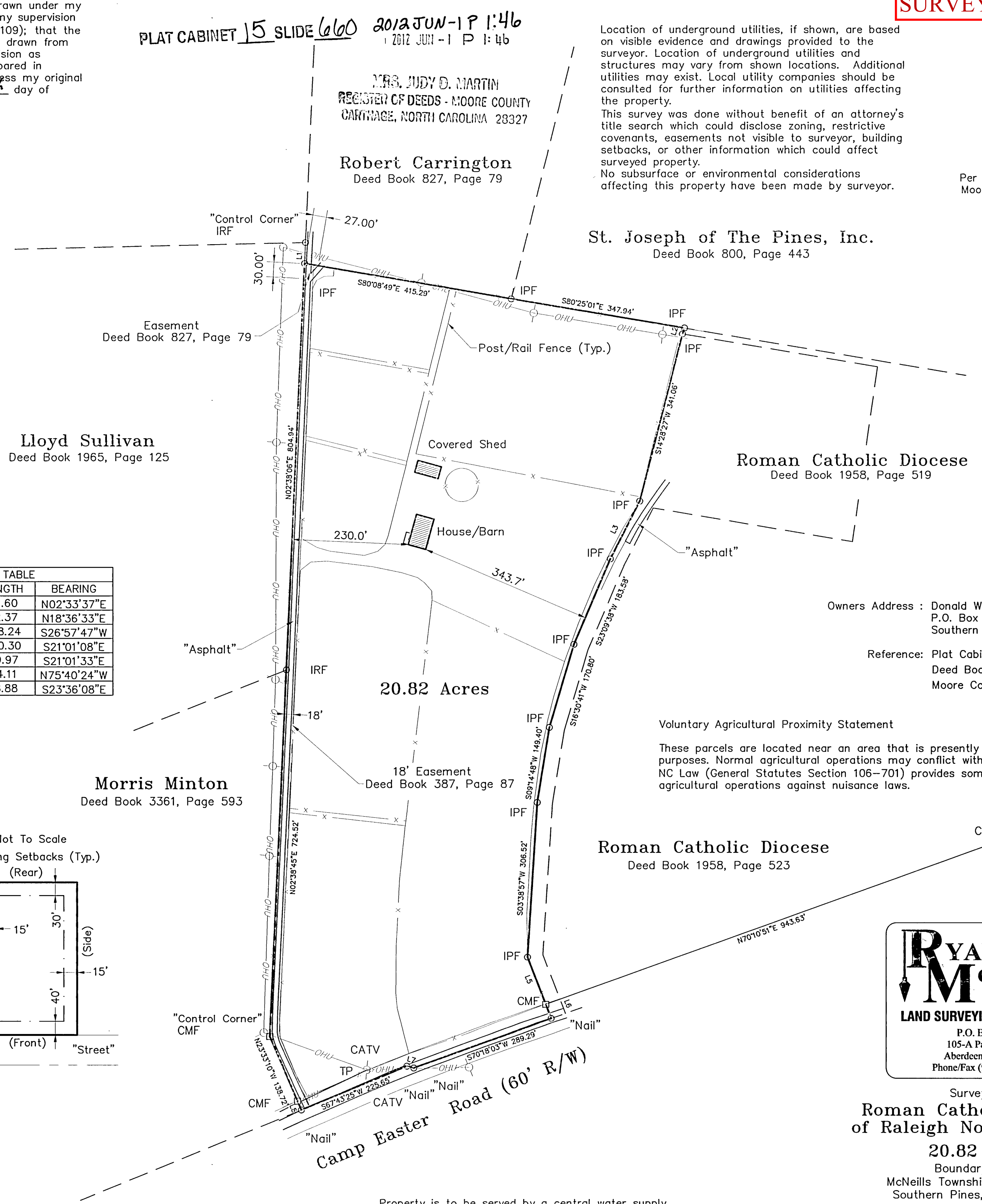
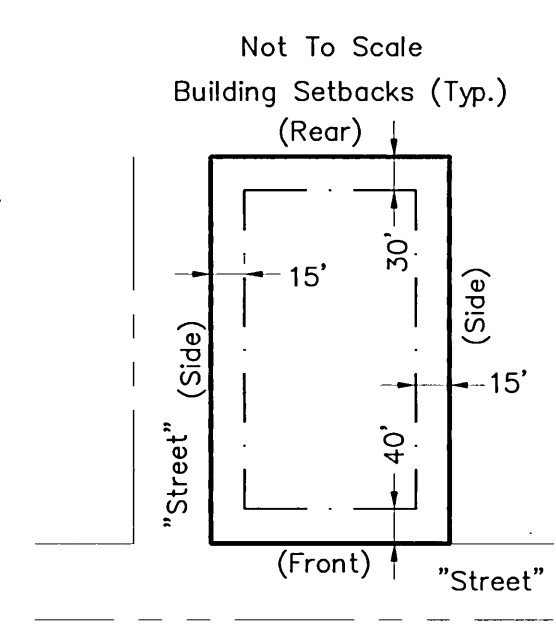
Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

5/8/12
Date



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



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

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

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

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

Voluntary Agricultural Proximity Statement

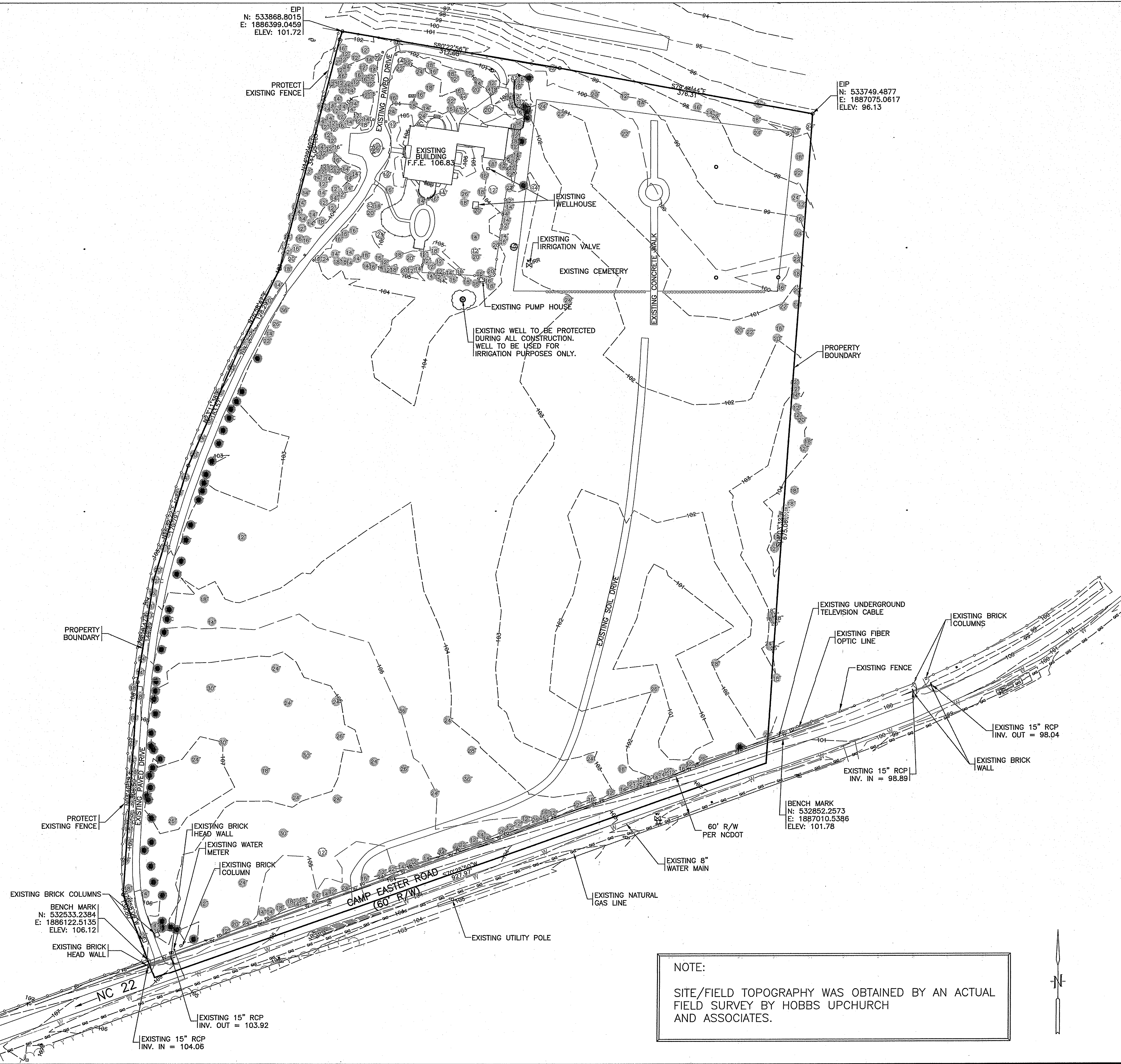
These parcels are located near an area that is presently used for agricultural purposes. Normal agricultural operations may conflict with residential land use. NC Law (General Statutes Section 106-701) provides some protection for existing agricultural operations against nuisance laws.

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

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

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

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



LEGEND

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

BENCH MARK

NCDOT BM
SE CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532852.2573
E: 1887010.5386
ELEV. 101.78
SW CORNER OF WEST BOUND CAMPEASTER ROAD
N: 532533.2384
E: 1886122.5135
ELEV. 106.12

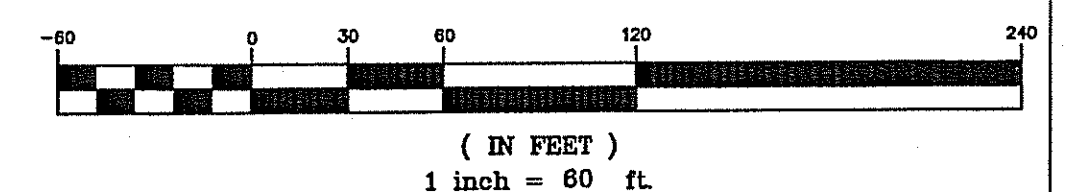
NOTE:

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



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

GRAPHIC SCALE



Additional Documents

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

DR. J.H. CARTER III & ASSOCIATES, INC.

Environmental Consultants
515-F Midland Road
Southern Pines, N.C. 28387
910-695-1043 / 910-695-3317 (fax)

22 October 2021

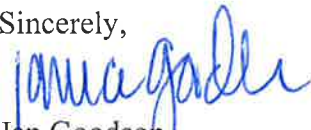
Mr. Pete Bogle
110 North Main Street
Salisbury, North Carolina 28144

Dear Mr. Bogle:

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

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

Sincerely,



Jan Goodson
Senior Wildlife Biologist



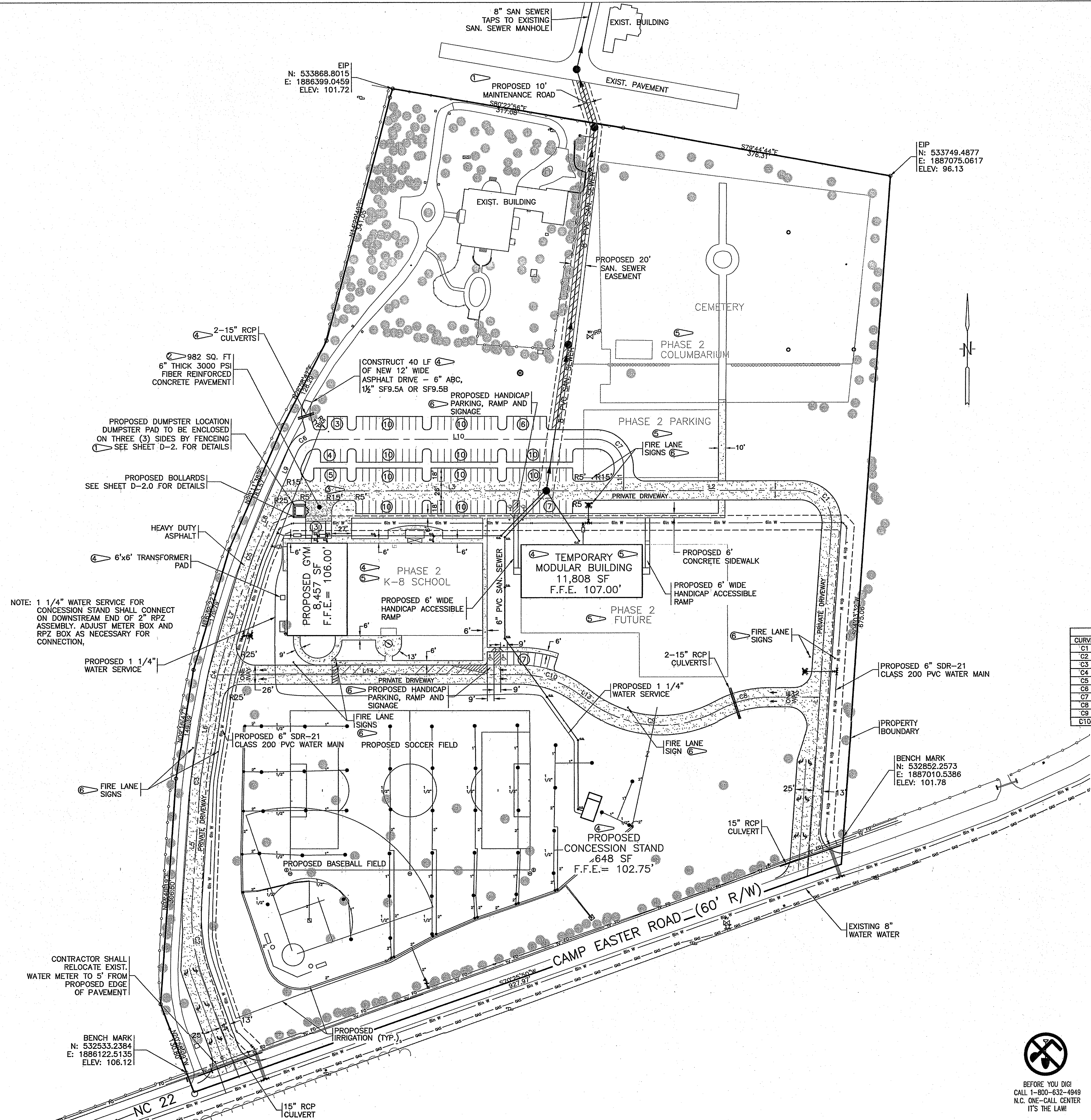
PINE BARRENS CT

CAMP EASTER RD

Nature of Services

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

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



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

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

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

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

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

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

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

LINE TABLE		
LINE	LENGTH	BEARING
L1	479.21	N04°03'32"E
L2	239.54	N80°00'00"W
L3	464.74	N80°00'00"W
L4	144.50	N20°19'34"W
L5	155.01	N03°40'19"E
L6	123.09	N09°15'47"E
L7	142.31	N16°32'22"E
L8	86.56	N22°52'51"E
L9	57.56	N22°52'51"E
L10	377.86	N89°59'54"E
L11	30.00	S00°00'00"E
L12	70.12	N80°00'00"W
L13	18.63	N53°47'56"W
L14	407.97	S80°00'00"W

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	BEARING	TANGENT
C1	70.59	43.00	62.93	N42°58'14"W	94°03'32"
C2	104.71	250.00	103.95	S08°19'37"E	23°59'53"
C3	19.61	201.00	19.61	S05°28'03"W	5°35'28"
C4	26.53	201.00	26.51	S12°54'05"W	7°16'35"
C5	23.34	201.00	23.33	S19°52'00"W	6°39'16"
C6	33.45	27.78	31.46	S57°22'41"W	68°59'41"
C7	61.72	38.05	55.17	N43°31'52"W	92°56'27"
C8	64.28	137.00	63.69	S76°33'30"W	26°53'00"
C9	179.47	163.00	170.54	S85°20'28"E	63°05'04"
C10	86.56	137.00	85.13	N71°53'58"W	36°12'04"

INFRASTRUCTURE/UTILITY TOTALS

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

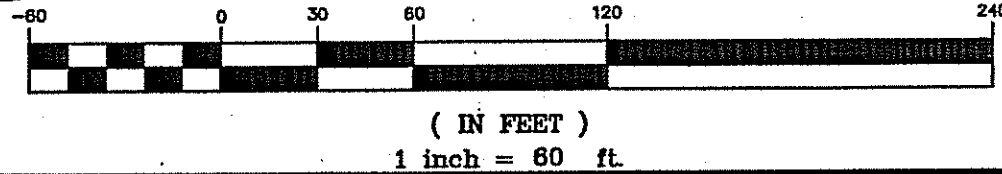
AREA INFORMATION

POPE JOHN PAUL II
CATHOLIC SCHOOL
ZONING: RE
DB 1958, PG 519
DB 1958, PG 523
ORIGINAL DEEDED AREA: 23.91 ACRES
RECEIVING WATER COURSE: UNNAMED TRIBUTARY
TO MILL CREEK & McDEEDS CREEK
MILL CREEK CLASSIFICATION: WS-III, HQW
McDEEDS CLASSIFICATION: WS-III, HQW
RIVER BASIN: CAPE FEAR

LEGEND

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

GRAPHIC SCALE



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

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

OVERALL SITE PLAN



DATE: 02/27/07	REV. NO.	DATE	REV. NO.	DATE	REV. NO.
DES. BY: ---	1	10/23/07	1	10/23/07	1
DWG. BY: ---	2	11/20/07	2	11/20/07	2
CHK. BY: ---	3	12/04/07	3	12/04/07	3
REV. NO. ---	4	11/16/09	4	11/16/09	4
	5	11/30/09	5	11/30/09	5
	6	12/11/09	6	12/11/09	6

ST. ANTHONY OF
PADUA
CATHOLIC SCHOOL
NCSBC 2006

SHEET NO.

C-02

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

CONSTRUCTION NOTES:

1. OBTAIN PLAN APPROVAL AND OTHER APPLICABLE PERMIT. NO MEASURE OF SOUTHERN PINES APPROVAL.
2. TRUCKS ENTERING AND EXITING FROM SITE MUST DO SO ONLY FROM C
3. DENUDE/CLEARING LIMITS SHOWN ON THESE PLANS ARE APPROXIMATE. SET CLEARING LIMITS BASED ON MINIMUM AMOUNT OF AREA REQUIRED TO CONSTRUCT THE PROPOSED IMPROVEMENT DEPICTED WITHIN THESE PLANS.
4. SEE EROSION CONTROL DETAILS, SHEET D-1.0, D-1.1, AND D-1.2 FOR EROSION CONTROL DETAILS, CONSTRUCTION AND MAINTENANCE SCHEDULES.
5. THE LOCATION OF THE EXISTING UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CONTACT THE UTILITY LOCATION SERVICE ("NORTH CAROLINA ONE CALL" - 1-800-632-4949) FOR EXACT LOCATION OF ALL UNDERGROUND MAINS, CABLE, OR LINE BEFORE CONSTRUCTION BEGINS.
6. THE APPROPRIATE UTILITY COMPANY SHALL BE NOTIFIED BY THE CONTRACTOR 48 HOURS IN ADVANCE OF ANY EXCAVATION INVOLVING THEIR UTILITIES SO THAT A COMPANY REPRESENTATIVE CAN BE PRESENT.
7. TRUCKING ON OR ABOUT THE SITE WILL BE PERMITTED ONLY WITHIN REASONABLE LIMITS AND THE CONTRACTOR SHALL NOT UNREASONABLY ENCUMBER THE PREMISES WITH HIS EQUIPMENT AND MATERIALS. THE STORAGE SHALL BE CONFINED TO SUCH LIMITS AS MAY BE JOINTLY AGREED BY OWNER AND CONTRACTOR.

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

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

NOTE:

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

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

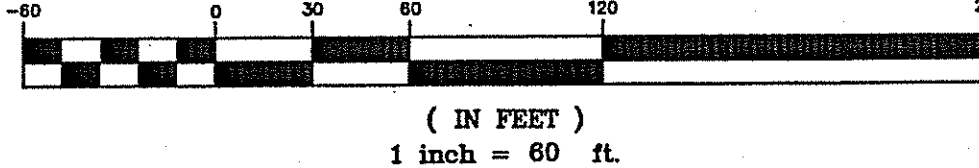
DISTURBED AREA: 15.95 Ac.

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

LEGEND

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

GRAPHIC SCALE



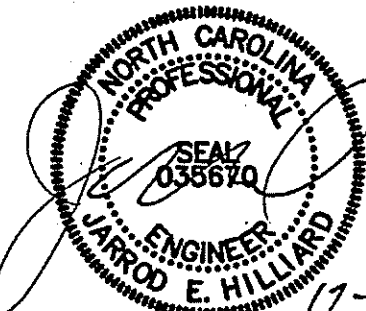
BEFORE YOU DIG
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW



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

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

EROSION CONTROL PLAN

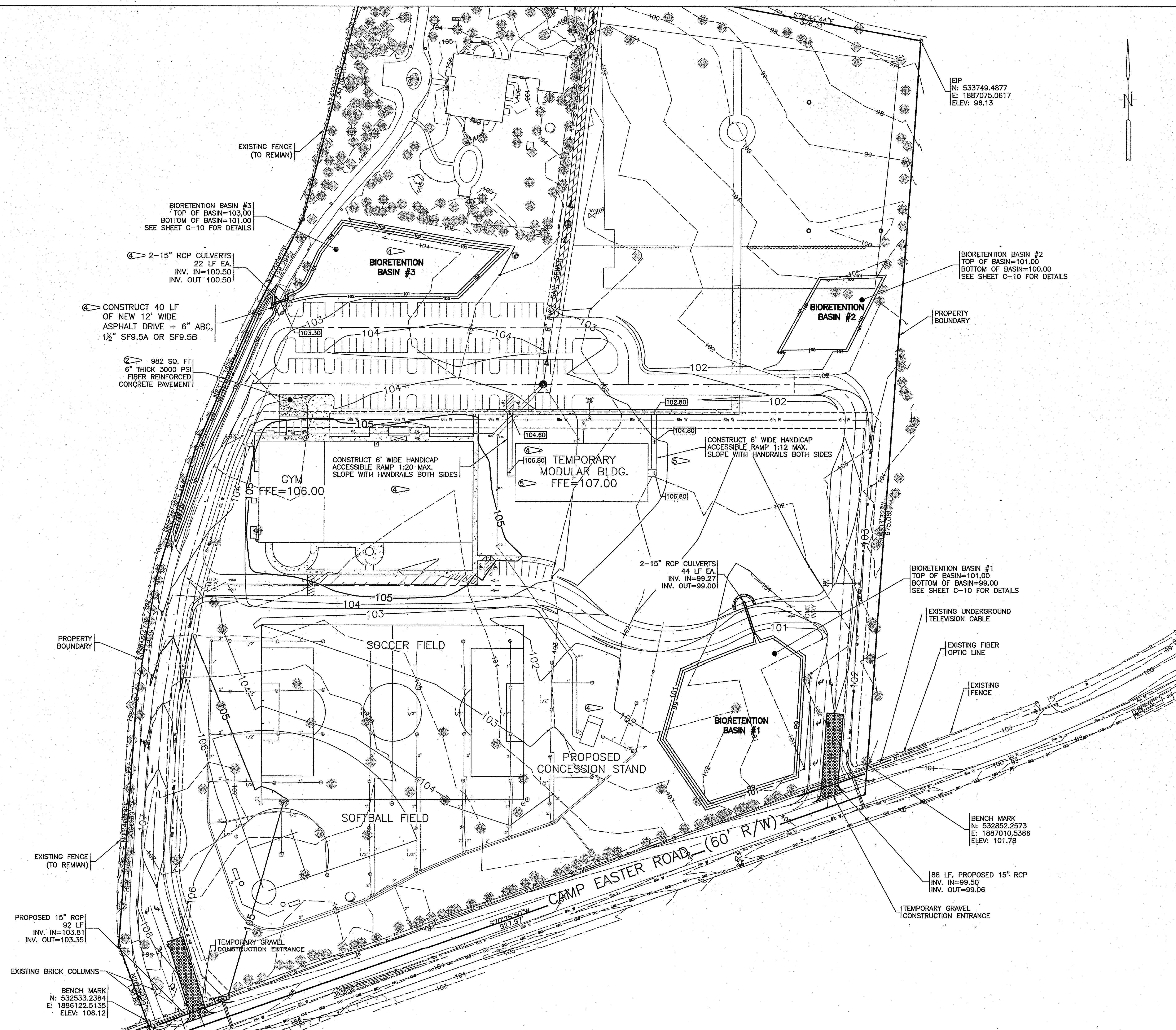


DATE: 02/27/07 REV NO. 1 DATE 10/17/07
DES BY: 1 10/17/07
DWG BY: 2 12/4/07
CHK BY: 3 11/9/09
REV NO. 4 11/30/09
5 12/11/09
6 12/11/09
SP0714
ST. ANTHONY OF
PADUA
CATHOLIC SCHOOL
NCSBC 2006

SHEET NO.

C-03

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



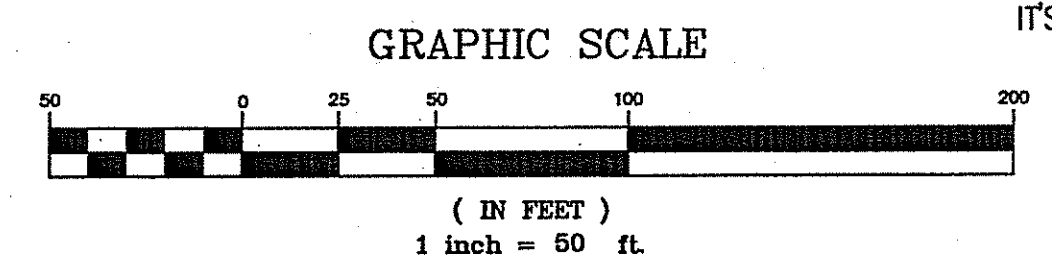
NOTE:

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

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



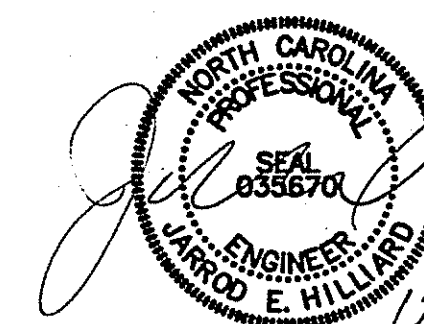
BEFORE YOU DIG!
1-800-632-4949
ONE-CALL CENTER
IT'S THE LAW!



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

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

GRADING AND DRAINAGE PLAN



DATE: 02/27/07	REV NO.	DATE	JOB #:	SP0714
DES BY: --- ②		11/19/07	ST. ANTHONY OF PADUA CATHOLIC SCHOOL	
DWG BY: --- ④		11/9/09		
CHK BY: --- ⑤		11/30/09		
REV NO. ---				
			NCSBC 2006	

SHEET NO.
C-04

Neighborhood Meeting Materials and Records

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

ST. JOHN PAUL II CATHOLIC SCHOOL

1.3.22

Invitation to a Neighborhood Informational Meeting

To Whom It May Concern,

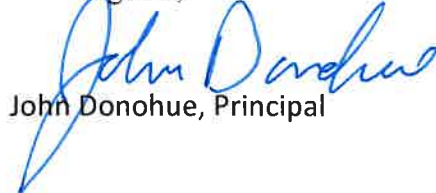
St. John Paul II Catholic School seeks to replace temporary modular classroom buildings with a permanent K-8 educational facility. As an adjacent property owner, you are invited to attend a Neighborhood Meeting to be held at 6:30 PM on Tuesday, January 25, 2022, at St. John Paul II Catholic School located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

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

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

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

Kind regards,



John Donohue, Principal

2922 CAMP EASTER ROAD, SOUTHERN PINES, NC 28387
WWW.SJP2CATHOLICSCHOOL.ORG

910-692-6241

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

SJPCS Properties:

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

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

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

Secondary List of Owners:
(beyond required notification range)

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



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

Please sign in.

Name	Address	OPTIONAL Contact Info / Email
Adam Kiker	215 Pine Barrens Vista Southern Pines	adam@LKCengineering.com
POPE GABRIEL	110 N MAIN ST. SALISBURY	
PETE BOGLE	110 N MAIN ST. SALISBURY	
John Donohue	St. John Paul	jdonohue@sjp2catholic School.org
Robert Evunila	234C Persimmon Dr. Pinebluff, NC 28373	SJP2 REVANILA@sjp2 catholic school.org
Fran: Jim Curry	141 PINE BARNETT SP.	francurry@wind stream.net
Robt A. & Jamie Peche	2741 Camp Easter Rd.	
Scott Dembowski	SJP2	sdembowski80@gmail.com
Rev. John Kane	2752 2952 Camp Easter Rd	Father. Kane@stanthony parish.net
Pete Mace	170 Pine Barrens Vista	petemace007@gmail.com



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

Please sign in.

Name	Address	OPTIONAL Contact Info / Email
TONY BORNHORST	RHEISON Co.	—
Deb Lawson	SJPII	dlawson@jp2catholic
Jim Lawson	255 Pine Needles Ln	School.org
Rev. John Forbes	So. Pines	JimLawson@NC.MCA
JOSH H.	300 Dundee Rd 28374	
	905 HEATHER LN.	
	SOUTHERN PINES	
	28374	
Lloyd Sullivan	225 Pine Barren Ct.	

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



Neighborhood Meeting Presentation



THE BOGLE FIRM,
ARCHITECTURE



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

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

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

St. John Paul II Catholic School

a case statement and feasibility report



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

2021- 2024

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Executive Summary	5
Our Mission, Vision, & Beliefs	6
SJPII Enrollment Breakdowns at a Glance	7
Capital Campaign Goals	8
The Case for Growth	
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Feasibility	15 – 20
Campaign & Finance Plan	
Donations Brackets / Pyramid	21
Engagement Methodologies	22
The Pillars of SJPII Financial Independence	23 - 24
Timeline	25
Conclusion	26

Giving Opportunities

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



Three Year Gift Plans to Consider

	10% Deposit	Annually	Quarterly	Monthly	Weekly
\$250,000	\$25,000	\$75,000	\$18,750	\$6,250	\$1442
\$100,000	\$10,000	\$30,000	\$7,500	\$2,500	\$577
\$50,000	\$5,000	\$15,000	\$3,750	\$1,250	\$288
\$10,000	\$1,000	\$3,000	\$750	\$250	\$58
\$5,000	\$500	\$1,500	\$375	\$125	\$29
\$1,000	\$100	\$300	\$75	\$25	\$6

We can't envision their future without you!

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

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

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

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

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

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



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

Name: _____
Address: _____
City, State _____
Zip: _____
Phone: _____
Email: _____

My Gift or Pledge: _____

Credit Card: _____

Exp: _____ 3 digit code: _____

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

dlawson@sjpcatholicsschool.org



Embracing our
Legacy.
Envisioning our
Future.

Capital Campaign



St. John Paul II Catholic School

2922 Camp Easter Rd.
Southern Pines, NC 28387

www.sjpcatholicsschool.org

BOGLE FIRM
ARCHITECTURE
110 N. MAIN ST. SUITE 200
SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.638.2015
PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

EXISTING CAMPUS PLAN
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

SHEET NUMBER
CDP1
OF: 3

CDP1-01 EXISTING CAMPUS PLAN
SCALE: 1" = 40'-0" @ E-SHEET



BOGLE the FIRM
ARCHITECTURE
110 N. MAIN ST SUITE 200
SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.638.2015
PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

PHASE 1
CAMPUS
PLAN
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II
CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

SHEET NUMBER
CDP2
OF: 3

CDP2-01 PH.1 CONCEPT DEV. PLAN
SCALE: 1"=40'-0" @ E-SHEET



BOGLE FIRM ARCHITECTURE

110 N. MAIN ST SUITE 200 SALISBURY, NC 28144

pete@boglefirm.com www.boglefirm.com 704.638.2015

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

FUTURE CAMPUS PLAN
TOWN OF SOTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

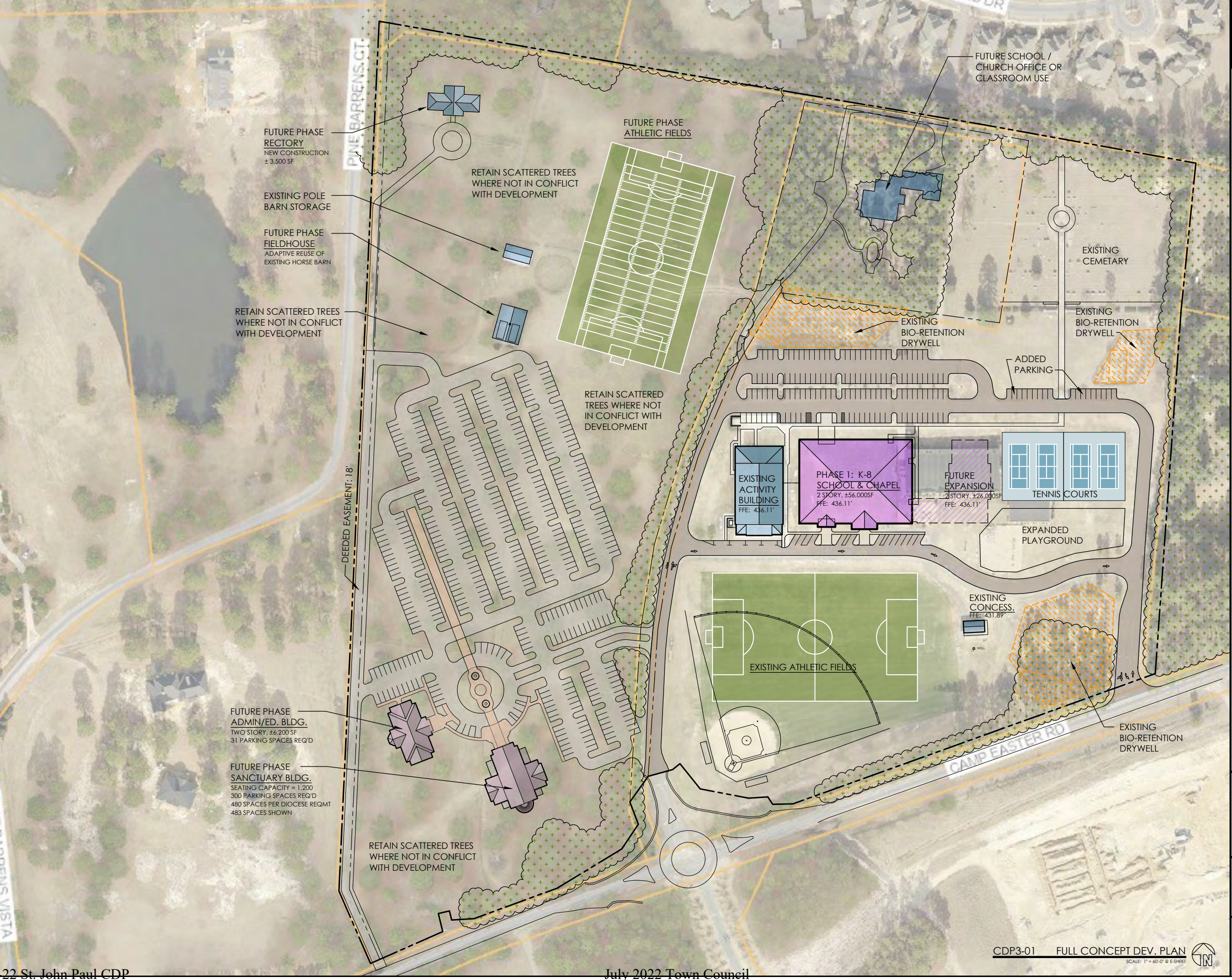
DRAWN BY: DRB
CHECKED BY: DRB
DATE: 11.2.21
PROJECT #:

SHEET NUMBER
CDP3

OF: 3

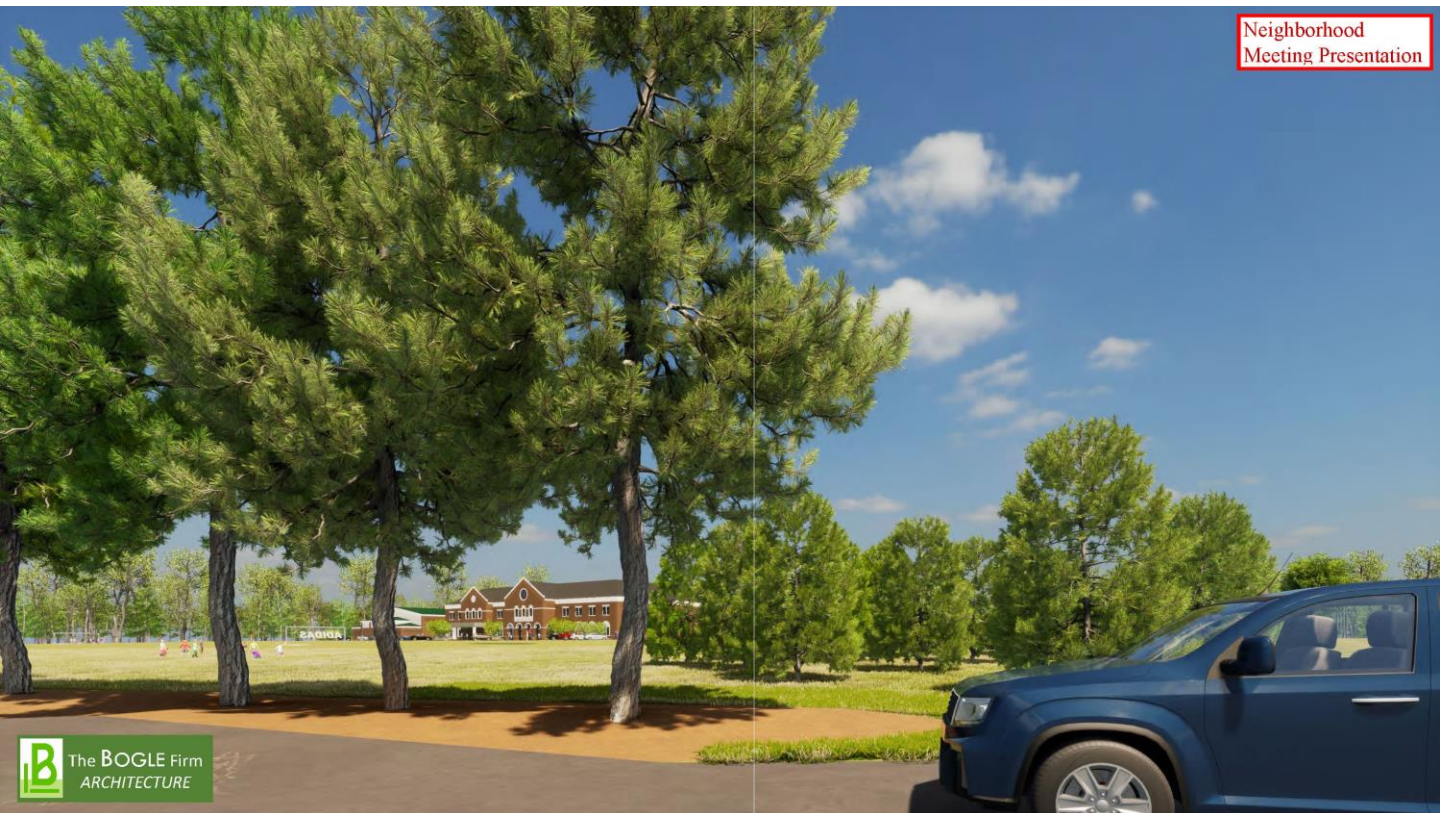
CDP3-01 FULL CONCEPT DEV. PLAN

SCALE: 1" = 40'-0" @ E-SHEET





THE **BOGLE FIRM**,
ARCHITECTURE









Neighborhood Meeting Presentation



I, Ryan D. McBryde, certify that this plot was drawn under my supervision and that the survey was made under my supervision (deed Book 3607, Page 109); that the boundaries and easements are clearly indicated as drawn from information on record; that the ratio of precision as calculated is 1:20,000; that this plot was prepared in accordance with the rules and regulations of the Surveying Board of North Carolina as amended. Witness my original signature and seal this 20 day of May 2012.

Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

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

Legend:

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

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

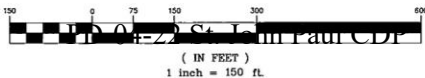
- ☐ A. That this plot is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plot is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☒ C. That this plot is of a survey of an existing parcel or parcels of land and does not create a new street or change an existing street.
- ☐ D. That this plot is of a survey of another category, such as the recombination of existing parcels, a court survey, or an exception to the definition of subdivision.
- ☐ E. That the information available to this surveyor is such that he is unable to make a determination to this plot as a professional ability as to provisions contained in (A) through (D) above.

Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

Date

GRAPHIC SCALE



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

MR. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARRIAGE, NORTH CAROLINA 28327

Robert Carrington
Deed Book 827, Page 79

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

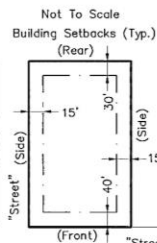
Per D.B. 3607, PG 109
Moore County Registry

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

Lloyd Sullivan
Deed Book 1965, Page 125

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

Morris Minton
Deed Book 3361, Page 593



Voluntary Agricultural Proximity Statement

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

Roman Catholic Diocese
Deed Book 1958, Page 523

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

Survey For:
Roman Catholic Diocese
of Raleigh North Carolina

20.82 Acres

McNeill, Moore County
Southern Pines, North Carolina

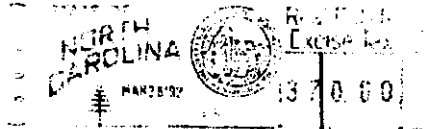
May 2, 2012 Job # 120066
Revised May 8, 2012

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

July 2022 Town Council

806 Bethesda Ave
Asheville, N.C. 28715

TAX ADDRESS
RECORDING \$10.00
STAMP 370.00
TOTAL \$380.00



BOOK
008270

Neighborhood
Meeting Presentation

Mar 26 2 29 PM '92

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

Excise Tax Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.

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

by

Mail after recording to Arthur Rowe
155 E. New Hampshire Rd., Southern Pines, N. C. 28387

This instrument was prepared by Barclays Bank of North Carolina

Brief description for the Index 6.13 acres
Camp Easter Road

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 17th day of March, 1992, by and between

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

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

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

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

See Exhibit A Attached Hereto

Row

14-3903

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

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

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

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

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

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

BARCLAYS BANK OF NORTH CAROLINA

By: *[Signature]*
Senior Vice President

ATTEST: *[Signature]*
Assistant Secretary (Corporate Seal)

USE BLACK INK ONLY

(SEAL)
(SEAL)
(SEAL)
(SEAL)

SEAL-STAMP

NORTH CAROLINA, County.

I, a Notary Public of the County and State aforesaid, certify that
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this day of 19.

My commission expires: Notary Public

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

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

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

North Carolina--Moore County

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

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

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY
By *[Signature]* Deputy/Assistant - Register of Deeds

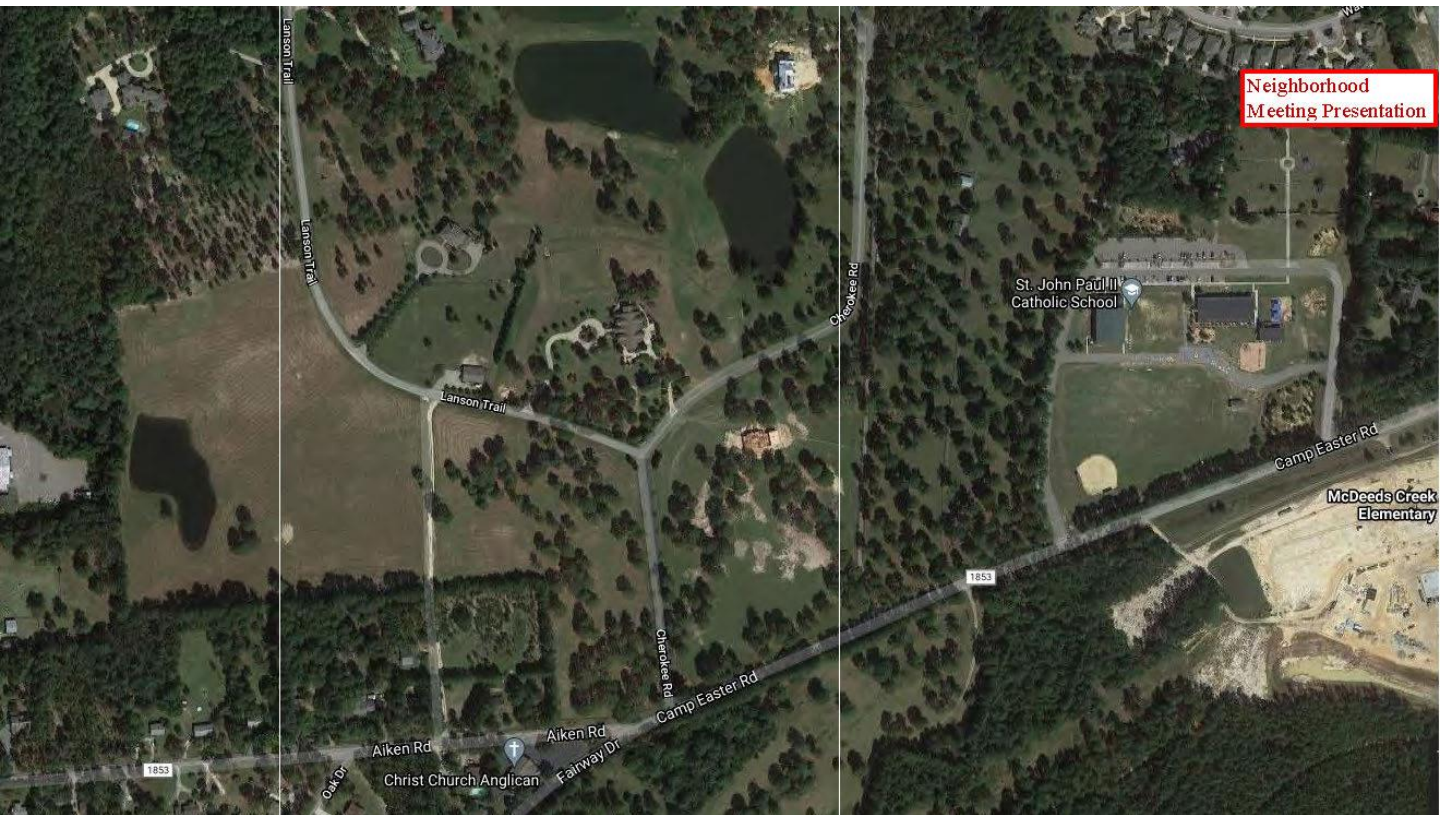
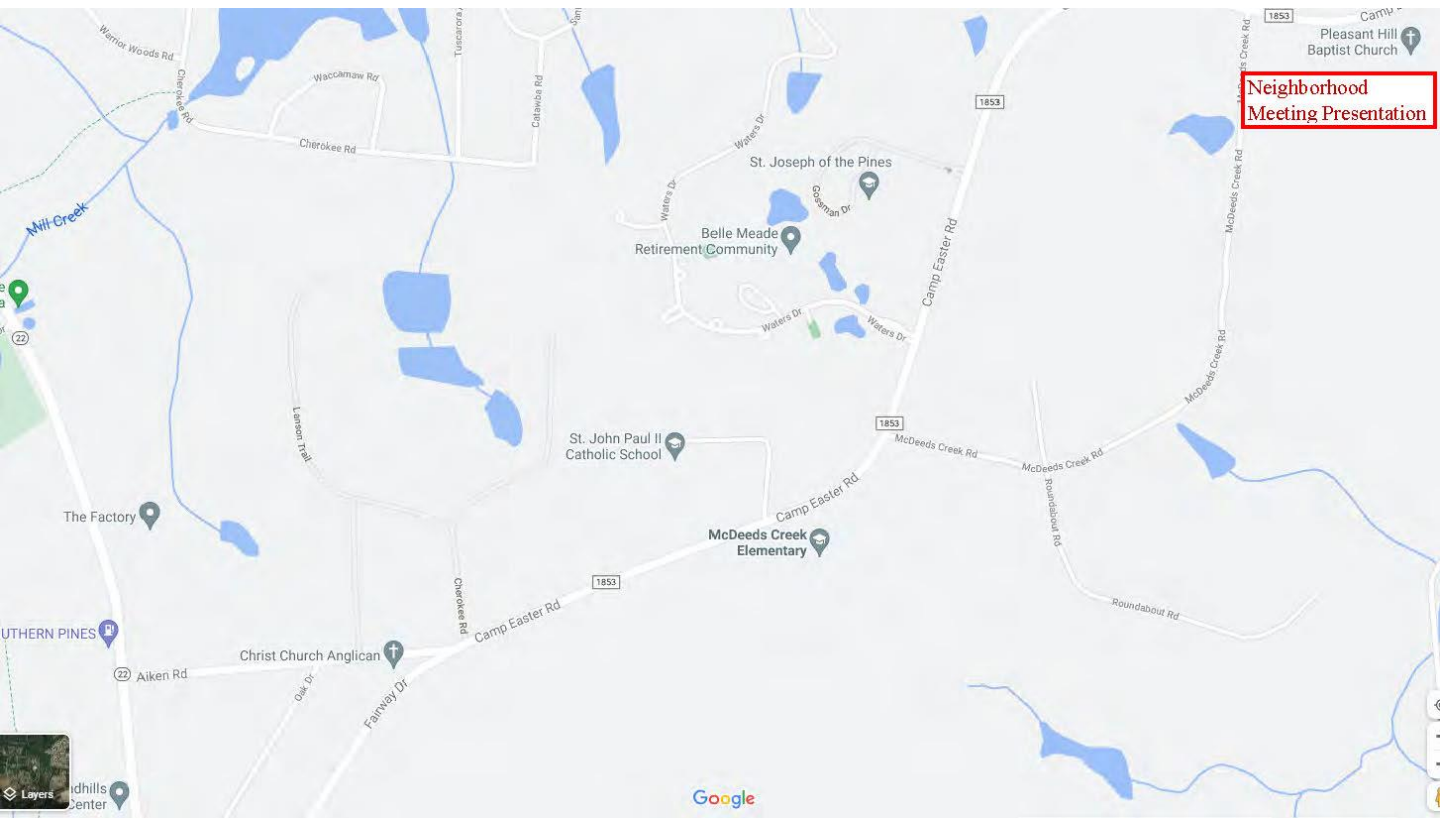
A certain tract of land located North of the Town of Southern Pines and lying about 600 yards North of State Road No. 1853 (Aiken Road), adjoining the lands of Kelly Miller, et al on the North, East, and South and the 18 feet wide Camp Easter Road on the West, described as follows: BEGINNING at iron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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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





CONSTRUCTION NOTES:

1. EROSION PLAN APPROVAL AND OTHER APPLICABLE PERMIT. NO MEASURE SHALL BE REMOVED WITHOUT TOWN OF SOUTHERN PINES APPROVAL.
2. TRUCKS ENTERING AND EXITING FROM SITE MUST DO SO ONLY FROM CONSTRUCTION ENTRANCE.
3. DENOURED/CLEARING LIMITS SHOWN ON THESE PLANS ARE APPROXIMATE AND MAXIMUM. CONSTRUCTION SHALL SET CLEARING LIMITS BASED ON MINIMUM AMOUNT OF AREA REQUIRED TO CONSTRUCT THE PROPOSED IMPROVEMENTS DEPICTED WITHIN THESE PLANS.
4. SEE EROSION CONTROL DETAILS, SHEET D-1.0, D-1.1, AND D-1.2 FOR EROSION CONTROL DETAILS, CONSTRUCTION AND MAINTENANCE SCHEDULES.
5. THE LOCATION OF THE EXISTING UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL CONTACT THE UTILITY LOCATION SERVICE ("NORTH CAROLINA ONE CALL" - 1-800-432-6949) FOR EXACT LOCATION OF ALL UNDERGROUND MAINS, CABLE, OR LINE BEFORE CONSTRUCTION BEGINS.
6. THE APPROPRIATE UTILITY COMPANY SHALL BE NOTIFIED BY THE CONTRACTOR 48 HOURS IN ADVANCE OF ANY EXCAVATION INVOLVING THEIR UTILITIES SO THAT A COMPANY REPRESENTATIVE CAN BE PRESENT.
7. TRUCKING ON OR ABOUT THE SITE WILL BE PERMITTED ONLY WITHIN REASONABLE LIMITS AND THE CONTRACTOR SHALL NOT UNREASONABLY ENCUMBER THE PREMISES WITH HIS EQUIPMENT AND MATERIALS. THE STORAGE SHALL BE CONFINED TO SUCH LIMITS AS MAY BE JOINTLY AGREED BY OWNER AND CONTRACTOR.

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

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

LEGEND

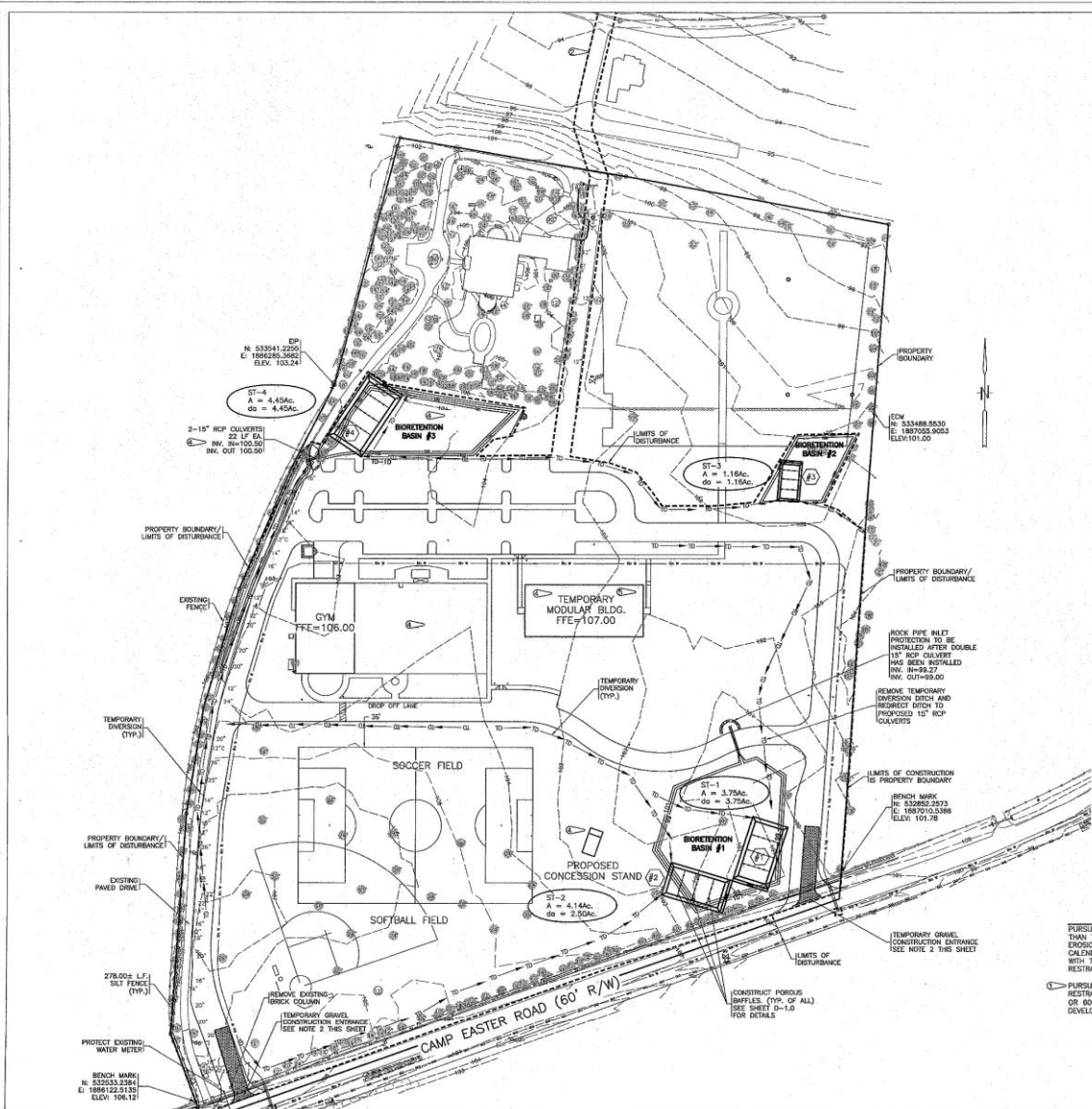
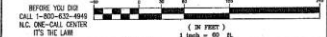
- EXISTING CONTOURS
- PROPERTY BOUNDARY
- EXISTING WATER MAIN
- EXISTING RIGHT OF WAY
- EXISTING PREPARE TANK
- EXISTING PINE & CHALPER
- EXISTING CEDAR & CHALPER
- EXISTING OAK & CHALPER
- EXISTING FIBER OPTIC
- EXISTING TELEVISION CABLE
- EXISTING GAS LINE
- SEDIMENT TRAP
- SEDIMENT TRAP CALLOUT
-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

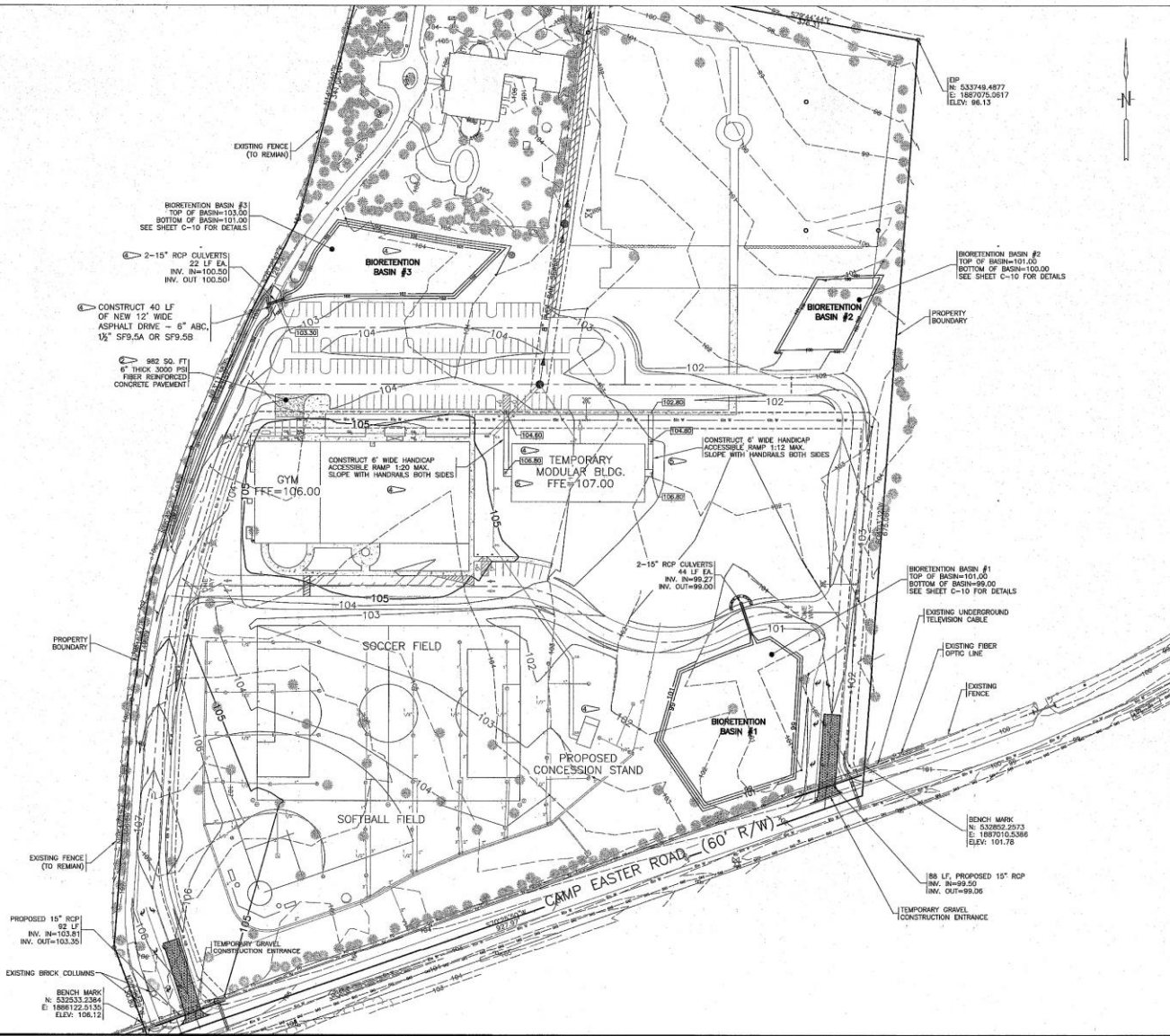
NOTE:

- PURSUANT TO G.S. 133-42(7), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE MAINTAINED BY VEGETATIVE COVER OR OTHER APPROPRIATE EROSION-CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED MUST, WITHIN 21 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES, OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION.
- PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 60 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.

DISTURBED AREA: 15.95 Ac.±

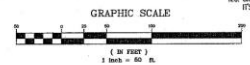
RIVER BASIN: CAPE FEAR
CLASSIFIED: CLASS-III; HQW





NOTE:
1. EXISTING AND PROPOSED STORM SEWER SYSTEMS AND PROPOSED BIOTENTION BASIN WILL BE PRIMARILY OWNED AND MAINTAINED.

LEGEND	
—	EDM
—	CB
—	SP
—	EXISTING CONTOUR
—	PROPOSED CONTOUR
—	PROPERTY BOUNDARY
—	HIGHER RIGHT OF WAY
—	UNDERGROUND FIBER OPTIC
—	EXISTING CABLE
—	EXISTING FENCE
—	EXISTING WATER
—	EXISTING GAS
—	CABLE TV BOX
—	EXISTING WELL
—	EXISTING IRRIGATION VALVE
—	EXISTING PROPANE TANK
—	EXISTING POWER POLE
—	EXISTING PINE & CALIPER
—	EXISTING CEDAR & CALIPER
—	EXISTING OAK & CALIPER





Subject: Neighborhood Meeting – 01/25/22

Project: Saint John Paul II Catholic School CDP

Date: 01/26/22

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

Light Pollution

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

Traffic

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

Construction

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

Church and School

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

Easement

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

Miscellaneous

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

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

Welcome & Introductions & Overview (John Donohue)

Attending:

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

Rhetson Construction: • Tony Bornhorst, Project Manager

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

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

Additional Signed-In Neighbors/Attendees numbering 13

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

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

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

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

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

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

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

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

Bogle explained the SJPII site plan as three pieces of property

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

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

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

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

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

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

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

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

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

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

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

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

- **NOTE ADDED BY BOGLE FIRM: GUEST WAS CORRECT THAT RELIGIOUS USE IS NOT ALLOWED AS CURRENTLY ZONED IN RE. RELIGIOUS USE COULD BE APPLIED AS PART OF THE PD REZONING.**
- There was a recurring concern that lending support to the master site plan at the CDP stage while it includes such a detailed future phase design would, in essence, push through the future phase without any meetings, stopgaps, or due process come some later date. Bogle noted that even with a future phase in this master site plan, it would not curtail the requisite studies and meetings should the future phase design ever be pursued.
- Loss of trees.
- Impact on wildlife.

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

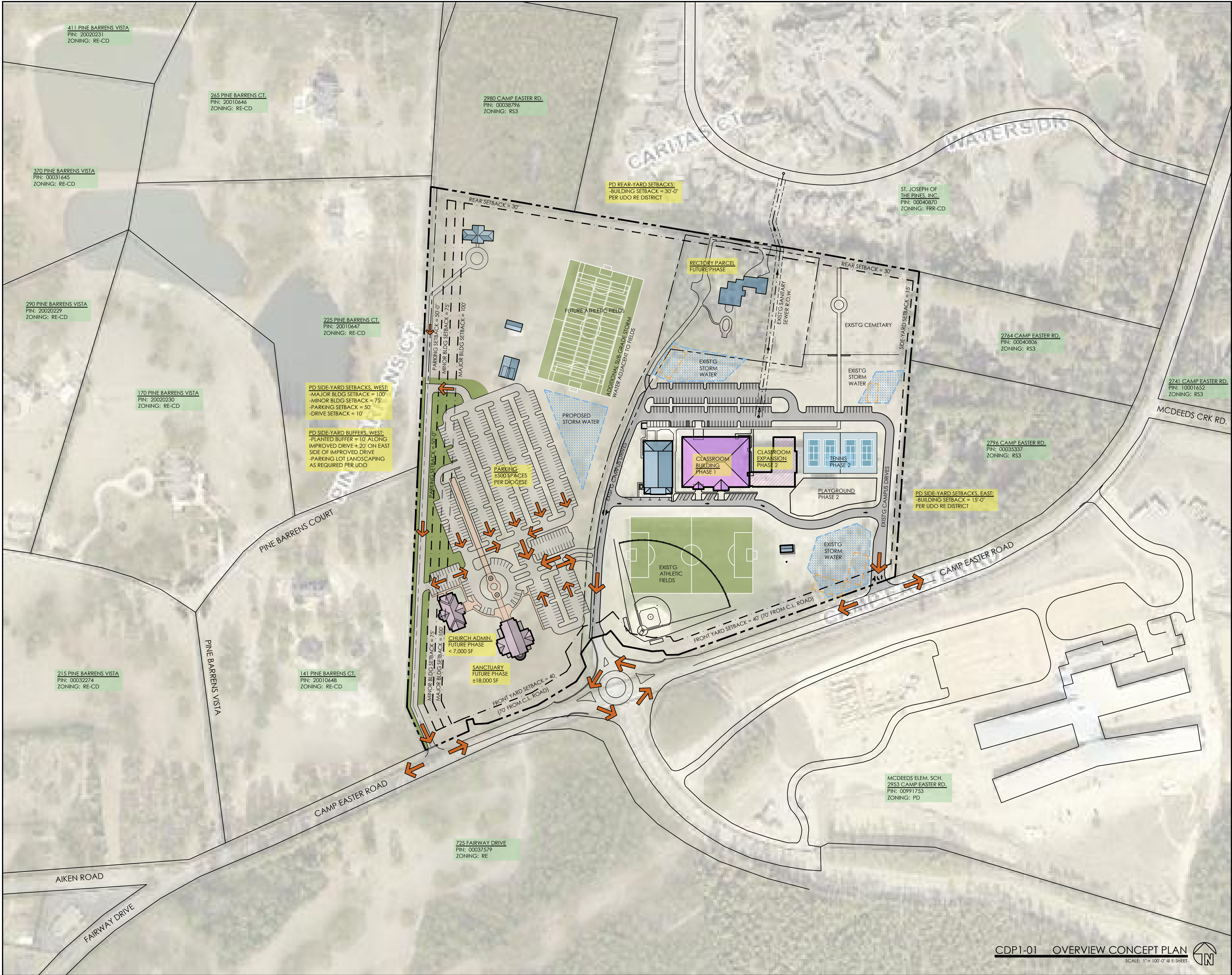
Bogle noted that there might be an additional easement on the far side of SJPII's easement belonging to others. If so, it would be an easement with which his firm would not be aware. While no one could say for certain, this was one of the possibilities noted to address a claim by a neighbor that a surveyor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

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

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

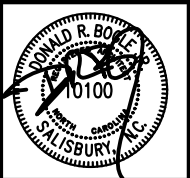
Conceptual Development Plan

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



OVERVIEW
CONCEPT
PLAN
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II
CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

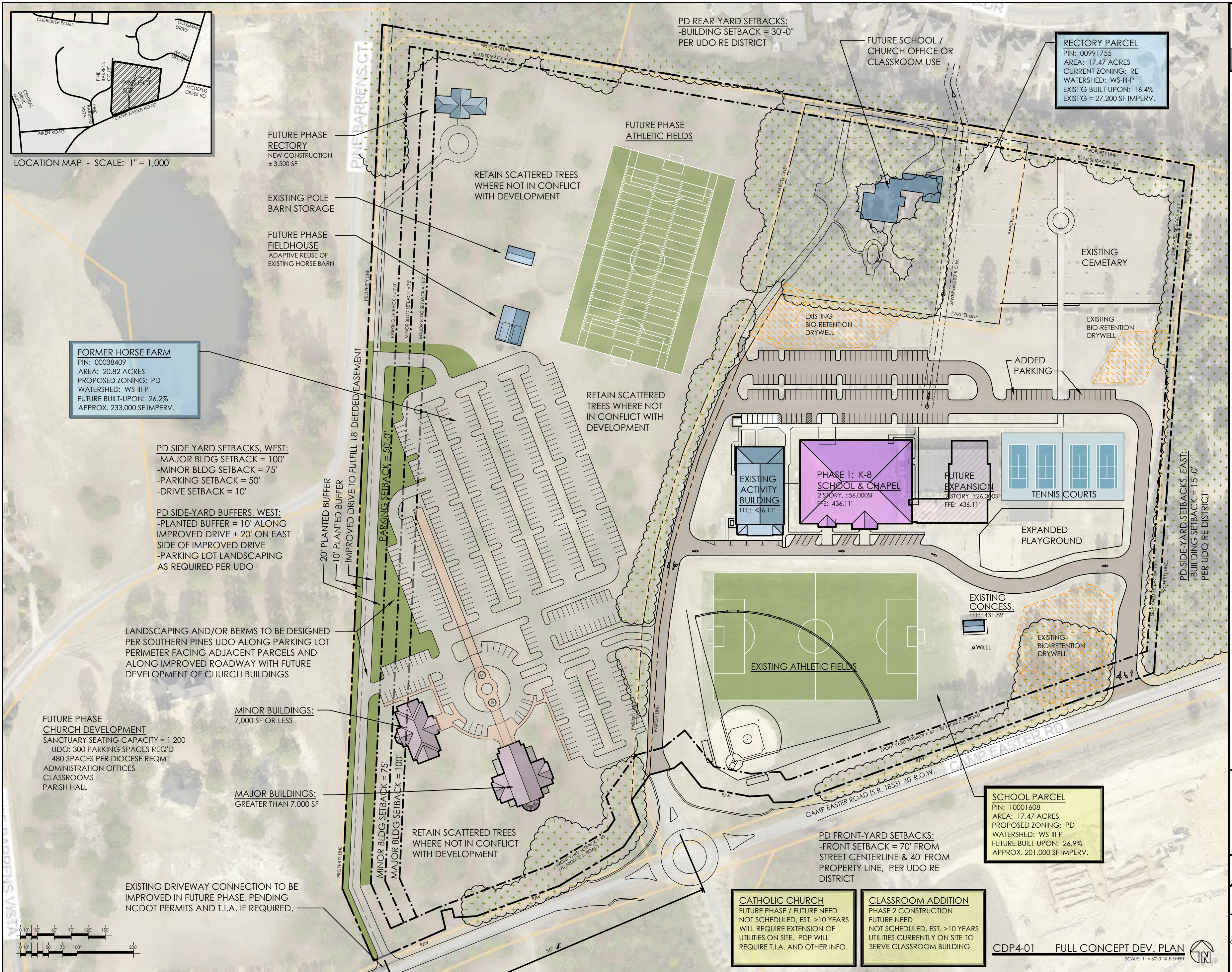


DRAWN BY: DRB
CHECKED BY: DRB
DATE: 2.7.22
PROJECT #:

SHEET NUMBER
CDP1
OF: 4

CDP1-01 OVERVIEW CONCEPT PLAN
SCALE: 1" = 100'-0" @ E-SHEET



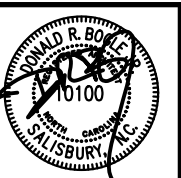


**FUTURE PHASE
CAMPUS
PLAN**

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

**ST. JOHN PAUL II
CATHOLIC SCH.**

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC



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

SHEET NUMBER
CDP4
OF: 4

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

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

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



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: PD-04-22 – Conceptual Development Plan

Location: 2978 Camp Easter Road

PIN#: 858315538280, 858315635655, and 858315635197

March 8, 2022

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

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

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

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

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

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

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Vagn K. Hansen II, AICP, Executive Director

BJ Grieve

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

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

Cindy,

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

Thank you,

Dago

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

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315



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

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

<ristre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>

Cc: BJ Grieve <BJGrieve@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>

Subject: [External] PD-04-22 St. John Paul II Catholic School

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

Good morning,

Please review the attached Notice regarding a proposed Conceptual Development Plan for St. Jon Paul II Catholic School and respond with any comments or concerns at your earliest convenience.

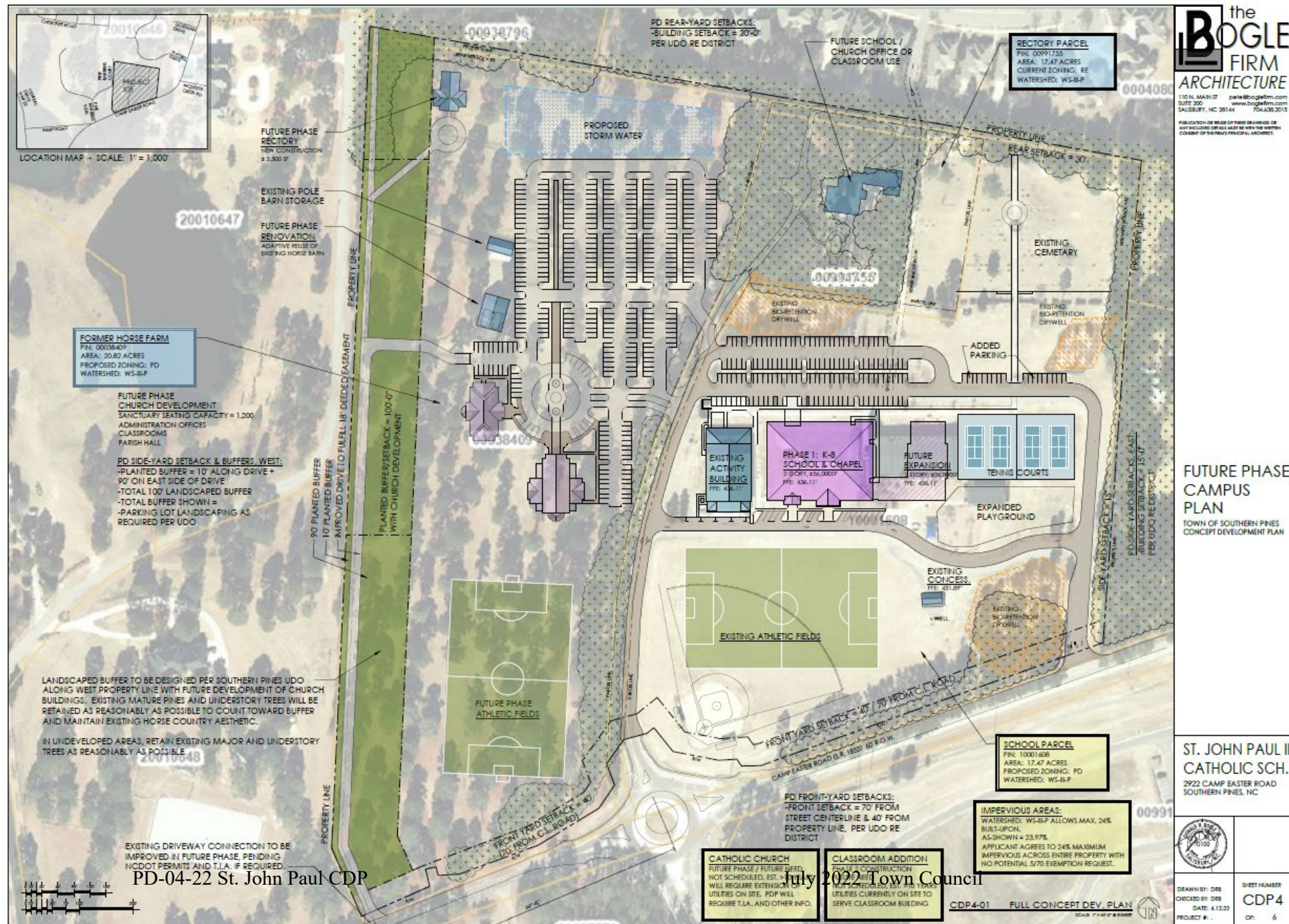
Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

ADJUSTED CDP SITE PLAN



Adjustments made based on comments from Planning Board including:

- Location of Church Development
- Reduction of New Parking
- Addition of 100' Buffer / Setback
- Revised on-site Traffic Flow
- Maximum 24% Impervious



ATTACHMENT A

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

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

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

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

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

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

PD-04-22 St. John Paul CDP

Findings from Planning Board:

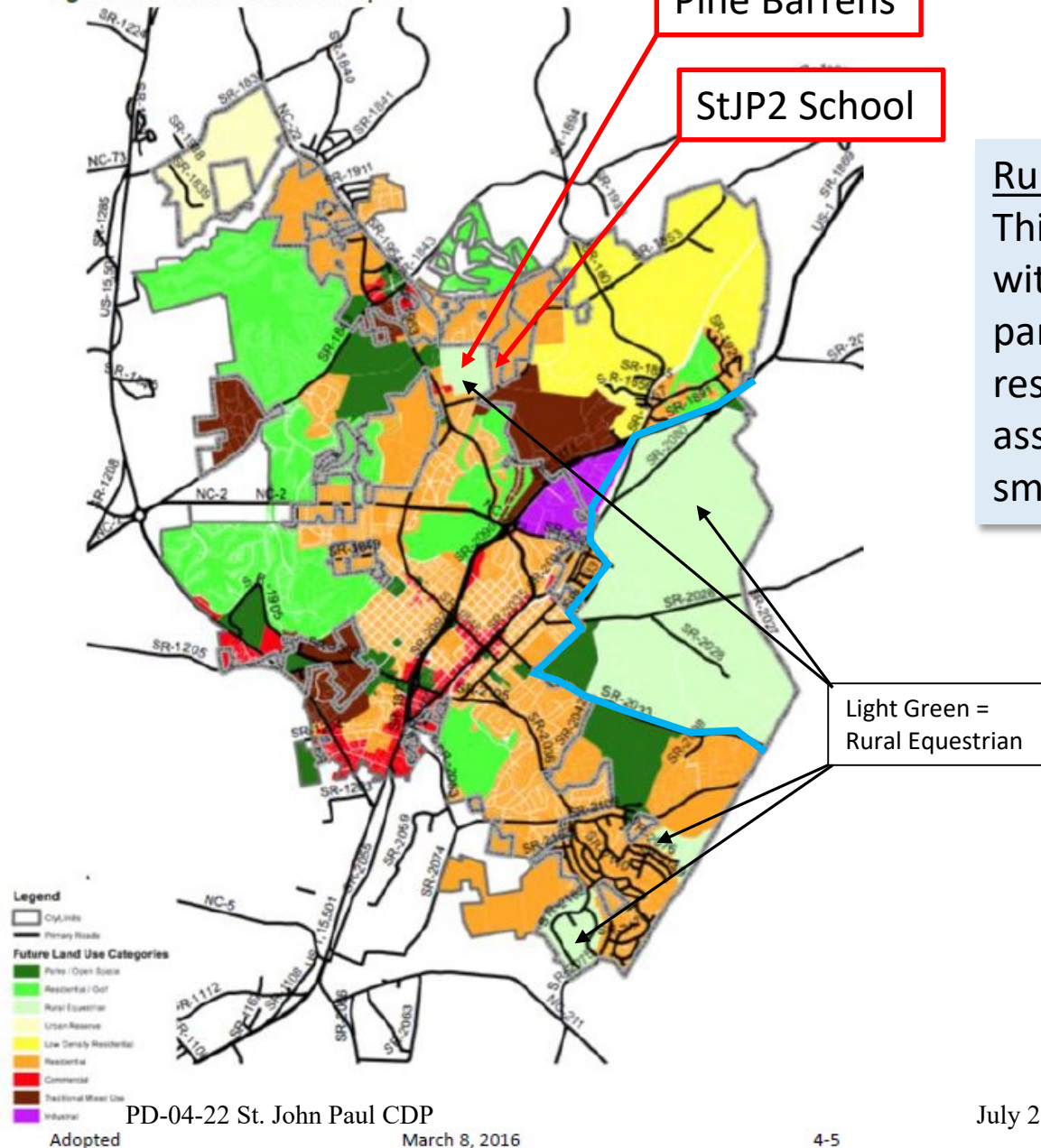
- 1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
- 2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
- 3) "Church Development" on west parcel represents an Overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 which is the retention of the aesthetic and functionary characteristics of Horse Country.
- 4) Scale, Location, Buffering issues of the future church development "could be inconsistent with the residential future land use designation."
- 5) Proposed development's scale may be inappropriate for the area of town in which it is located, and is concern particularly about the impacts on traffic Camp Easter Road and surrounding properties."

Answering Planning Board's Identified Findings:

- 1) Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?
- 2) Is the Church Development Scale, Location, and Buffering inconsistent with the CLRP residential future land use designation?
- 3) Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?

Figure 4.6 – Future Land Use Map



Pine Barrens

StJP2 School

Light Green =
Rural Equestrian

Southern Pines Comprehensive Long-Range Plan

dynamic. Enabled by at least two things – mobility and a County-wide retail tax-sharing arrangement – the Town and its neighbors have to a large degree become specialized, each able to focus energies and

Future Land Use Categories

The future land use map included in this

Rural Equestrian Definition

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms, the keeping of large animals or other small-scale agricultural pursuits.



Figure 4.2 - The plan envisions increased density in concert with existing urban patterns. In some areas, neighborhood mixed-use centers could emerge, including commercial offerings such as this restaurant in West Southern Pines. Captioning this image, a participant wrote: "Like - Dining al fresco, local restaurant." (Image source: Camera exercise participant)

It is not surprising that the overall tenor of the Plan and the land use patterns articulated in this chapter is focused on retaining, and where possible, refining or building on Southern Pines existing qualities. The desire to become a more sustainable, diverse, self-reliant and compact place over time, will be balanced by the desire to preserve the Town's assets.

use. While neighborhood parks will exist within other land use designations, the parks and open spaces in this category are generally oriented to regional recreation or open space preservation.

Residential/Golf

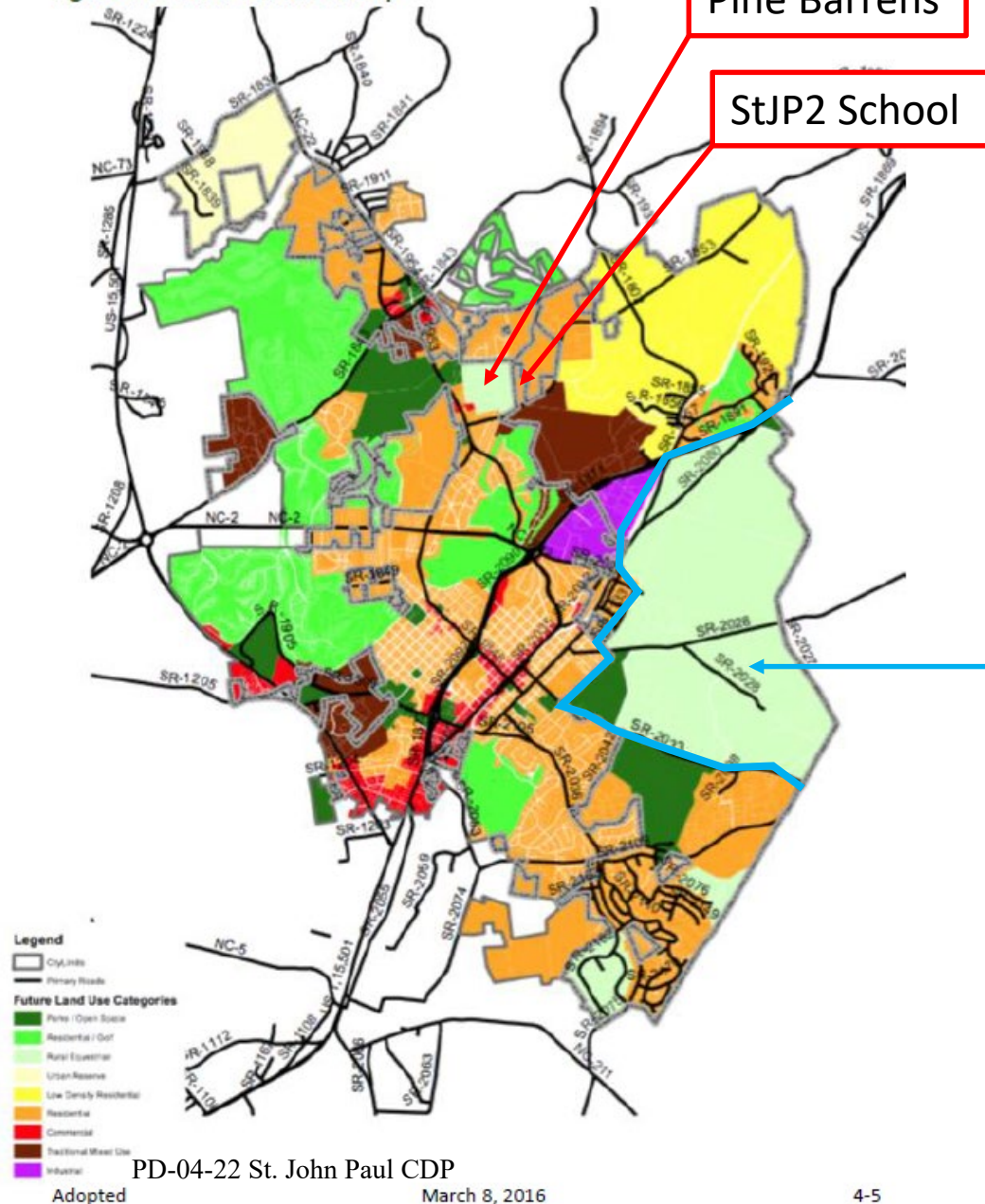
The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.

Rural/Equestrian

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms,

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?

Figure 4.6 – Future Land Use Map



Southern Pines Comprehensive Long-Range Plan

Growth management: A wide range of techniques used in combination to determine the amount, type, and rate of growth and to direct it to designated and appropriate areas.

Hazardous Areas: An area in which a danger is present, or likely to be present, in quantities that require special precautions for construction.

Historic Landscapes: The plantings and arrangement of roads, parks, institutions, and landscaped areas, designated as or consistent with the intentions of Southern Pines' founding design principles.

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities.

Housing Forms: A range of residential types such as: single-family, condominium, multifamily, or town home.

Impacts: Consequences (both good and bad) of an action or decision that occur beyond the site under consideration.

Impervious Surfaces: Those paving, roofing or other impermeable surfaces that impede the flow of rainwater or storm runoff into the ground.

Implementation Measure: Regulatory and non-regulatory measures used to carry out the plan.

Indigenous (Landscaping) Materials: Plants and landscaping materials generally recognized as being native to an area.

CLRP Definition

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities.

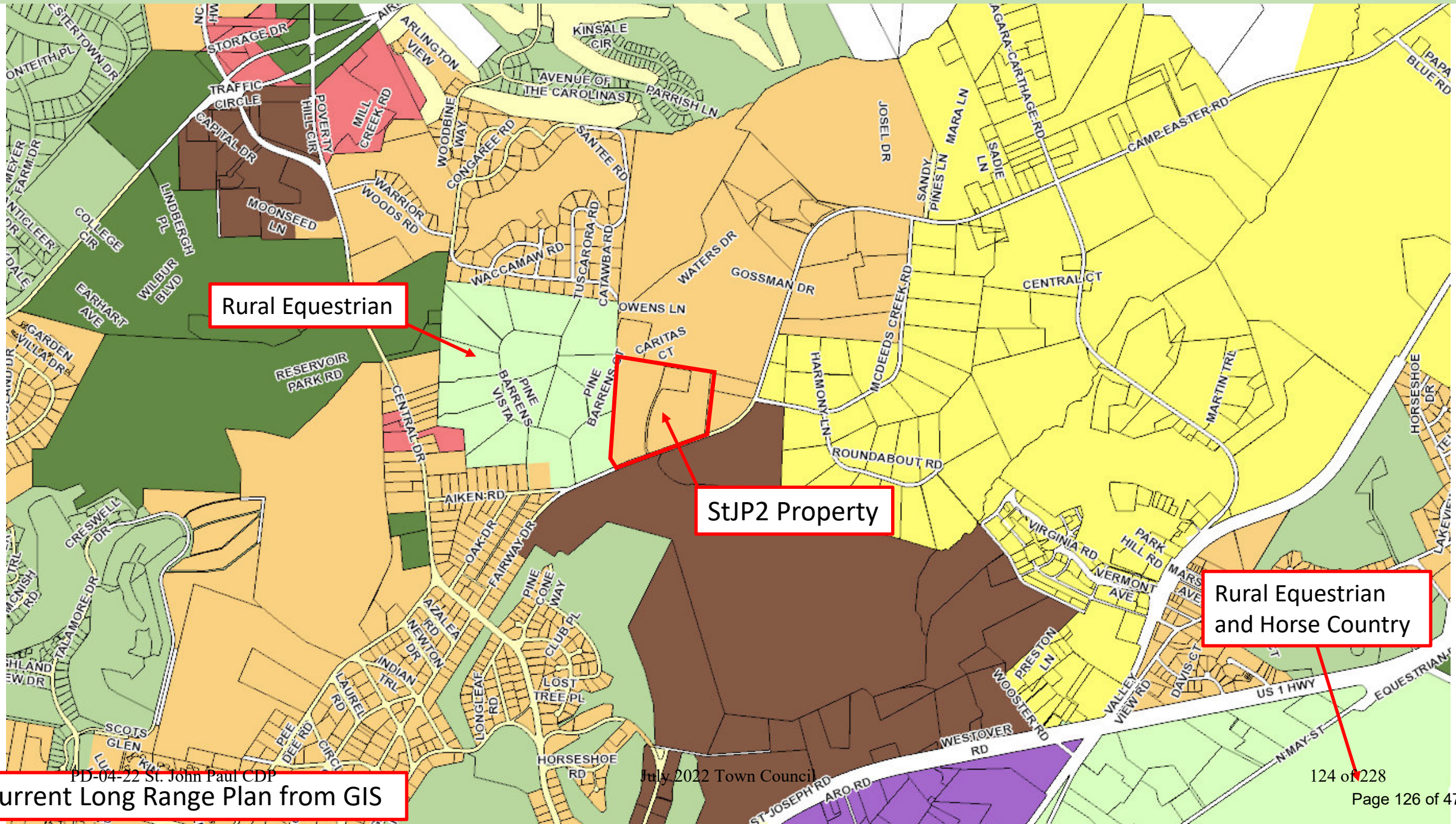
accommodating and dispersing traffic flow.

Land Bank: Land is acquired independently of a specific development project, for the expressed purpose of providing affordable housing at a future time.

Land Conservation: The placement of dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic of the property to development.

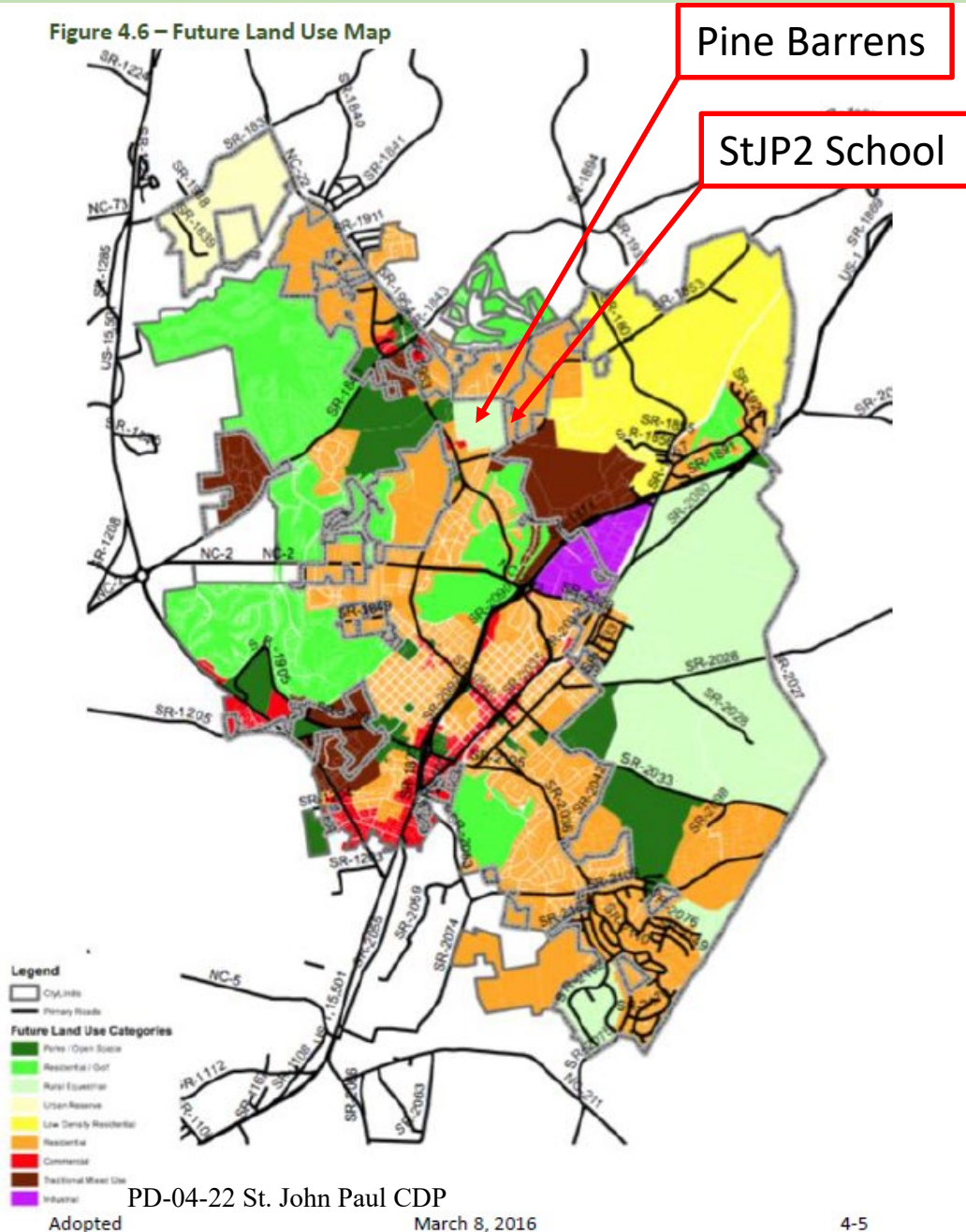
Land Use: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?



Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?

Figure 4.6 – Future Land Use Map



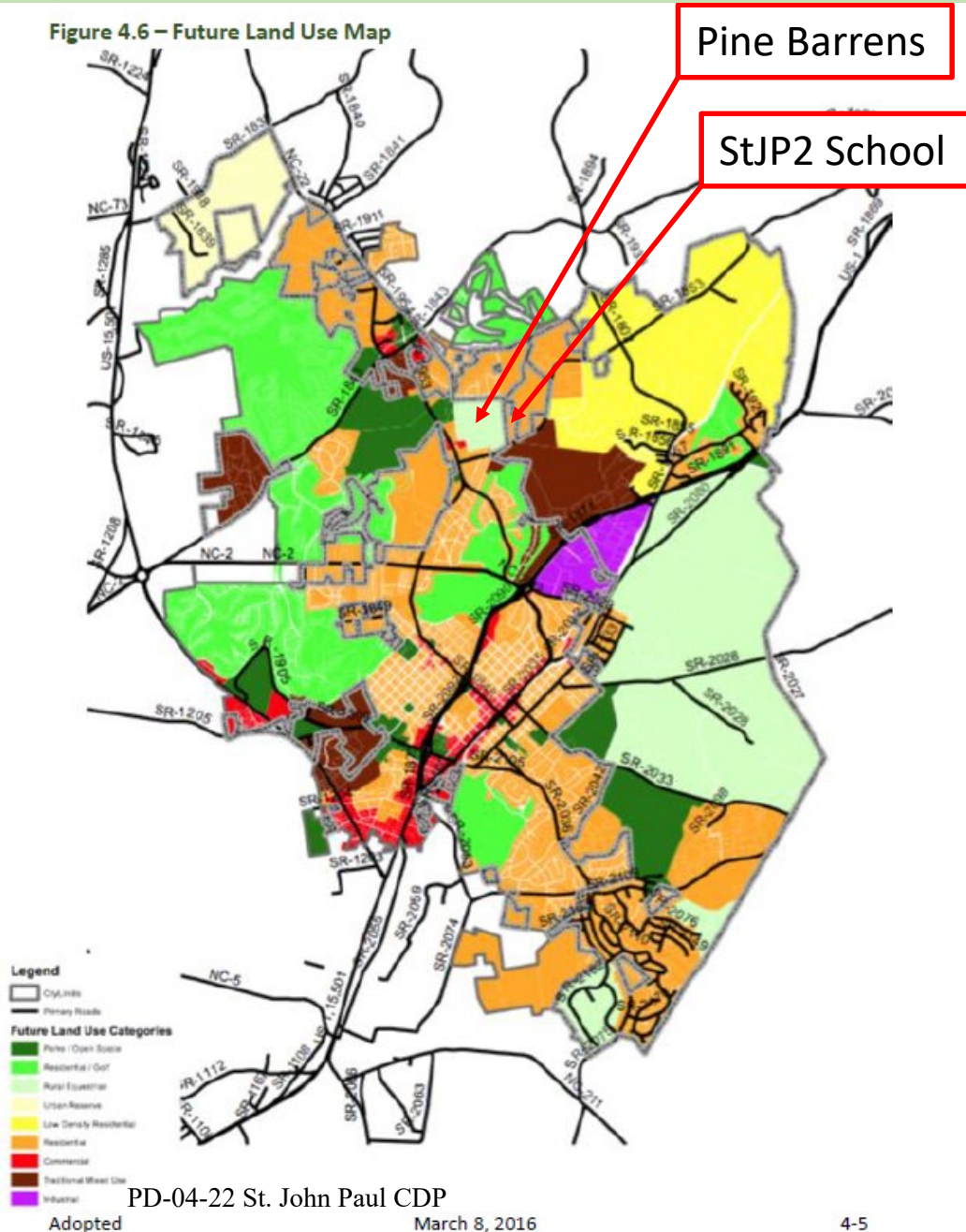
G-5. Horse Country. Retain the aesthetic and functional characteristics of Horse Country.

P-5. Horse Country. Ensure new growth and development in Horse Country is compatible with existing Horse Country use and design characteristics by:

- Engaging equestrian organizations and property owners;
- Coordinating with Moore County, land trusts and others on effective land use strategies;
- Coordinating with NCDOT, Moore County and Fort Bragg on appropriate transportation strategies, such as greenway and trail development in coordination with roadway enhancements; and
- Minimizing public investment in infrastructure that promotes inappropriate urban encroachment.

Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?

Figure 4.6 – Future Land Use Map



Revised CDP Site Plan is not inconsistent with CLRP Goal 5 based on the following:

- StJP2 land is not identified as either Rural Equestrian or Horse Country as defined by the CLRP.
- Adjusted CDP Site Plan includes a 100' setback and planted buffer to visually screen and physically separate future Church Development from the existing Rural Equestrian designated parcels within Pine Barrens.
- Function of Horse Country: Church development with 100' planted buffer & setback provides more protection to the function of horse country than is currently established at a recently built riding arena which is 175 feet from Camp Easter Road, with no buffer and few trees.
- Existing topography and natural vegetation provides additional visual separation as seen in these images...

Overview Map

CARTHAGE
WHISPERING
PINES
PINEHURST
SOUTHERN
PINES
ABERDEEN

Current Segment:

174.66 Feet

Total:

0.00 Feet

Quick Search

Advanced Search

Search Builder

Coordinate Search

Comparable Search

Function: Riding Arena built 175' from Camp Easter Road ROW. One line of mature pine trees separating riding arena from road. Pasture fencing within 75' from the road edge.

PD-04-22 St. John Paul CDP

July 2022 Town Council

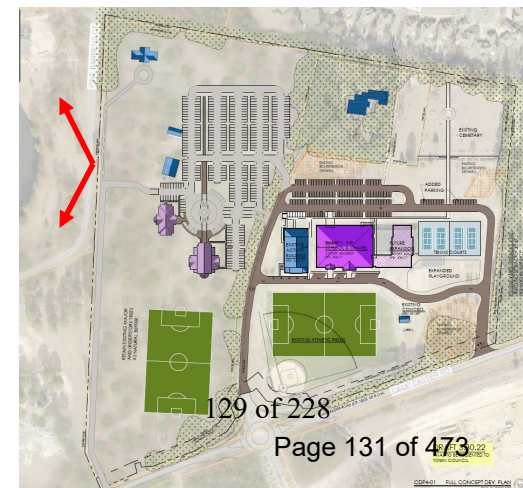
127 of 228

Page 129 of 473



VISUAL SEPARATION - EXISTING











At west boundary of proposed parking area, looking toward Pine Barrens





PD-04-22 St. John Paul CDP



Images along existing Easement, at proposed parking lot connection, looking into Pine Barrens. Existing trees, grade change, pond area.

July 2022 Town Council





Images along existing Easement, at proposed parking lot connection, looking into Church Site.





My Volvo S90 parked in western parking area, viewed from proposed drive connection at existing easement.

100' Buffer extends roughly to top of rise.





From existing easement /
property line, looking
toward Mace House

±950 feet from shown
Church location to Mace
house





From 100 feet into site,
viewing toward Currey
house.

±450' from Currey house to
Athletic field where shown.



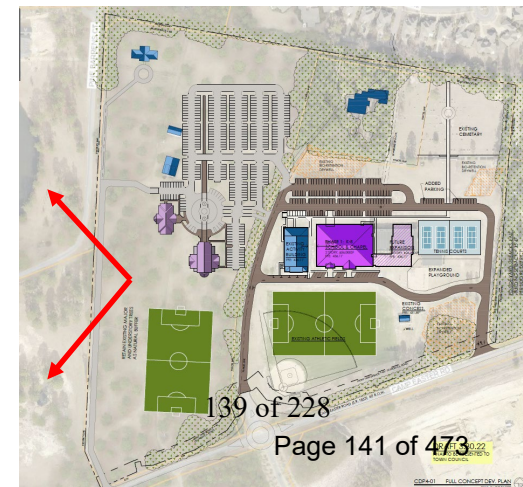


From 100 feet into site,
parallel to front of Church
Development, viewing
toward Currey house.



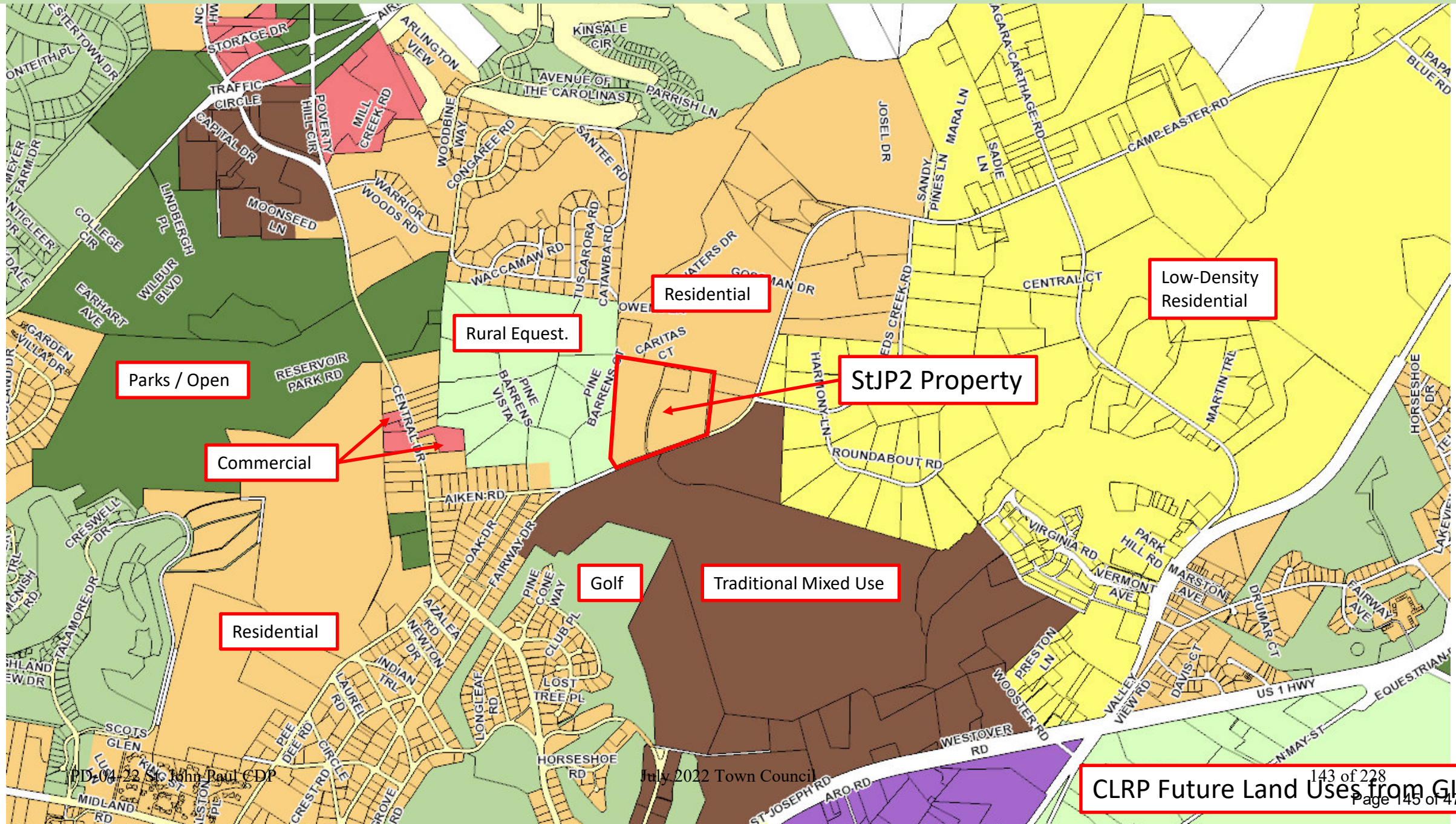


PANO from same spot - 100 feet into site,
parallel to front of Church Development,
viewing toward Currey & Mace house.

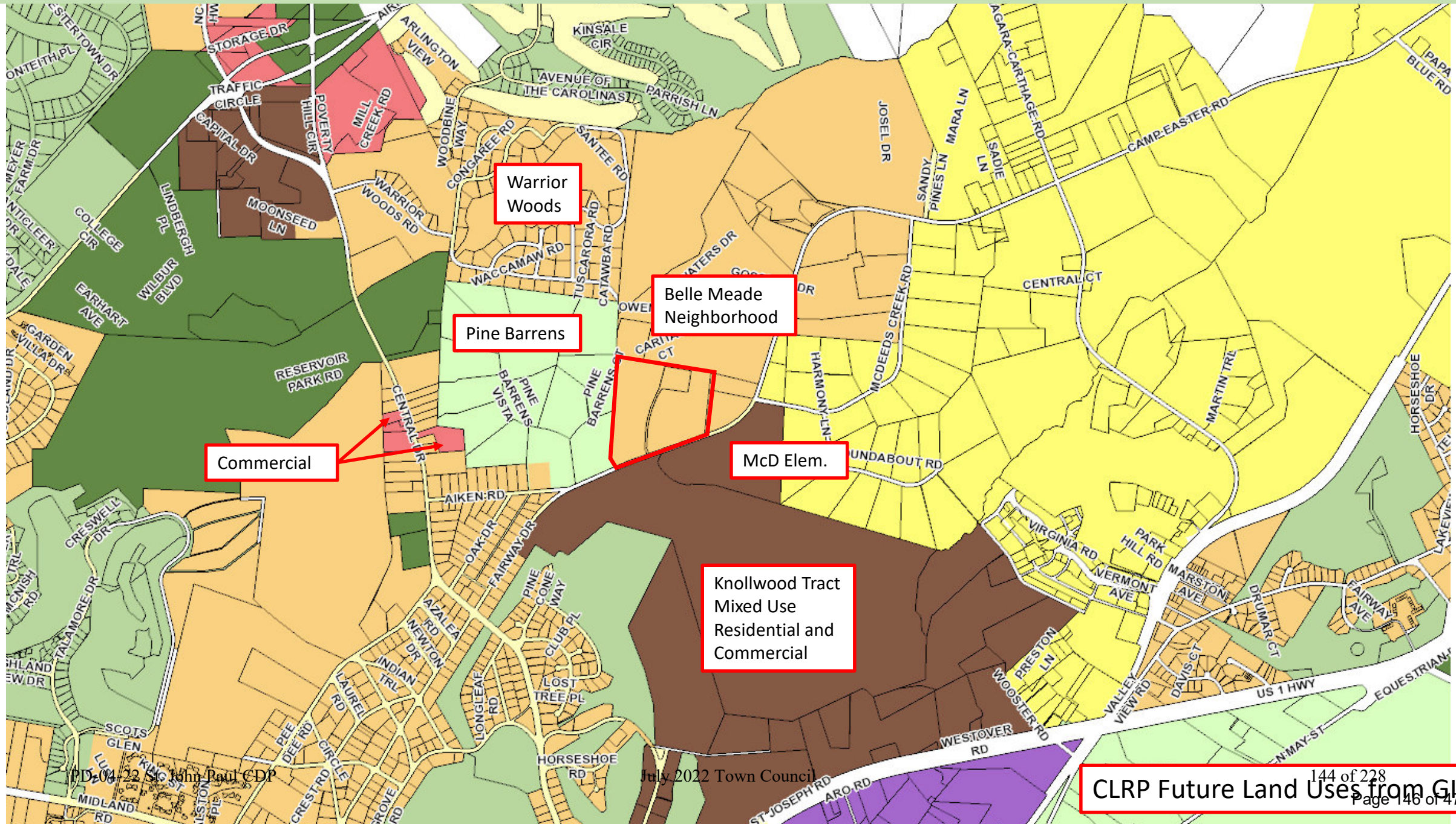


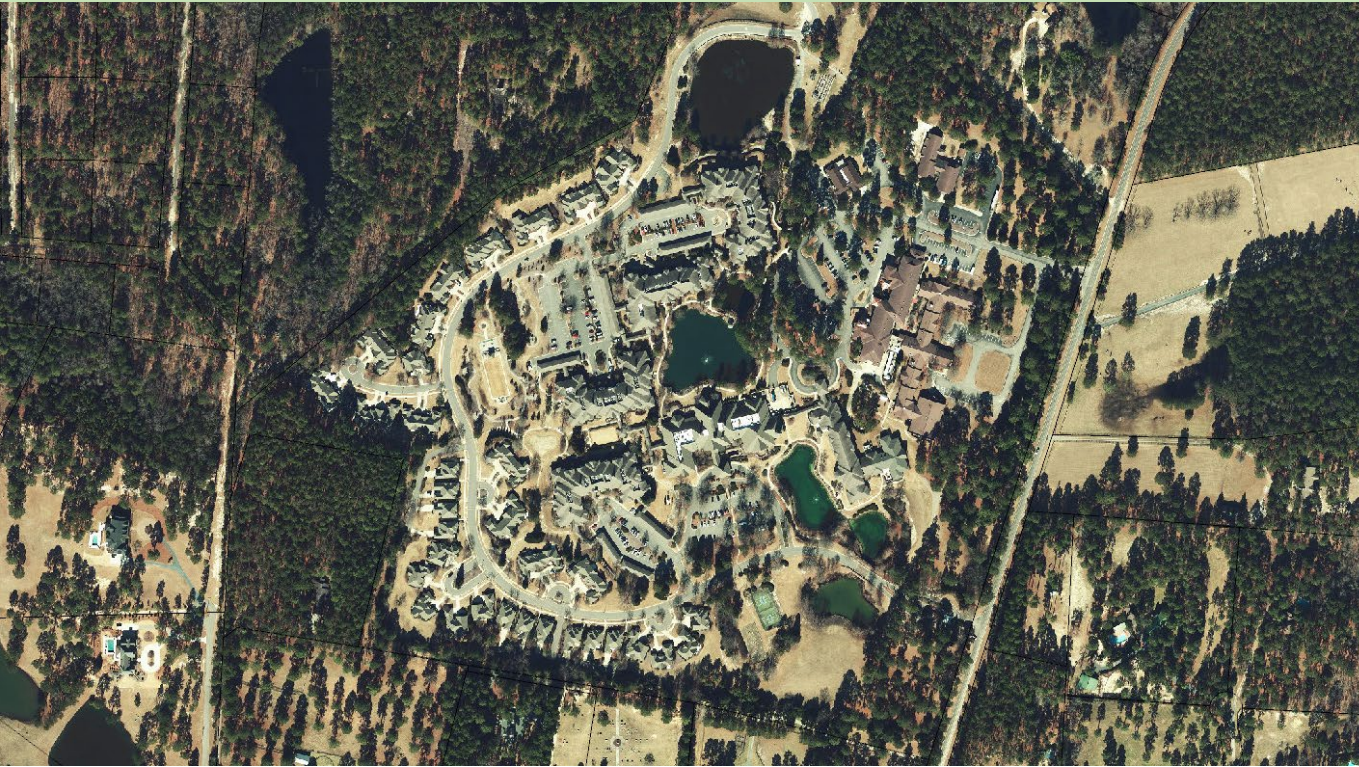


Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?





ST. JOSEPH of the PINES

Belle Meade:

Nestled on almost 100 acres in Southern Pines, North Carolina, Belle Meade is a nationally- accredited Life Plan Community (continuing care retirement community) with a healthy, enriched lifestyle devoted to wellness and personal growth. Select from **48 spacious** homes and cottages or **172 lavish apartment** residences in a gated, resort-style community in a distinctive location reflective of healthy living

$172+48 = 220$ dwelling units / 100 acres = 0.45 acres per dwelling unit





ST. JOSEPH of the PINES

Belle Meade:
Nestled on almost 100 acres in Southern Pines, North Carolina, Belle Meade is a nationally- accredited Life Plan Community (continuing care retirement community) with a healthy, enriched lifestyle devoted to wellness and personal growth. Select from **48 spacious** homes and cottages or **172 lavish apartment** residences in a gated, resort-style community in a distinctive location reflective of healthy living

$172+48 = 220 \text{ dwelling units} / 100 \text{ acres} = 0.45 \text{ acres per dwelling unit}$

The density and scale of Belle Meade exceeds the density and scale of the proposed Church Development on the StJP2 west parcel.

Belle Meade and StJP2 are both identified under the same Residential land use in the CLRP Future Land Use Plan.

Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



Knollwood Tract / McDeed's Creek Elementary / Planned Housing

- PD zoning district – Mixed Use, 558 acres

2012 Original PUD

- Planned Unit Development (PUD) approved in 2012
- PUD stated 900 Residential Units in 2012 (single fam., hotel, aptm...)
- 450,000 sf of Commercial Retail and Office, Resort, Rec.

2017 Updated to PD

- PD application 2017 – Added an Elementary School to Use Matrix

“The elementary school would be a permitted use in the MUA-2 area on ±37 acres and if an elementary school is developed no combination of residential, hotel or assisted living units could exceed **800 units**. The MUA-2 area would include 600 residential units, but with the addition of an elementary school that would be reduced to 500 residential units. The 700 hotel rooms would reduce to 500 rooms and assisted living units would reduce from 300 to a maximum of 250 units. Mr. Koontz said development will occur in phases with a projected fifteen (15) year buildout.”



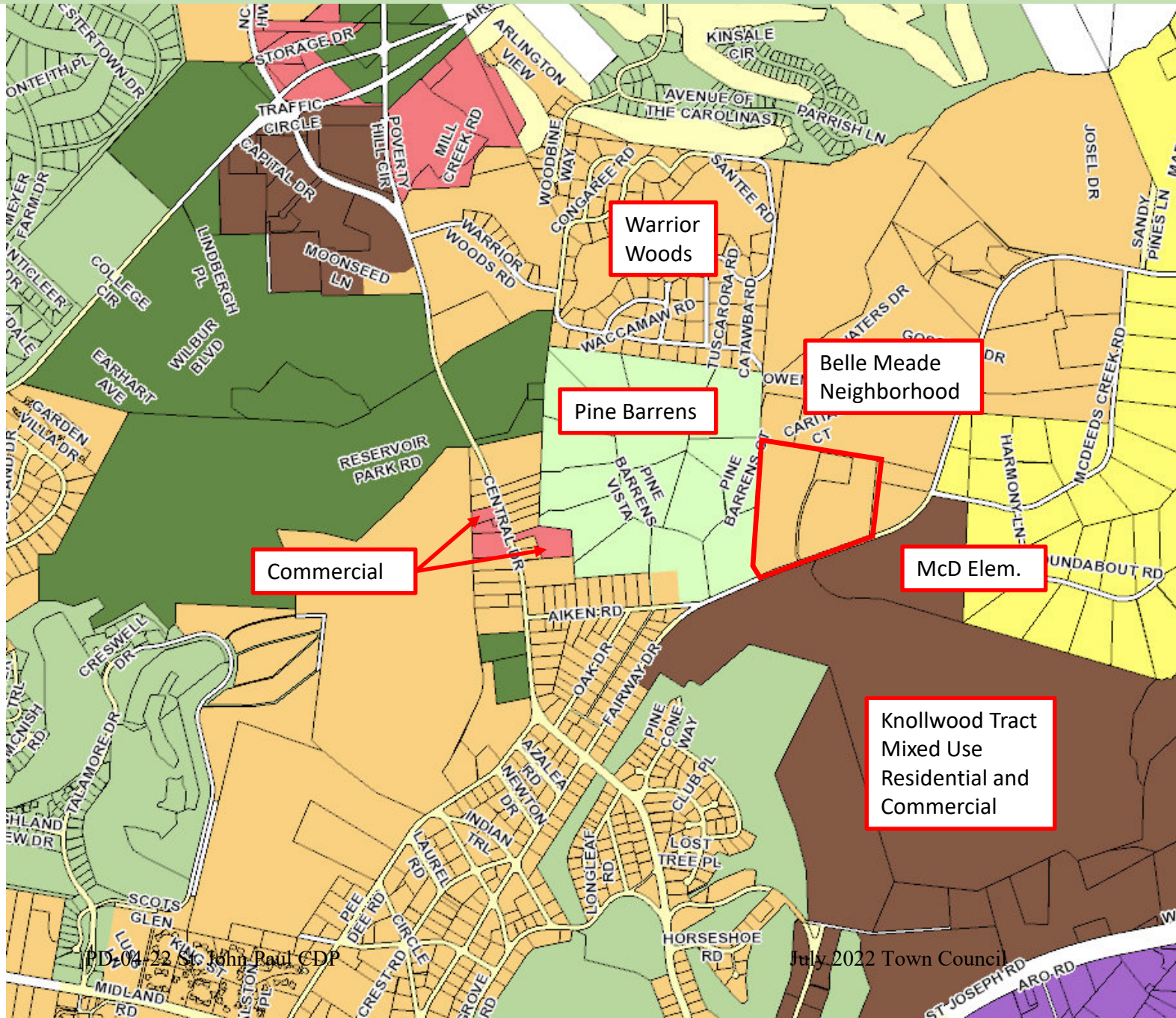
McDeed's Creek Elementary

- PD zoning district
- 118,500 sf (Moore Co. Tax Office)
- 800 students
- 89 employees (school website)

Neighborhood: Zoning from Southern Pines GIS
Adjacent and Neighboring Zoning includes PD, RS-3, FRR, CD, NB, I
PD-04-22 St. John Paul CDP July 2022 Town Council
Nearby Zoning includes large areas of RR. Large Religious Institutions are allowed in RR

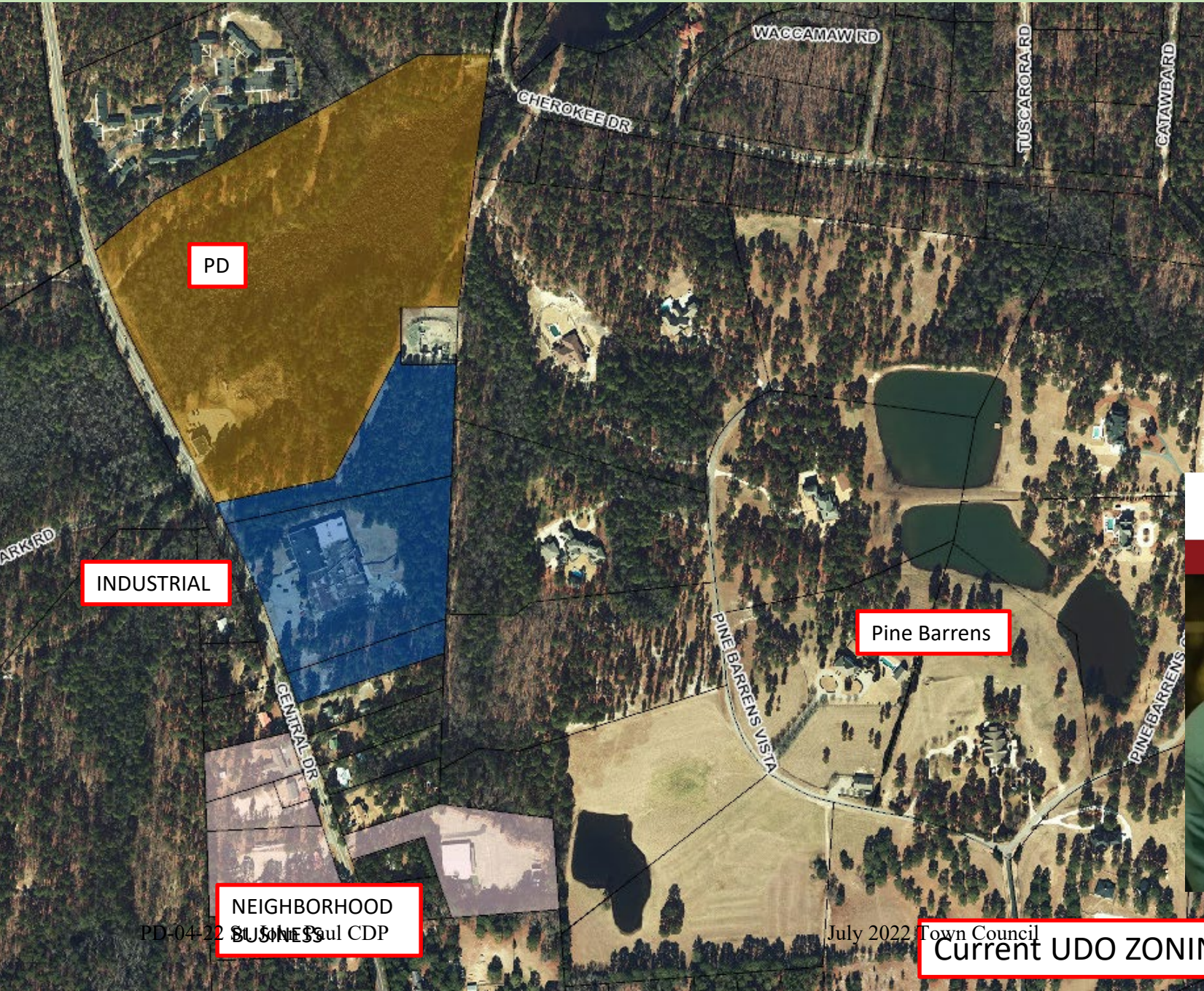
Current UDO ZONING from GIS

Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



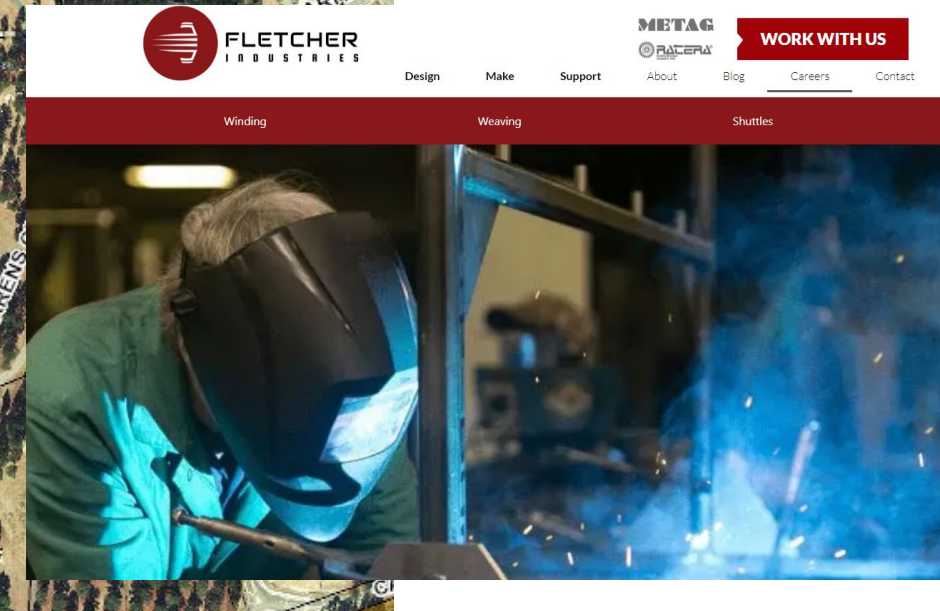
Revised CDP Site Plan / Church Development Scale, Location, and Buffering is consistent with the CLRP future land use AND current land uses AND current neighborhood based on the following:

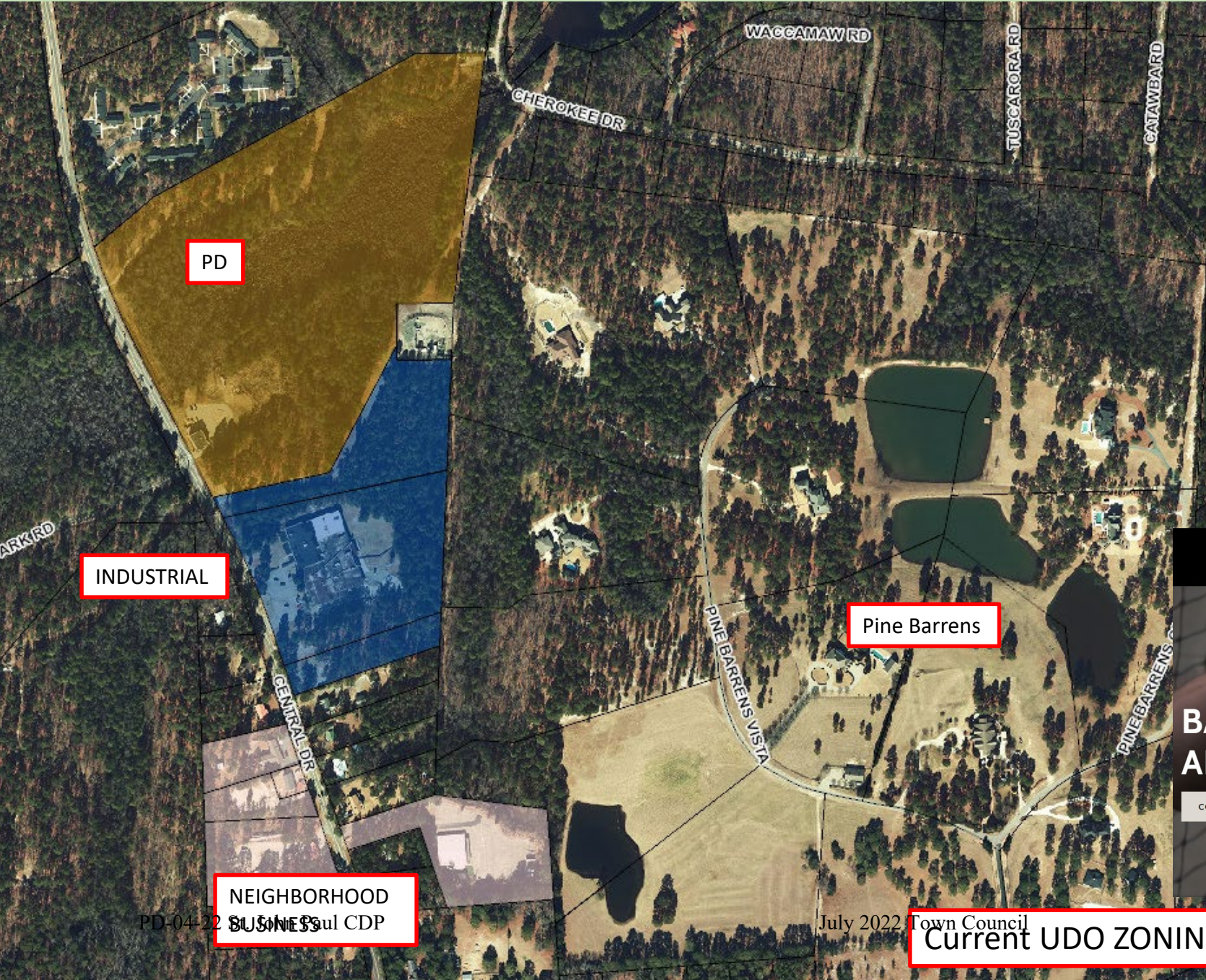
- Church Development has been relocated adjacent to existing StJP2 school buildings
- 100' setback and buffer has been added along west property line to visually and physically separate future church development from adjacent residential neighbors.
- Existing McDeed's Creek School, Belle Meade neighborhood, and approved Knollwood Tract mixed use development establishes the true SCALE of the area. The proposed church development is well within the established scale.



Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens

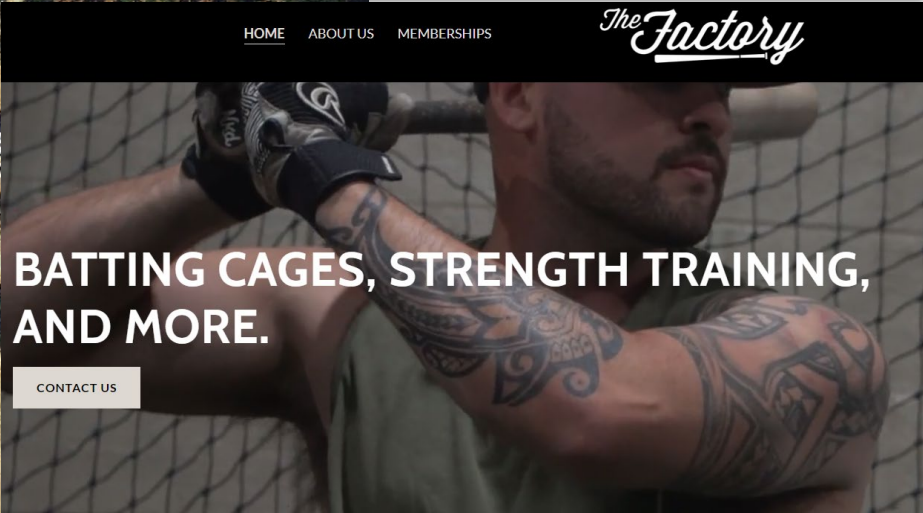
- **INDUSTRIAL Use**
 - Fletcher Industrials – Metal Fabricator
 - 1485 Central Drive
 - 60,000 sf Manufacturing Facility
 - 8 acres w/ 21,000 sf paving
 - *Facilities ALL PREDATE Pine Barrens Development.*
 - *NO Required Buffers / Separation*





Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens

- Neighborhood Business Use
 - Legacy Home Construction – Owner
 - “The Factory” Baseball Training
 - 1405 Central Drive
 - 10,000 sf Baseball Training, Weightlifting, Storage facility
 - 4 acres w/ 35,400 sf paving
 - *Facilities PREDATE Pine Barrens Development.*
 - *NO Required Buffers / Separation*



2.18.4(H) Conceptual Development Plan Criteria

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

Traffic Studies are not required during the CDP but instead, are required during a project's PDP.

Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

Institute of Transportation Engineers

Elementary School
(520)

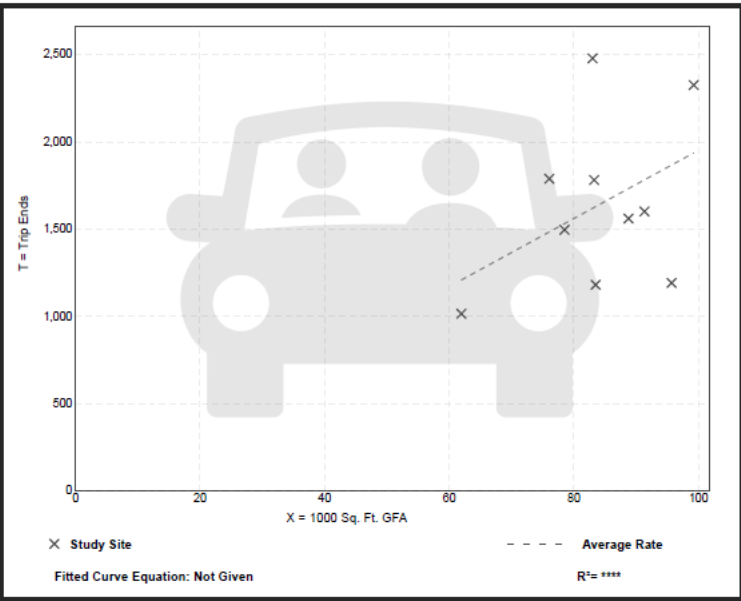
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 10
Avg. 1000 Sq. Ft. GFA: 84
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
19.52	12.46 - 29.87	5.19

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

Church
(560)

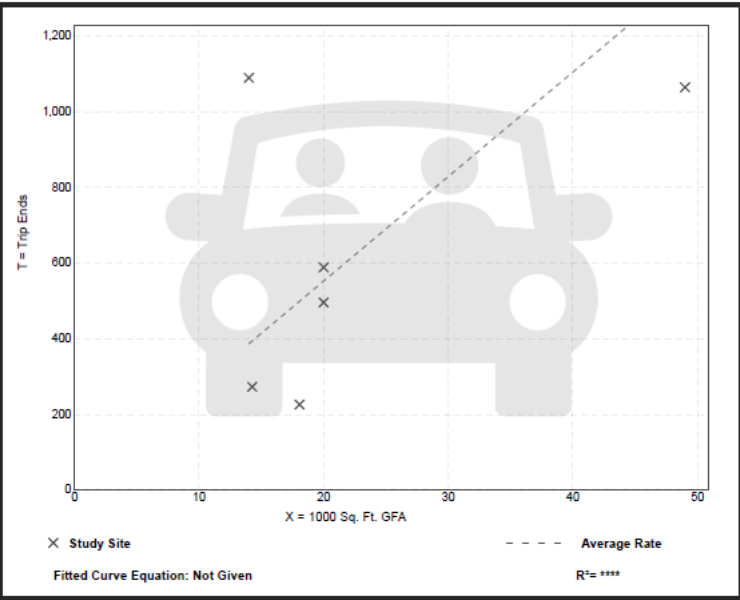
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Sunday

Setting/Location: General Urban/Suburban
Number of Studies: 6
Avg. 1000 Sq. Ft. GFA: 23
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
27.63	12.51 - 77.86	19.39

Data Plot and Equation



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

- Current ITE Standard Trip Generation Rates
- Elementary School Weekday
 - Average Rate is 19.52 trips per 1,000 sf
 - McDeeds is 118,600 sf / 1000 sf x 19.52 = **2,315 trips per day**
- Church, Sunday
 - Average Rate is 27.63 trips per 1,000 sf
 - Proposed 10,000 sf Sanctuary + 12,000 sf Parish Hall=22,000 sf / 1,000 x 27.63 trips = **608 trips per day**

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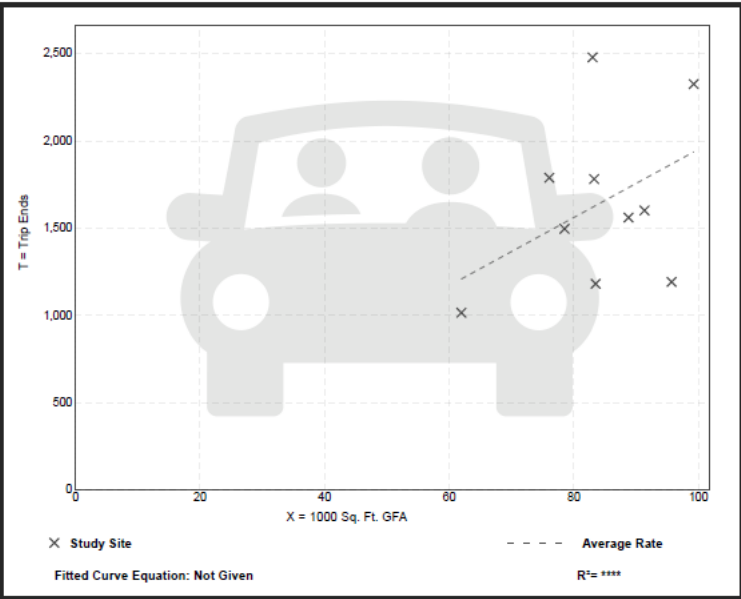
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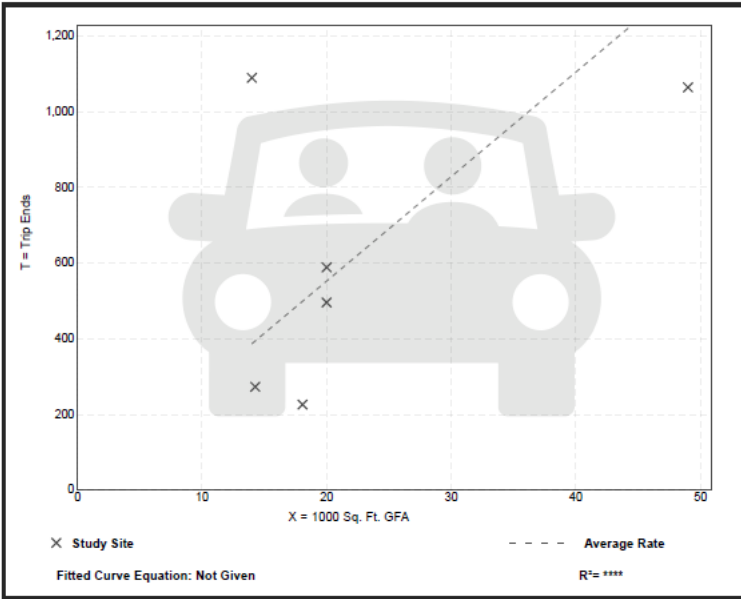
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-
- McDeeds is 800 students and lists 89 employees
 - 89 employees generation 178 trips per day
 - If 1/4 of the students are Parent Drop Off = 200 students x 4 trips = 800 trips per day
 - 600 students on buses (60 per bus) = 10 x 4 trips = 40 trips
 - (McD's has 10 bus parking spaces)
 - Total = **1,018 trips per day**
- Proposed Church of 1,200 seats – Diocese studies = 1 parking space per 2.5 seats at Max Cap.
 - 480 parking spaces = **960 trips per day**

Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

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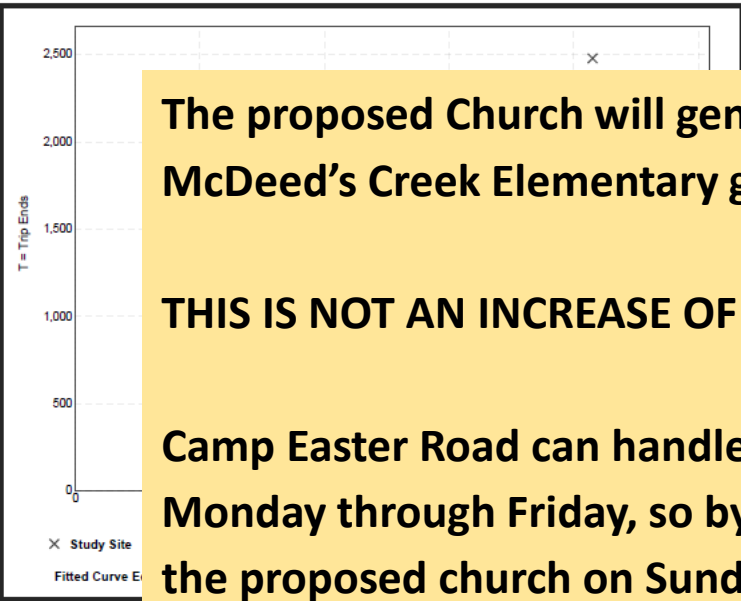
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The proposed Church will generate LESS TRIPS on Sundays than McDeed’s Creek Elementary generates every Weekday.

THIS IS NOT AN INCREASE OF TRAFFIC.

Camp Easter Road can handle McDeed’s Creek Elementary School on Monday through Friday, so by logic, it can also handle less traffic from the proposed church on Sunday.



Trip Gen Manual, 10th Ed + Supplement • Institute of Transportation Engineers

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ATTACHMENT A

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

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

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

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

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

AND, THEREFORE, BE IT FURTHER RESOLVED that there were no additional matters considered by the Planning Board regarding PD-04-22;

Findings from Planning Board:

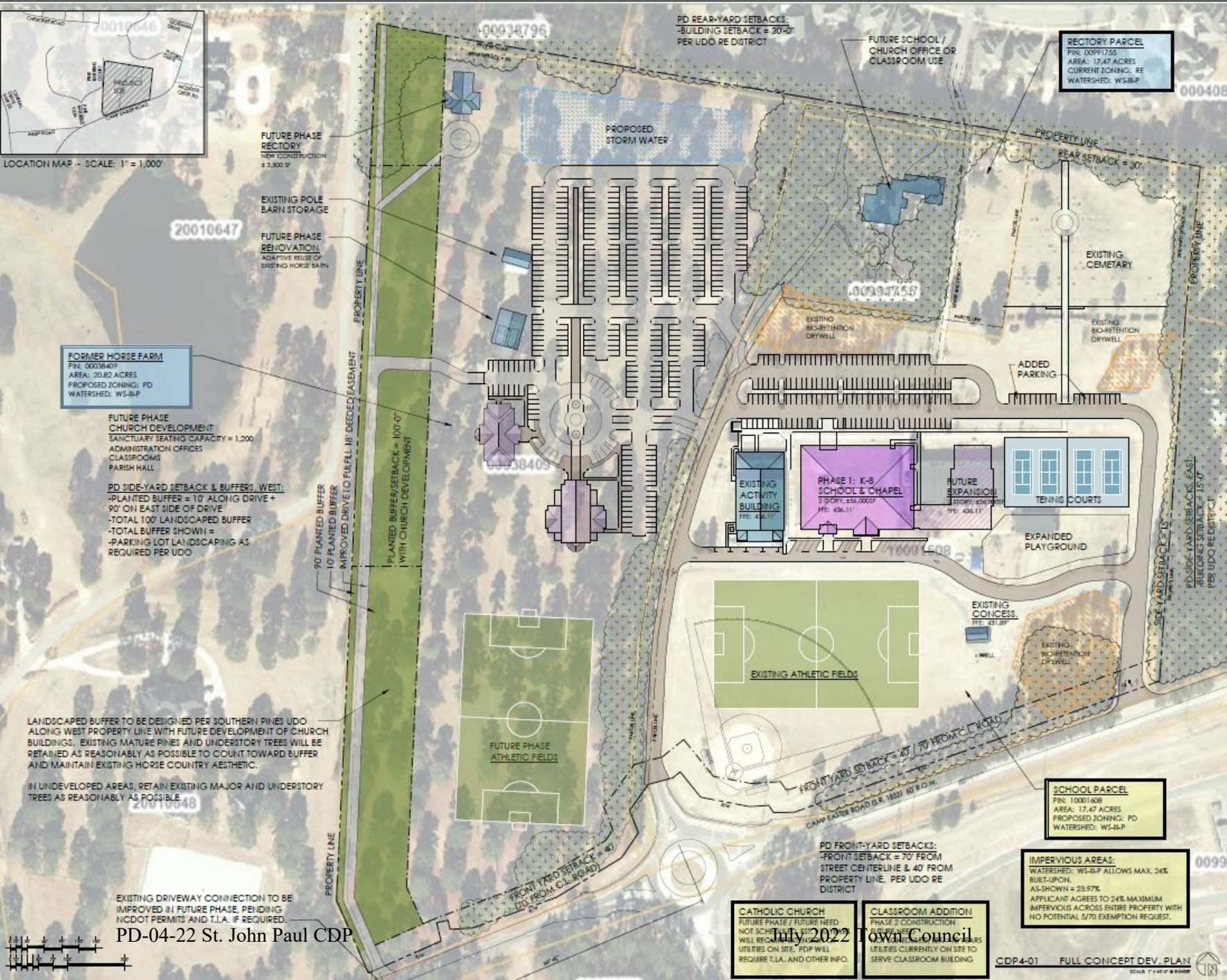
- 1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
- 2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
- 3) "Church Development" on west parcel represents an Overall Development Pattern that is inconsistent with the goals and policies of the Comprehensive Long Range Plan, most notably Goal 5 which is the retention of the aesthetic and functionary characteristics of Horse Country.
- 4) Scale, Location, Buffering issues of the future church development "could be inconsistent with the residential future land use designation."
- 5) Proposed development's scale may be inappropriate for the area of town in which it is located, and is concern particularly about the impacts on traffic Camp Easter Road and surrounding properties."

Answering Planning Board's Identified Findings:

- 1) Is the future Church Development inconsistent with CLRP, Goal 5 pertaining to Horse Country?
- 2) Is the Church Development Scale, Location, and Buffering inconsistent with the CLRP residential future land use designation?
- 3) Is the scale of the future Church Development inappropriate for the area of town based on TRAFFIC along Camp Easter Road?

The adjusted CDP addresses each of the concerns and reasons for denial stated by the Planning Board.

REVISED CDP SITE PLAN



the BOGLE FIRM
ARCHITECTURE
110 N. MAIN ST.
SUITE 200
SALISBURY, NC 28144
p@boglefirm.com
www.boglefirm.com
704.638.3015
PUBLICATION OF THESE PLANS OR ANY PART THEREOF SHALL BE VOID WITHOUT THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

FUTURE PHASE CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC



DRAWN BY: DBS
CHECKED BY: DBS
DATE: 4.12.22
PROJECT #:
SHEET NUMBER
CDP4
OF: 6



PD-04-22 St. John Paul CDP

CATHOLIC CHURCH
FUTURE PHASE / FUTURE NEED NOT BE SCHEDULED. IF NOT SCHEDULED, UTILITIES ON SITE, PD WILL REQUIRE T.I.A. AND OTHER INFO.

CLASSROOM ADDITION
FUTURE NEED NOT BE SCHEDULED. IF NOT SCHEDULED, UTILITIES CURRENTLY ON SITE TO SERVE CLASSROOM BUILDING.

CDP4-01 FULL CONCEPT DEV. PLAN
SCALE: 1" = 400' @ BORDER

**OVERVIEW
CONCEPT
PLAN**

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

**ST. JOHN PAUL II
CATHOLIC SCH.**
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DRAWN BY: DBS CHECKED BY: DBS DATE: 4.12.22 PROJECT #: .	SHEET NUMBER CDP1 OF: 6



PD-04-22 St. John Paul CDP

July 2022 Town Council

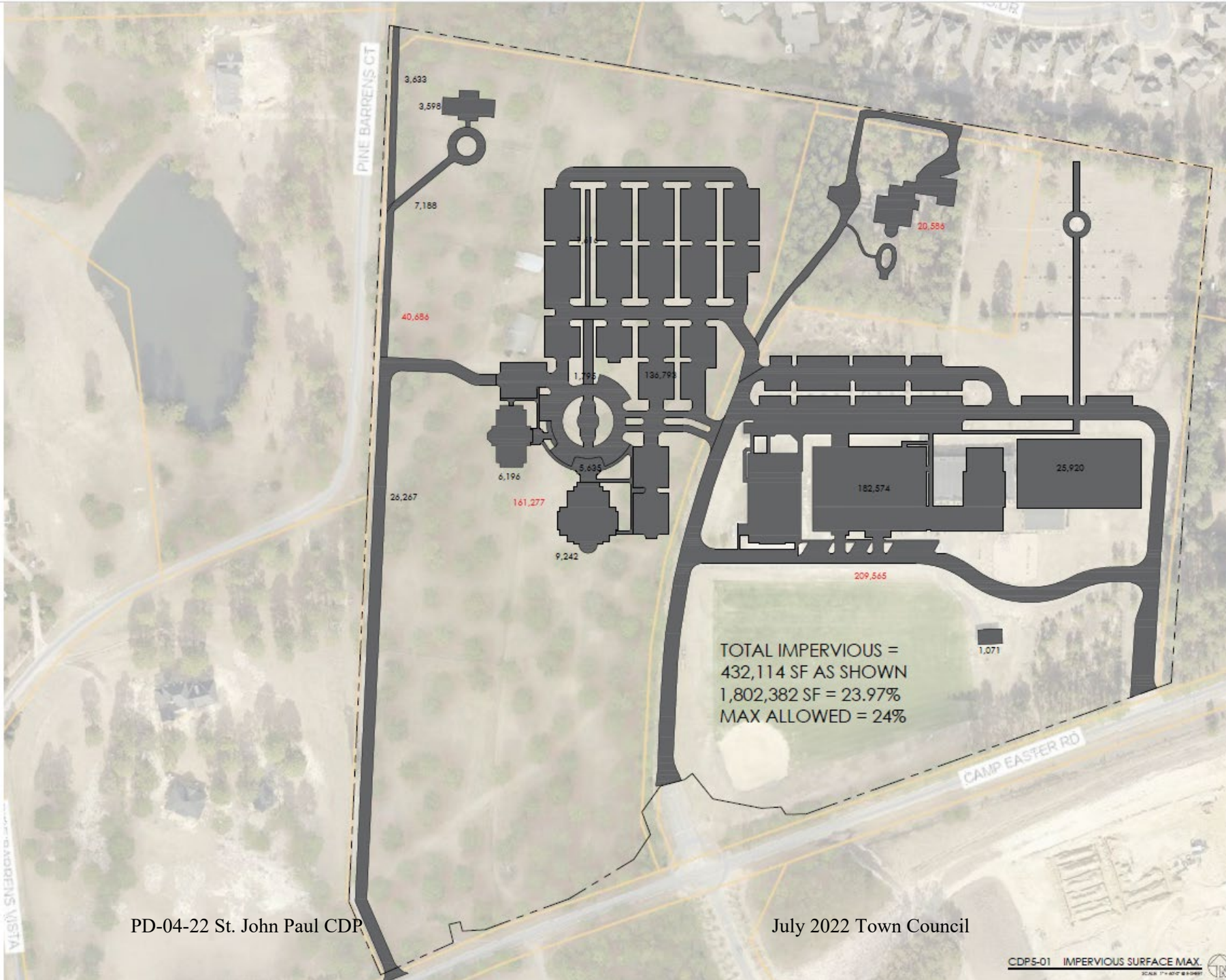
IMPERVIOUS SURFACES AND STORMWATER MANAGEMENT

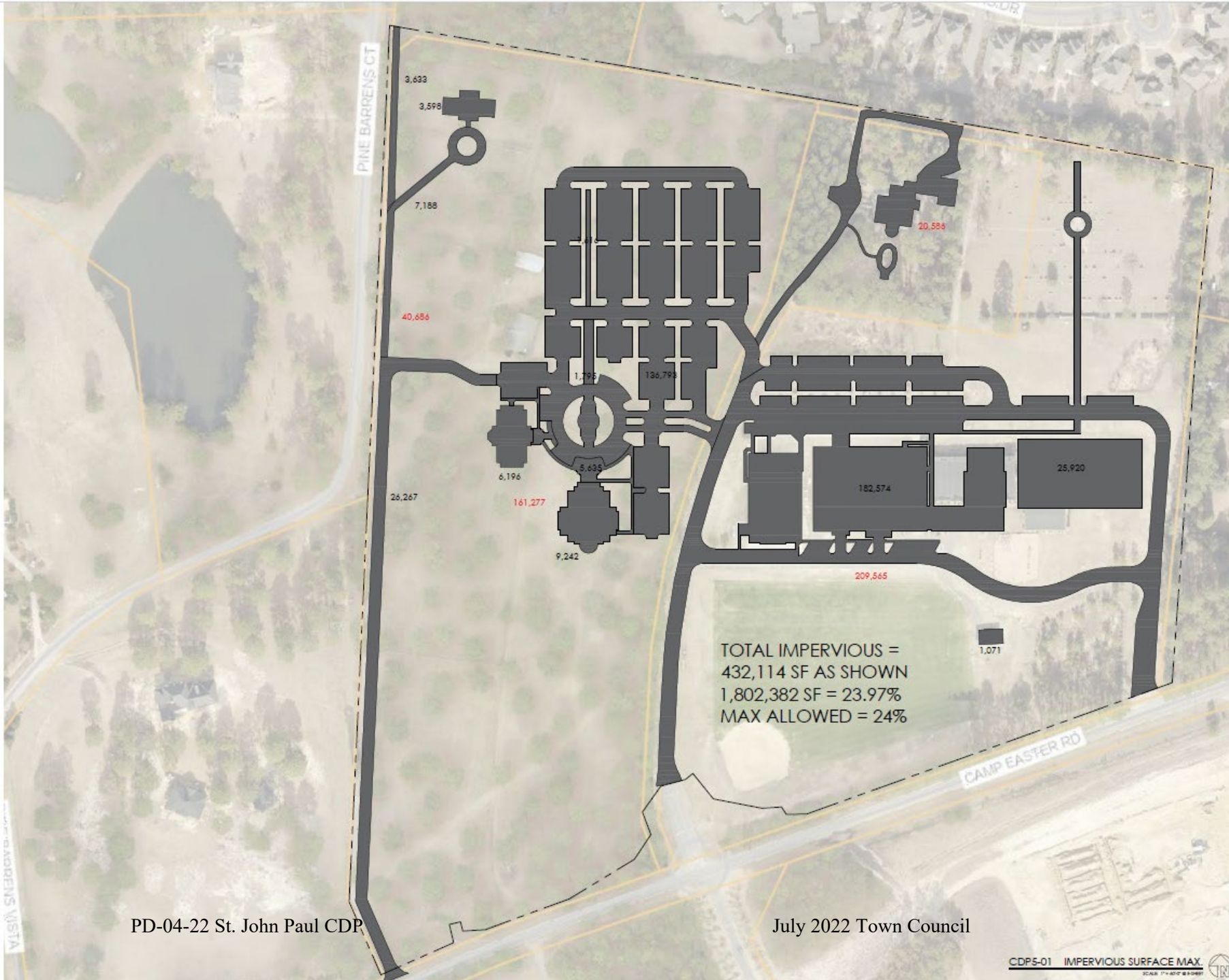
Total allowable impervious surface in
WS-III-P = 24%

Graphic represents MAXIMUM allowable
on site (23.97% shown)

Per UDO requirements, ALL STORMWATER
must be managed ON-SITE.

*No stormwater runoff is allowed per UDO
requirements.*





PARKING

Minimum Spaces Required by UDO for Religious Institutions

1 per 4 seats in Sanctuary = 300 spaces

1 per 200 sf of Other Building = 62 spaces

MINIMUM Required by UDO = 362 spaces

Diocese Standards Required

Based on studies of NC regional Catholic Churches

1 per 2.5 seats in Sanctuary = 480 spaces

REVISED CDP SITE PLAN

As shown = 336 spaces west of main drive

Located adjacent to School for shared use

School parking = 150 spaces east of main drive

TOTAL PARKING AS SHOWN = 486 spaces

Meets Diocese needs & stays below required impervious surface max. for WS-III



MATURE PINE TREE COUNT
±400 mature pines on entire site



MATURE PINE TREE COUNT

±400 mature pines on entire site

±65 mature pines in 100' buffer along west property line

Est. 50-60 pines to be removed as shown
(RCW study will be required)



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±65 mature pines in 100' buffer along west property line

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BUFFER / UNDISTURBED AREA

UDO Exhibit 4-4

Required planting in buffer

Total buffer = 163,460 sf

Large Tree: 1/400 sf = 408

Small Tree: 1/400 sf = 408

Shrubs: 1/200 sf = 816

This is out of context with horse pasture area but does provide visual screening. Preference?

Option 1: Setback 100' entire west property line, Buffer ONLY parallel to Development.

Option 2: Setback and UNDISTURBED AREA, 100' along entire west property line

Note: Parking lot perimeter landscaping will be installed where required per UDO standards



TOPOGRAPHY

As shown in pictures, topography plays a big role in the actual visual separation between the future Church Development site and the adjacent Pine Barrens parcels

Proposed parking area behind Church Development is adjacent to unbuildable areas within Pine Barrens

CLRP / Religious Institutions:

- At Planning Board, opponents argued that Church Use was not allowed in land designated as Residential in the CLRP.
- Argued that Churches should be considered a “Commercial” use.

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- CLRP Chapter 4 lists what is appropriate in each Future Land Use area.
 - CLRP 4-3: **Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.

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Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

If “Church” is a Civic / Institutional Use, then where does the CLRP recommend that a large church be located on the Future Land Use Plan?

Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

- “CIVIC” is used 30 times in the CLRP
 - civic will, civic vitality, civic priorities, civic livelihood, civic festivals, civic desire, civic organizations, civic groups, civic continuity, civic uses, civic responsibility
- Limited number of times “Civic” appears in CLRP in relation to a Building/Facility
 - Policy P-1 “...placement of **civic and institutional** buildings”
 - Policy P-3 “... Encourage the development of neighborhood mixed use and civic activity centers that are accessible to neighborhoods and located so that traffic, parking, and land use impacts are compatible with surrounding uses.”

P-1. Downtown. Implement and periodically refine the Downtown Neighborhood Development Plan, and more specifically: ...
Give first consideration to Downtown for placement of **civic and institutional buildings** that enhance pedestrian activity and reinforce Downtown’s prominence as the heart of the community.

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- “Institutional” is used 19 times in the CLRP
 - Policy P-1 “...placement of **civic and institutional** buildings”
 - Parks/Open Space/Public Facilities “...publicly owned institutional facilities...”
 - Low-Density Residential “...small scale institutional uses supporting low density residential...”
 - CLRP Chapter 10 – Area and Corridor Plans / Downtown Neighborhood Development Plan (10-6): “**Surrounding Neighborhoods** – Forum participants expressed varied concerns about the neighborhoods surrounding the Broad Street Corridor, including: **Scale of Institutional Uses**. The unlimited scale of **institutional uses, such as churches and schools** was a concern for several participants. Specific concerns included parking”
 - CLRP Appendix C, West Southern Pines Area Plan (page 4): “West Southern Pines has **several churches, an elementary school, the Douglass Community Center and two neighborhood parks**. Along the western boundary of the neighborhood is a **social services center** that is located in the unincorporated area known as Lost City. **These institutional uses** serve as potential anchors for neighborhood activity centers.
 - CLRP Appendix D, Downtown Area Plan (page 3): “**Institutional uses** (**churches**, schools and public uses) occupy a significant percentage of the Downtown’s land area.”
 - CLRP Appendix D, Downtown Area Plan / Central Business District (page 13): **Use limitations** should be established to keep an active street front. Specifically, the CB district should limit the locations and spacing of professional offices, banks and similar passive or automobile-oriented uses that do not generate sufficient pedestrian traffic. **Schools and religious uses should not be allowed in this district due to their limited hours of operation.**

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 - ***This makes a clear distinction between COMMERCIAL USE that is appropriate in a Central Business District and a School or Religious Use that is not, based on the limited hours of operation***
 - ***Churches are NOT a COMMERCIAL USE as defined in the CLRP.***

Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	-	FRR
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	C	C											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110			Z		Z	Z	Z	Z	Z	Z				
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		C	C	C	C	C				Z				C
middle or junior	6122										Z				C
senior or high	6123										Z				C
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled									Z				
adult education services	6126										Z				
College or university	6130										Z				C
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
driving education	6144										Z				
fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				
sports and recreation education	6147	Offer instruction in athletic activities									Z				
Public Administration	6200	All government functions, includes federal, state and local government agencies													
Legislative and executive functions	6210	Government and public administrative offices								Z	Z	Z	Z		
Judicial functions	6220	Civilian courts of law and correctional institutions								Z	Z	Z	Z		
court	6221									Z					
correctional institution or jail	6222	Facilities for the confinement, correction, and rehabilitation of offenders sentenced by a court												Z	
Other Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments								ZS	ZS			Z	
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services													
Fire and rescue	6410		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Police	6420	Includes combined police and fire departments	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Emergency response	6430	Provide ground or air transportation for medical relief purposes	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
Health and Human Services	6500	Provide health care, social assistance, and associated services													
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services													
clinics and health spas (Ord. # 1716)	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers									Z	Z	Z		
family planning or birth control clinic	6512	Provide outpatient family planning services and outpatient care													
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging									Z				
blood or organ bank	6514										Z				

- UDO Definition of Churches / Large Religious Institutions:
- Use Matrix
 - Section of Use Matrix starting on page 3-52
 - Titled Educational, Public Administration, Health Care, and Other Institutions
 - All of the purple is included in this Use Category

Nursing, supervision and other rehabilitative services, except	6520	Provide inpatient nursing and rehabilitative services and can accommodate patients for extended care, includes convalescent homes, nursing homes, inpatient care hospices, alcoholism or drug addiction rehabilitation, mental health Halfway Houses, group homes, and psychiatric convalescent homes	C	C	ZS									ZS		
Hospital	6530													C		
Health care facility	6540	Maximum of 25 beds for overnight care												Z	Z	
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters														
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services												Z	Z	Z
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs												ZS	ZS	ZS
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens												Z	Z	
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims												Z	Z	
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.												Z	Z	
services for elderly and disabled	6566	Does not include housing for the elderly												Z	Z	
veterans affairs	6567													Z	Z	
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services												Z	Z	
homeless shelters	6569	Provide temporary residential or accommodation services												C		
Religious Institutions	6600	Churches, temples, synagogues, mosques														
small institution		Up to 250 seats in largest seating area			ZS									ZS	ZS	
other institutions		More than 250 seats in largest seating area			ZS									ZS		
Death Care Services	6700	Funeral homes, crematories, cemeteries														
Funeral home and services	6710	Includes funeral homes combined with crematories												Z	Z	
Cemetery or cremation services	6720															
cemetery accessory to religious institution			ZS	ZS										ZS	ZS	
free-standing cemetery																Z
crematorium														C		Z
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations														
Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups												Z	Z	Z
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession												Z	Z	Z
	6830													Z	Z	Z
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the building														

Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

- UDO Definition of Churches / Large Religious Institutions:
- Use Matrix

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Camps, Camping, and Related Establishments such as trailer parks	5400	Operate sites to accommodate campers and their equipment, provide overnight recreational camps, may provide cabins, food services, washrooms, trailer parks	C	C											
Natural and other Recreational Parks	5500	All parks without special economic functions	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000														
Educational Services	6100	Offer teaching and learning													
Nursery or preschool	6110			Z		Z	Z	Z	Z	Z	Z				
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level													
elementary	6121		C	C	C	C	C				Z				C
middle or junior	6122										Z				C
senior or high	6123										Z				C
special needs education services	6125	Offer specialized services such as for the physically or mentally disabled									Z				
adult education services	6126										Z				
College or university	6130										Z				C
Technical, trade, or other specialty school	6140	Offer vocational and technical training													
beauty schools	6141										Z				
business management	6142	Offer courses in office procedures, secretarial skills, and basic office skills									Z				
computer training	6143	Except computer repair									Z				
driving education	6144										Z				
fine and performing arts education	6145	Dance, art, drama, and music schools									Z				
flight training	6146	Offer aviation and flight training									Z				

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Hospital	6530										C				
Health care facility	6540	Maximum of 25 beds for overnight care									Z	Z			
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child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs									ZS	ZS	ZS		
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other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.									Z	Z			
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Both CLRP and UDO consistently refer to Churches / Religious Institutions as Civic / Institutional Uses.

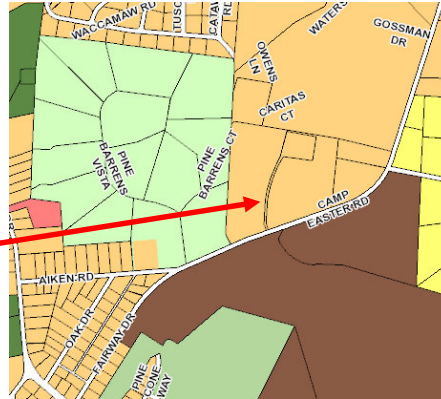
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If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

CLRP 4 Future Land Use Categories

- Chapter defines NINE Land Use Categories
 - Parks/Open Space/Public Facilities
 - Residential/Golf
 - Rural/Equestrian
 - Urban Reserve
 - Low-Density Residential
 - Residential**
 - Commercial
 - Traditional Mixed Use
 - Industrial
- CLRP 4-3: Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, **civic uses**, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.
- Is there another more clear definition of where Churches / Religious Institutions should be located within these 9 defined areas?***
 - Parks/Open Space/Public Facilities: “publicly owned institutions”
 - Low-Density Residential: “small scale institutional uses supporting low density residential neighborhoods”
 - “Church” and “Religious” are not listed anywhere ELSE within

the nine CLRP Future Land Uses



Future Land Use Categories

The future land use map included in this chapter assigns a general land use category to land within the Town and its ETJ. These broad categories are not intended to serve as zoning districts that list specific uses and development standards. Rather, each of the categories described in this section is intended to describe a range of uses and intensities that are most appropriate for applicable areas.

Parks/Open Space/Public Facilities

This designation applies to large parks owned by the Town, tracts of land held as conservation easements, schools with outdoor recreational facilities, publicly owned institutional uses to other parcels prevented from developing into any other use. While neighborhood parks will exist within other land use designations, the parks and open spaces in this category are generally oriented to regional recreation or open space preservation.

Residential/Golf

The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited commercial services intended to serve residents of and visitors to the development.

Rural/Equestrian

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms,

8, 2016

4-2

Southern Pines Comprehensive Long-Range Plan

the keeping of large animals or other small-scale agricultural pursuits.

Urban Reserve

The Urban Reserve designation defers development intensity decisions until a later date. The designation conveys an understanding that the land may develop at an urban intensity, but the precise preferred extent and type of which cannot yet be determined. The land may not be well-suited to immediate development due to market demands or utility availability, or it may be best left undeveloped until surrounding conditions provide sufficient guidance on the character and type of development the land should absorb. Development proposals at intensities greater than one unit per five acres require revision of the future land use map in conjunction with corresponding zoning map changes to a designation/intensity befitting the circumstances. Interim low density development in this area should be designed and clustered to facilitate later development at urban intensities.

Low-Density Residential

The Low-Density Residential designation applies to those single-family neighborhoods with development densities of between three-quarters of an acre to five acres per unit, restricting land uses to residential uses, small-scale institutional uses supporting low-density residential neighborhoods, and small-scale agricultural uses. Where residential development is already established at densities between five and twenty acres per unit, this designation anticipates that those properties will not be subdivided further.

Residential

This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units

Adopted

per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.

Commercial

The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.

Traditional Mixed Use

The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.

Industrial

The Industrial designation applies to the Southern Pines Corporate Park, allowing for manufacturing, light industrial and other similar uses. It focuses on providing land for the location of jobs in Southern Pines and draws access from US-1 and the railroad.

March 8, 2016

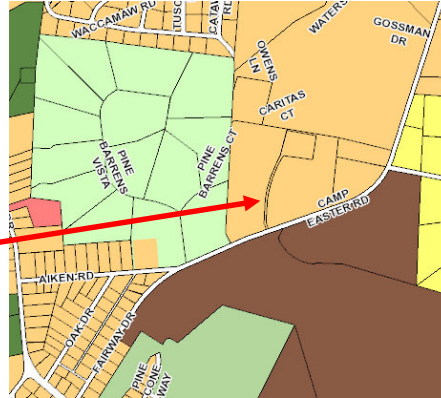
4-3

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

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- CLRP 4-3: Residential:** This designation encompasses the majority of Southern Pines’ residential land, providing for single-family and attached housing at development **densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban.** Elementary schools, **civic uses**, parks and neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map.

- Thus, “Residential” is already defined as a higher density Future Land Use.*

If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

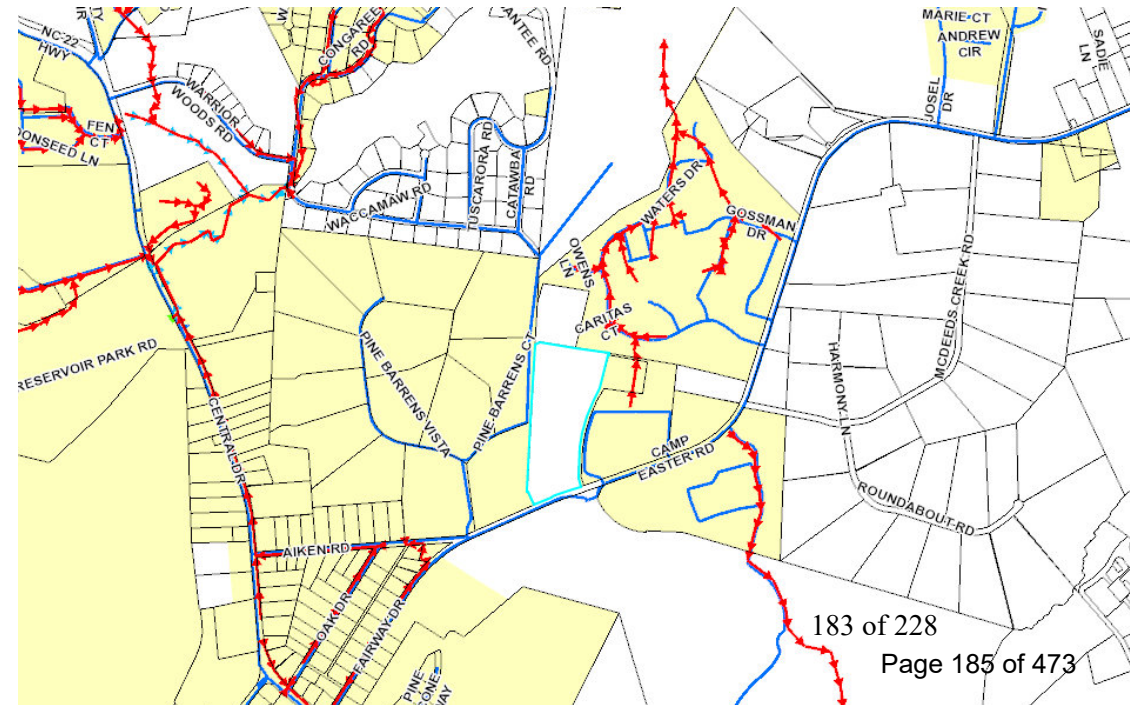
CLRP specifically states that Large Religious Institutions SHOULD BE located within Residential Neighborhoods or General Business

- CLRP Appendix D, Downtown Area Plan (page 15): “**Maximum Intensity of Religious Uses.** Religious uses provide a variety of benefits to the community as a whole and the neighborhoods in which they are located. As with other uses, however, they do have the ability to outgrow the sites on which they are located. Within residential neighborhoods, religious uses can destabilize neighborhoods due to traffic generation, parking demands and ongoing activities associated with the religious use or accessory activities (schools, classes, social services, fellowship meetings, etc.). Near the downtown, religious uses can have the added negative impact of displacing existing potential residents on whom local businesses rely. This is in direct conflict with the comprehensive plan’s directive to increase residential densities in the downtown neighborhoods. The UDO should be modified to address the scale of religious uses throughout the Town.”

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- “**Compatibility depends on the neighborhood and access to the site.** Small institutions (up to 250 seats) may be compatible in outlying areas of the Central Business and Neighborhood Business districts, but larger religious institutions and accessory uses, such as schools should be directed to General Business Districts or Rural Residential Districts where existing infrastructure and land use patterns are better suited to the intensity and range of accessory uses associated with large institutions. The range of allowable accessory uses should depend on the size and location of the site and its ability to accommodate traffic and needed parking.”



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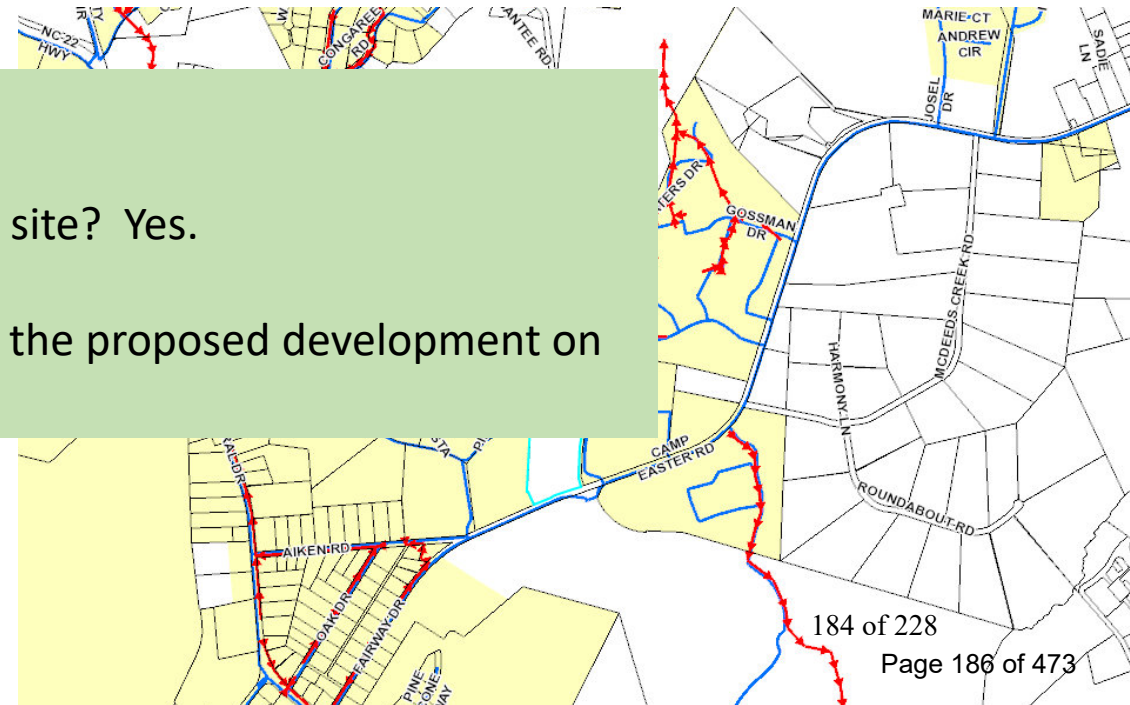
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Is the StJP2 site listed as Residential in the CLRP? Yes.

Is there already existing infrastructure available at the site? Yes.

Is there already a land use pattern similar in nature to the proposed development on nearby / adjacent properties? YES



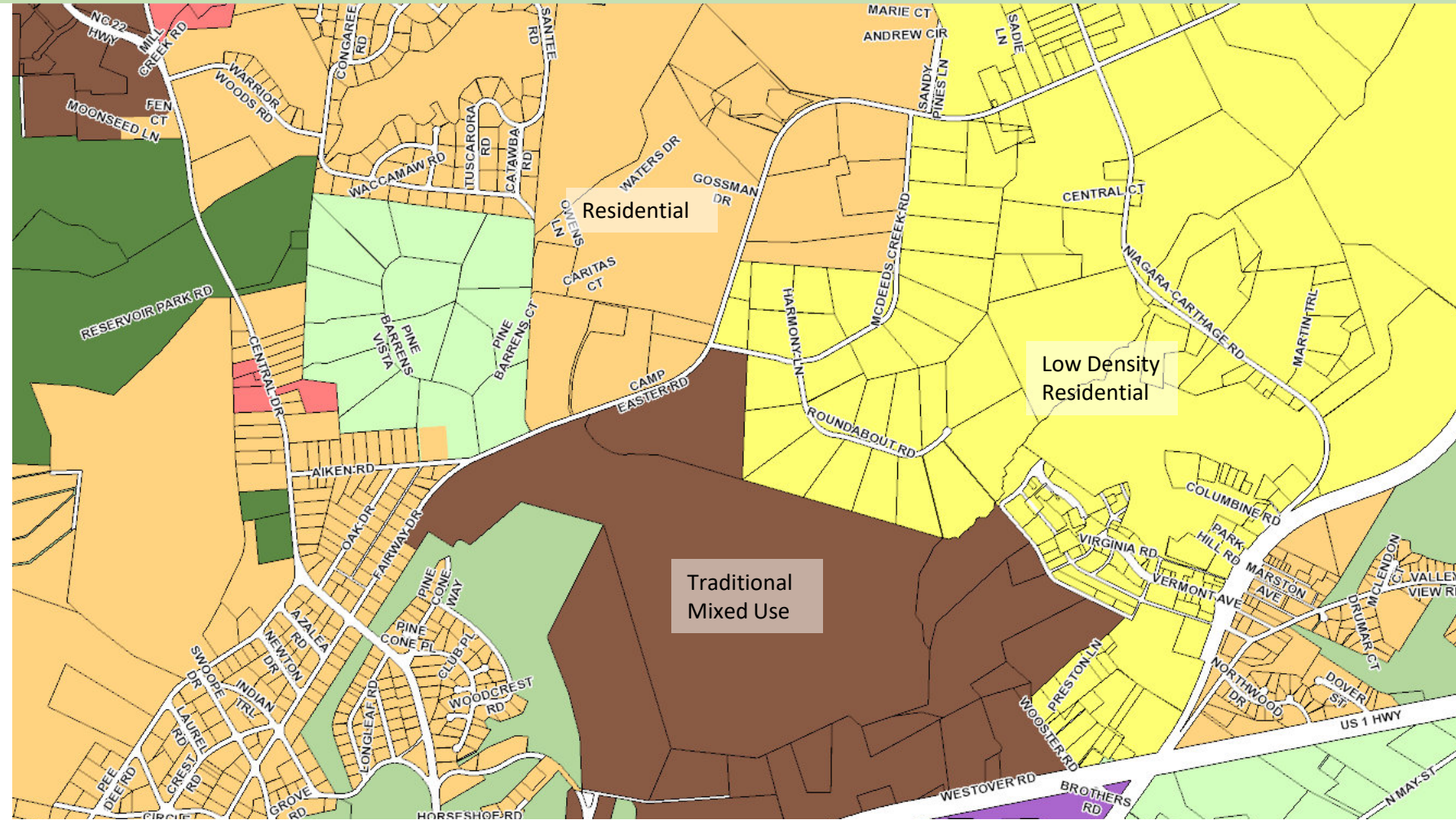
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CLRP says large churches SHOULD BE located in rural residential areas (term)

CLRP lists CIVIC functions within the Future Land Use category called “Residential.”

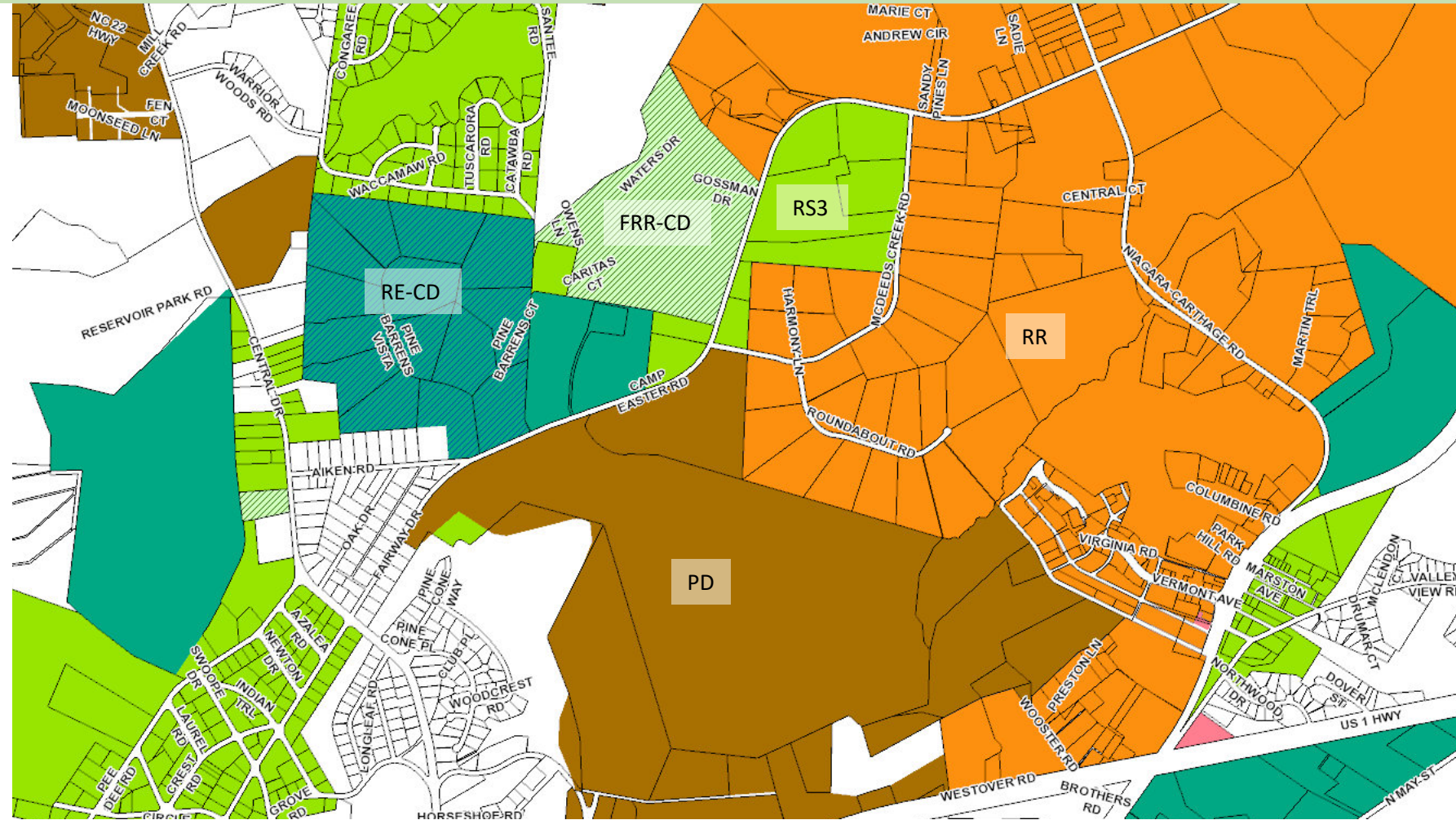
CLRP does NOT list Civic functions within Low-Density Residential.

Do not confuse CLRP “Residential” or even the use of the term “rural residential” within the CLRP document with the UDO Zoning District called “Rural Residential”



If "Church" is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

UDO Zoning Map

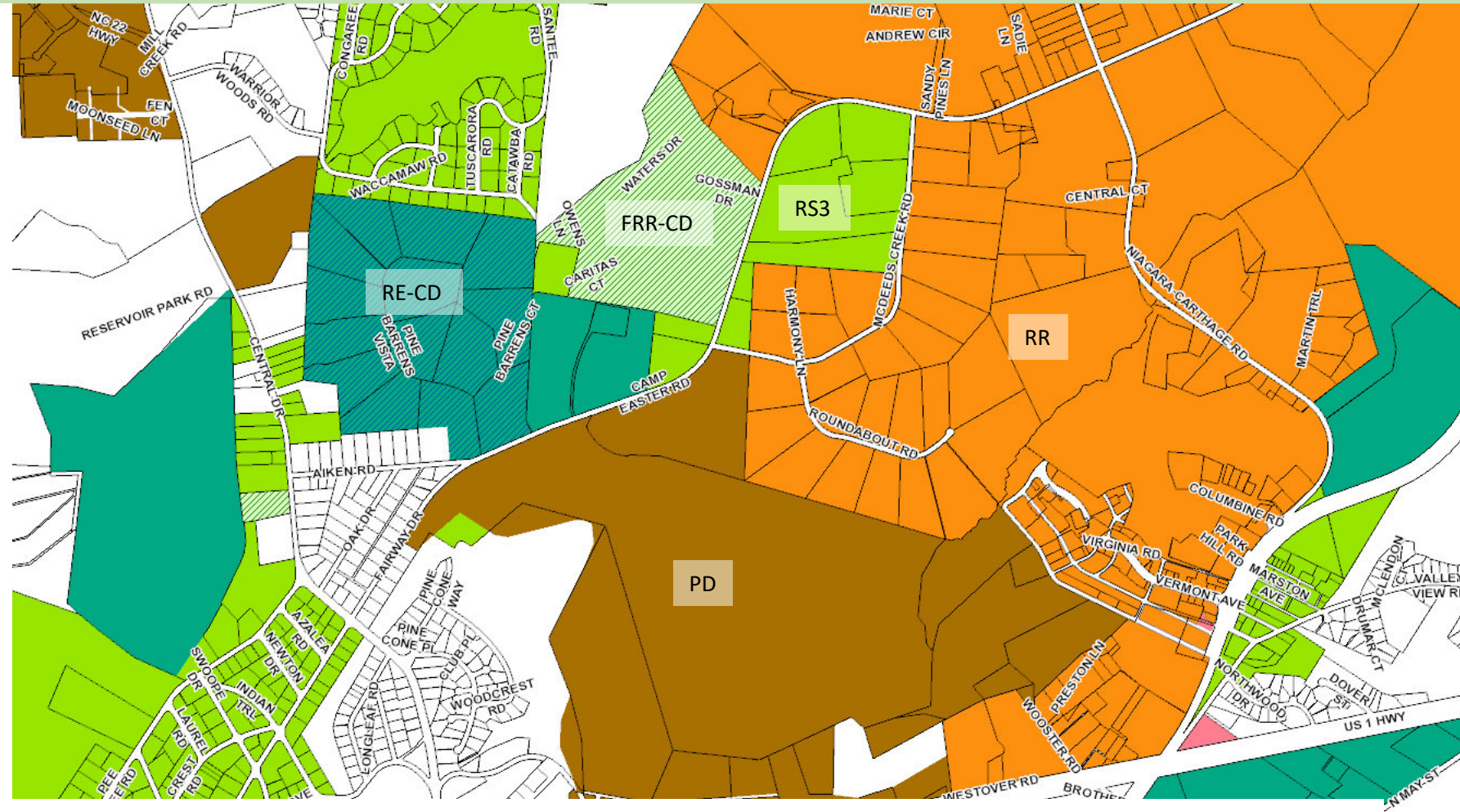


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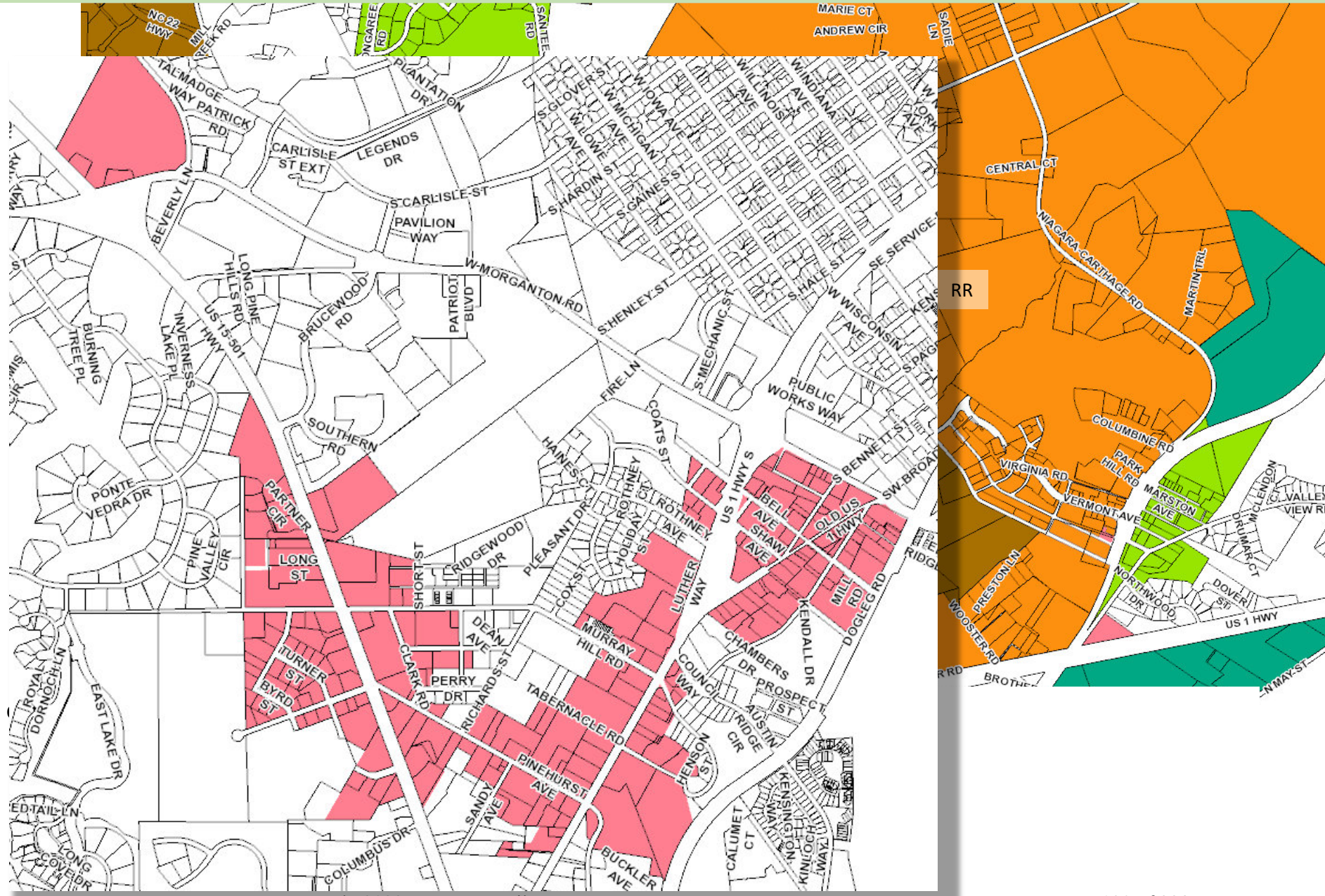
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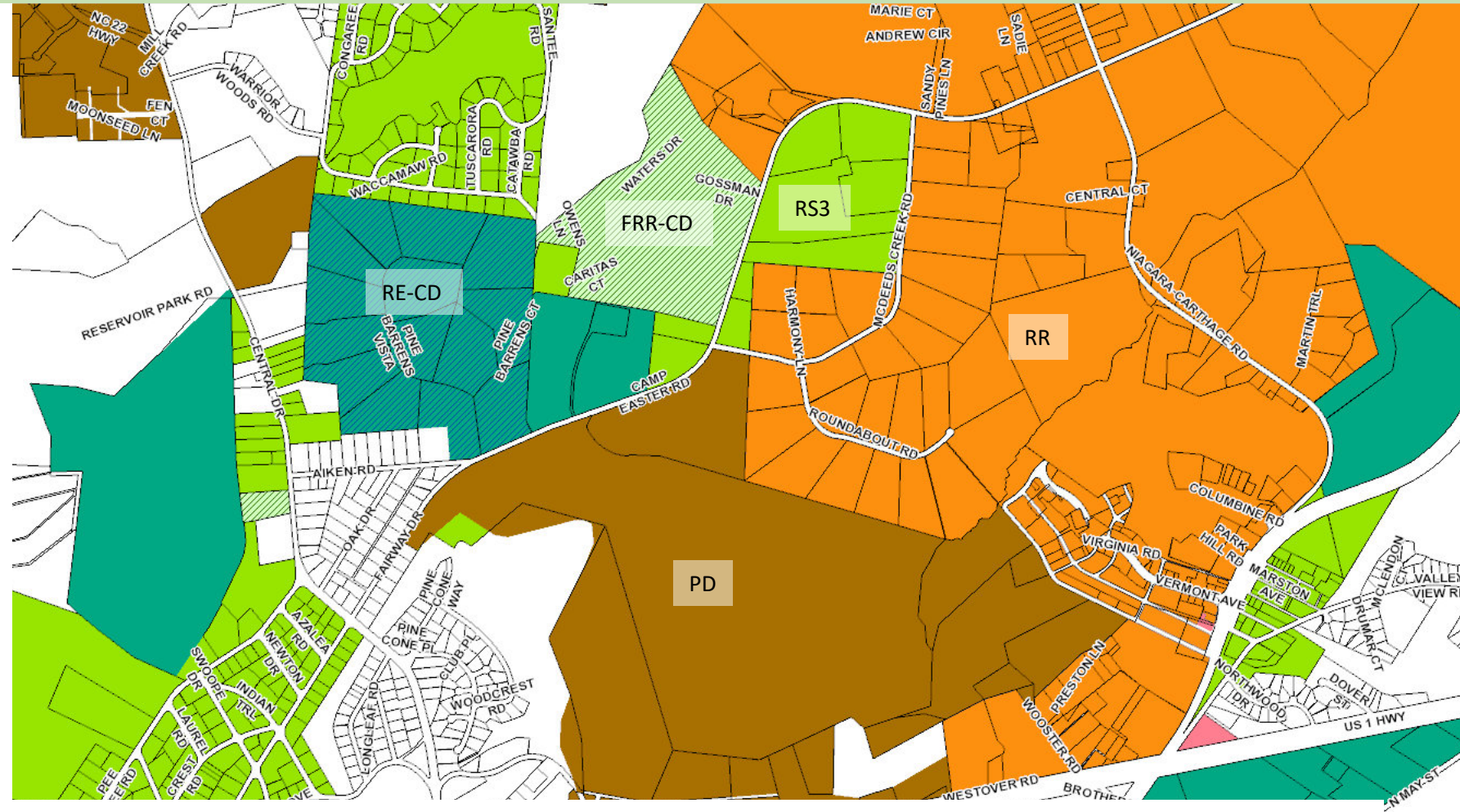
UDO: Large Religious Institutions are only allowed within Rural Residential (RR) or General Business (GB)

- General Business = Pink
- Rural Residential = Orange

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UDO Zoning Map



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UDO also allows Large Religious Institutions to be part of a PD site plan

- Note LARGE areas of PD and RR in very close proximity to StJP2 site.
- One major test of a Rezoning Application is whether there are similarly zoned properties adjacent or within close proximity to the site in question.
- PD and RR are clearly well established zoning districts within the area.

UDO – How to make a Large Religious Institution FIT

Large Religious Institutions are subject to Supplementary Conditions for Specific Uses per Chapter 5-15.

We address these in the submitted CDP Narrative and Design Guidelines

NOTE: St. John Paul II Catholic School was allowed to build on this site because the ZBA ruled that a Church was established on the site.

The St. John Paul II Catholic School Activity Building was approved and constructed on this site as a K-8 school. This approval also supports the established church.

5.15.2(A): Existing religious institutions that are not authorized shall be considered conforming uses for the purposes of reconstruction or expansion, subject to the provisions of this section.

All of the “provisions of this section” have to do with WHAT REQUIREMENTS a church has to meet – not IF a church is allowed.

5.15. RELIGIOUS INSTITUTIONS

5.15.1. Authorized Locations

- (A) Religious institutions, including, but not limited to churches, synagogues, temples, mosques and other places of religious worship, along with their accessory uses, are permitted in subject to the following development approvals based upon size limitations:

Type of Religious Institution	Maximum Seating in the Largest Place of Assembly	Districts Where Authorized
Small Religious Institutions	up to 250	Allowed in RR, NB and GB districts
Other Religious Institutions	251 or more	Allowed in RR and GB districts

- (B) Religious institutions shall only be permitted on a lot that fronts onto, a collector or arterial street.

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

- (A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.
- (B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.
- (C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:
- (1) Parking on an existing parking lot that complies with the UDO requirements for shared or satellite parking. For purposes of

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PD rezoning is INTENDED TO ADDRESS the non-conformance issues with the Church and School at StJP2. The existing uses were MADE non-conforming by the adoption of the CLRP and the updated UDO.

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UDO

2.24. VESTED RIGHTS DETERMINATION

The Applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:

- A. In reliance upon lawfully issued Development approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development approval;
- B. The Applicant has proceeded in good faith, has relied upon the issuance of the Development approval, and such Development approval has not lapsed or been revoked;
- C. The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- D. The Applicant has obtained a favorable vested rights determination.

To date, StJP2 has not approached this proposal as a Vested Right. Instead, the Applicant is seeking PD Compliance based on best uses, best context, best protection for neighboring properties.

Would we meet the requirements of Vested Rights?

UDO

2.24. VESTED RIGHTS DETERMINATION

The Applicant for common law vested rights must show compliance with the following criteria for the specific project to acquire such rights:

- A. In reliance upon lawfully issued Development approval, the Applicant makes a substantial financial commitment or assumes substantial financial obligations within the purview of the activities authorized by said Development approval;
- B. The Applicant has proceeded in good faith, has relied upon the issuance of the Development approval, and such Development approval has not lapsed or been revoked;
- C. The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- D. The Applicant has obtained a favorable vested rights determination.

To date, StJP2 has not approached this proposal as a Vested Right. Instead, the Applicant is seeking PD Compliance based on best uses, best context, best protection for neighboring properties.

Would we meet the requirements of Vested Rights?

- A) *StJP2 original school was approved. House was converted into a Rectory and Chapel. Mobile Classrooms were purchased and installed. Second Phase, Activity Building, including grounds, infrastructure, stormwater, and building pad were submitted, approved, and constructed.*
- B) *All construction has been performed in good faith with all required permitting.*
- C) *---*
- D) *---*

POINT: Everything that we’ve presented shows that both the CLRP and the UDO will support the USE of School and Church on the StJP2 property.

Religious Institution IS an Institutional / Civic Use within the CLRP and the UDO.

How do we provide REASONABLE protections for the adjacent neighbors so that the proposed development is contextual with the ESTABLISHED AREA OF TOWN.

- *Not just specific parcels on one side*
- *Area of Town involves ALL of the existing and approved growth patterns surrounding the property .*

IF NOT A CHURCH, THEN WHAT...?

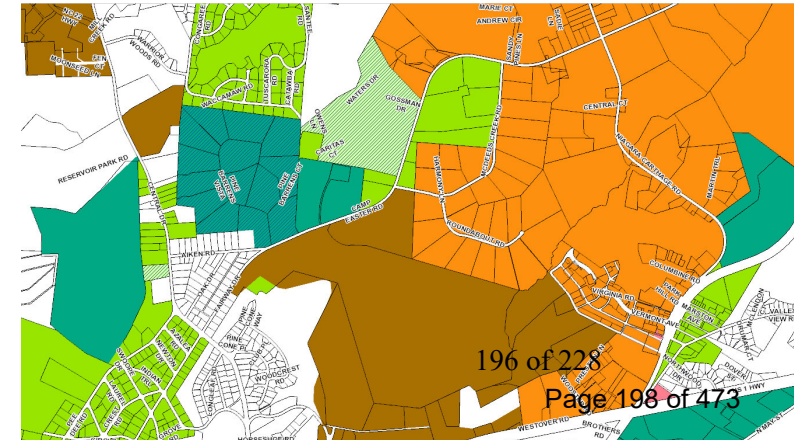
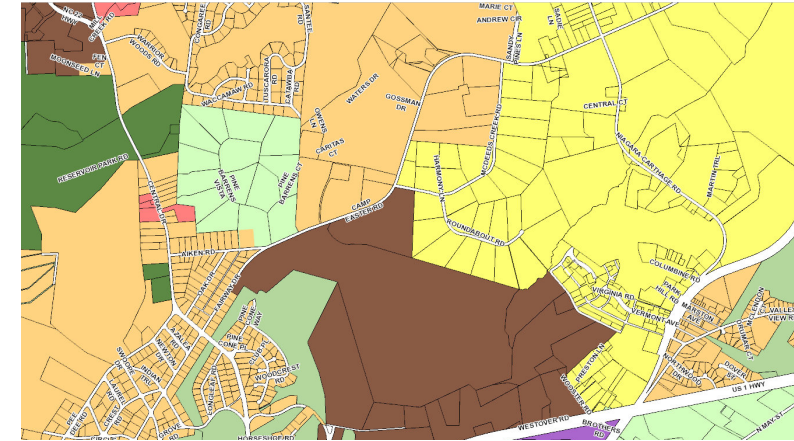
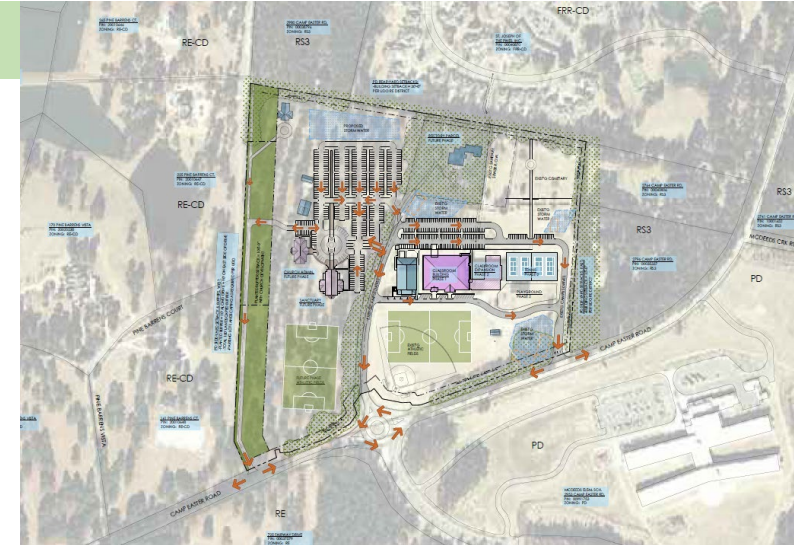
(C = Special Use ; S = Supplemental Conditions)

These are uses that are ALLOWED By-Right
within the Current RE Zoning District (No C/S)

1. Single Family Homes
2. Modular Homes
3. Bed & Breakfast Inn
4. Animal Services – Grooming, Training, Boarding
5. Horse Track (with spectators)
6. Horse Stables (public)
7. Golf Course (public)
8. Fire Station
9. Police Station
10. EMS Station
11. Cattle Ranch
12. Dairy Ranch
13. Hog Farm
14. Poultry and Egg Production (Commercial Facilities)
15. Domestic Backyard Chickens
16. Sheep and Goats
17. Forestry and Logging
18. Fishing, Hunting, Trapping
19. Minor Subdivisions

These are uses that are ALLOWED with C/S
within the Current RE Zoning District

1. Assisted Living – S
2. Bed & Breakfast Home – S
3. Camps / Camping – C
4. Trailer Parks – C
5. Elementary School – C
6. Nursing/Rehab Services – C
7. Cemeteries, Accessory to Churches – S
8. Major Subdivisions – C
9. Home Occupations – S



IF NOT A CHURCH, THEN WHAT...?

(C = Special Use ; S = Supplemental Conditions)

These are uses that are ALLOWED By-Right within the Current RE Zoning District (No C/S)

1. Single Family Homes
2. Modular Homes
3. Bed & Breakfast Inn
4. Animal Services – Grooming, Training, Boarding
5. Horse Track (with spectators)
6. Horse Stables (public)
7. Golf Course (public)
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11. Cattle Ranch
12. Dairy Ranch
13. Hog Farm
14. Poultry and Egg Production (Commercial Facilities)
15. Domestic Backyard Chickens
16. Sheep and Goats
17. Forestry and Logging
18. Fishing, Hunting, Trapping
19. Minor Subdivisions

Buffering / Setbacks required for any BY-RIGHT use listed above

- BUILDING Setback: RE, Interior Side Setback = 15'
- Buffer: RE to RE = NONE
- **Thus ANY of the uses listed above could be established on site, BY RIGHT without ANY planted buffers.**
 - No public hearing, no rezoning – just apply for and pick up a permit.

These are uses that are ALLOWED with C/S within the Current RE Zoning District

1. Assisted Living – S
2. Bed & Breakfast Home – S
3. Camps / Camping – C
4. Trailer Parks – C
5. Elementary School – C
6. Nursing/Rehab Services – C
7. Cemeteries, Accessory to Churches – S
8. Major Subdivisions – C
9. Home Occupations – S

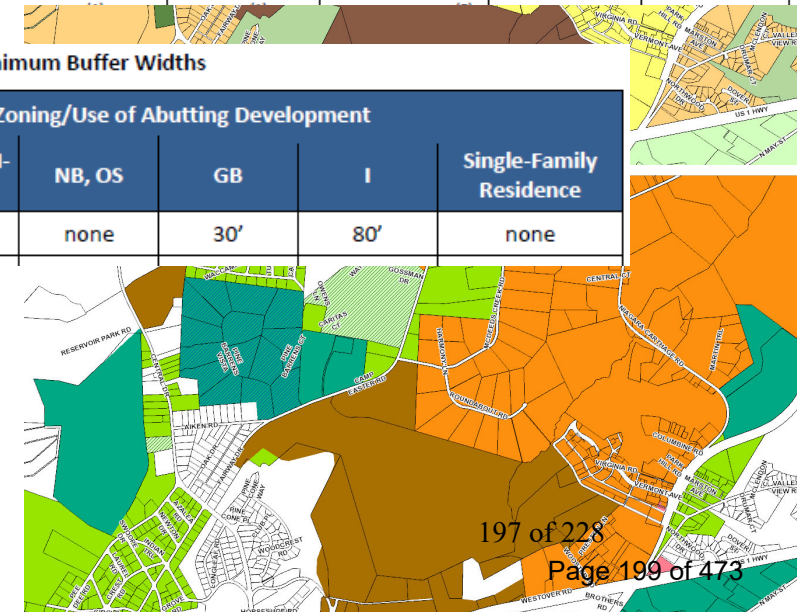


Exhibit 4-1: Building Height, Setbacks and Lot Dimensions

Zoning District	Maximum Height	Front Setback	Setback From Street Centerline	Exterior Side Setback	Interior Side Setback	Rear Setback	Minimum Lot Size	Additional Area Required Per Additional Dwelling Unit	Lot Width
RE	35'	40'	70'	15'	15' ⁽¹⁾	30' ⁽¹⁾	5 acres ⁽⁴⁾		100' min.

Exhibit 4-2: Minimum Buffer Widths

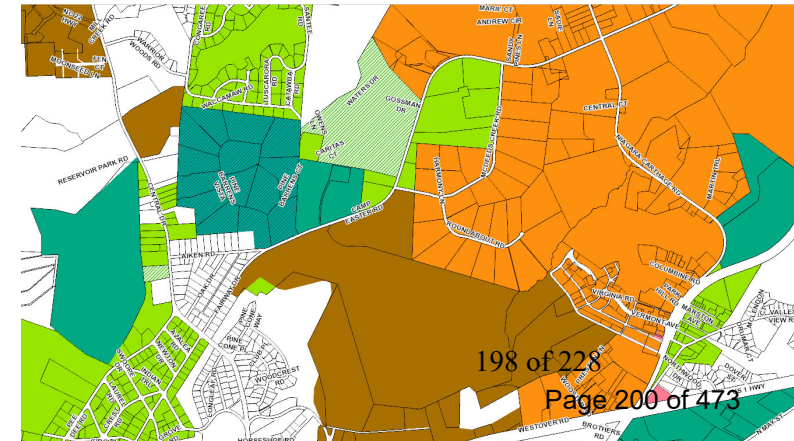
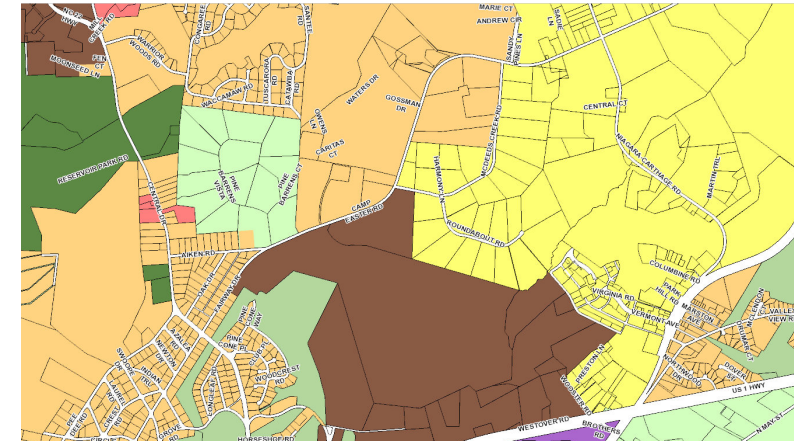
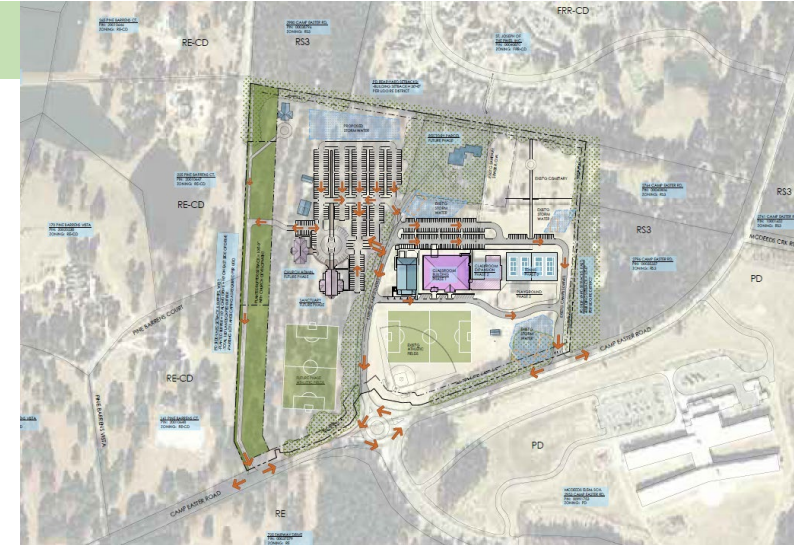
Zoning District or Use of Proposed Development	Zoning/Use of Abutting Development					
	RE, RR, RS-1, RS-2, RS-3	RM-1, RM-2	NB, OS	GB	I	Single-Family Residence
RE, RR, RS-1, RS-2, RS-3	none	none	none	30'	80'	none



CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

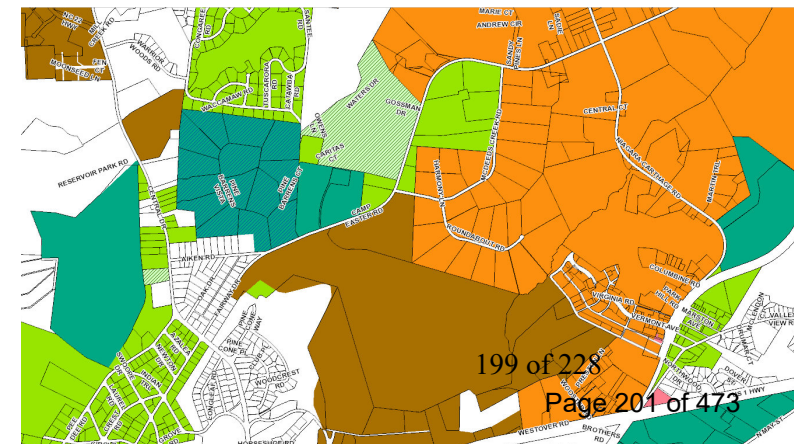
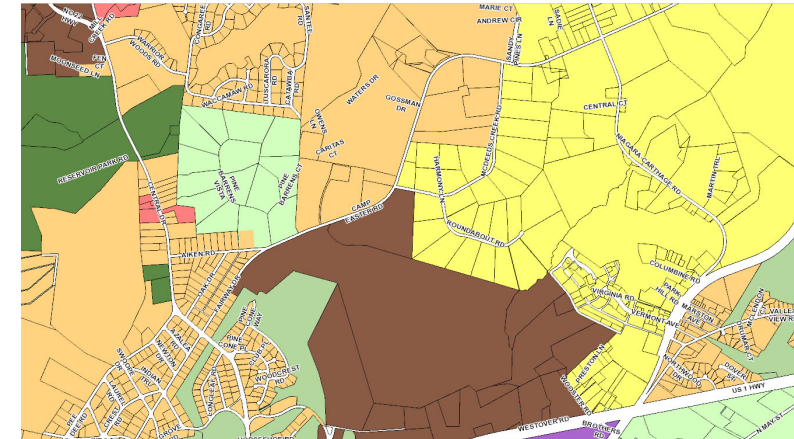
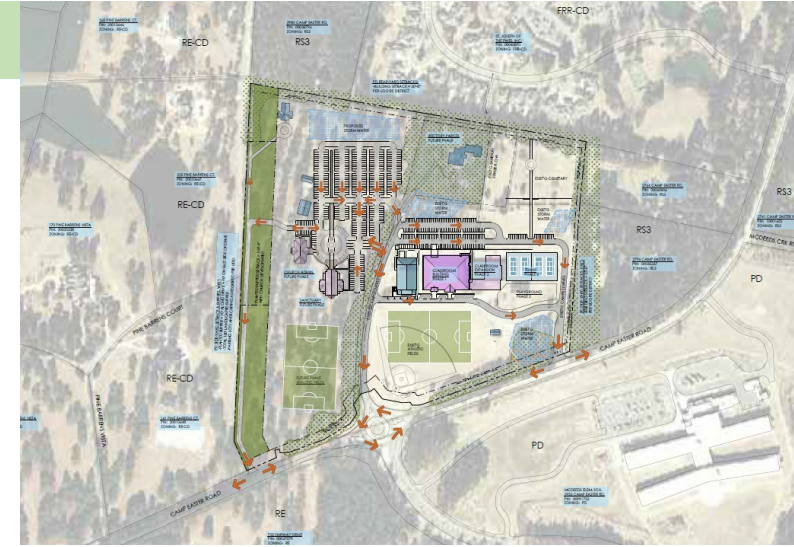
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program,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



CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

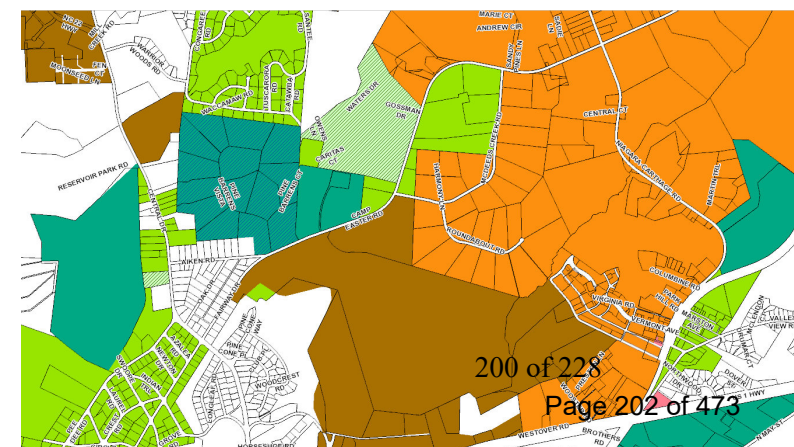
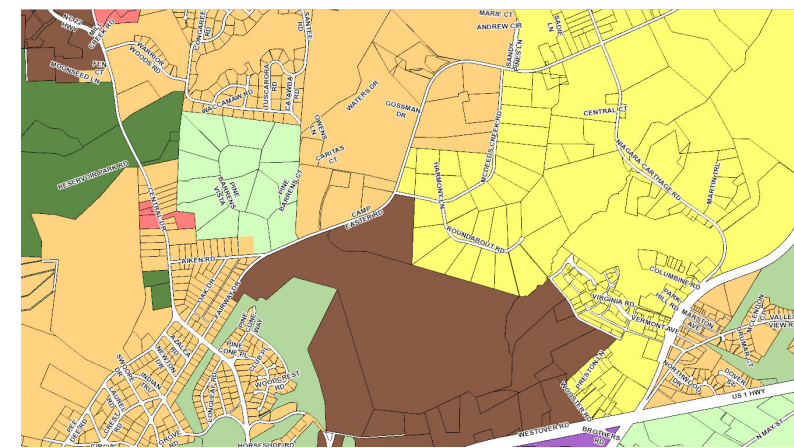
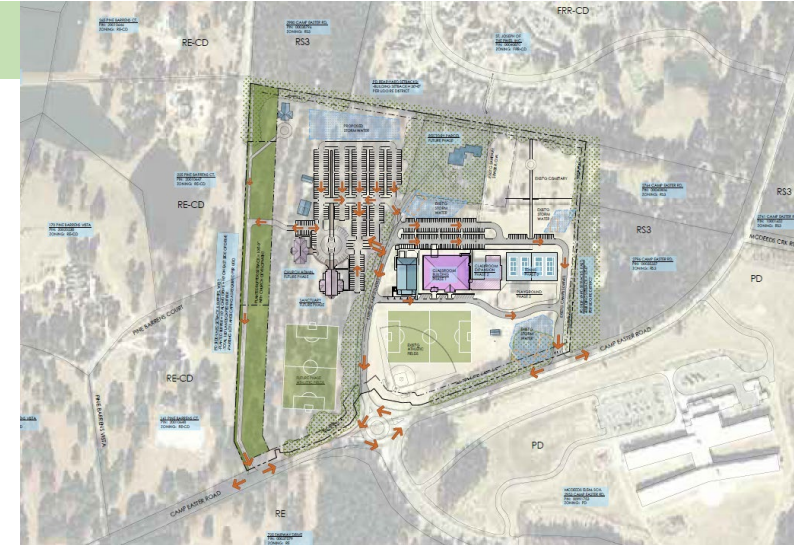
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
 - ***Need for Rezoning: Existing Pre-K through 8th grade school is non-compliant with current UDO, which only allows Elementary Schools within RE district. In order to build a permanent Classroom Building and remove mobile units, property must meet current UDO standards. Southern Pines Planning staff recommend rezoning to Planned Development (PD) as is consistent with the recently PD rezoned McDeed's Creek Elementary School directly across Camp Easter Road from the St. John's property. PD will establish zoning criteria to direct future phases of development on the entire 42.2 acre property.***
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
3. The proposed Development is appropriate for the area of the Town in which it is located; and
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.



CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

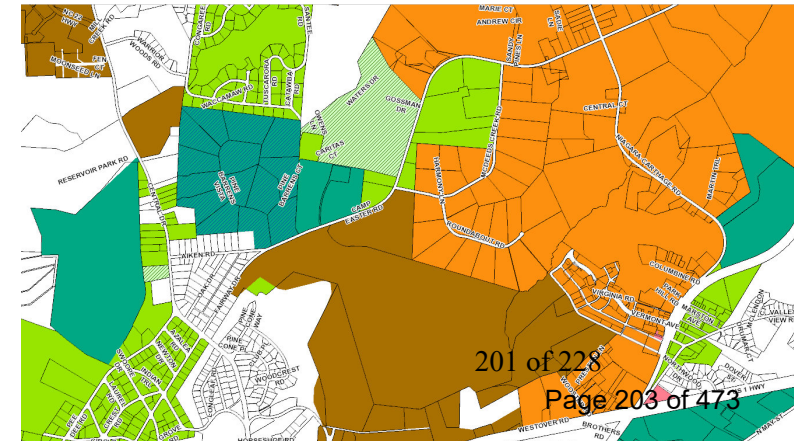
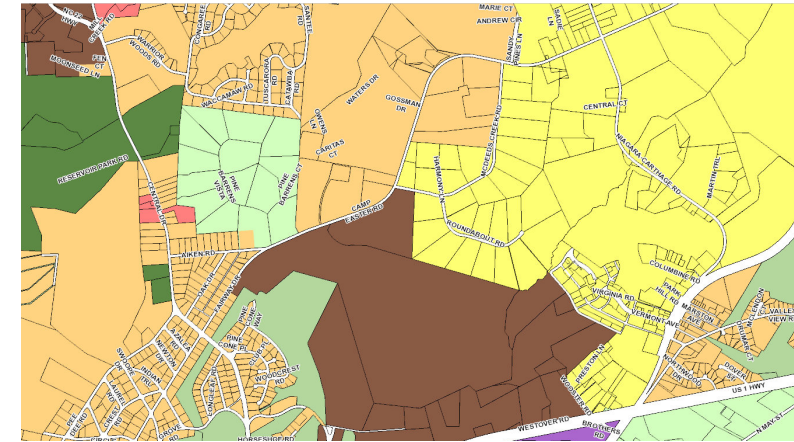
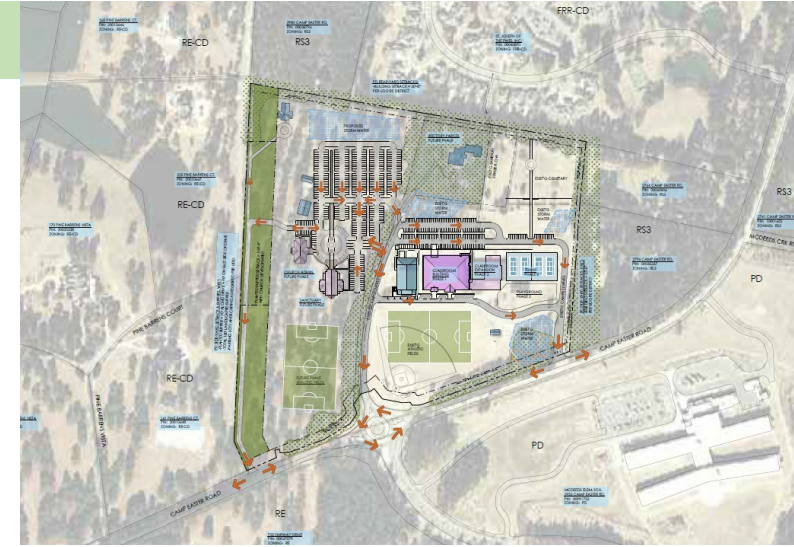
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
 - The CDP district supports the existing St. John Paul II Catholic School and provides UDO compliant means for expansions through master planned and phased growth.
 - The CDP limits the potential uses of the site to only those listed within the PD documents and establishes land areas where these uses may be expected to occur within the Concept Development master plans.
 - Existing School, Existing Church use, and Proposed Church Expansion are supported by the CLRP Future Land Use designation of "Residential" and with the application a PD rezoning, are supported by the UDO and Official Zoning Map.
 - The CDP establishes setbacks and buffers to minimize impact to adjacent residential properties.
 - This CDP establishes these regulations and proposed development patterns in general and requires a PDP process for each of the development phases
3. The proposed Development is appropriate for the area of the Town in which it is located; and
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.



CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

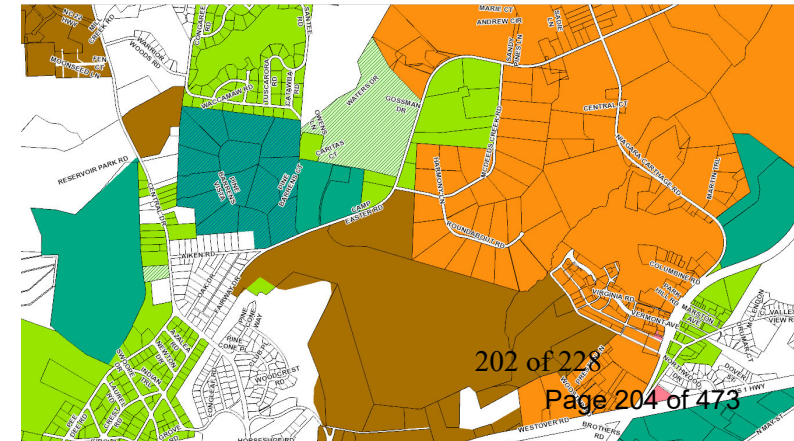
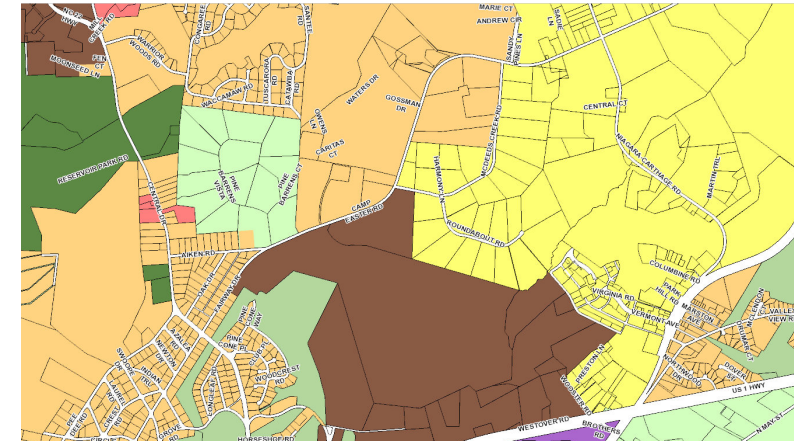
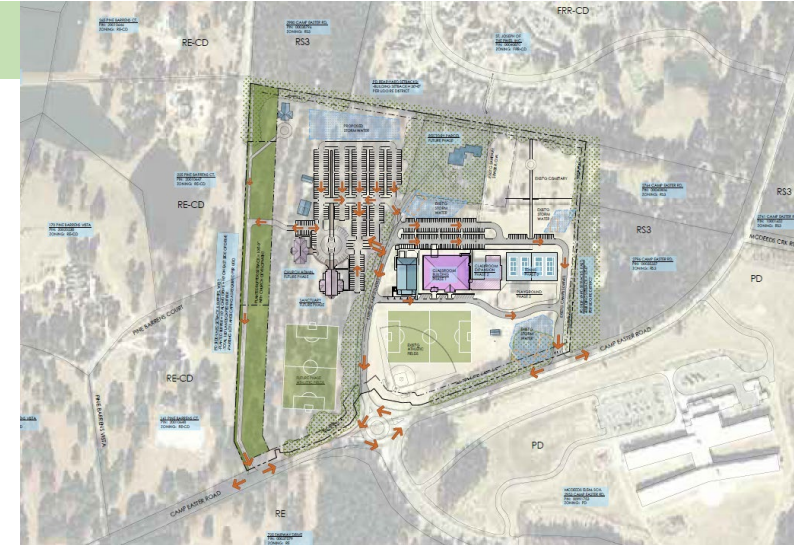
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
3. The proposed Development is appropriate for the area of the Town in which it is located; and
 - *The School Development portion of this CDP proposes expansion of the existing Pre-K through 8th grade school. McDeed's Elementary School was recently constructed directly across Camp Easter Road from the St. John Paul II site, thus supporting that area is appropriate for educational facilities.*
 - *Development of a Catholic Church adjacent to the Catholic School is a reasonable and congruous use within the 42.2 acre total site. The proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods. Churches traditionally serve communities and thus are appropriately developed within growing residential areas. Care will be taken to assure that the future church is developed with minimal adverse effects to existing residences.*
 - *Camp Easter Road, the new traffic circle, and the planned extension road from the traffic circle, south, will be studied during the Church Development PDP to assure transportation support is adequate or to identify additional needs, remembering that traffic for Church use is heavy only at very limited times through the week, which are also generally times when other traffic is light.*
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.



CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

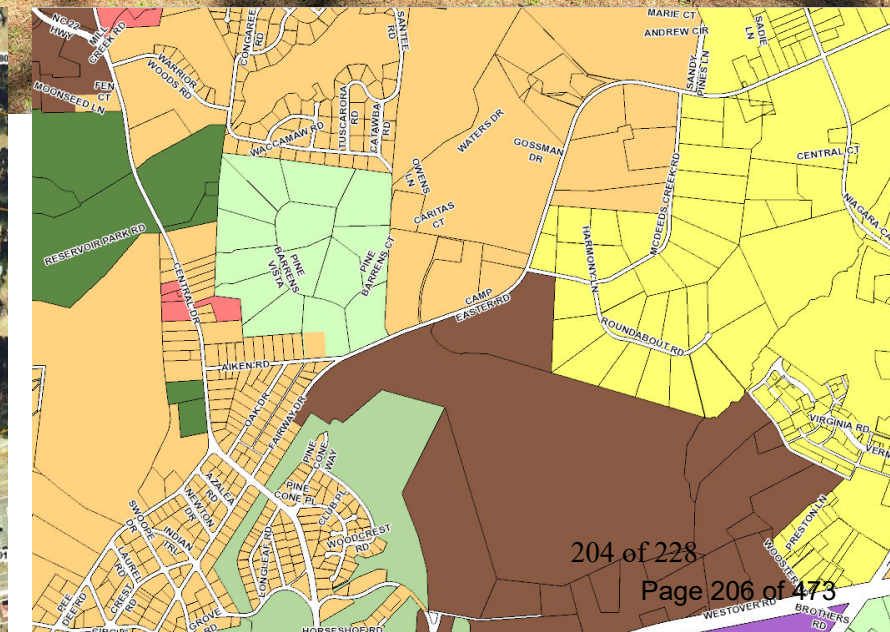
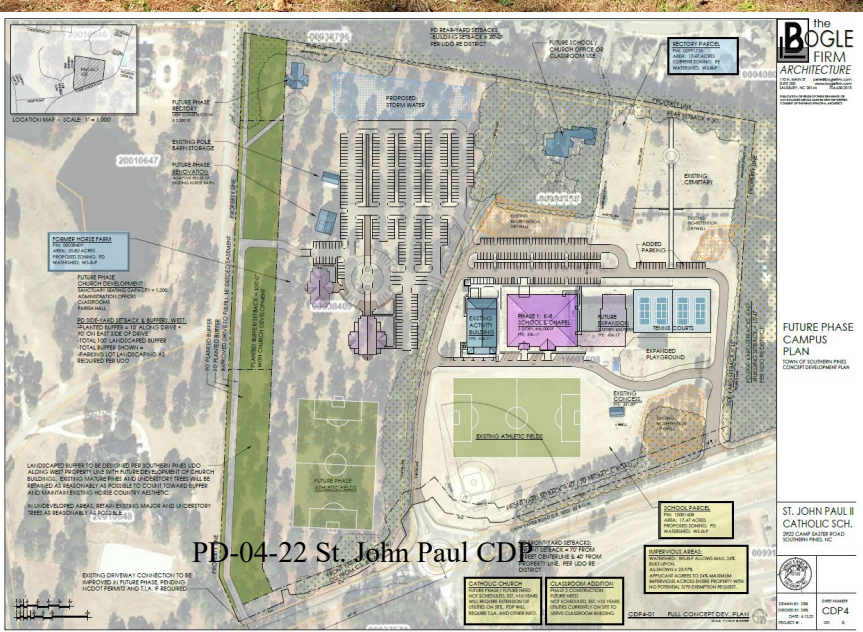
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
3. The proposed Development is appropriate for the area of the Town in which it is located; and
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.
 - *The site has access to public water, sewer, electrical, gas, telephone/data and other utilities currently being used on site by the Catholic School. The proposed CDP will not require public utility extensions.*



SOUTHERN PINES CATHOLIC HERITAGE:

- Southern Pines has a deep-rooted Catholic heritage with many Catholic owned facilities in and around town.
- St. Anthony of Padua Roman Catholic Church was established in Southern Pines in 1885
- The Catholic church is here to serve the community – look at the St. Anthony’s website to see the multiple programs they offer for community assistance, Hispanic ministries, family support, charities – it’s a long list, but at its core
 - a CHURCH exists to SERVE the COMMUNITY
- There’s a growing Catholic population of citizens and voters – otherwise, there would be no need to consider building a new Catholic church.
- Catholic Heritage is not listed as a planning goal within the CLRP simply because it’s not a land use issue.
- However, preserving the supporting the growth of Catholic heritage within Southern Pines affects a vast amount of your citizens now and into the future.
- They’ve invested on this site. They’ve shown more than is required in a CDP process in order to be as transparent as possible and in efforts of coming to the best possible growth mechanisms to help protect the adjacent property owners while best serving the neighborhood and community at large – because that’s what a Catholic Church does. It’s there to SERVE the community.





Southern Pines Town Council

May 10, 2022 Meeting
Public Hearing

St. John Paul II School and Church
Conceptual Development Plan

Neighbor Opposition to CDP Application & Analysis of UDO and CLRP

Received @
5/10/22 Hearing on
PD-04-22
From Andrew
Petesch.

Prepared on behalf of: Jim and Fran Currey
141 Pine Barrens Court
Southern Pines, North Carolina

Lloyd and Sheri Sullivan
225 Pine Barrens Ct.
Southern Pines, NC 28387

Tricia and Bill Bissett
355 Pine Barrens Vista
Southern Pines NC 28387

Prepared by: Andrew J. Petesch
Petesch Law
127 W. Hargett Street
Raleigh, NC 27601
T: 919-747-8611
E: andy@peteschlaw.com

LEGEND

- UDO & CLRP Text in black or red
- Application responses in green
- Neighbor comments in blue

I. Unified Development Ordinance

Ch. 2 Development Processes

2.18. Planned Development

2.18.4. Conceptual Development Plan

2-25

(H) Criteria¹

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

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

2.17.9. Criteria for Zoning Map Amendments²

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

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

See CLRP analysis below (pp. 19-20, [infra](#))

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

- The proposed School Development is an expansion of the site's current use. The proposed rezoning to PD will not change the use, but instead will allow the existing school to replace their mobile classroom units with a permanent

¹ Applicant's verbatim responses taken from Application Appendix 2 (Town Council's April 2022 Agenda Packet p. 30).

² Applicant's verbatim responses taken from Application Appendix 3 (Town Council's April 2022 Agenda Packet pp. 31-33).

building and to expand the study body to their goal of 450 to 500 students, as was outlined by the school in their approved 2017 Activity Building project.

Applicant's response ignores impacts of Church development, athletic fields, easement access, and parking lot. Response also fails to consider the character and use of adjoining properties.

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

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

Response does not address the questions of the Tract's suitability for the uses it's currently zoned for – in this case the largely undeveloped horse farm parcel is well-suited for its current RE zoning. No reference to substantially changed conditions or important policies is made.

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

- School Development will provide private education opportunities to more students within a permanent structure. In comparison to the mobile classrooms currently being used, this new structure will be visually more attractive, will provide greater safety for students, be more energy efficient, and provide a healthier interior environment for students and staff.
- Church Development will provide worship opportunities to fit the needs of the growing Catholic population of the area. Churches, by nature, promote the health, safety, and welfare of the community.
- No historic or cultural places will be affected by the proposed development.

To the extent that a school and church fit this element as claimed by the Applicant, the adverse impacts to adjoining equestrian and low-density residential properties offset that relationship.

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

- The planned growth of St. John Paul II Catholic School will allow provide private education opportunities to more students, thus serving a greater number of families to help meet the growing residential population in Southern Pines.
- Future Church Development will respond to the growing Catholic population in the Southern Pines area.

The Applicant does not identify any specific public policies in favor of the church development. The connection of the school expansion to a specific policy is not clearly made either. In no case does the Applicant reference the neighborhood area or any specific Town plans.

F. Size of Tract. The Hearing Body shall consider the size, shape, and characteristics of the Tract **in relation to the affected neighboring lands**. Amendatory ordinances shall not rezone a single Lot when there have been no intervening changes or other saving characteristics. Proof that a small Tract is unsuitable for use as zoned, or that there have been substantial changes in the immediate area, may justify ordinance rezoning.

- Existing property is a total of approximately 42.2 acres. Existing site Built-Up / Impervious areas calculate to approximately 9%.
- Built-Up / Impervious Areas are projected as follows at the completion of each phase as listed:
 - PHASE 1 Classroom Building = 12% Impervious Maximum
 - FUTURE PHASE Classroom Expansion and Tennis Courts = 15% Impervious Maximum
 - FUTURE PHASE Church Development = 30% Impervious Maximum
 - Note: 5/70 Exemption will be required for WS-III-P compliance once built-upon areas exceed 24%.

Applicant's response makes no reference to the relation of the tract to affected neighboring lands.

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

- None submitted.

H. Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional zoning districts, the Hearing Body shall not consider any representations made by the petitioner that, if the

change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification. Rather, the **Hearing Body shall consider whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification.**

- The proposed PD district does not increase the range of permitted uses on the site, rather limits the uses and adds control to the site based on the required master plan. Therefore, a possible range of uses is not of concern.

Applicant asserts that the permitted uses within the PD would not increase the range of uses currently operating on the property. That is not accurate as the PD would allow a Religious Institution (more than 250 seats), which would be an additional primary use. The response also ignores two key issues:

1. All of the current uses are prohibited in RE zoning districts except for elementary schools, which require a Special Use Permit; and
2. a comparison proposed PD uses to existing RE uses.

2-22, 2-23

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

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

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

Applicant provides conclusory responses that do not address the question presented.

Notably, the official zoning map shows not only that this property is zoned RE, but that it shares its entire western boundary with other land that is zoned RE. If the official zoning map references the FLUM and not current zoning, the subject property is designated

Residential, which only encourages elementary schools and civic. It is uncontroverted that the request seeks to include a Middle School. It is also questionable – at a minimum – as to whether “civic uses” contemplates the inclusion of large religious institutions.

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

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

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

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

The Applicant focuses its response on the existence of McDeed’s Elementary School on the south side of Camp Easter Road, but largely ignores the properties on the north side.

In addition, the Applicant states the “proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods.” However, the UDO itself prohibits all religious institutions in all residential zoning districts except RR-Rural Residential. The area north of Camp Easter is significantly zoned RE and RS-3, which is indicative that such a use is not, by its nature, appropriate for the area. (UDO p. 3-54)

Applicant states “[c]are will be taken to assure that the future church is developed with minimal adverse effects to existing residences.” Original plan shows that this did not occur. Nor has the Applicant made good faith efforts to address this issue subsequent to the Planning Board meeting.

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

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

2-27

Ch. 3 Zoning

3.5. Conventional Zoning Districts

3.5.1. RE – Rural Estate

(A) Purpose: The **RE** district is established as a district in which the Principal Use of land is for low-density residential purposes and for horse farms, horse stables and related activity purposes. The regulations of this district are intended to:

- (1) Preserve the existing scale of the low-density residential and agricultural character of Development in the area referred to as “Horse Country”;
- (2) Discourage the conventional subdivision of existing large Tracts into small building Lots;
- (3) Preserve existing horse farms and agricultural uses; and
- (4) Discourage traditional urban Development uses that require major utility extensions and street improvements.

(B) The uses authorized by section 3.7 of this UDO may be established in accordance with the provisions of this UDO, including, but not limited to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

- *Private Recreational Sports Facilities: Prohibited*
- *Elementary School: SUP*
- *Middle School: Prohibited*
- *High School: Prohibited*
- *Specialty School – Sports & Recreation Education: Prohibited*
- *Religious Institution (251+ Seats): Prohibited*

3-4

3.5.14. PD - Planned Development District

(A) Purpose: The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of this UDO. This district is intended to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development. The regulations of this district are intended to:

- (1) Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;
- (2) Exclude heavy commercial and heavy industrial land uses;
- (3) Encourage Development in areas located on major thoroughfares and collector streets;
- (4) Encourage vehicular access from service drive and other local streets;
- (5) Provide performance standards to help ensure compatible land uses;
- (6) Encourage common or shared parking;
- (7) Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;
- (8) Facilitate clustering of Development thereby increasing the amount of saved land;
- (9) Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;
- (10) Improve connectivity within and between Developments to promote mobility and enhance walkability;
- (11) Integrate public spaces and amenities to promote community gatherings and activities;
- (12) Establish coordinated land plan and consistent treatment of common design elements;
- (13) Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and

(14) If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.

...

(B) Applicability: A **PD** district may be established to accommodate large-scale, master-planned, mixed-use Developments that cannot be accomplished through conventional zoning districts. Development within a PD district shall occur in accordance with unique conditions and standards established during the rezoning process that may vary from those contained within other sections of the UDO. Such conditions and standards shall be applicable only to the specific Parcel of land that comprises that PD District, and shall run with the land regardless of ownership.

(D) Land Use Mix: Each PD district approval shall identify the authorized land uses, which may include a mix of residential, retail, office, recreational or light industrial uses. The type and location of any and all uses within the PD District must be demonstrated to be appropriate for the project area and surrounding area. All land uses listed in the approved zoning application are permitted subject to the conditions established through the rezoning process.

...

(F) General Provisions

(1) Minimum Size and Contiguity: The PD district shall encompass a sufficient area to accommodate the proposed mix of Uses and ensure compatibility between both internal and external land uses.

(3) Relationship to the UDO: Each proposal for Development under the PD district is anticipated to be unique. Except as provided by this section and the PD approval, PD district Development shall be subject to all of the applicable standards, procedures, and regulations in other sections of this UDO. Development Conditions approved as part of the PD District zoning application shall supersede conflicting UDO regulations, unless otherwise prohibited by law. Alternative standards may be approved for Development within the PD district if they:

- a. Meet or exceed the general intent of the UDO standards for base zoning districts;
- b. Are appropriate given the specific mix of uses and character of the Development; and
- c. Achieve a more efficient, safe or economical land use without detracting from the quality of the Development or detrimentally impacting its surrounding Development or the community as a whole.

3-19 to 3-22

5.15 Religious Institutions

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

(A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.

(B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.

(C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:

1. Parking on an existing parking lot that complies with the UDO requirements for shared or satellite parking. For purposes of this paragraph, existing parking lots include parking lots established prior to adoption of the UDO; or
2. Parking on a site in a GB district located within 600 feet of the entry to the religious institution; or
3. Parking on a site further than 600 feet from the entry to the religious institution and the institution establishes and agrees to maintain a shuttle service from the remote parking area.

5-16

5.15.4. General Requirements for Accessory Uses

(A) Accessory uses shall meet the following requirements:

(B) Accessory structures and uses shall meet the setback and buffer requirements that apply to the principal structure(s).

(C) Accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with nonreligious uses, they shall also be forbidden in association with religious uses. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.

(D) The accessory use shall be owned and operated only by the owner of the primary use.

(E) The facility housing the accessory use shall meet all local, State or federal standards.

(F) The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.

(G) Outdoor play or activity areas shall be no closer than fifty (50) feet from a residential zoning district.

(H) Except in the **RR** and **GB** districts, **the following activities shall be prohibited in association with religious institutions:** retreat centers; overnight lodging facilities or other temporary sleeping quarters; **and any use not specifically identified as an allowable accessory use.** Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage pursuant to paragraph J.

(I) Child day care, adult day care, preschool or child nursery uses are allowable accessory use subject to the following standards:

(1) The total floor area allocated to the child day care, adult day care, preschool or nursery Uses shall not exceed ten (10) percent of the total floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities and related mechanical and support facilities.

(2) An off-street drop-off area for persons served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.

(J) A fellowship hall is an allowable accessory use subject to the following standards:

(K) Dining, including dining open to the public as a “soup kitchen,” is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:

(1) The owner of the religious use ensures that meal recipients remain on the site except during travel to and from the fellowship hall; and

(2) No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.

(L) The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.

(M) The entrance to the fellowship hall shall not be located on a Street providing primary Access to residences, unless such Street is classified as a collector or arterial.

(N) One (1) residential Dwelling Unit is allowable to serve as a parsonage, subject to the following standards:

(O) A minimum Lot area for the Dwelling Unit (“parsonage lot”) shall be 6,000 square feet. The parsonage lot shall be used exclusively for the Dwelling Unit and shall not include any primary or other accessory use allowable on the site. the parsonage lot shall not be used for any

support activity to the primary or accessory uses, such as outdoor play areas, storage or parking, other than as specifically provided below.

- (1) Two (2) parking spaces shall be provided within the parsonage lot.
- (2) The maximum building height on the parsonage lot shall be thirty-five (35) feet.
- (3) The parsonage lot may contain children's outdoor play equipment, in a size and quantity typical of a single-family residential use.

5-16 to 5-18

9.3. *Definitions*

Building, Accessory or Accessory Structure: A building or structure that is located on the same Lot as a Principal Building or Structure, used incidentally to a Principal Building or used for purposes that are secondary the Principal Use of the site. For example, a storage shed is considered an Accessory Building when located on a Lot with a Single-Family residence.

Building, Principal or Principal Structure: The building or structure on a Lot that houses the Principal Use. For example, in the example for the previous definition, the Single-Family home would be the Principal Building

Compatible/Compatibility: A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design and intensity of nearby structures, uses and activities.

Light Pollution: Any adverse effect of manmade light including, but not limited to, Light Trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Special Events: Temporary, organized events that:

- (A) Run no longer than two weeks;
- (B) Are intended to or likely to attract substantial crowds; and
- (C) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Use, Accessory: A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

Use, Principal: The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

II. Comprehensive Long-Range Plan

Chapter 1: Introduction

Purpose

This Plan is a guide for local decision-makers to help Southern Pines grow and prosper.

Pressures have emerged that seem to threaten the very qualities that have defined Southern Pines for so many years – qualities most residents hope never to lose.

This updated Plan addresses those concerns and identifies opportunities to ensure that change and preservation efforts improve the quality of life for the Town's residents over time.

1-1

Using This Document

The roles of this Plan are to:

- Articulate a common vision, goals and policies that serve as an agreement with the public and establish expectations regarding the Town's actions;
- Guide elected . . . leaders as they make decisions about . . . specific development projects

1-5

Chapter 2: Community Vision, Goals and Policies

The vision may be considered the foundation for everything else in the Plan.

Goals describe desired outcomes or broad public purposes that policies and strategies are intended to help to achieve.

Policies provide operational guidance by describing how the Town will respond to certain circumstances

The Future Land Use Map (FLUM) guides for future zoning and public improvement decisions. The FLUM is intended to be used in concert with the vision, goals and policies to determine whether a specific zoning category is appropriate in time and location

2-1

Goals

While each goal is written as a directive to the Town, most of the goals can only be achieved through coordination with other public and private entities, including the Town's residents and business owners.

- **G-1. Community Well-Being.** Improve the personal health and security of our residents and **promote neighborhoods** and commercial areas **that are safe, secure and healthy**.
[Note: for purposes of this goal, security encompasses both physical and financial security. **Health refers to physical health and mental health**, which includes opportunities for life-long learning.]
- **G-4. Neighborhoods.** **Protect and enhance the civic vitality, function, stability and character of Southern Pines** commercial and **residential neighborhoods**.
- **G-10. Economy.** Achieve a sustainable, resilient, balanced economy, providing community prosperity and fiscal health.
- **G-13. Growth.** Ensure that services, facilities and land resources accommodate anticipated growth **while enhancing the quality of life for Southern Pines' residents**.
- **G-14. Community Involvement.** Involve the community in public decision-making processes to help achieve the Town's vision and goals.

2-6, 2-7

Policies

The following policies are intended to guide the Town's decision-makers as they allocate resources, act on development proposals, create or modify regulations, enter into agreements for the provision of services or public facilities and take other actions affecting the short-term and long-term future of Southern Pines.

- **P-2. Neighborhoods.** **Ensure that new development and redevelopment are compatible** with the overall **scale**, architectural, transportation and public-space characteristics of the neighborhood in which it occurs.
- **P-4. Future Land Use.** **Use the future land use map** in Chapter 4 of this Plan **as a guide for zoning decisions**. Recognizing that the **map accommodates projected growth through the year 2040**, decisions to approve zoning map amendments, proposed development and infrastructure extensions need to consider both the proposed future land use and whether the timing of the action is consistent with the Town's other goals and policies.

2-7, 2-8

Chapter 3: Community Design

Community Design Issues

This section describes community design challenges that will face the Town as it implements this Plan. These issues are intended to help the Town balance competing objectives as it makes decisions about specific regulations, development proposals and resource allocation decisions.

3-3

Protecting Neighborhood Integrity and Vitality

One of the key concerns for residents is ensuring that growth and change do not degrade the quality of existing neighborhoods. In all neighborhoods, this means:

- Maintaining compatible scales and intensities of development;
- Designing and maintaining safe streets that serve motorists, bicyclists and pedestrians at appropriate levels of service;
- Preventing or mitigating potentially blighting influences; and
- Retaining trees.

In suburban areas, densities should remain moderately low and a combination of open space, buffers and limits on building scale should be used as transitions between uses.

3-3, 3-4

Chapter 4: Land Use

Context for Planning

This chapter contains a brief overview of the Town's existing conditions and lists the challenges related to land use. This chapter also describes future land used categories and includes a future land-use map that is intended to be a graphic policy to guide future land use, zoning and public facility decisions. The map generally reflects existing land use patterns in developed areas and recommends land uses in currently vacant and underdeveloped areas that are more than adequate to meet the needs of projected residential and non-residential growth through the year 2040 in a manner that is consistent with the vision goals and policies in Chapter 2 of this Plan.

Change is part of all living communities This chapter recognizes this fact, establishing a pattern of land uses that accommodates anticipated changes while preserving those essential characteristics that make Southern Pines unique.

4-1

Future Land Use Categories

Each of the categories described in this section is intended to describe a range of uses and intensities that are most appropriate for applicable areas.

- ***Rural/Equestrian***

This designation provides for large-lot residential/equestrian use, with property sizes generally ranging upward from five acres per parcel. Land uses under this designation include single-family residential, along with those other ancillary uses normally associated with horse farms, the keeping of large animals or other small-scale agricultural pursuits.

- ***Residential***

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

4-2, 4-3

Future Land Use Map

The future land use map (Figure 4.5) is a graphic expression of this Plan's land-use policy. Provided to guide decisions on land use, the map reflects both current uses - categorized more generally than with the Town's zoning map - as well as uses the Town sees as conducive to the community's long-range goals. As opportunity and interest emerge for changes in land use and development regulation, the map should be referenced to ensure those changes meet overall planning goals. In contrast to the Town's parcel-specific zoning map adopted as part of the Town's Unified Development Ordinance, the future land use map is presented with soft-edged use boundaries, which are intended to identify future land use designations but at the same time reflect the fact that as policy, specific boundaries are less critical than the map's overall intent, including development type, intensities and their relative arrangement.

4-4

Land Use Issues

This section describes land use challenges that will face the Town as it implements this Plan. These issues are intended to help the Town balance competing objectives as it makes decisions about specific regulations, development proposals and resource allocation decisions.

4-6

Accommodating Projected Growth

This Plan **anticipates population and employment growth** and allocates adequate land to accommodate a diverse mix of housing, mixed-use and non-residential development required to serve the projected population.

The intent of this Plan is to **accommodate growth, while ensuring that new development and redevelopment are compatible with the desired community character of affected neighborhoods** and consistent with the resources needed to provide public facilities and services in a fiscally responsible manner.

4-6

Establishing Compatible Transitions Between Uses

Mixed-use and infill development at **higher intensities can be detrimental to neighborhood integrity** unless buildings and sites are designed so that there are compatible transitions between uses. This means that the Town will need to **ensure that in mixed-use and on parcels where land uses are transitioning, the scale, orientation and intensity of buildings is compatible with adjacent development** and that higher intensity development sites are **designed to minimize negative visual, noise and traffic impacts on neighboring properties.**

4-6

Chapter 6: Economic Development

The local economy relies on multiple economic sectors, demographic variety in employment, and entrepreneurship.

6-1

Economic Development Issues

- ***Capitalizing on Tourism.***

Tourism will continue to be an important element of Southern Pines' economy. In addition to being a nationally known center for golf and **equestrian activities**, Southern Pines serves as a regional retail center and has an Historic Downtown that is the envy of many communities hoping to attract tourism. **To capitalize on these resources, the Town should support** promotional efforts, as well as **efforts to retain their integrity.**

6-6

Appendix A: Terminology

Definitions

Aesthetic: The visual quality of a place or thing that creates the sensory experience of the sublime. A-2

Buffer: An area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, compatibility and stability of the area or land. A-3

Compatible: Capable of existing without diminishing the use or enjoyment of abutting and adjacent properties. Compatibility is not intended to be construed as homogeneity – it is intended to allow for gradual transitions in the intensity, nature, scale and design of uses. In higher intensity, mixed-use settings, design, orientation and scale can be used to achieve compatibility between dissimilar uses, in lower density areas, buffers may be used to ensure that transitions are compatible. A-3, A-4

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities. A-6

Impacts: Consequences (both good and bad) of an action or decision that occur beyond the site under consideration. A-6

Landscaping Buffers: The separation of land uses from other land uses or sensitive environmental areas by a strip of unoccupied land, reducing potential conflicts and negative impacts by putting distance and screening between the two. A-7

Preserve: To save from change or loss and reserve for a special purpose. A-8

Viewshed: The landscape or area that can be seen directly from a defined viewpoint or along a transportation corridor. A-12

CLRP Analysis

This CDP is consistent with the Comprehensive Plan – Southern Pines’ Vision (Chapter 2) ³

- **Recreational opportunities meeting the diverse needs of residents will be met through public and private facilities and services:**

Athletic fields are currently made available to outside groups who are connected to the school or Catholic community.

Use of athletic fields in proximity to RE zoning property raises significant compatibility issues.

- **Goal G4 – Neighborhoods:**

School Development is built within the center of the existing campus and will have no adverse impact on neighboring properties. Proposed PD establishes setbacks, buffers, and landscaping requirements that minimize impact to neighbors for the Church Development phase. Traffic studies will be performed during PDP of Church Development, bearing in mind that heavy traffic for a church happens at minimal hours each week and is generally during low traffic volume days and times.

Not well-considered.

- **Goal G6 – Parks & Open Space:**

The proposed CDP maintains large open spaces to be used as athletic fields, playgrounds, and other outdoor spaces for the school. The existing cemetery will be a permanent open space.

Based on description, use of open space may be detrimental to adjacent RE properties.

³ Applicant’s verbatim responses taken from Application Appendix 3, Part A (Town Council’s April 2022 Agenda Packet pp. 31-32).

- **Goal G10 – Economy:**

The expanded school will employ more teachers, but of greater impact is that the expanded school will provide additional private schooling options to help attract more families to seek jobs within the area. Church development will have a similar economic affect.

Speculative as to the economic effect, but should be balanced with economic contribution from equestrian community, which the CLRP expressly establishes as an essential element of the Town.

- **G-13 Growth:**

The proposed School Development and Church Development will serve as a catalyst for growth of families considering a move to the area as both school and church will be able to serve a larger population.

A conclusory statement without any research or evidence. To the extent that the church and school do contribute to growth, any such value should be weighed against the growth that the Town's commitment to the equestrian community provides.



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

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

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

PIN: 858315538280, 858315635655, & 858315635197

Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres

Zoning: RE

Applicant:

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

Email: fr.john.forbes@raldioc.org

Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

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

Email: pete@boglefirm.com

Phone: 704.638.2015

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

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

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

Email: Michael.Wengenroth@raldioc.org

Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

Owner's Contact: Michael Wengenroth, AIA

Dir. of Property, Construction and Risk Management

The Catholic Diocese of Raleigh

1/12/22

PD-04-22 St. John Paul CDP

July 2022 Town Council

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

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

The property which is the subject of this application is located on the NORTH side of CAMP EASTER RD. (St./Ave.), between PINE BARRENS VISTA (St./Ave.) and MCDEEDS CREEK (St./Ave.). The property has a frontage of ± 1,435 feet and a depth of ± 925 TO 1,630 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

Private Catholic School PreK-8th (existing use), Rectory (existing use), Cemetary (existing use),

Athletic Fields (as part of 6120 current use), Religious Institution (existing use - chapel in Rectory and School)

Religious Institution, large church (proposed future use). See below for LBCS.

Date: 5.15.22


Applicant

Proposed Property Uses:

PRIMARY USES:

Private Catholic School PreK-8th Grades (LBCS 6110, 6121, 6122, 6125)
Religious Institution (large church) LBCS 6600
Residential, single family home (Rectory) LBCS 1111

ACCESSORY USES:

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

Other uses not listed here are excluded from this PD.

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner
Bogle Firm Architecture

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

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:

Russell C. Elway
Property Owner

Property Owner

[Signature]
Agent

8-27-21

APPOINTMENT OF AGENT

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

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and
4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

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

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:

Russell Celwaga
Property Owner

Property Owner

[Signature]
Agent

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: July 12, 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. TOWN COUNCIL REVIEW & PRIOR ACTION:

On June 14, 2022 a public hearing was held by the Southern Pines Town Council regarding the proposed Preliminary Development Plan for Morganton Park South Phase 2 (Apartments). After opening the public hearing, the Town Council heard a presentation about the application from planning staff. The Council was then addressed by Attorney Tom Johnson with Williams Mullin, representing the applicants and Adam Tucker with Zimmer Development Company. Mr. Bob Koontz then led the Town Council through a presentation on the project and responded to questions and addressed comments from Council members before the Mayor called for a fifteen minute break. Upon reconvening the meeting, Mr. Tucker made a request for a continuance to the July 12, 2022 meeting, and asked for clarification on the process should they need to continue until the August

meeting. The Council then voted 5-0 to continue the hearing until the July 12, 2022 meeting. No additional information has been submitted to staff since the June 14th hearing, to the date of this report (June 29, 2022).

III. 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.

IV. 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



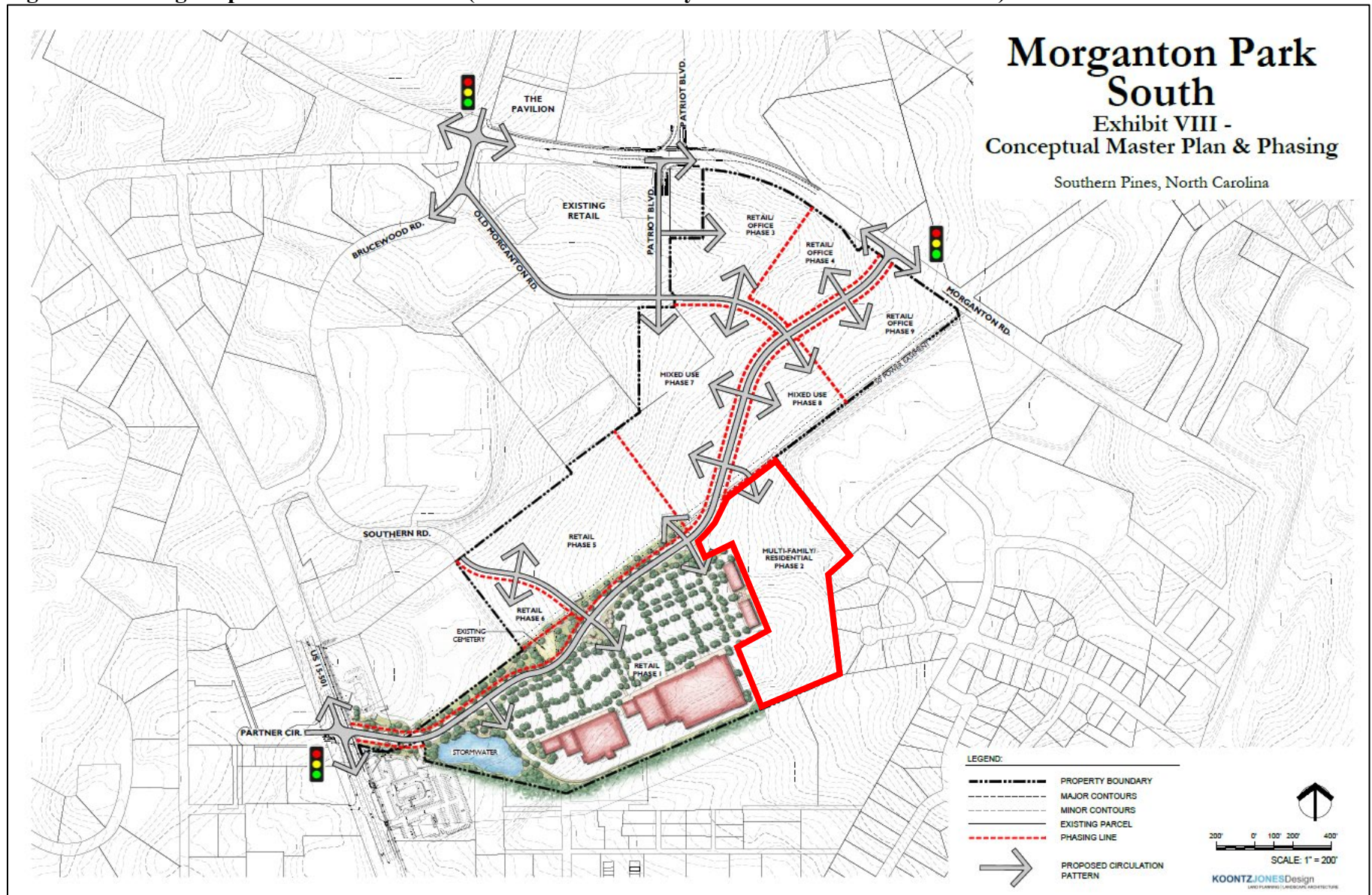
Figure 3: Aerial image, looking northwest towards subject property (approximate location shown in yellow)



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.

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



V. 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 (continued to...)
- Town Council Regular Meeting: July 12, 2022

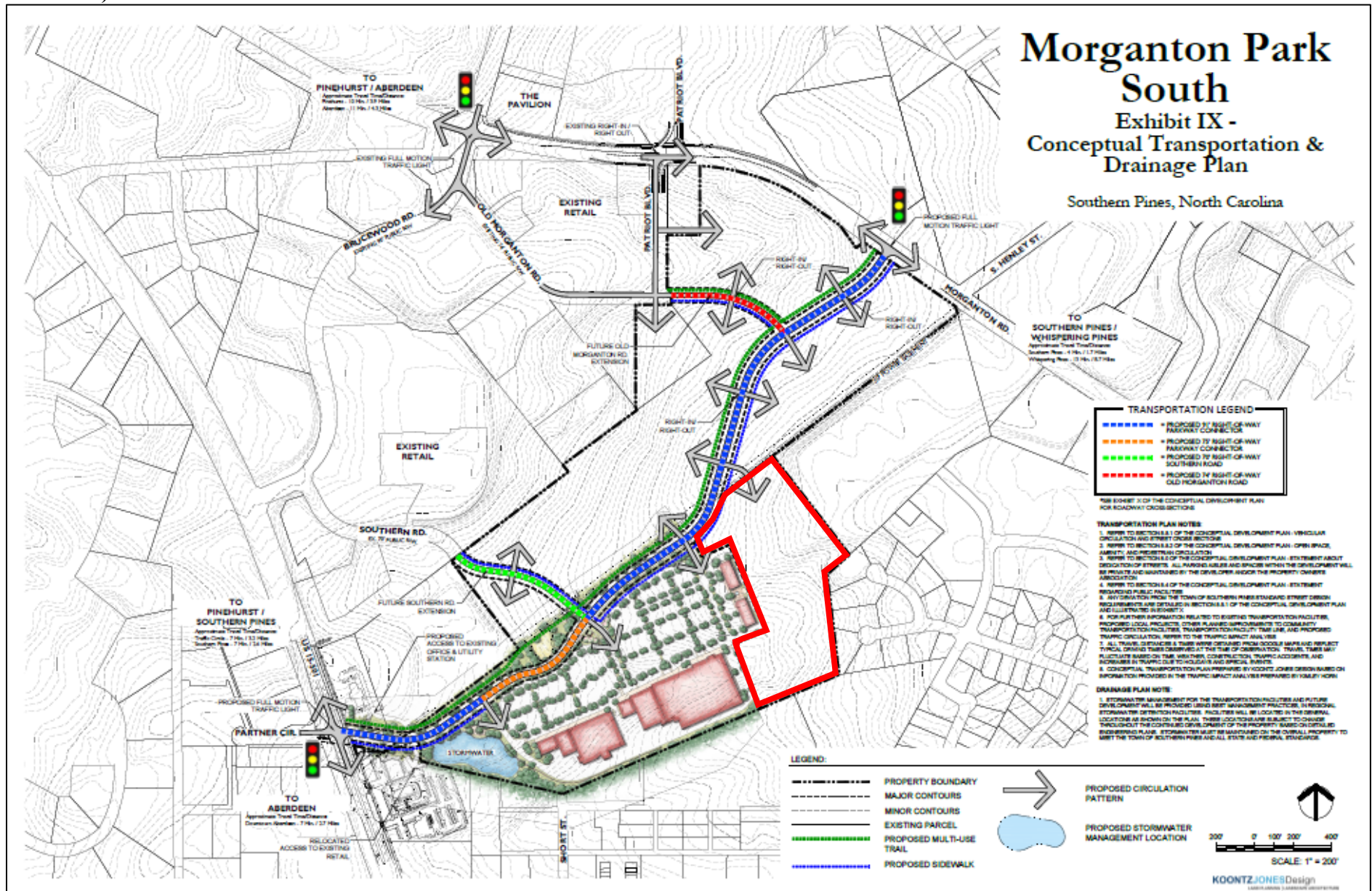
III. Applicable Criteria for Review:

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

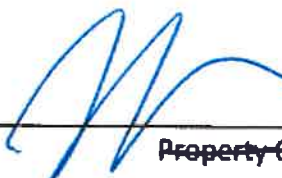
APPOINTMENT OF AGENT

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

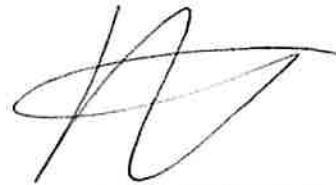
MORGANTON ROAD ENTERPRISES, LLC

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



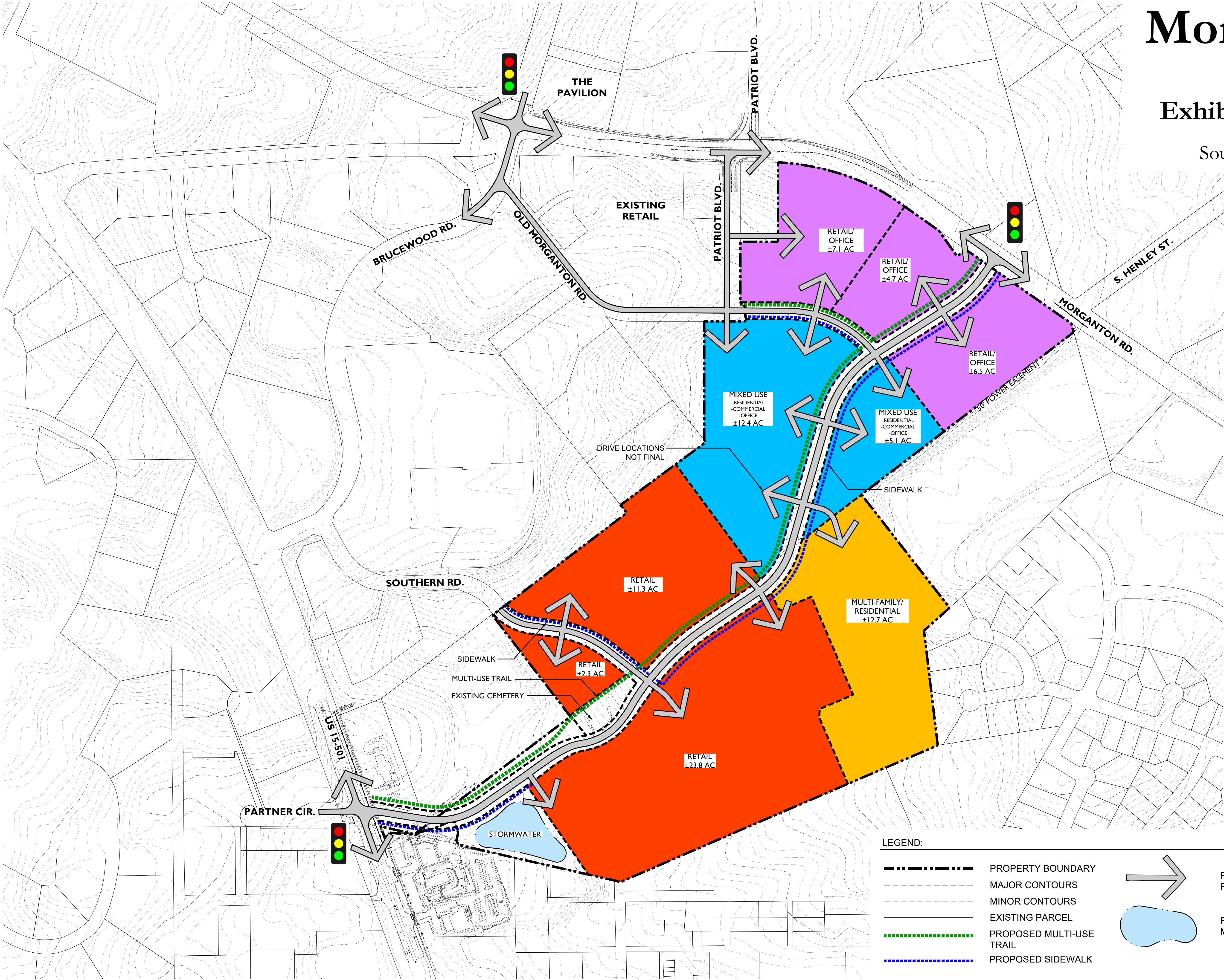
Agent

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

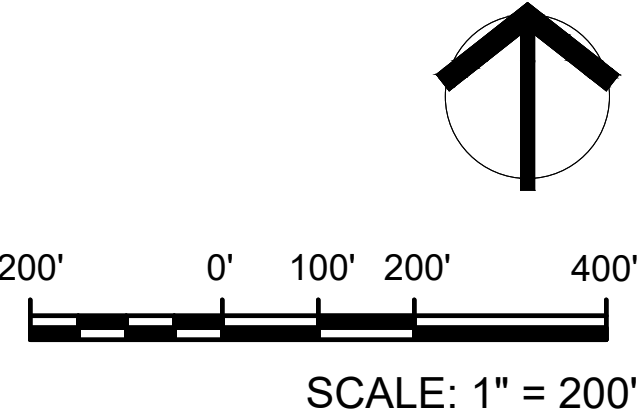
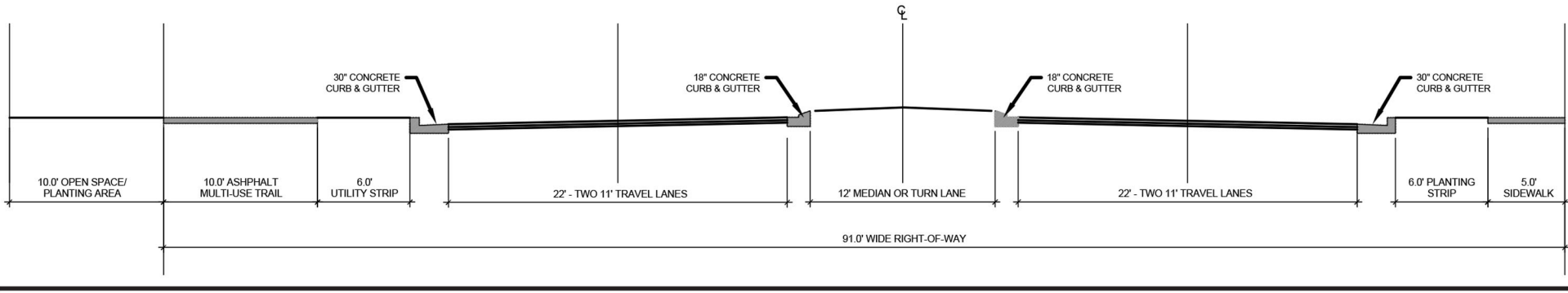
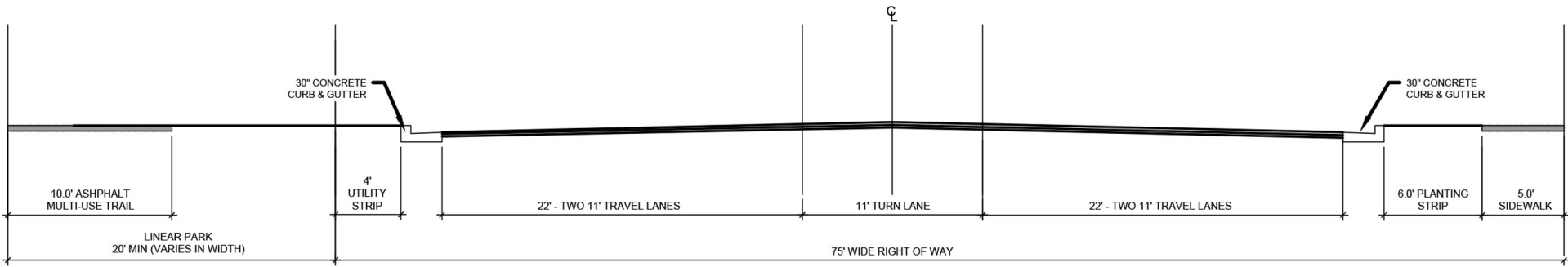


Exhibit X



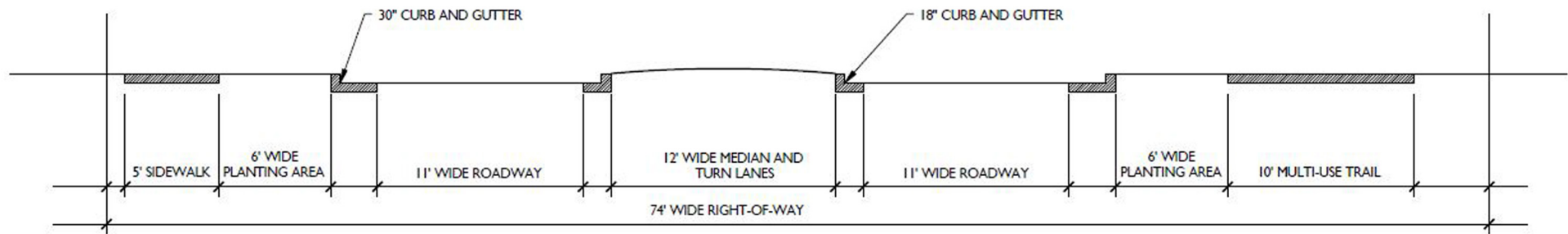
91' Right-of-Way (Parkway Collector Street) NOT TO SCALE



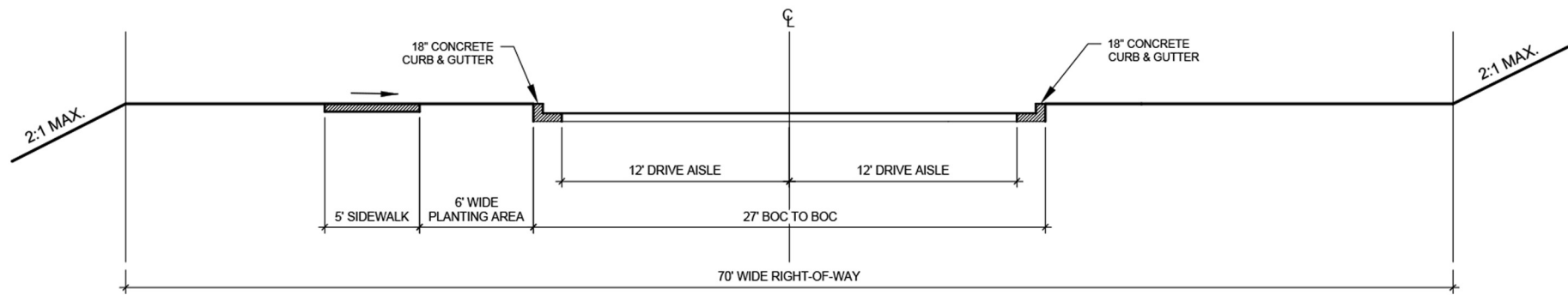
75' Right-of-Way (Parkway Collector Street) NOT TO SCALE

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;

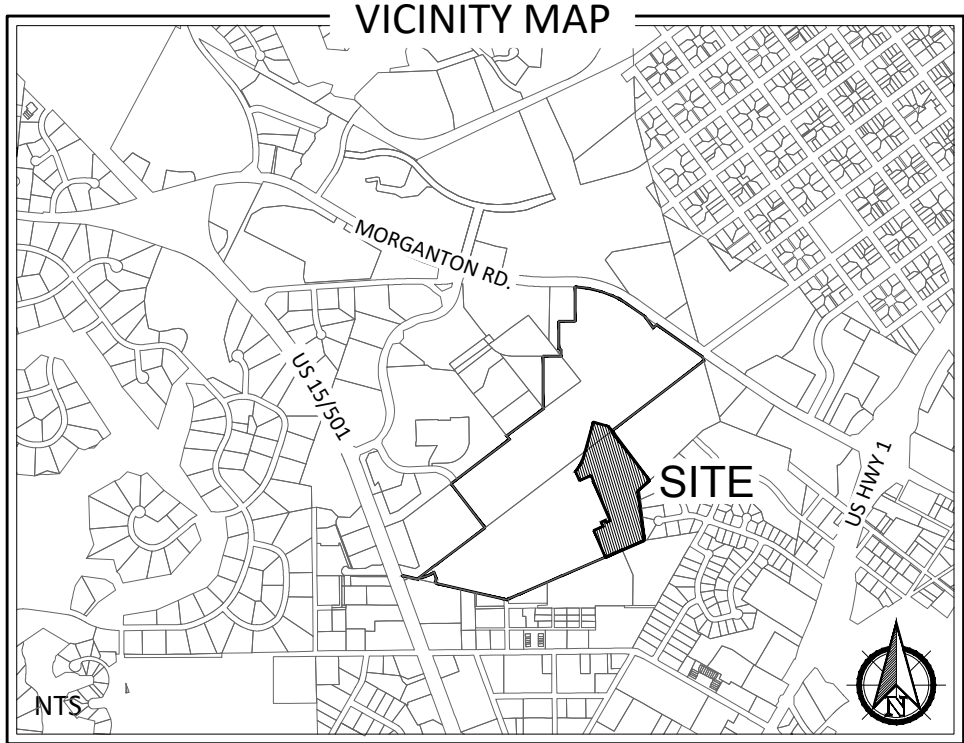
The PDP is consistent with and meets all standards and requirements provided in the CDP plans and documents. In addition, plans conform to the standards of the UDO, which are applicable and not described in the CDP. All uses are consistent with the proposed development program and allowable uses in the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

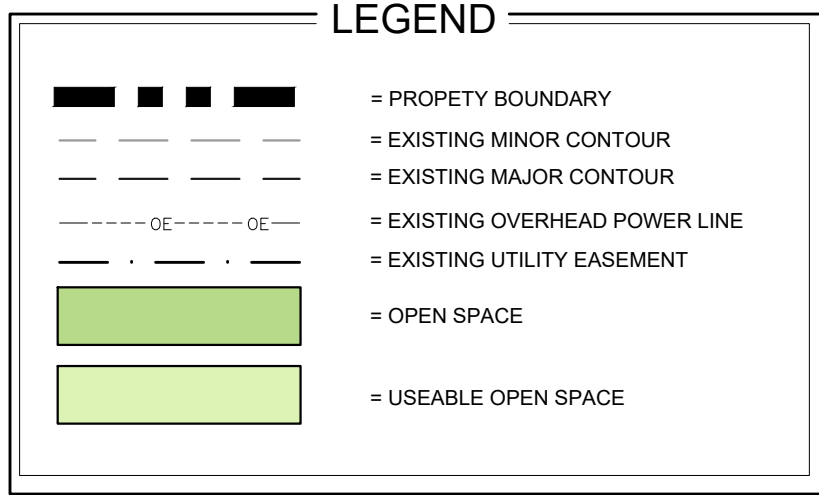
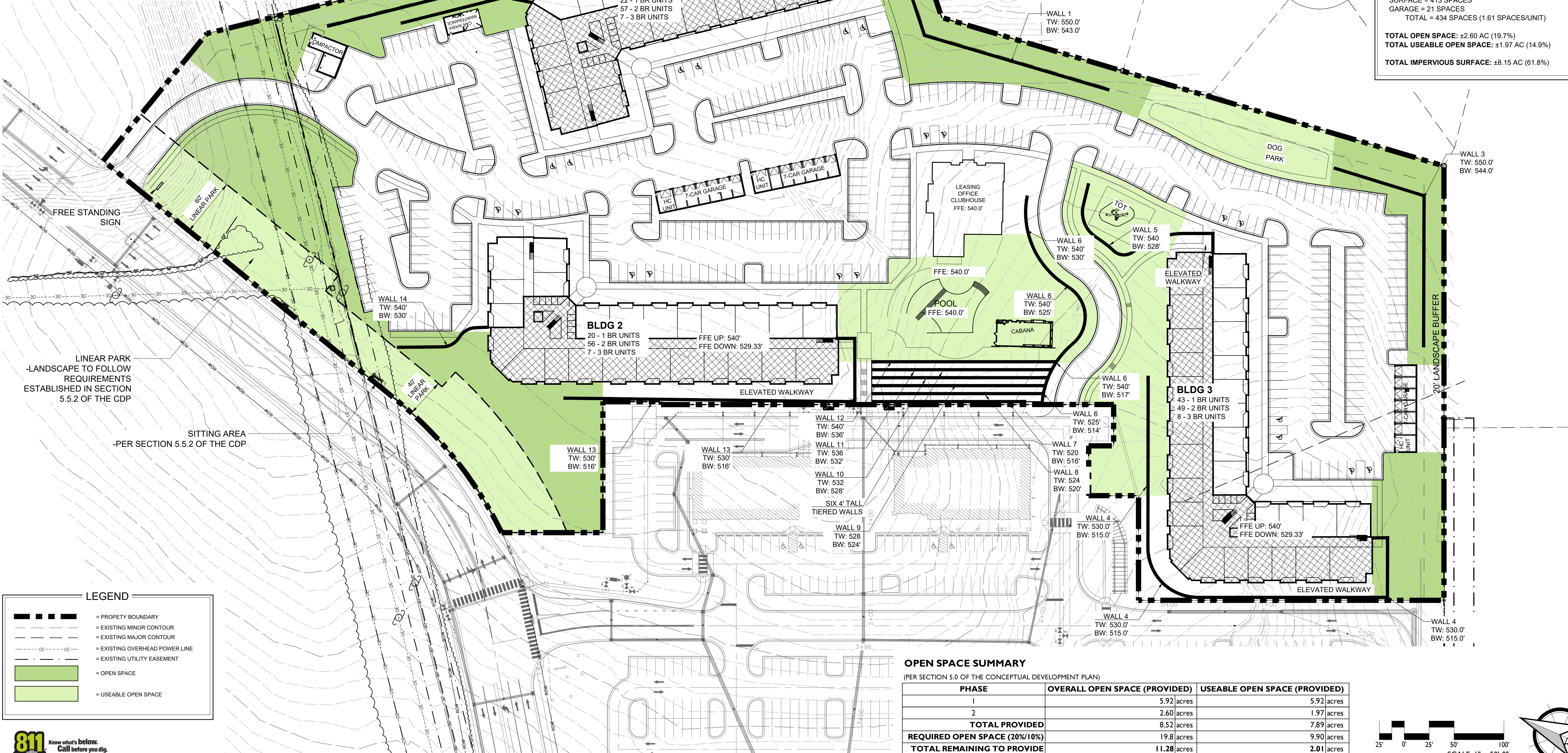


GENERAL NOTES:

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)

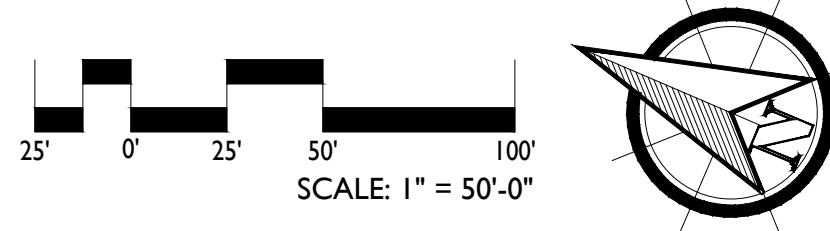
TOTAL OPEN SPACE: ±2.60 AC (19.7%)

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



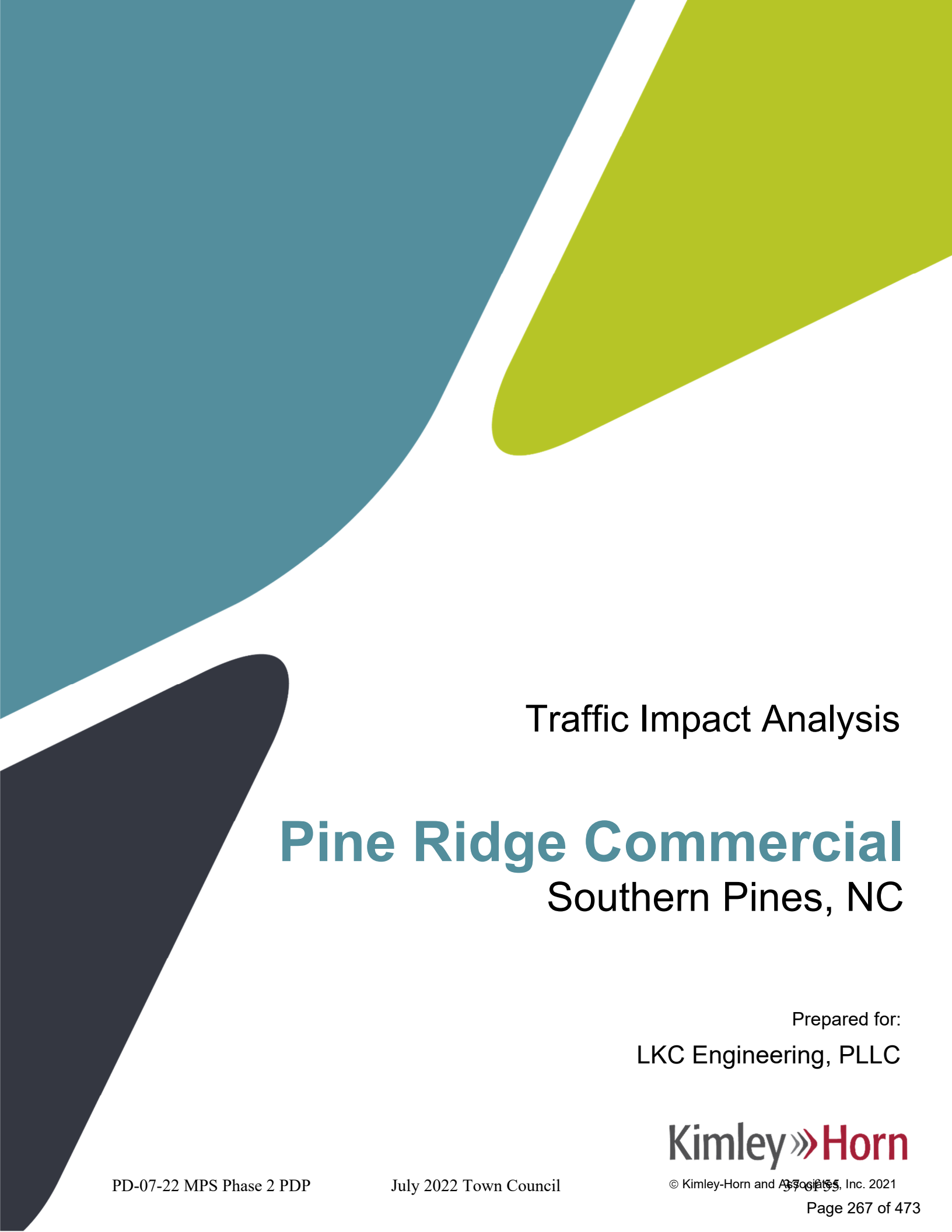
PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

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

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

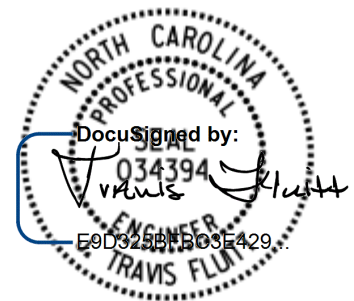
© Kimley-Horn and Associates, Inc. 2021

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:

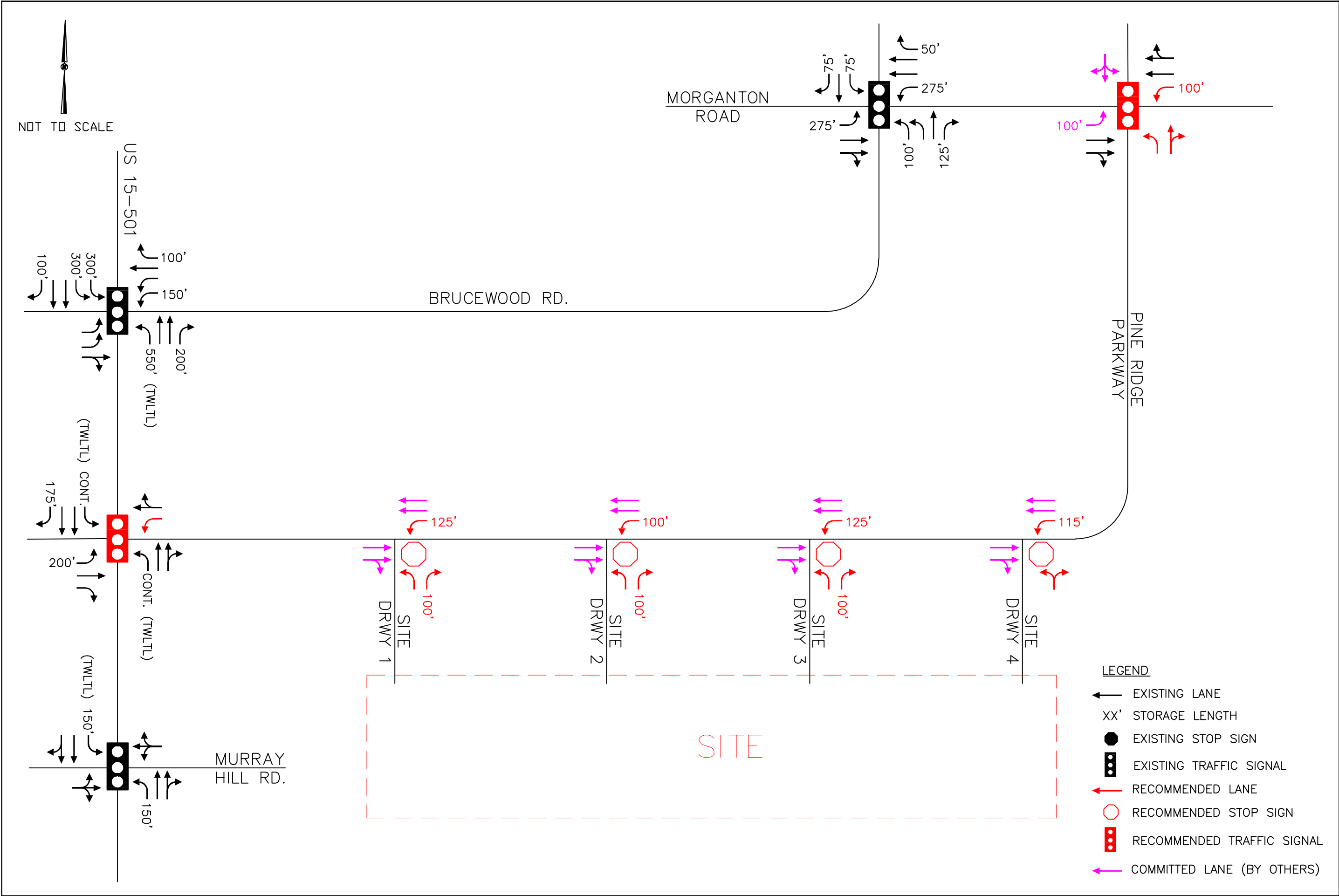
US 15/501 at Partner Circle / Pine Ridge Parkway:

- 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**.



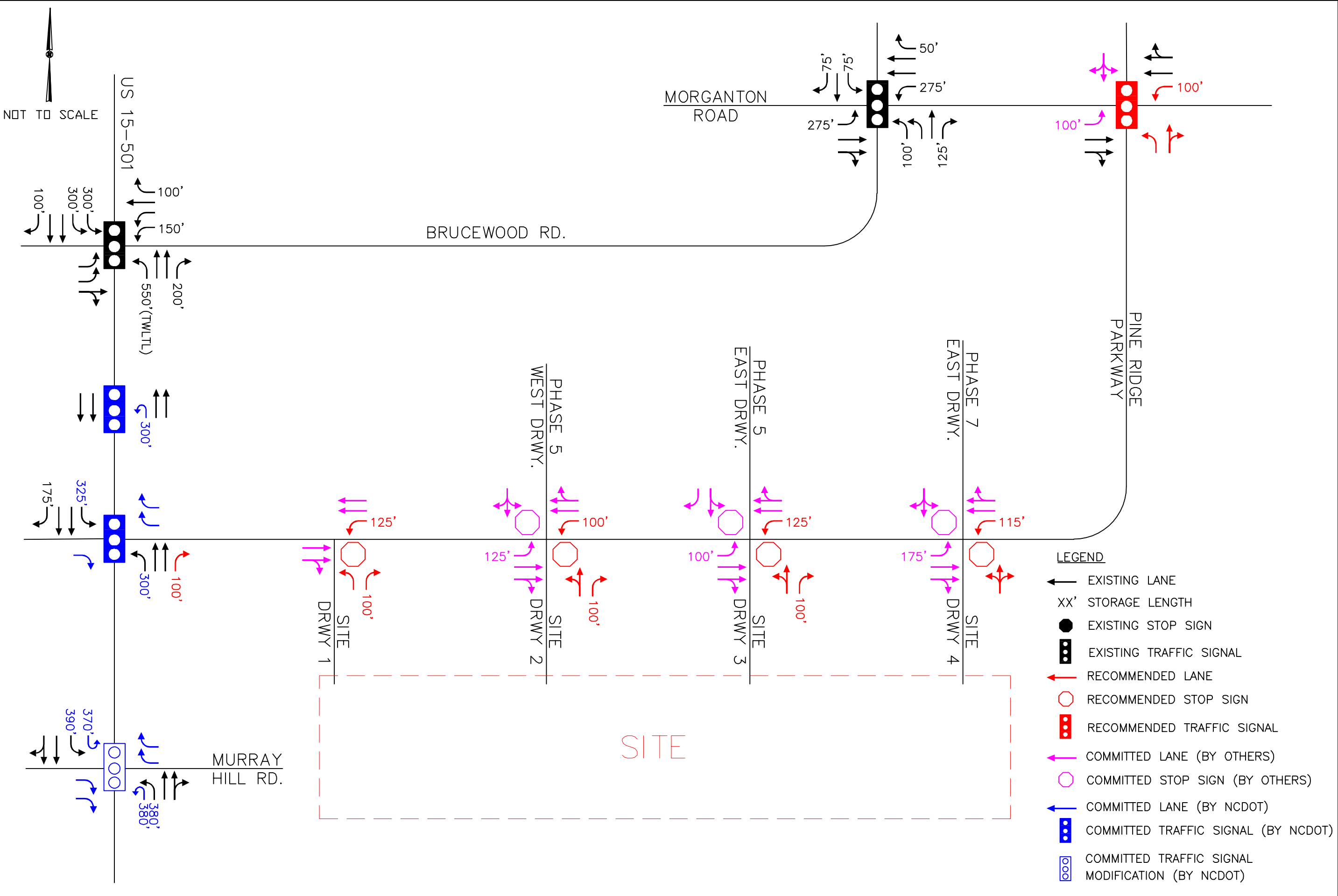


FIGURE
ES-2

COMMITTED AND RECOMMENDED
ROADWAY LANES –
2031 HORIZON YEAR

PINE RIDGE COMMERCIAL
SOUTHERN PINES, NC
TRAFFIC IMPACT ANALYSIS



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.

MEMORANDUM

To: James Michel, PE, Town of Southern Pines
From: Travis Fluitt, PE, Kimley-Horn
Date: March 24, 2022
Subject: **Morganton Park South Apartments, Southern Pines, NC – Trip Generation Memo**



The *Pine Ridge Commercial TIA* (Kimley-Horn, July 2021) analyzed the projected traffic impacts of a mixed-use development consisting of 260 mid-rise multifamily units, 20,000 square feet (SF) of general office space, and 220,000 SF of retail space located between US 15/501 and Morganton Road east of the Southern Pines Village shopping center in Southern Pines, North Carolina.

An updated site plan for the development's residential portion includes 269 mid-rise multifamily units, which is 9 more units than included in the July 2021 TIA. Consistent with the TIA, the trip generation potential of the proposed development was calculated using the data published in *Trip Generation* (Institute of Transportation Engineers, Tenth Edition, 2017). As shown in Table 1 below, the updated development plan has the potential to generate approximately 34 additional daily external trips, 3 additional AM peak hour external trips, and no additional PM peak hour external trips compared to the development studied in the *Pine Ridge Commercial TIA*.

Table 1 Traffic Generation (Vehicles)							
LUC	Land Use	Intensity	Daily	AM Peak Hour		PM Peak Hour	
				In	Out	In	Out
220	Multifamily (Low-Rise)	269 d.u.	1,970	23	67	70	45
710	General Office	20,000 s.f.	224	39	6	4	21
820	Shopping Center	220,000 s.f.	10,278	162	100	468	506
Subtotal			11,966	224	173	542	572
Internal Capture			1,054	6	6	58	58
Total External Trips			11,418	218	167	484	514
Total External Trips from July 2021 TIA			11,384	218	164	484	514
Net Increase			34	0	3	0	0

Given the minor increase in trip generation potential and that the *Pine Ridge Commercial TIA* also analyzed the future build-out of the entire Pine Ridge Master Plan, the improvements recommended in the *Pine Ridge Commercial TIA* should adequately address the projected site traffic demands of the updated Morganton Park South Apartments site plan.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Attachments: Trip Generation

Pine Ridge Commercial										
Table 1 - Trip Generation										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
221 Multifamily Housing (Mid-Rise)	260 d.u.	1,904	952	952	87	23	64	111	68	43
710 General Office Building	20,000 s.f.	224	112	112	45	39	6	25	4	21
820 Shopping Center	220,000 s.f.	10,278	5,139	5,139	262	162	100	974	468	506
Subtotal		12,406	6,203	6,203	394	224	170	1,110	540	570
Internal Capture										
221 Multifamily Housing (Mid-Rise)		464	230	234	2	0	2	51	31	20
710 General Office Building		78	49	29	5	3	2	7	3	4
820 Shopping Center		480	232	248	5	3	2	54	22	32
Internal Capture Total		1,022	511	511	12	6	6	112	56	56
Total External Trips		11,384	5,692	5,692	382	218	164	998	484	514

Morganton Park South Apartments										
Table 2 - Trip Generation vs. TIA										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
221 Multifamily Housing (Mid-Rise)	269 d.u.	1,970	985	985	90	23	67	115	70	45
710 General Office Building	20,000 s.f.	224	112	112	45	39	6	25	4	21
820 Shopping Center	220,000 s.f.	10,278	5,139	5,139	262	162	100	974	468	506
Subtotal		12,472	6,236	6,236	397	224	173	1,114	542	572
Internal Capture										
221 Multifamily Housing (Mid-Rise)		480	238	242	2	0	2	53	32	21
710 General Office Building		79	50	29	5	3	2	7	3	4
820 Shopping Center		495	239	256	5	3	2	56	23	33
Internal Capture Total		1,054	527	527	12	6	6	116	58	58
Total External Trips										
		11,418	5,709	5,709	385	218	167	998	484	514
Total External Trips from TIA										
		11,384	5,692	5,692	382	218	164	998	484	514
Difference										
		34	17	17	3	0	3	0	0	0

Internal Capture Reduction Calculations

Methodology for A.M. Peak Hour and P.M. Peak Hour
based on the *Trip Generation Handbook*, 3rd Edition, published by the Institute of Transportation Engineers

Methodology for Daily
based on the average of the Unconstrained Rates for the A.M. Peak Hour and P.M. Peak Hour

SUMMARY

GROSS TRIP GENERATION							
INPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	112	112	39	6	4	21
	Retail	5,139	5,139	162	100	468	506
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	985	985	23	67	70	45
	Hotel	0	0	0	0	0	0
		6,236	6,236	224	173	542	572

INTERNAL TRIPS							
OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	50	29	3	2	3	4
	Retail	239	256	3	2	23	33
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	238	242	0	2	32	21
	Hotel	0	0	0	0	0	0
		527	527	6	6	58	58
	% Reduction	8.5%		3.0%		10.4%	

EXTERNAL TRIPS							
OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	62	83	36	4	1	17
	Retail	4,900	4,883	159	98	445	473
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	747	743	23	65	38	24
	Hotel	0	0	0	0	0	0
		5,709	5,709	218	167	484	514

From: [Cindy Williams](#)
To: [BJ Grieve](#); [Pam Graham](#); [Jennifer Hunt](#)
Subject: FW: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices
Date: Thursday, May 5, 2022 3:33:33 PM

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Thursday, May 5, 2022 3:26 PM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Cindy,

No comments from our end on either one of the two developments.

The development inside the Pine Ridge Site was accounted for in the TIA that we reviewed and the development off of Murray Hill Rd. (Non-SR) does not connect to a an NCDOT road or intersection.

Dago

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Thursday, April 28, 2022 1:41 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; ISTRE, RONALD <ristre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: [External] PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

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

Good afternoon,

The attached applications are scheduled to be presented at one of the two May Planning Board meetings scheduled for May 18th and 19th. Please respond with any comments or concerns you may have at your earliest convenience.

Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department

Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

Email correspondence to and from this sender is subject to the N.C. Public Records Law and may be disclosed to third parties.

From: [Cindy Williams](#)
To: [BJ Grieve](#); [Pam Graham](#); [Jennifer Hunt](#)
Subject: FW: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices
Date: Tuesday, May 3, 2022 1:31:05 PM

BJ, Pam and Jennifer,

Please see RLUAC's response below.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: RLUAC Executive Director <director@rluac.com>
Sent: Tuesday, May 3, 2022 1:29 PM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: PD-07-22, SU-03-22 and OA-02-22 TOSP Planning Board Notices

Cindy,

RLUAC does not have any comments on these cases.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

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,

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Thank you.

Sincerely,

Cindy Williams, CZO
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

**PROCLAMATION DECLARING JULY AS PARKS & RECREATION MONTH IN
SOUTHERN PINES, NORTH CAROLINA**

WHEREAS parks and recreation is an integral part of communities throughout our country; and

WHEREAS parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS parks and recreation promotes time spent in nature, which positively impacts mental health by increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimers; and

WHEREAS parks and recreation encourages physical activities by providing space for popular sports, hiking trails, swimming pools and many other activities designed to promote active lifestyles; and

WHEREAS park and recreation programming and education activities, such as out-of-school time programming, youth sports and environmental education, are critical to childhood development; and

WHEREAS parks and recreation increases a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and recreation is fundamental to the environmental well-being of our state; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our state and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS local parks in our state generated over \$6 billion dollars in economic activity and provided over 37,000 jobs ranking NC as 10th in the nation; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS the State of North Carolina recognizes the benefits derived from parks and recreation resources.

NOW THEREFORE, BE IT RESOLVED by the Southern Pines Town Council on the 12th day of July, 2022 that July is recognized as Parks and Recreation Month in the Town of Southern Pines, North Carolina.

Agenda Item

To: Reagan Parsons, Town Manager

From: Jennifer Hunt, Planner I

Subject: AR-16-22 Ace Hardware

Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

Sheri Halpin with LMHT & Associates is requesting approval of an Architectural Compliance Permit for “Ace Hardware,” a retail and garden new commercial development in the Planned Development known as Southern Pines Ace Hardware. The property to be developed is located south of Airport Road, west of NC Hwy 22 and east of the Sandhills Community College. The subject properties are owned by Southern Pines Ace Land Company, LLC and Tyler’s Ridge Business Park, LLC.

II. PROJECT INFORMATION:

1. PARID 00033603; PIN 857300963887

2. Owner:

Southern Pines Ace Land Company, LLC
215 Capital Drive
Whispering Pines, NC 28327

3. Applicant:

Sheri Halpin
LMHT & Associates
7208 ACC Boulevard
2nd Floor
Raleigh, NC 27617

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in Red, Phase Outlined in Yellow:



Figure 2: Airport Road Overlay Zoning Map for Subject Property Outlined in Red, Phase Outlined in Yellow:

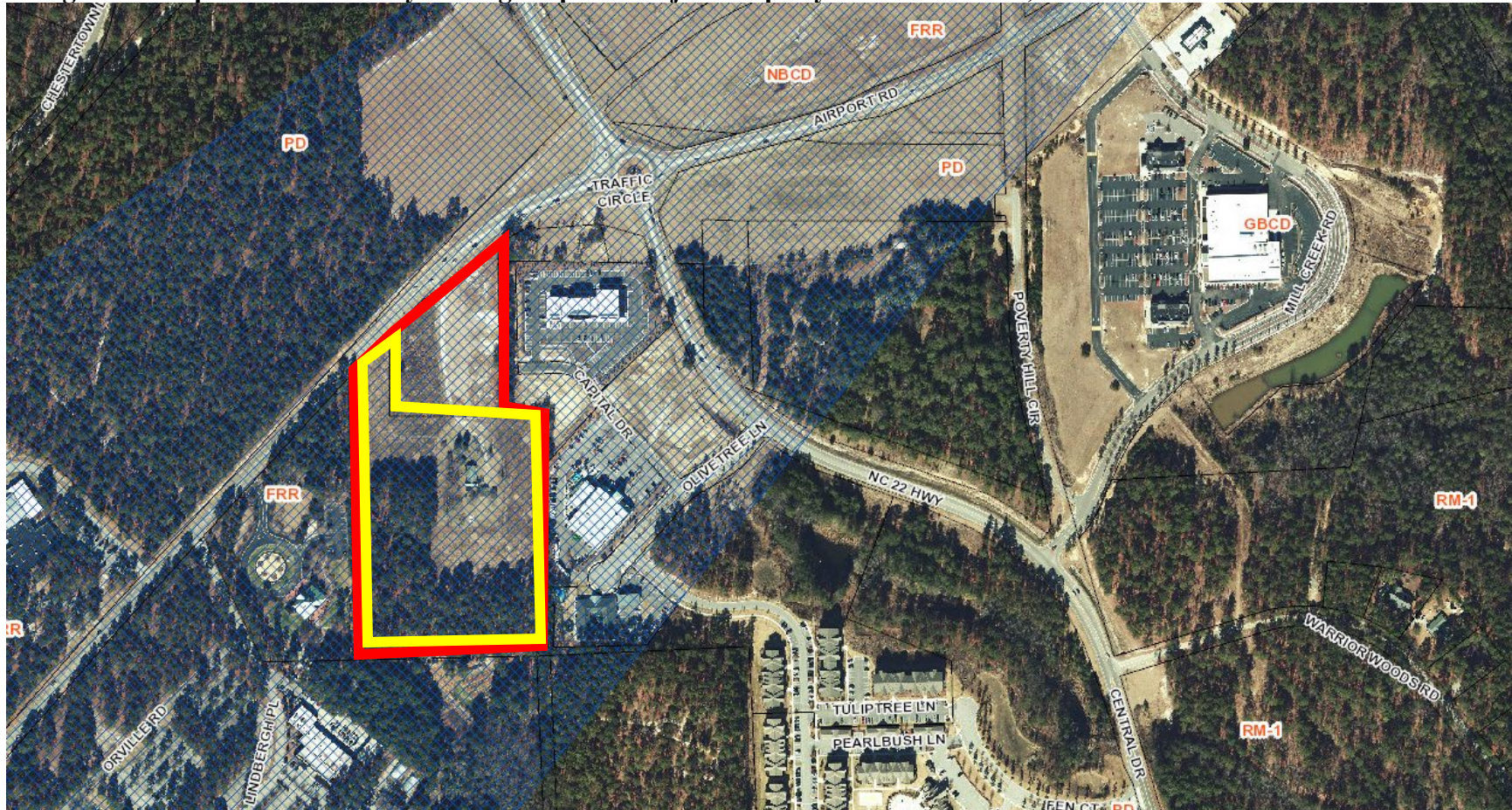
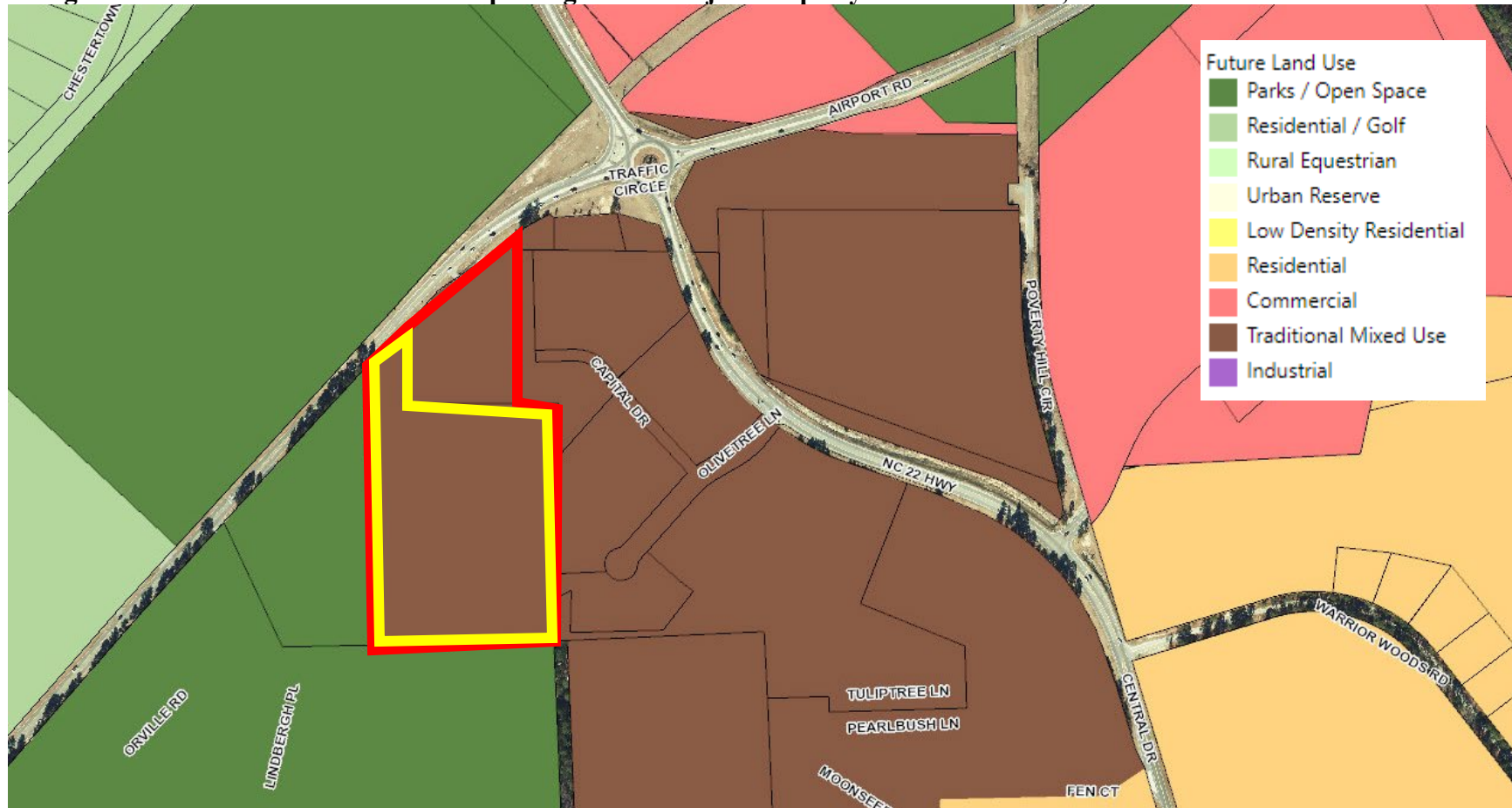


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red, Phase Outlined in Yellow:



1. Comprehensive Long-Range Plan Designation:

The area is designated as Traditional Mixed Use on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). *The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.*

2. Zoning:

The parcel is currently zoned Planned Development (PD) (See Figure 1). The approved CDP from April 12, 2022 (internal file PD-01-22) defers to the Town of Southern Pines UDO for commercial architectural standards, which in the case of a commercial development includes standards set forth in UDO 4.10.4. In addition, all building elevations directly facing Capital Drive and/or Airport Road will adhere to the front of building material and design standards contained in Section 4.10.4 and Section 4.10.6. Buildings with fronts facing on both Airport Road and Capital Drive will provide common design and materials on all sides of the building. The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: June 6, 2022

Application Complete: June 21, 2022

Town Council Agenda Meeting: July 6, 2022

Town Council Meeting: July 12, 2022

3. Criteria for Review:

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

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO,*

including the purposes of the zoning district in which the property is located;

3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Large Scale Retail Development Building Design Requirements per UDO §4.10.6:

The proposed development consists of a new retail development of proposed 55,325 square feet and 8,400 square feet of proposed greenhouse space. Staff has reviewed the project for compliance with applicable portions of UDO §4.10.6 *Large Scale Retail Development Standards*.

UDO §4.10.6 (C) *states that Large Scale Retail Developments shall:*

1. ***Utility Design.*** *Utilities shall be designed to accommodate future subdivision of the space into retail spaces no larger than 20,000 square feet with independent exterior entrances.*
 - The utilities are designed to accommodate future subdivision of the space into retail spaces no larger than 20,000 square feet and have independent exterior entrances for each subdivision. **Generally Compliant.**
2. ***Entries.*** *Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no less than three of the following:*
 - (a) Canopies or porticos;*
 - (b) Awnings;*
 - (c) Overhangs*
 - (d) Recesses/projections;*
 - (e) Arcades;*
 - (f) Raised corniced parapets over the door;*
 - (g) Peaked roof forms or arches;*
 - (h) Outdoor patios; or*
 - (i) Display Windows.*
 - The building facades have entries that are no further than 150 feet apart. The building entries are clearly defined and visible. The building entries have a display of windows, peaked roof forms or arches, canopies and raised corniced parapets over the door. **Generally Compliant.**

3. ***Building Materials.*** *Predominant wall materials shall have the appearance of brick. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Stucco, stone and cementitious lap siding may be used as accent materials. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.*

- The applicant states that the percentage of brick along the north elevation, facing Airport Road, is 61% brick. This is a street facing façade. The internal street facing façade, to Olivetree Lane, has a total of 60% brick according to the applicant. This is less than the required 80% brick.

Requesting a Deviation.

4. ***Building Articulation:*** *Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall (a) Incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. (b) Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street: color change; texture change; material change; or architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth.*

- The front and street facing side facades greater than 100 feet in length incorporate plane projections, material change, texture change and offset and canopies with at least 12 inches in depth. **Generally Compliant.**

5. ***Rooflines:*** *(a) Rooflines shall be varied in height, or at least every one hundred (100) feet along any side of a building facing a street. Hips, gables or changes in parapet elevation shall be used to provide relief in height. (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.*

- The rooflines vary in height at least every one hundred feet along any side of a building facing a street using changes in parapet elevation to provide relief in height with 6 feet in height on the north elevation and 3 feet in height on the east elevation. **Generally Compliant.**

5. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed development consists of a new commercial retail building of 55,325 square feet and 9,500 square feet of a proposed greenhouse. The Preliminary Development Plan (PD-02-22) was approved for 64,825 square feet. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.*

Generally Compliant:

- The front of the building face and have the primary customer entrance on the north side, which is Capital Drive. The maximum spacing or distance between customer entries does not exceed 150 feet.
- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments. Large scale retail structures shall comply with Section 4.10.6.*

Generally Compliant:

- The building segments display happens approximately every 40 feet with changes such as material, building offsets, changes in roofline and architectural features. The width of the building segment is not more than twice the building height.
- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

Requesting a Deviation:

- The applicant states that building on the north elevation (street facing façade to Capital Drive) is 61% brick and on the east elevation (an internal street facing façade to Olivetree Lane) is 60% brick.

- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.*

Generally Compliant:

- The applicant's windows and doors comprise of 40.76% (north elevation) to 66% (west elevation) of street facing building facades between two (2) and ten (10) feet above the grade of the building entry, which is in compliance. The applicant states the windows will be glazed in non-reflective clear glass.
- UDO §4.10.4 (E) *states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.*

Generally Compliant:

- The applicant states there are canopies that are 12 feet from the bottom of the ground. The canopy is a hanger rod canopy. The awnings provided are standing seam panels over aluminum framing and are not taller than 6 feet.
- UDO §4.10.4 (F) *states (1) galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way. (2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.*

Generally Compliant:

- The applicant states that there will be a small arcade area at the front of the front north facing main entry. It has 8 feet tall openings and protrudes 8 feet out onto the front sidewalk. The applicant states that this does not encroach in any set back requirements.
- UDO §4.10.4 (G) *states, "(2) In other districts, buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100'. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet (3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.*

Generally Compliant:

- The applicant shows that changes in parapet height or design from any public street is not wider than 100 feet. The main building has parapets with low sloping metal roof that are hidden from view. The sloped roofing on the main entry tower is green standing seam roof.

- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

Generally Compliant:

- The applicant has stated that all HVAC mechanical units be located on the roof and will not be visible. They are represented by the small boxes seen around the perimeter on the site plan and are not located between the building and the street.
- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

Generally Compliant:

- The applicant states that the garage doors and loading bays will take place on the rear south side of the building, which is not facing a street.
- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

Generally Compliant:

- The applicant states that signs will be permitted under separate permit application. However, the applicant does not address a unified sign plan. The approved Conceptual Development Plan (PD-01-22) in Section 4.2.7 states that there will be a unified sign plan.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing UDO §4.10.6 and §4.10.4
4. Elevations
5. Color Rendering
6. Building Material Specs
7. Ace Letter

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 and the large-scale retail development per UDO §4.10.6 as well as the planned development zoning district purpose and development standards per UDO §3.5.14.

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

I move to:

1. Approve AR-16-22;
2. Approve AR-16-22 with the following conditions...
3. Deny AR-16-22;



Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

- _____ Application fee in the amount of **\$100.00** (gross floor area of 3,499 sq. ft. or less); or **\$300.00** (gross floor area of 3,500 sq. ft. or greater).
- ✓ _____ Completed Application signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- ✓ _____ Appointment of Agent, if applicable, signed by the property owner(s) and the agent.
- _____ Deed copy to provide proof of ownership and property boundaries.
- ✓ _____ Written narrative: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.
- ✓ _____ Renderings of elevations (color).
- _____ Site plan if applicable.
- _____ Electronic copy (PDF) of all application materials submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

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

1/12/22



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Ace Hardware

Street Address: 3141 Airport Rd.

PIN: 857300963887 Parcel ID: 00033603 Zoning: PD

Type of building (retail, office, etc.): retail and garden Total square footage: _____

Applicant:

Name: LMHT & Associates / Sheri Halpin

Email: shalpin@lmht.com Phone: 919-544-0087x259

Mailing Address: 7208 ACC Blvd. 2nd Floor, Raleigh, NC 27617

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

Date: 5-25-2022


Applicant

1/12/22

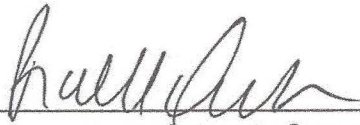
APPOINTMENT OF AGENT

The undersigned owner(s), Randall Saunders, hereby appoint(s) LMHT & Associates as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

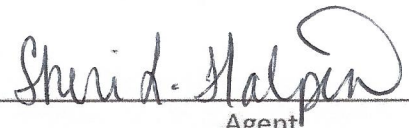
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 25th day of May, 2022.



Property Owner

Property Owner


Agent

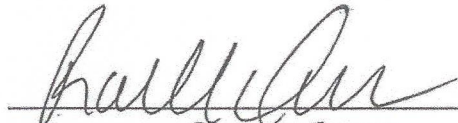
APPOINTMENT OF AGENT

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 an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

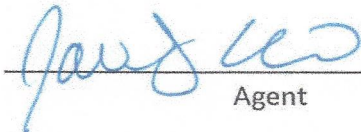
This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 25th day of May, 2022.



Property Owner

Property Owner



Agent

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: BETSY FRYE SHORT and husband, FRANCIS MICHAEL SHORT DONALD FRYE and wife, LESLIE FRYE CLARA FRYE PHIBBS and husband, JAY PHIBBS	GRANTEE: 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.

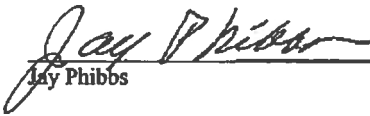
_____(SEAL)
Betsy Frye Short

_____(SEAL)
Francis Michael Short

_____(SEAL)
Donald Frye

_____(SEAL)
Leslie Frye

_____(SEAL)
Clara Frye Phibbs

_____(SEAL)
Jay Phibbs

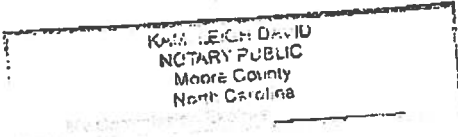
STATE OF NC
COUNTY OF MOORE

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

Kami Leigh David
Notary Public

My Commission expires: 11/11/22



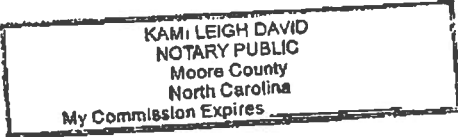
STATE OF NC
COUNTY OF MOORE

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

Kami Leigh David
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

Ace Hardware – Whispering Pines
LMHT Project #21183

5/24/2022

Architectural Compliance Report

Demonstrating design conformance to the Southern Pines Unified Development Ordinance, Adopted October 8 2013 with edits through July 1, 2021, includes G.S. 160D Revisions.

4.10.4. Building Design Requirements

(A) Building Orientation and Entries

(1) The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage.

(2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15.

(B) Building Dimensions

(1) In the CB and DTO districts, buildings or building segments shall be taller than wide.

(2) In other districts, the width of buildings or building segments shall not be more than twice the building height.

(3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

(4) Large scale retail structures shall comply with Section 4.10.6.

(A)(1) The Project faces Capital Drive; the primary customer entries are located on that façade.

(A)(2) Exhibit 4-15 does not define a maximum dimension for PD districts; project distance between primary customer entrances on the Capital Drive façade are 150' apart.

(A)(2,3) Building segments are defined by changes in material, building offsets, and changes in rooflines. No segment is more than twice as wide as that segment's height.

(A)(4) The project is a large scale retail structure and shall comply with Section 4.10.6.

(C) Building Materials. The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior

walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

(1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.

(2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.

The exterior finish of the project is primarily comprised of brick. EIFS stucco is used for accent, and covers less than 20% of the exterior walls.

Capital Drive Façade:

5,636 s.f. projected elevation area, exclusive of doors and windows.

865 s.f. projected elevation area of stucco.

$865/5636=15.34\%$

West Elevation (Lumber Yard)

4,570 s.f. projected elevation area, exclusive of doors and windows

174 s.f. projected elevation area of stucco

$174/4570=3.8\%$

395 s.f. projected elevation area of split face block

$395/4570=8.6\%$

East Elevation (Outdoor; includes brick elevation beyond greenhouse)

2,524 s.f. projected elevation area, exclusive of doors, windows, and greenhouse

2,689 s.f. projected elevation area of glass at greenhouse

174 s.f. projected elevation area of stucco

$174/2,524=6.8\%$

398 s.f. projected elevation area of split face block

$398/2,524=15.8\%$

Service Elevation

This elevation is screened and not visible from public streets, walkways, or residential zoning districts. Primary façade material is metal siding.

(D) Windows

(1) Windows shall be glazed in non-reflective, clear glass.

(3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry.

Capital Drive Façade:

Street facing façade area between 2' and 10' above grade: 2,475 s.f.

Area of clear glass: 1009 s.f.

$1009/2475 = 40.76\%$

West Elevation (Lumber Yard)

Not street facing; no % required

East Elevation (Outdoor, Greenhouse)

Street facing façade area between 2' and 10' above grade: 1,577 s.f.

Area of clear glass windows: 187 s.f.

Area of greenhouse glazing: 864 s.f.

Total façade area of glazing: 1051 s.f.

$1051/1577 = 66\%$ glazing

Service Elevation

Not street facing; no % required.

(G) Roofs

(2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet)

(3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

Project design incorporates cornices and hip roofs.

Capital Drive Façade incorporates changes in parapet heights and roof configuration to interrupt long planes.

West Elevation (Lumber Yard) incorporates changes in parapet heights to interrupt long planes.

East Elevation incorporates changes of roof configuration to interrupt long planes.

Service Elevation is not visible from public streets.

The primary roof material is standing seam metal roofing.

(H) Mechanical Equipment Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building.

Mechanical equipment is located on the central, low roof and is screened from view of streets by parapets and high mezzanine walls.

(J) Signage

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

Signs will be permitted under separate cover.

4.10.5. Frontage

(A) Frontage Zone. A zone extending at least three (3) feet in depth from the building shall be established along sidewalks and paved walkways abutting buildings. Where this area is covered by a awning, gallery or arcade, customer dining areas may be established, provided that tables and chairs do not extend into the pedestrian zone and that the tables and chairs are moved indoors when business closed.

(B) Pedestrian Zone. A paved walkway area of at least eight (8) feet in depth from the frontage zone shall be provided parallel to the front of a building, which shall be kept open and free of any obstructions. This dimension may be reduced by the Town Council in the CB district due to limited right-of-way. For single business buildings that are set back at least forty (40) feet from the nearest right-of-way, pedestrian zones shall be at least twelve (12) feet in width.

(C) Furniture Zone. Between the pedestrian zone and the street shall be a furniture zone, with a depth of five (5) feet. Lighting, landscaping, bike racks, waste receptacles and street furniture may be approved for use in this area.

Pedestrian circulation is maintained along the facades accessible by the public.

4.10.6. Large Scale Retail Development

(A) Purposes

(1) To ensure that Large Scale Retail buildings are compatible with surrounding Development;

(2) To ensure that buildings are design for sustainable economic uses; and

(3) To facilitate future redevelopment if such buildings are abandoned.

(B) Applicability The standards of this section shall apply to any new building with a retail business occupying 25,000 square feet or more of floor area and any new retail building serving 25,000 square feet or more of Gross Floor Area to one or more businesses from a common entry or interior space.

This section applies to this project.

(C) Design Requirements In addition to complying with the use, site and building design standards of this UDO, the following provisions shall apply:

(1) Utility Design. Utilities shall be designed to accommodate future subdivision of the space into retail spaces no larger than 20,000 square feet with independent exterior entrances.

Project MEP designers will work with building officials to ensure criteria is met.

(2) Entries. Building façades shall be designed with entries that are no further than one hundred and fifty (150) feet apart. Building entries should be clearly defined, visible entrances, providing access from the front of the building to the pedestrian zone, and featuring no less than three of the following: (a) Canopies or porticos; (b) Awnings; (c) Overhangs (d) Recesses/projections; (e) Arcades; (f) Raised corniced parapets over the door; (g) Peaked roof forms or arches; (h) Outdoor patios; or (i) Display windows

Primary entrances are no further than 150' apart on each façade.

Entries are clearly visible, provide access to the pedestrian zone in front of the building, and incorporate: Awnings, Overhangs, Recesses/Projections, and Peaked Roof Forms.

(3) Building Materials. Predominant wall materials shall have the appearance of brick. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Stucco, stone and cementitious lap siding may be used as accent materials. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.

Publicly visible and street facing facades are predominantly brick, with less than 20% Stucco accents (See 4.10.4.C, above).

Split face block and metal siding are present on the service side of the building, screened from view.

(4) Building Articulation. Front and street-facing side façades greater than one hundred (100) feet in length, measured horizontally, shall

(a) Incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.

(b) Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street: color change; texture change; material change; or architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth

(4)(a)

Capital Drive Façade:

Incorporates a wall plane projection 79'-6" long on an elevation 309'-4" long

$79.5/309.3=25.7\%$

Projection is a minimum 15'-9" deep

$15.75/309.3=5\%$

West Elevation (Lumber Yard)

Not street facing; no projections required.

East Elevation (Outdoor, Greenhouse)

Incorporates a brick wall composition with a projection 88' deep, where the greenhouse is located. Projection is 73'-4" long on a façade 182' long.

$$72.3/182=39.7\%$$

$$88/182=48.3\%$$

Service Elevation

Not street facing; no projections required.

(4)(b)

Capital Drive Façade:

Every 100' the façade design incorporates:

Color change (brick to stucco)

Texture change (brick to stucco)

Material change (brick to stucco)

Architectural features (roof peak; high parapet walls)

West Elevation (Lumber Yard)

Not street facing; no design changes required

East Elevation (greenhouse)

Every 100' the façade design incorporates:

Color change (brick to greenhouse)

Texture change (brick to greenhouse)

Material change (brick to greenhouse glass)

Service Elevation

Not street facing; no design changes required

(5) Rooflines

(a) Rooflines shall be varied in height, or at least every one hundred (100) feet along any side of a building facing a street. Hips, gables or changes in parapet elevation shall be used to provide relief in height.

(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

Capital Drive Façade

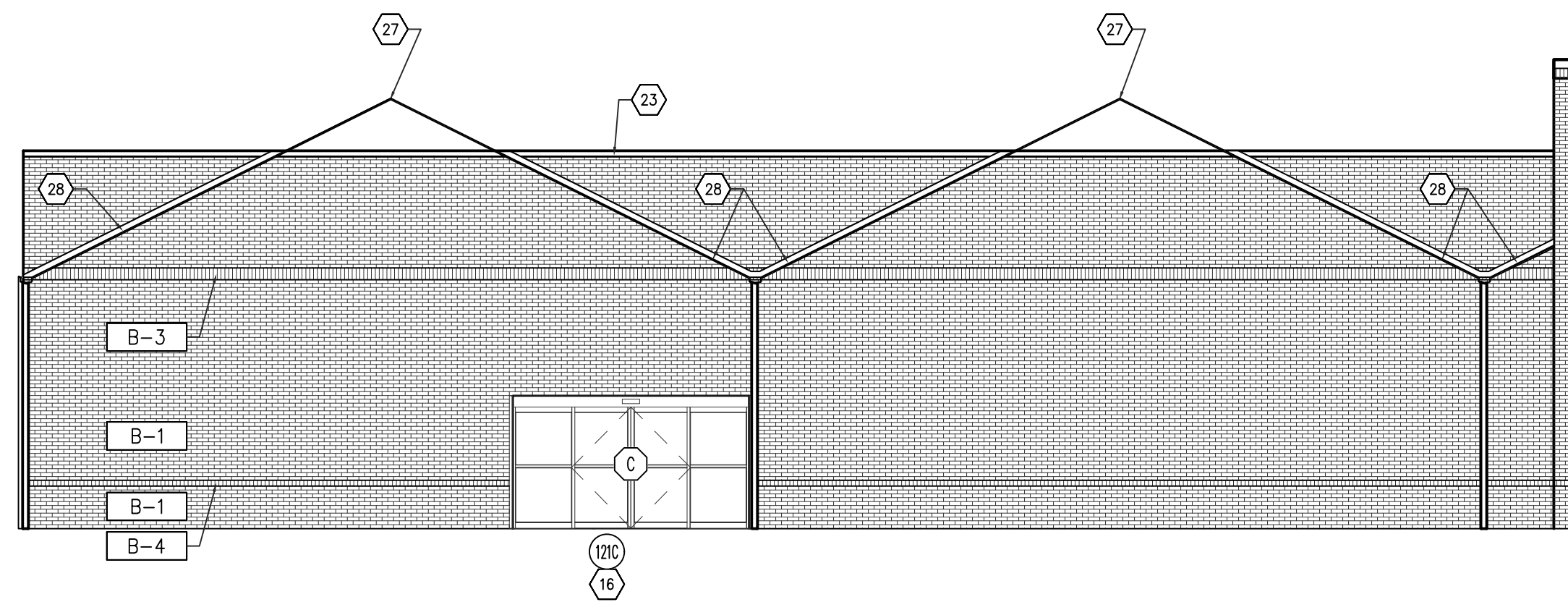
Every 100' the roofline is varied in height. A parapet is incorporated which is 3' min. in height with a projecting brick soldier course at the cornice.

West Elevation (Lumber Yard)

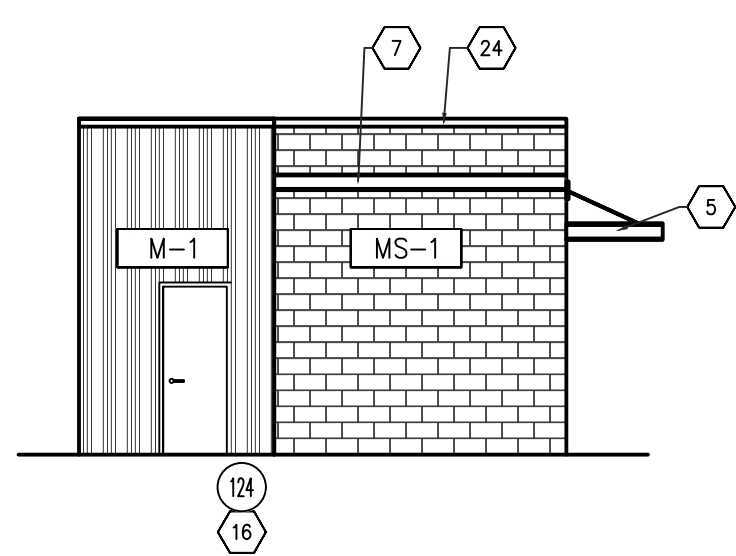
No street facing; no roofline requirements.

East Elevation (greenhouse)

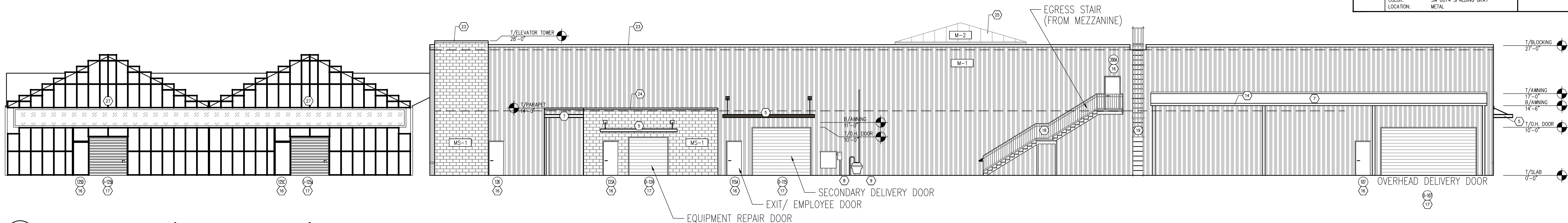
Every 100' the roofline is varied, the greenhouse roof is sloped, and the brick-faced portions of the building are varied in design. The high brick wall incorporates a parapet, and the mezzanine structure is greater than 3' above the central low roof, screening the mechanical equipment. The parapet incorporates a projecting brick soldier course at the cornice.



6 ELEVATION: NORTH (INSIDE GREENHOUSE)
A201 SCALE: 1/8" = 1'-0"

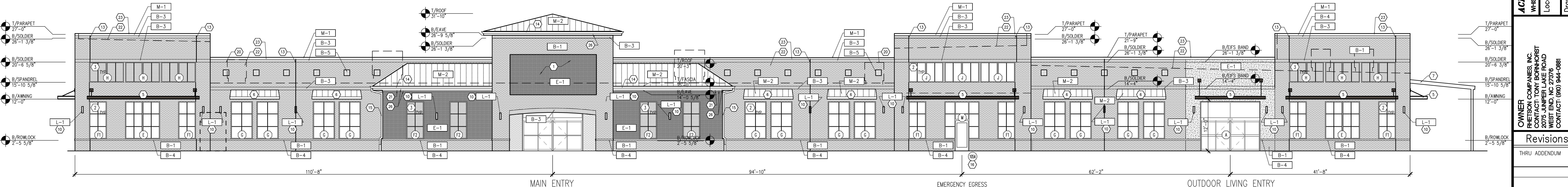


3 ELEVATION PARTIAL
A201 SCALE: 1/8" = 1'-0"



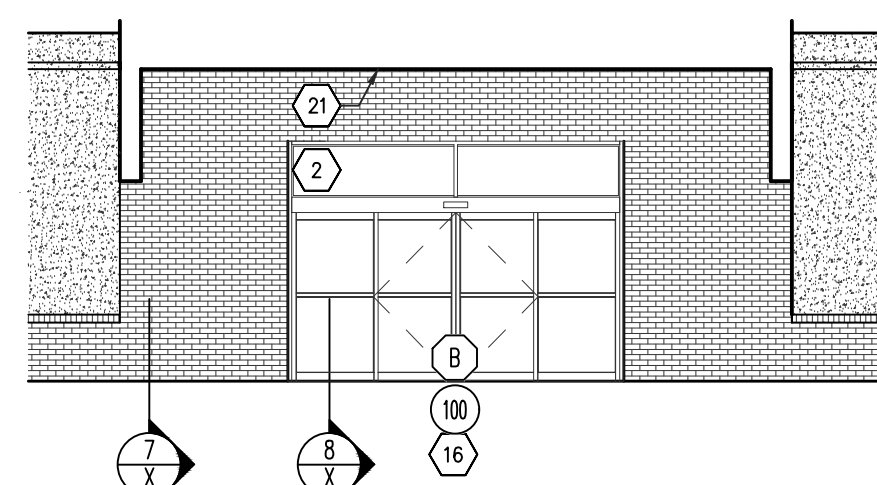
5 ELEVATION: SOUTH (SERVICE ELEVATION) NOT STREET FACING FACADE
A201 SCALE: 1/8" = 1'-0"

4.10.4 (D) FACADE NOT STREET FACING; FENESTRATION REQUIREMENTS N/A
4.10.4(B), (2)(3) FACADE NOT STREET FACING; REQUIREMENT N/A
4.10.6(C) (2) FACADE NOT STREET FACING; ENTRY REQUIREMENT N/A
4.10.4(C) PRINCIPAL FACADE MATERIAL: PEMB SIDING
4.10.6(C)(1)(a) FACADE NOT STREET FACING; NOT PROVIDED
4.10.6(C)(5)(a) FACADE NOT STREET FACING; ROOF VARIATION NOT PROVIDED
4.10.6(C)(5)(b) SCREENING AND PARAPETS PROVIDED
4.10.6(C)(5)(c) FACADE NOT STREET FACING; 3D CORNICE NOT PROVIDED



1 ELEVATION: NORTH
A201 SCALE: 1/8" = 1'-0"

STREET FACING FACADE:
AIRPORT RD.



2 ELEVATION: NORTH (VESTIBULE)
A201 SCALE: 1/8" = 1'-0"

4.10.4 (D) STREET FACING FACADE AREA BETWEEN 7' AND 10' ABOVE GRADE: 2475 S.F.
AREA (CLEAR GLASS) 1008 S.F.
AREA (OPAQUE GLASS) 115 S.F.
AREA (TOTAL GLASS) 1124 S.F. TOTAL 1008 S.F. (CLEAR GLASS)/415 S.F. = 40.76%
% REQUIRED: 25%
4.10.4(B), (2)(3) ARCHITECTURAL SEGMENTS PROVIDED
4.10.6(C) (2) ENTRIES MAX. 150' APART
4.10.4(C) PRINCIPAL FACADE MATERIAL: BRICK
4.10.6(C)(4)(a) GLAZING/SCREENINGS = 1400 SQ. FT. = 100%
BUILDING ARTICULATION PROVIDED
4.10.6(C)(5)(a) 800 SQ. FT. = 12%
4.10.6(C)(5)(b) 4500 SQ. FT. = 61%
4.10.6(C)(5)(c) 124 SQ. FT. = 2%
(NOT INC. AWINGS)
NOTE: 'CLEAR' GLAZING IS NON-REFLECTIVE, LOW-E CLEAR INSULATED GLAZING
'OPAQUE' GLAZING IS NON-REFLECTIVE, CLEAR SPANDREL GLAZING WITH BLACK-OUT FILM
CORNICES HAVE 3D ARTICULATION

EXTERIOR MATERIAL:		GENERAL NOTES:	
MASONRY		1. SIGNAGE BY OWNER - TO BE FILED UNDER SEPARATE PERMIT - TYPICAL. 2. COORD. WITH CIVIL DRAWINGS FOR GENERAL GRADING AND FINAL SURFACE ELEVATIONS.	
B-1		ELEVATION NOTES:	
TYPE: STANDARD BRICK W/ 3/8" JOINT MANUFACTURER: LEE BRICK & TILE COLOR: 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		1. EXTERIOR WALL SIGN BY OWNER. COORDINATE WITH SIGN VENDOR AND PROVIDE ELECTRICAL SUPPLY AND WIRING AS REQUIRED. SEE ELEC. DWGS. FOR SIGN LOCATION.	
B-2		2. ALUMINUM STOREFRONT SYSTEM	
TYPE: STANDARD BRICK W/ 3/8" JOINT MANUFACTURER: LEE BRICK & TILE COLOR: 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		3. ALUMINUM STOREFRONT WITH OPAQUE GLAZING TREATMENT	
B-3		4. ALUMINUM WINDOW, FIXED LITE	
TYPE: SOLDIER BRICK (STANDARD) MANUFACTURER: LEE BRICK & TILE COLOR: 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		5. HANGER ROD CANYON, BY G.C.	
B-4		6. AWNING BY GC; STANDING SEAM PANELS OVER ALUMINUM FRAMING	
TYPE: ROMLOCK BRICK (STANDARD) MANUFACTURER: LEE BRICK & TILE COLOR: 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		7. AWNING BY PEMB CONTRACTOR	
B-5		8. ELECTRICAL EQUIPMENT - COORDINATE EXACT DIMENSIONS WITH MANUFACTURER - PROVIDE CONTINUOUS SEALANT AROUND PERIMETER	
TYPE: BRICK MEDALLION (STANDARD) MANUFACTURER: LEE BRICK & TILE COLOR: 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		9. GAS METER; REFER TO PLUMBING DRAWINGS. PROVIDE WEATHER SEAL AT PENETRATIONS INTO BUILDING	
MS-1		10. DECORATIVE EXTERIOR LIGHTS - MOUNT BOTTOM AT "X-XX" ABOVE SLAB HEIGHT - REFER TO ELECTRICAL DRAWINGS	
TYPE: SPLIT FACE CONCRETE BLOCK MANUFACTURER: ... COLOR: ... GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		11. EMERGENCY LIGHT FIXTURE; MOUNT BOTTOM AT "X-XX" ABOVE SLAB HEIGHT - REFER TO ELECTRICAL DRAWINGS	
EXTERIOR INSULATION & FINISH SYSTEMS (EIFS)		12. EIFS "Y" GROOVE JOINT - REFER TO DETAIL X/XXX	
E-1		13. BRICK EXPANSION JOINT	
TYPE: EIFS MANUFACTURER: DRYBAT COLOR: ... EIFS FINISH: SANDED CONTACT: ROBERT DAZEL, AIA TELEPHONE: 734-276-0404		14. PREFINISHED METAL GUTTER	
E-2		15. DOWNSPOUT WITH DOWNSPOUT BOOT, CONNECTED TO STORM SEWERS (REFER TO CIVIL DRAWINGS)	
TYPE: EIFS MANUFACTURER: DRYBAT COLOR: ... EIFS FINISH: SANDED CONTACT: ROBERT DAZEL, AIA TELEPHONE: 734-276-0404		16. EXTERIOR DOOR PER DOOR SCHEDULE	
METAL		17. METAL ROLL-UP PREFINISHED DOOR AND FRAME	
M-1		18. EXTERIOR METAL STAIR; REFER TO ENLARGED PLANS FOR DETAILS	
TYPE: METAL SIDING MANUFACTURER: ... COLOR: ...		19. EXTERIOR ROOF LADDER W/SECURITY GATE AND FALL PROTECTION; PAINT	
M-2		20. METAL OVERFLOW SCUPPER WITH 2" DECORATIVE FLANGE; REFER TO DETAIL 5/A5.	
TYPE: STANDING SEAM METAL ROOFING MANUFACTURER: ... COLOR: ...		21. BOTTOM SIDE OF EIFS CANOPIES SHALL BE E-1.	
M-3		22. LINE OF ROOF, BEYOND	
TYPE: 2-PIECE FLEX SNAP-ON COMPRESSION EDGING MANUFACTURER: EXCEPTIONAL METALS COLOR: REGAL RED SR.38/TE.87		23. PREFINISHED METAL PARAPET COPING	
LIGHTING		24. METAL SNAP ON COMPRESSION EDGE	
L-1		25. ROOF PEAK, BEYOND	
TYPE: HALF ROUND TYPE: SEE ELECTRICAL DRAWINGS FOR FURTHER INFORMATION		26. FIBER CEMENT BOARD FASOIA	
L-2		27. GREENHOUSE, UNDER SEPERATE CONTRACT	
TYPE: EMERGENCY FIXTURE TYPE: SEE ELECTRICAL DRAWINGS FOR FURTHER INFORMATION		28. FLASHING BY GREENHOUSE SUPPLIER, SAW-CUT INTO BRICK VENEER	
PAINT		29. ROOF FLASHING	
P-1		30. OPEN TO BEYOND	
TYPE: PAINT MANUFACTURER: SHERWIN WILLIAMS COLOR: SW 6074 SPALDING GRAY LOCATION: METAL		31. LOW-SLOPE ROOF	
		32. MASONRY FENCE PIER; REFER TO ENLARGED DETAILS	
		33. CHAIN LINK FENCE W/LOCKABLE GATE	
		34. KNOX BOX SERIES 3200 RECESSED WITH LEFT-OUT DOOR TO BE MOUNTED 4'-0" A.F.F. TO BOTTOM OF MOUNTING BOX. VERIFY REQUIREMENTS WITH LOCAL FIRE MARSHALL.	

PRELIMINARY -
NOT FOR
CONSTRUCTION

THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS OF THE PROJECT SHALL BE PROVIDED TO THE OWNER BY THE CONTRACTOR FOR THE PROJECT, AND SHALL BE USED SOLELY WITH RESPECT TO THIS PROJECT, AND LIMIT SHALL BE CREDITED THE AUTHOR OF THESE DOCUMENTS AND SHALL RETAIN ALL COMMON LAW STATUTORY AND OTHER RESERVED RIGHTS INCLUDING THE COPYRIGHT IN THE PROJECT. THE CONTRACTOR SHALL PROVIDE TO THE OWNER THREE REPRODUCIBLE COPIES OF LIMIT'S DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS FOR INFORMATION AND REFERENCE IN CONNECTION WITH THE OWNER'S USE AND OCCUPANCY OF THE PROJECT. LIMIT'S DRAWINGS, SPECIFICATIONS OR OTHER DOCUMENTS WILL NOT BE USED BY THE OWNER OR OTHERS WHEN USED BY THE OWNER OR OTHERS ON OTHER PROJECTS.

ACE HARDWARE
WHISPERING PINES
Location: 215 CAPITAL
WHISPERING PINES
Drawing: LINE OF SIGHT

OWNER
PETERSON COMPANIES, INC.
CONTACT: TONY BORNHORST
15 JUNIPER LAKE ROAD
WEST END, NC 27376
CONTACT: (910) 944-0881

Revisions

THRU ADDENDUM " "

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1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 26

PROJECT DATE
5/25/2022

Drawn By

CNW

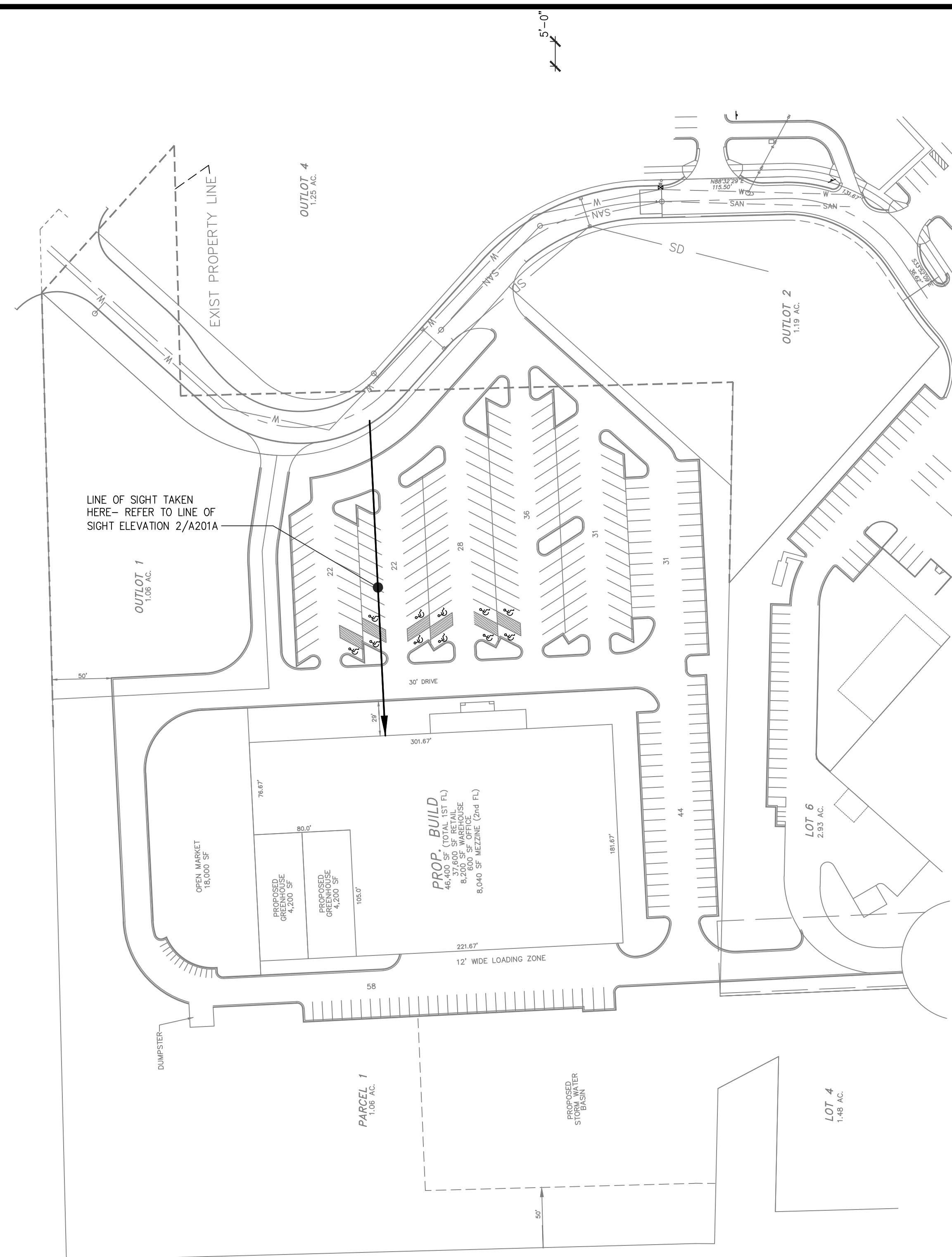
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TD

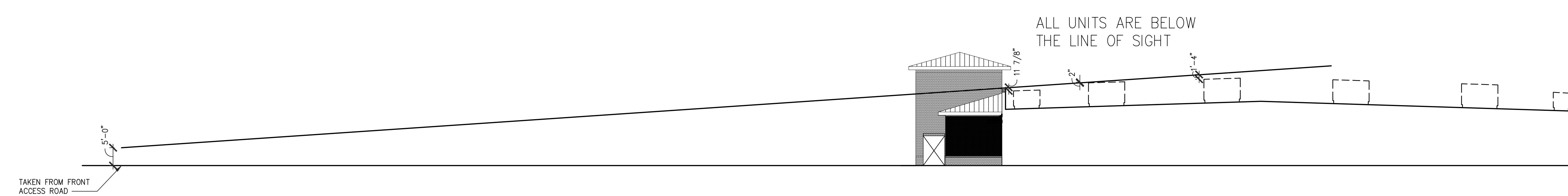
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A201A

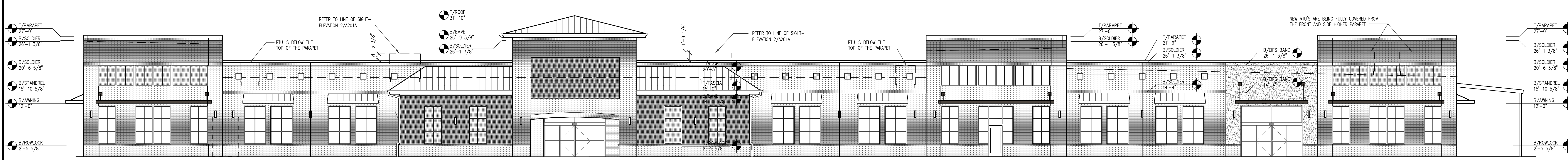
1. *Journal of the American Medical Association*, 2000; 284: 2689-2695.



2 **ELEVATION: SOUTH - LINE OF SIGHT**
A201A SCALE: 1/16" = 1'-0"

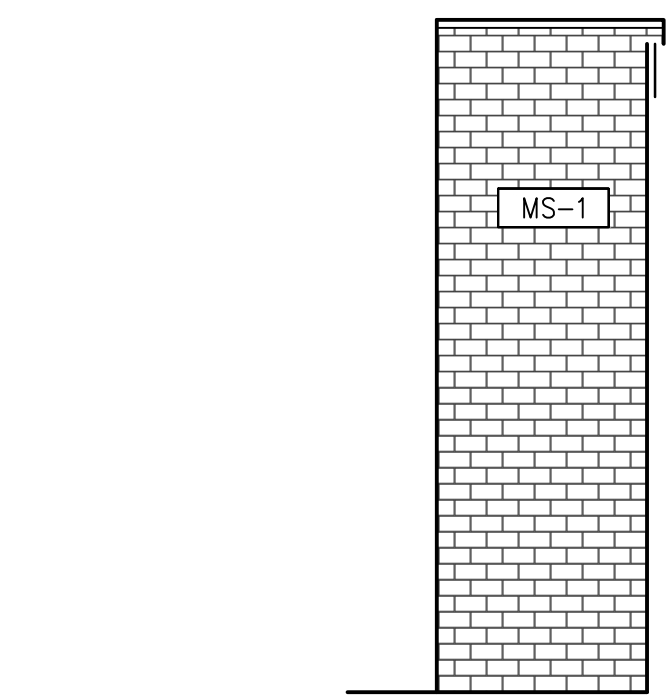


2 **ELEVATION: SOUTH - LINE OF SIGHT**
A201A SCALE: 1/16" = 1'-0"

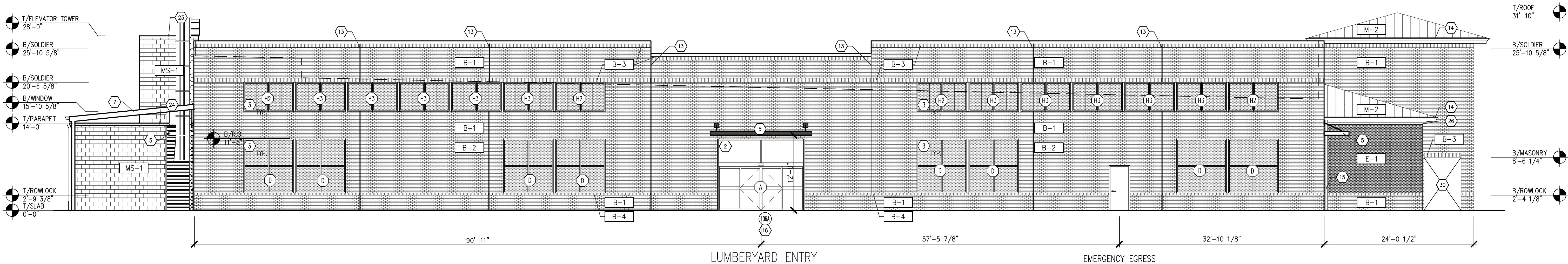


1 ELEVATION: SOUTH STREET FACING FACADE
A201A SCALE: 1/8" = 1'-0"

NOTE: RTU'S ARE FULLY COVERED ON BOTH SIDES AND REAR OF THE BUILDING.



2
A202
**ELEVATOR SHAFT
ELEVATION: EAST**
SCALE: 1/8" = 1'-0"

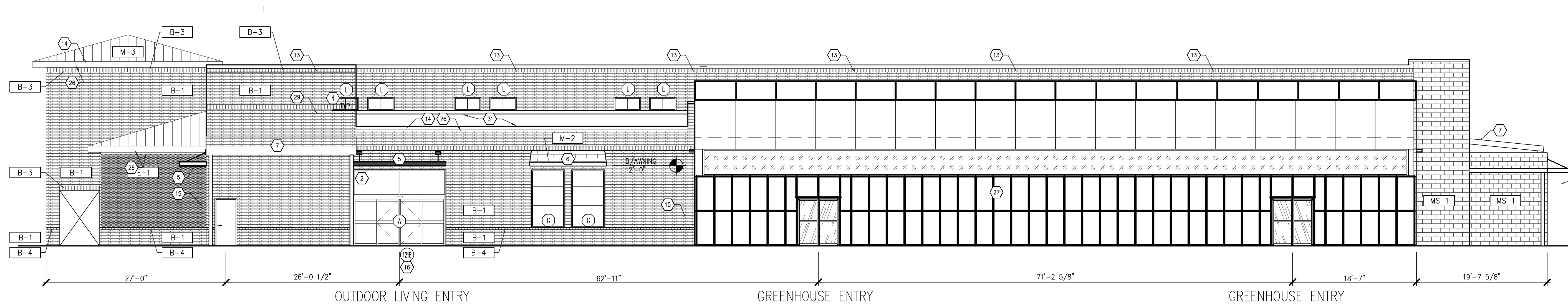


1
A202
ELEVATION: EAST
SCALE: 1/8" = 1'-0"

NOT STREET FACING FACADE

4.10.4 (D)
FACADE AREA BETWEEN
2' AND 10' ABOVE GRADE: 1577 S.F.
AREA (CLEAR GLASS) 112 S.F.
AREA (OPAQUE GLASS) 471 S.F.
AREA (CLEAR GLASS) 112 S.F.
112 S.F./1577 S.F. = 7% GLAZING
% REQUIRED: 0% (NOT STREET FACING)
4.10.4(B), (2)(3)
ARCHITECTURAL SEGMENTS PROVIDED
4.10.6(C) (2)
ENTRIES MAX. 150' APART
4.10.4(C)
PRINCIPAL FACADE MATERIAL: BRICK
4.10.6(C)(4)(c)
FACADE NOT STREET FACING, NOT PROVIDED
4.10.6(C)(5)(c)
FACADE NOT STREET FACING, ROOF VARIATION NOT PROVIDED
4.10.6(C)(5)(d)
SCREENING AND PARAPETS PROVIDED
4.10.6(C)(5)(e)
CORNICES HAVE 30 ARTICULATION

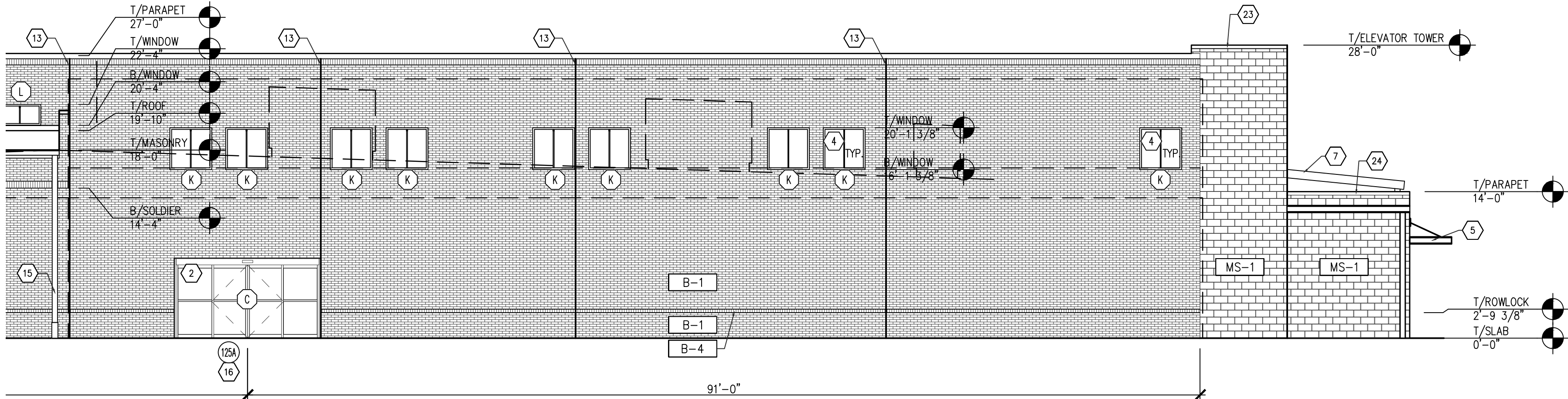
4.10.4(C) BREAKDOWN:
TOTAL NORTH FACADE (GRADE TO 1/2" PARAPET) = 6,040 SQ. FT. = 100%
GLAZING/STOREFRONTS = 3,607 SQ. FT. = 60%
EPS ACORN = 174 SQ. FT. = 3%
BRICK = 1,859 SQ. FT. = 31%
ROOF (W/OVERHANG, NOT INC. AWNINGS) = 280 SQ. FT. = 4%
NOTE: "GLAZING" IS NON-REFLECTIVE, LOW-E CLEAR INSULATED GLAZING.
"OPAQUE" GLAZING IS NON-REFLECTIVE, CLEAR SPANDREL GLAZING WITH BLACK-OUT FILM.



4
A201
ELEVATION: WEST
SCALE: 1/8" = 1'-0"
INTERNAL STREET FACING FACADE:
OLIVETREE LANE

4.10.4 (D)
STREET FACING FACADE AREA BETWEEN
2' AND 10' ABOVE GRADE: 1577 S.F.
AREA (CLEAR GLASS) 187 S.F.
AREA (OPAQUE GLASS) 884 S.F.
AREA (TOTAL GLASS) 1051 S.F. TOTAL
1051 S.F./1577 S.F. = 66% GLAZING
% REQUIRED: 25%
4.10.4(B), (2)(3)
ARCHITECTURAL SEGMENTS PROVIDED
4.10.6(C) (2)
ENTRIES MAX. 150' APART
4.10.4(C)
PRINCIPAL FACADE MATERIAL: BRICK
4.10.6(C)(4)(c)
BUILDING ARTICULATION PROVIDED
4.10.6(C)(5)(c)
ROOFLINE VARIES IN HEIGHT
4.10.6(C)(5)(d)
SCREENING AND PARAPETS PROVIDED
4.10.6(C)(5)(e)
CORNICES HAVE 30 ARTICULATION

4.10.4(C) BREAKDOWN:
TOTAL NORTH FACADE (GRADE TO 1/2" PARAPET) = 6,040 SQ. FT. = 100%
GLAZING/STOREFRONTS = 3,607 SQ. FT. = 60%
EPS ACORN = 174 SQ. FT. = 3%
BRICK = 1,859 SQ. FT. = 31%
ROOF (W/OVERHANG, NOT INC. AWNINGS) = 280 SQ. FT. = 4%
NOTE: "GLAZING" IS NON-REFLECTIVE, LOW-E CLEAR INSULATED GLAZING.
"OPAQUE" GLAZING IS NON-REFLECTIVE, CLEAR SPANDREL GLAZING WITH BLACK-OUT FILM.



4
A201
ELEVATION: WEST (INSIDE GREENHOUSE)
SCALE: 1/8" = 1'-0"

EXTERIOR MATERIAL:		GENERAL NOTES:	
MASONRY		1. SIGNAGE BY OWNER - TO BE FILED UNDER SEPARATE PERMIT. 2. COORDINATE WITH CIVIL DRAWINGS FOR GENERAL GRADING AND FINAL SURFACE ELEVATIONS.	
B-1		ELEVATION NOTES:	
TYPE: STANDARD BRICK W/ 3/8" JOINT COLOR: LEE BRICK & TILE 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		1. EXTERIOR WALL SIGN BY OWNER, COORDINATE WITH SIGN VENDOR AND PROVIDE ELECTRICAL SUPPLY AND BLOCKING AS REQUIRED. SEE ELEC. DWGS. FOR J-BOX LOCATION.	
B-2		2. ALUMINUM STOREFRONT SYSTEM	
TYPE: STANDARD BRICK W/ 3/8" JOINT COLOR: LEE BRICK & TILE 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		3. ALUMINUM STOREFRONT WITH OPAQUE GLAZING TREATMENT	
B-3		4. HANGER ROD CANOPY, BY G.C.	
TYPE: SOLDIER BRICK (STANDARD) COLOR: LEE BRICK & TILE 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		5. AWNING BY GC, STANDING SEAM PANELS OVER ALUMINUM	
B-4		6. AWNING BY GC, STANDING SEAM PANELS OVER ALUMINUM	
TYPE: ROWLOCK BRICK (STANDARD) COLOR: LEE BRICK & TILE 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		7. AWNING BY GC, STANDING SEAM PANELS OVER ALUMINUM	
B-5		8. ELECTRICAL EQUIPMENT - COORDINATE EXACT DIMENSIONS WITH MANUFACTURER - PROVIDE CONTINUOUS SEALANT AROUND PERIMETER.	
TYPE: BRICK MEDIUM (STANDARD) COLOR: LEE BRICK & TILE 856 MONACO GROUT: LIGHT GRAY SUPPLIER: CUSTOM BRICK AND SUPPLY COMPANY CONTACT: SHERRY RICHARDS TELEPHONE: 919-880-8280		9. GAS METER: REFER TO PROVIDING DRAWINGS. PROVIDE WEATHER SEAL AT PENETRATIONS INTO BUILDING.	
MS-1		10. DECORATIVE EXTERIOR LIGHTS - MOUNT BOTTOM AT "X"-0" ABOVE SLAB HEIGHT - REFER TO ELECTRICAL DRAWINGS.	
TYPE: MANUFACTURER: ... COLOR: ... GROUT: ... SUPPLIER: ... CONTACT: ... TELEPHONE: ...		11. EMERGENCY LIGHT FIXTURE: MOUNT BOTTOM AT "X"-0" ABOVE SLAB HEIGHT - REFER TO ELECTRICAL DRAWINGS.	
EXTERIOR INSULATION & FINISH SYSTEMS (EIFS)		12. EPS "Y" GROOVE JOINT - REFER TO DETAIL X/X/XX	
E-1		13. BRICK EXPANSION JOINT	
TYPE: EIFS COLOR: DRYKIT EIFS FINISH: SANDED CONTACT: ROBERT DAZEL, AIA TELEPHONE: 734-276-0404		14. PREFINISHED METAL GUTTER	
E-2		15. DOWNSPOUT WITH DOWNSPOUT BOOT, CONNECTED TO STORM SEWERS (REFER TO CIVIL DRAWINGS)	
TYPE: MANUFACTURER: ... COLOR: ... EIFS FINISH: SANDED CONTACT: ROBERT DAZEL, AIA TELEPHONE: 734-276-0404		16. EXTERIOR DOOR PER DOOR SCHEDULE	
METAL		17. METAL ROLL-UP PREFINISHED DOOR AND FRAME	
M-1		18. EXTERIOR METAL STAR, REFER TO ENLARGED PLANS FOR DETAILS	
TYPE: METAL SIDING MANUFACTURER: ... COLOR: ...		19. EXTERIOR ROOF LADDER W/SECURITY GATE AND FALL PROTECTION: PAINT	
M-2		20. METAL OVERFLOW SCUPPER WITH 2" DECORATIVE FLANGE, REFER TO DETAIL S/A/S	
TYPE: STANDING SEAM METAL ROOFING MANUFACTURER: ... COLOR: ...		21. BOTTOM SIDE OF EPS CANOPIES SHALL BE E-1.	
M-3		22. LINE OF ROOF, BEYOND	
TYPE: 2-PHASE TFLX SNW-ON COMPRESSION EDGING MANUFACTURER: EXCELTIONAL METALS COLOR: REGAL RED SR.36/TE.87		23. PREFINISHED METAL PARAPET COPING	
LIGHTING		24. METAL SNAP ON COMPRESSION EDGE	
L-1		25. ROOF PEAK, BEYOND	
TYPE: EXTERIOR LIGHTING TYPE: HALF ROUND SEE ELECTRICAL DRAWINGS FOR FURTHER INFORMATION		26. FIBER CEMENT BOARD FASCOA	
L-2		27. GREENHOUSE, UNDER SEPARATE CONTRACT	
PAINT		28. FLASHING BY GREENHOUSE SUPPLIER, SAW-CUT INTO BRICK VENEER	
P-1		29. ROOF FLASHING	
TYPE: PAINT MANUFACTURER: SHERWIN WILLIAMS COLOR: SW 6074 SPALDING GRAY LOCATION: METAL		30. OPEN TO BEYOND	
		31. LOW-SLOPE ROOF	
		32. MASONRY FENCE PIER, REFER TO ENLARGED DETAILS	
		33. CHAIN LINK FENCE W/LOCKABLE GATE	
		34. KNOX BOX SERIES 3200 RECESSED WITH LEFT-OFF DOOR TO BE MOUNTED 4'-0" A.F.F. TO BOTTOM OF MOUNTING BOX. VERIFY REQUIREMENTS WITH LOCAL FIRE MARSHALL.	

THE DRAWINGS, SPECIFICATIONS, AND OTHER DOCUMENTS
HEREIN ARE THE PROPERTY OF ACF HARDWARE. NO PART
HEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY
FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL,
INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY
INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT
THE WRITTEN PERMISSION OF ACF HARDWARE. ANY
VIOLATION OF THIS NOTICE SHALL BE SUBJECT TO
LAWYER'S FEES AND COSTS, INCLUDING REASONABLE
ATTORNEY'S FEES AND COSTS, AND OTHER
DAMAGES. ANY PARTY USING THESE DRAWINGS OR
OTHER DOCUMENTS FOR ANY OTHER PROJECT
WITHOUT THE WRITTEN PERMISSION OF ACF
HARDWARE SHALL BE RESPONSIBLE FOR ANY
VIOLATION OF THIS NOTICE.

ACF HARDWARE
WHISPERING PINES
Location: 245 CAPITAL DRIVE
WHISPERING PINES, NC 28327
Drawing: ELEVATIONS

OWNER
FREIGHT COMPANIES, INC.
CONTACT: TONY BORNHORST
2075 JUNIPER LAKE ROAD
WHISPERING PINES, NC 28327
CONTACT: (800) 944-0881

Revisions
THRU ADDENDUM " "

PROJECT DATE
5/25/2022

Drawn By
CNW

Checked By
TD

Sheet No.
A202



 LMHT ASSOCIATES architecture engineering AR-16-22 Ace Hardware	NRD-21183		ACE HARDWARE NORTH FACADE PERSPECTIVE VIEW 1			EXTERIOR FACADE ::	
			6.17.22	WHISPERING PINES, NC		EXTERIOR CONCEPT ::	





 LMHT ASSOCIATES architecture engineering AR-16-22 Ace Hardware		ACE HARDWARE NORTH STREET FACING FACADE : AIRPORT RD.			EXTERIOR FACADE ::
		6.17.22	WHISPERING PINES, NC		EXTERIOR CONCEPT ::



 LMHT ASSOCIATES architecture engineering AR-16-22 Ace Hardware	NRD-21183		ACE HARDWARE		EAST FACING FACADE		EXTERIOR FACADE ::	
			6.17.22	July 2022 Town Council	WHISPERING PINES, NC		EXTERIOR CONCEPT ::	



 LMHT ASSOCIATES architecture engineering AR-16-22 Ace Hardware	NRD-21183		ACE HARDWARE WEST INTERNAL STREET FACING FACADE: OLIVETREE LANE			EXTERIOR FACADE ::
			6.17.22	WHISPERING PINES, NC		EXTERIOR CONCEPT ::



 LMHT ASSOCIATES architecture engineering	NRD-21183		ACE HARDWARE		SOUTH FACING FACADE		EXTERIOR FACADE ::
			6.17.22	July 2022 Town Council	WHISPERING PINES, NC		EXTERIOR CONCEPT ::



856 "MONOCO" LEE BRICK - FIELD BRICK



701 "ORIENTAL" LEE BRICK - ACCENT BRICK



"RUSTIC RED" - METAL SIDING



"PATINA GREEN" - ROOFING PANEL



SW 7569 "NEUTRAL GROUND" - EIFS
OR SIMILAR TO MATCH
EXISTING ACE HARDWARE



#40 "DARK BRONZE" KAWNEER -
STOREFRONT TO MATCH EXISTING ACE HARDWARE



"HAMILTON" LEE BP SPLIT-FACE CMU

June 17, 2022

Jennifer Hunt
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

Re: Ace Hardware
Southern Pines, NC

Dear Jennifer:

We respond to your plan review comments for the above-mentioned location as follows:

Comment Per UDO 4.10.4:

Comment Originated: 6-10-22

1. Per UDO 4.10.4 (A): Please label the building renderings showing which street each rendering is directed toward (or you can label using north, south, east and west).

NRD RESPONSE: Building renderings and B&W elevations have been enclosed and labeled for both street and orientation.

2. Per UDO 4.10.4 (B): On the renderings, please label the height and width of the building.

NRD RESPONSE: B&W elevations and floor plans have been provided to show heights and overall size of building.

3. Per UDO 4.10.4 (C): Please submit a materials list showing the name, color and type of building materials that will be used. On the building renderings, please label the percentage of brick and percentage of other materials used.

NRD RESPONSE: Digital material board has been enclosed to show colors and descriptions. B&W elevations A201 & A202 are also enclosed showing total areas with percentage of materials used. Materials are called out with tags and a material legend on the exterior elevations.

4. Per UDO 4.10.4 (D): On the building renderings, please label the percentages. Please label the material used for glaze, non-reflective, clear glass.

NRD RESPONSE: This information has been enclosed on the B&W elevation sheets A201 & A202

5. Per UDO 4.10.4 (E) and (F): Will you have awnings? If so label the height from the lowest point of the awning to the sidewalk. What type of material is used? How tall is the street facing awning? Will you have Galleries and Arcades?

NRD RESPONSE: Bottom of all canopies are at 12'-0". These heights are noted on the B&W elevation sheets A201 & A202

6. Per UDO 4.10.4 (G): Please label the width and height of the roof. Please submit with your building materials list a picture of the "standing seam metal roofing" you claim you will be using on the roof. What color will it be? Is it non-reflective? Please clarify.

NRD RESPONSE: Roof plan A161 and B&W elevation sheets A201 & A202 sheets have been enclosed to show the main building has parapets with low sloping metal roof that are hidden from view. The sloped roofing on the main entry tower is green standing seam roof. This color is shown on the material board. A physical sample is also being dropped off to the town office.

7. Per UDO 4.10.4 (H): Please label on the building renderings where the HVAC/Mechanical Equipment will be located on the roof.

NRD RESPONSE: HVAC rooftop equipment has been added into submittal on A161 roof plan, A201 & A202 elevations. We have added a A201A line of site sheet to show that from the parking lot these units shall NOT be visible.

8. Per UDO 4.10.4 (I): Please label where the loading zone and/or garage bay is located on the rendering.

NRD RESPONSE: loading zones and deliveries will all take place on the South rear side of the building. We have enclosed current civil plans, A111 floor plan and elevations to show this location.

Comment Per UDO 4.10.6 (C):

Comment Originated: 6-10-22

1. 4.10.6 (C) (2): Label the entrances on the renderings. Label the width between the entrances on the renderings.

NRD RESPONSE: Labels for each door has been added to B&W elevation sheets A201 & A202

2. 4.10.6 (C) (3): Label the type of building material used and percentages on the renderings.

NRD RESPONSE: This has been added to B&W elevation sheets A201 & A202

3. 4.10.6 (C) (4) and (5) (c): Label the width and height of the building and roofline on the renderings. Label the height of the parapet on the rendering.

NRD RESPONSE: This has been added to B&W elevation sheets A201 & A202. Building footprint dimensions can be found on sheet A111

Agenda Item

To: Reagan Parsons, Town Manager

From: Jennifer Hunt, Planner I

Subject: AR-18-22 Discount Tire

Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. Kelly Wagoner with Donaville Group, Inc. on behalf of Combined Land Company, Inc. is requesting approval of an Architectural Compliance Permit for “Discount Tire,” a new 7,680 square foot automobile retail and service facility located in the General Business zoning district. The property is located in the Urban Village Highway Corridor Overlay west of Pinehurst Avenue and east of US 15-501 Hwy. The subject property according to Moore County Register of Deeds is owned by Combined Land Co., Inc., a North Carolina corporation.

II. PROJECT INFORMATION:

1. PARID 00055116; PIN 857114435845

2. Applicant:

Donaville Group, Inc.
Attention: Mr. Kelly Wagoner
3471 Donaville Street
Duluth, GA 30096

3. Owner:

Combined Land Company, Inc.
1227 Rockingham Road
Rockingham, NC 28379

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in Red:



Figure 2: Urban Village Highway Corridor Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Red:

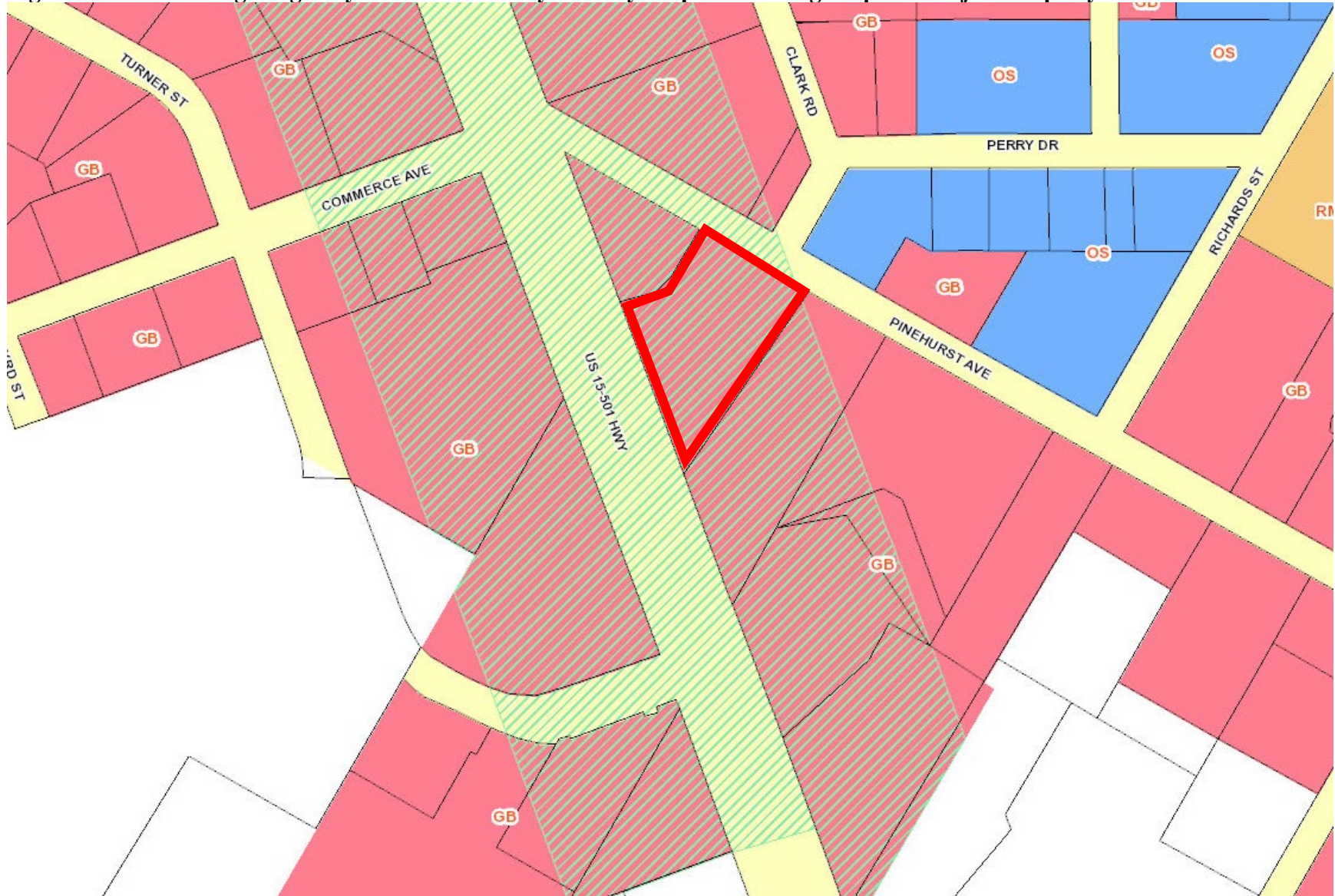
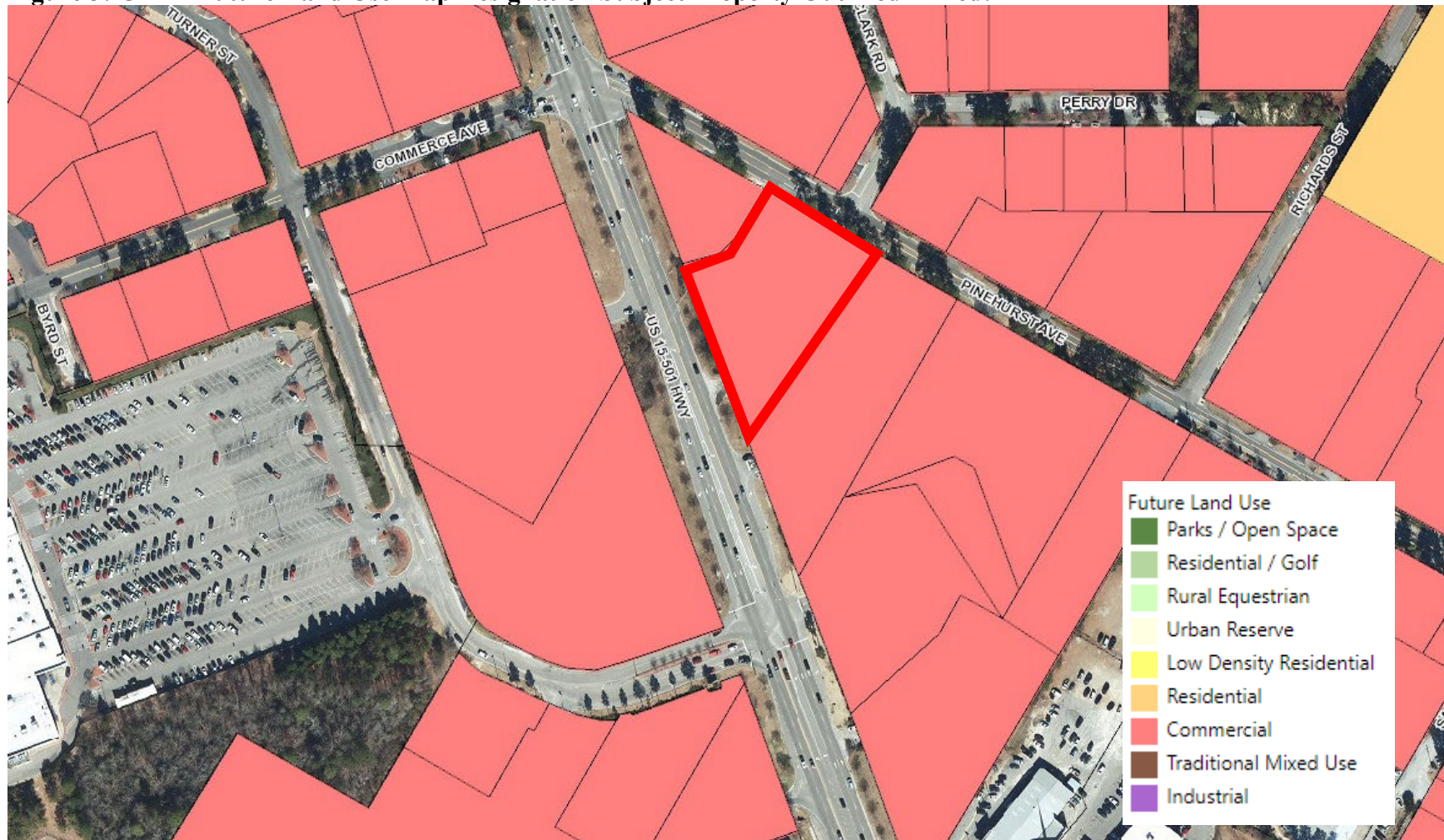


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red:



1. Comprehensive Long-Range Plan Designation:

The area is designated as Commercial on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.

2. Zoning:

The parcel is currently zoned General Business (GB) (See Figure 1). The Town of Southern Pines UDO standards for commercial architectural are set forth in UDO Section 4.10.4 *Building Design Requirements*. The GB district is designed to accommodate highway-oriented retail, commercial service businesses and in some limited cases light manufacturing, which generally have as their market area the entire Town and surrounding area.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: June 7, 2022

Application Complete: June 17, 2022

Town Council Agenda Meeting: July 6, 2022

Town Council Meeting: July 12, 2022

3. Criteria for Review:

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

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed development consists of a new automobile retail and service building of 7,680 square feet. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.*

Generally Compliant:

- The higher order street is US 15-501 Hwy, which is where the primary customer entry is facing. The secondary entrance is facing south and is approximately 44 feet away, which complies with the standard in Exhibit 4-15 of being less than 150 feet apart.
- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*

Generally Compliant:

- The applicant states that the width of the building is 60 feet, the length of the building is 128 feet, the height of the building is 26 feet. The building segments are created through changes in roofline approximately every 30 feet, and no continuous wall length is greater than 52 feet, therefore they are complying.
- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

Generally Compliant:

- The applicant states that the building is comprised of clay brick veneer for over 95% of the building, with stucco cornice trim and limestone base at columns.
- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing*

building facades between the elevations of 2 and 10 feet above the grade of the building entry.

Generally Compliant:

- The applicant states that the windows will be tinted with Low-E Glass, a non-reflective coating. The percentage of windows along US 15-501 HWY, the street facing building façade has 28% windows between a height of 2 feet and 10 feet, which is compliant.
- UDO §4.10.4 (E) *states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council. (2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet. (3) Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.*

Generally Compliant:

- The applicant states that there will be a fabric awning on the northwest elevation above the windows and door. There is 12 feet of clearance from the lowest point of the awning to the sidewalk.
- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*

Generally Compliant:

- The applicant states there will be no galleries or arcades provided.
- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100'.*

Generally Compliant:

- The applicant shows that the proposed building is 128 feet long, however there are changes in roofline approximately every 30 feet. Therefore, the variation in parapet height break up the continuous wall and roof planes, which comply.
- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

Generally Compliant:

- The applicant has stated that all roof top equipment will be screened by building parapets. There will be no equipment proposed between the building and US 15-501 Hwy. The electric transformer is either pad or pole mounted, which will be determined by the power company. If it is determined to be ground mounted, it would be will

screened with vegetation and compliant with our UDO, along Pinehurst Avenue.

- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

Generally Compliant:

- The garage doors face the interior lot line along the northwest elevation.
- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

Generally Compliant:

- The applicant states that a formal sign submittal will be completed by the sign vendor at a later date for approval. The applicant states that signage under a separate permit will comply with the standards for UDO Section 4.6.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Color Elevations

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4.

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

I move to:

1. Approve AR-18-22;
2. Approve AR-18-22 with the following conditions...
3. Deny AR-18-22;

Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

- OK **Application fee** in the amount of **\$100.00** (gross floor area of 3,499 sq. ft. or less); or **\$300.00** (gross floor area of 3,500 sq. ft. or greater).
- Y **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- Y **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- Y **Deed** copy to provide proof of ownership and property boundaries.
- Y **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.
- Y **Renderings of elevations** (color).
- Y **Site plan** if applicable.
- Y **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

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

1/12/22



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Discount Tire NCC 11625

Street Address: 10935 US Hwy 15-501

PIN: 857114435845

Parcel ID: _____

Zoning: GB

Type of building (retail, office, etc.): Retail and service

Total square footage: 7,680

Applicant:

Name: Donaville Group, Inc., Attention Mr. Kelly Wagoner

Email: Kelly.Wagoner@bdgse.com

Phone: 404-567-5701 xt 103

Mailing Address: 3471 Donaville Street, Duluth, GA 30096

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

Name(s): Combined Land Company, Inc.

Email: strythall@cfsmithpg.com

Phone: 910-997-2544

Mailing Address: 1227 Rockingham Road, Rockingham, NC 28379

Date: 6/7/2022


Applicant

UDO §2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

- (A) The application is consistent with applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;
- (C) The application is consistent with applicable conditions of prior Development approvals; and
- (D) The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.

UDO §2.26.9. Effect of Approval

- (A) The Architectural Compliance Permit shall expire unless a Building Permit is issued within one (1) year of approval.
- (B) Development activities subject to this section shall conform to the approved application and any conditions or restrictions. Any deviation from the approved Architectural Compliance Permit, unless approved in advance and in writing by the Planning Director, is deemed a violation of the UDO.

Please review UDO §2.26 in its entirety as well as UDO §4.10.4 for Building and Design Requirements (www.southernpinesudo.org).

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), COMBINED LAND CO., INC., hereby appoint(s) KELLY WAGONER as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 4th day of May, 2022.

Neil Robinette

Neil Robinette (May 3, 2022 17:06 EDT)

Property Owner

Neil Robinette, Vice President of Combined Land CO

Property Owner



Agent

1/12/22

Authorized Agent Form

Final Audit Report

2022-05-03

Created:	2022-05-03
By:	Steve Trythall (strythall@cfsmithpg.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6S8zfxL7lwD6xSXqkAa-IDQLTbE542Mw

"Authorized Agent Form" History

-  Document created by Steve Trythall (strythall@cfsmithpg.com)
2022-05-03 - 9:01:30 PM GMT- IP address: 173.92.112.114
-  Document emailed to Neil Robinette (nrobinette@cfsmithpg.com) for signature
2022-05-03 - 9:02:38 PM GMT
-  Email viewed by Neil Robinette (nrobinette@cfsmithpg.com)
2022-05-03 - 9:05:53 PM GMT- IP address: 173.92.112.114
-  Document e-signed by Neil Robinette (nrobinette@cfsmithpg.com)
Signature Date: 2022-05-03 - 9:06:24 PM GMT - Time Source: server- IP address: 173.92.112.114
-  Agreement completed.
2022-05-03 - 9:06:24 PM GMT



Adobe Acrobat Sign

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

July 10, 2018 3:47:40 PM

Book: 5005 Page: 306 - 309 #Pages: 4

Fee: \$26.00 NC Rev Stamp: \$2,700.00

Instrument # 2018009956

**NORTH CAROLINA
GENERAL WARRANTY DEED**

Excise Tax: \$2,700.00

Brief Description: 1.79 acres, Sandhills Township

Parcel ID: 00055116

Mail after recording to: *Grantee*

This instrument was prepared by: Paul B. Trevarrow, PLLC, 760C NW Broad St., Southern Pines, NC 28387

THIS DEED made this 6th day of July, 2018 by and between

GRANTOR

Harvey H. Wolf and wife, Frances Wolf
PO Box 1325
Aberdeen, NC 28315

GRANTEE

Combined Land Co., Inc.
a North Carolina corporation
1227 Rockingham Road
Rockingham, NC 28379

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

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

See Exhibit A, attached.

This conveyance is made subject to enforceable reservations, easements, restrictions and covenants of record, matters shown on the above plat, ad valorem taxes for the current year, and zoning or other municipal ordinances.

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

All or a portion of the property hereinabove described was acquired by Grantor by instrument recorded in Book 2235, Page 101, Moore County Registry.

The above described property does not include the primary residence of the Grantor.

Frances Wolf joins in this instrument only to release her statutory marital interest in the property, and does not join in any warranties herein.

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

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

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 Grantors have hereunto set their hand and seal, the day and year first above written.

Harvey H. Wolf (SEAL)
Harvey H. Wolf

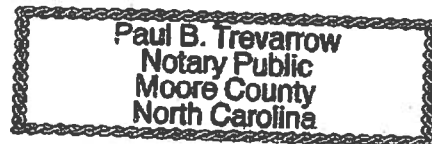
NORTH CAROLINA, MOORE COUNTY

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Harvey H. Wolf.

Witness my hand and official stamp or seal, this the 6th day of July, 2018.

My Commission Expires: 12-12-2019

Paul B. Trevarrow
Notary Public



Frances Wolf
 Frances Wolf

SOUTH CAROLINA
 COUNTY OF Charleston

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Frances Wolf.

Witness my hand and official stamp or seal, this the 8th day of July, 2018.

My Commission Expires: 3/4/2025

John P. O'Farrell
 Notary Public for S.C.
 S.C. Notary Public



EXHIBIT A

A certain parcel of land located in the Town of Southern Pines, Sandhill Township, Moore County, North Carolina more particularly described as follows:

BEGINNING at the southernmost corner of that certain 73 acre parcel conveyed by Deed dated June 30, 1980 to Deane Hundley, III, DDS, as recorded in Book 462, Page 537, Moore County Registry, said beginning point being located in the right-of-way of U S Highway 15-501, running thence from the beginning with and as the common line of Hundley, North 74-22-00 East 65.75 feet to a point, thence continuing as the Common line North 47-12-00 East 33.13 feet to a point, thence as another common line North 32-59-00 East 104.48 feet to an existing iron stake in the southern right of way of Pinehurst Avenue (State Road No. 1852), thence with and as the right of way of Pinehurst Avenue South 58-48-16 East 222.50 feet to an existing iron stake and a common corner with Harms Realty & Construction Co, thence as and with the dividing line between Harms Realty, South 35-49-46 West 393.76 feet to an existing iron stake in the northern right of way line of U S Highway 15-501, thence with the northern right of way line of said highway, North 18-45-00 West 323 35 feet to the point and place of beginning, containing 1.79 acres, more or less.

This conveyance is made subject to the right of ways of U.S Highway 15-501 and Pinehurst Avenue, utility easements of record, access easement described in Deed Book 493, Page 753, Moore County Registry as modified by the provisions of a Quitclaim Deed recorded in Deed Book 514, Page 210, Moore County Registry and access easement recorded in Deed Book 462, Page 537, Moore County Registry

June 6, 2022

Community Development Department
Town of Southern Pines
180 SW Broad Street
Southern Pines, NC 28387

RE: Proposed Discount Tire
10935 US Hwy 15-501
BDG#: 21-190

On behalf of Discount Tire Company, please find the enclosed submittal for Architectural Compliance Permit for review for redevelopment of the property located at 10935 US Hwy 15-501 for a new retail tire store. In accordance with the Architectural Compliance Permit requirements, below is a narrative as to how this application is compliant with sections 2.26.7 and 4.10.4 of the Unified Development Ordinance. The property is zoned GB.

Section 2.26.7 criteria is listed below.

- (A) The location of this property is within a commercial district and redeveloped as such in general accordance with the town's future land use designation. Discount Tire provides retail goods and services for wheels and tires, including free services for the community such as air checks and tire rotations.
- (B) The characteristics of the building elevations and the site plan appear to meet the town ordinances as regulated. This includes building materials, colors and features as presented. The site plan is in general conformance with development standards pertaining to setbacks, site density, parking and access, and landscape areas.
- (C) This application is consistent with prior development approvals and updates the site per current standards. For example, the existing site contains a parking lot within the current 40' landscape buffer and 50' parking setback from US Hwy 15-501 and the development proposal will bring this site into compliance with these standards and will be developed consistent with each of the neighboring commercial properties.
- (D) Discount Tire is a retail/service user and the site as proposed is complimentary to other existing retail and service users in the immediate area. They often are located within commercial retail districts as their business is retail sales and service for automotive wheels and tires.

Section 4.10.4 Building Design Requirements

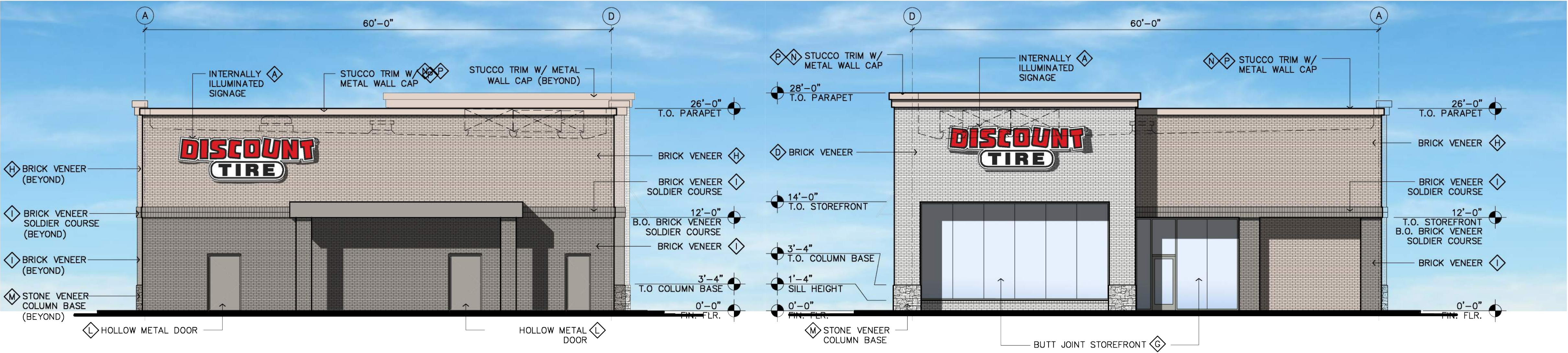
- A.1 The building is situated where the primary customer entry is facing US 15-501 and secondary entry facing south.
- A.2 This is a single use retail/service building and the customer entries are approximately 44 feet apart.
- B.2 The building height is 26 feet. Building segments have been created so that no continuous wall length is greater than 52'.

- B.3 Building segments have been created by variations in wall plane projection, color of materials, and height of parapet walls.
- C The building is comprised of clay brick veneer over 95% of the building, with stucco cornice trim, and limestone base at columns.
- D.1 Windows are tinted, Low-E Glass, with a non-reflective coating.
- D.3 Windows and doors on the street facing façade of US 15-501 exceed 25% of the façade area.
- E.1 A metal canopy is proposed in-lieu of a canvas awning. There is no projection into setbacks or streets.
- E.2 The lowest point of the awning from finish grade is proposed at 12'-0" A.F.F.
- G.2 The proposed building employs a single "Flat roof" over the entirety of the building. The flat roof is not visible due to the implementation of raised parapet walls at varying heights. The proposed building is greater than 100 feet in length, and such variation in parapet height has been used to break-up continuous wall and roof planes.
- G.3 Roofing materials which may be visible are compliance with the ordinance.
- H All roof-top equipment is fully screened by parapet walls and no mechanical equipment is proposed between the building and US 15-501. Mechanical equipment which may be present as part of the site design along Pinehurst Ave, such as an electrical transformer, would be screened with vegetation.
- I The building is oriented such that garage doors are facing an interior lot line.
- J Building signs have been shown for general intent only. A formal sign submittal will be completed by the sign vendor at a later date for approval.

After review of the enclosed materials, please let me know if there are any questions or comments.

Sincerely,

Kelly J. Wagoner, PE
Principal / Sr. PM

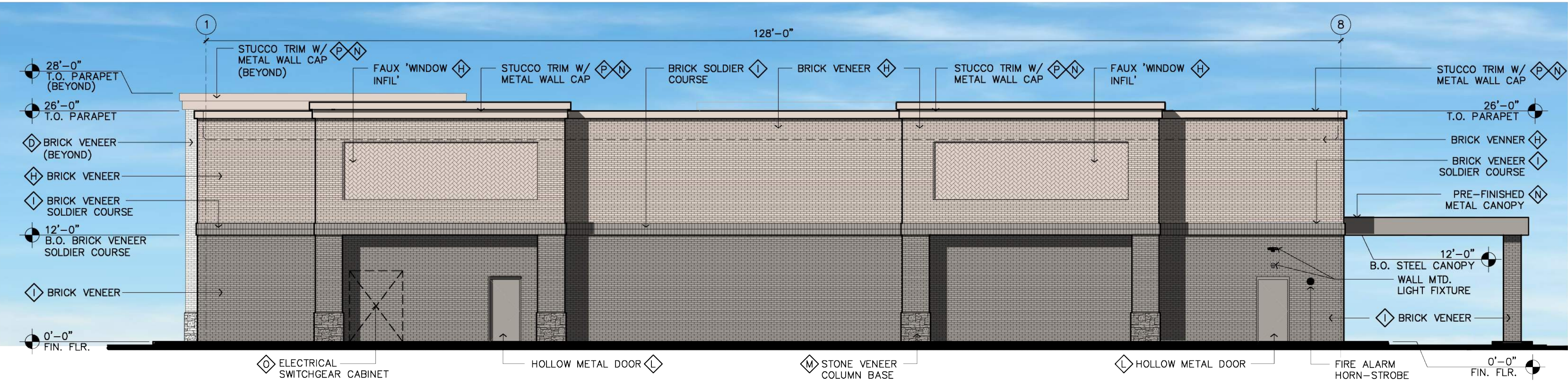


NORTH-EAST ELEVATION (Pinehurst Ave.)

SCALE: 1/8" = 1'-0"

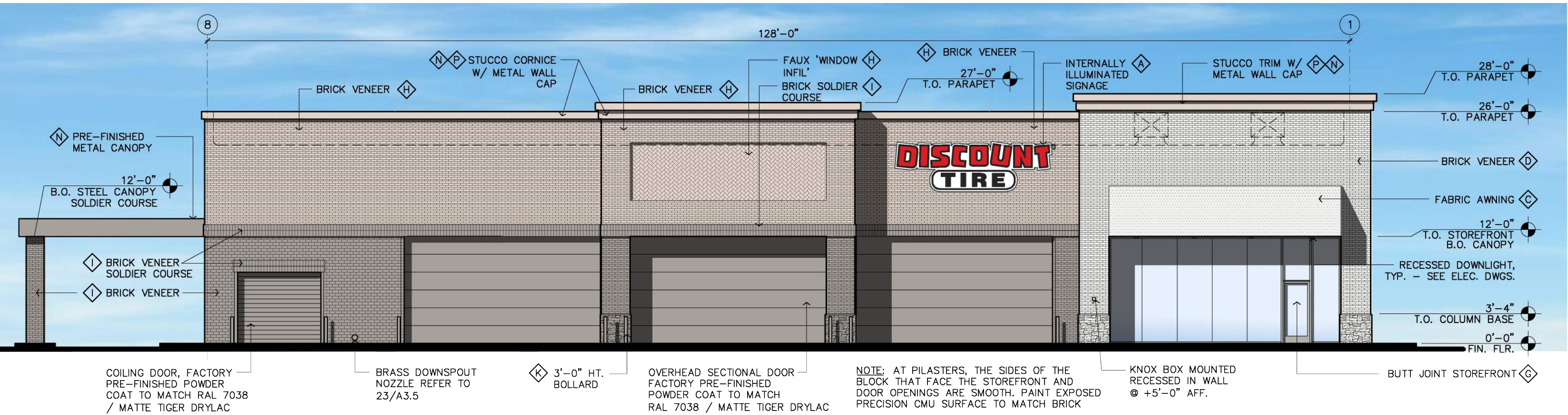
SOUTH-WEST ELEVATION (US HWY 15)

SCALE: 1/8" = 1'-0"



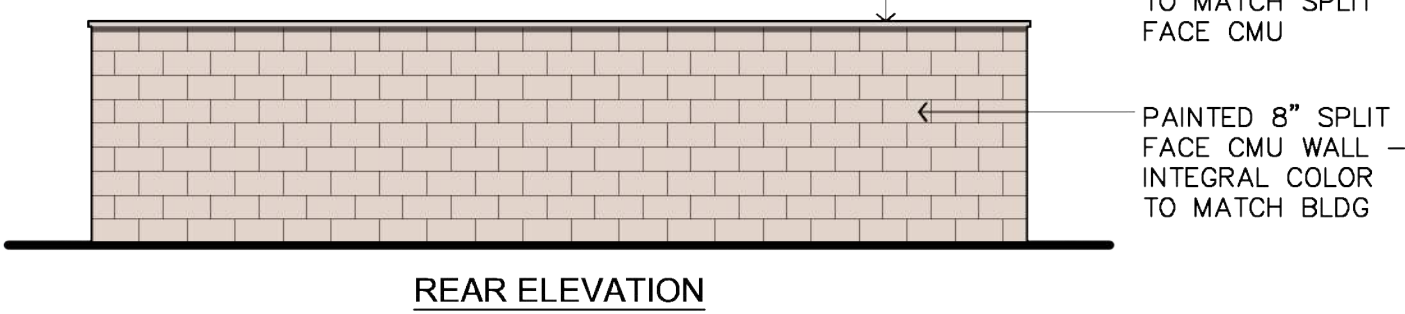
SOUTH-EAST ELEVATION

SCALE: 1/8" = 1'-0"

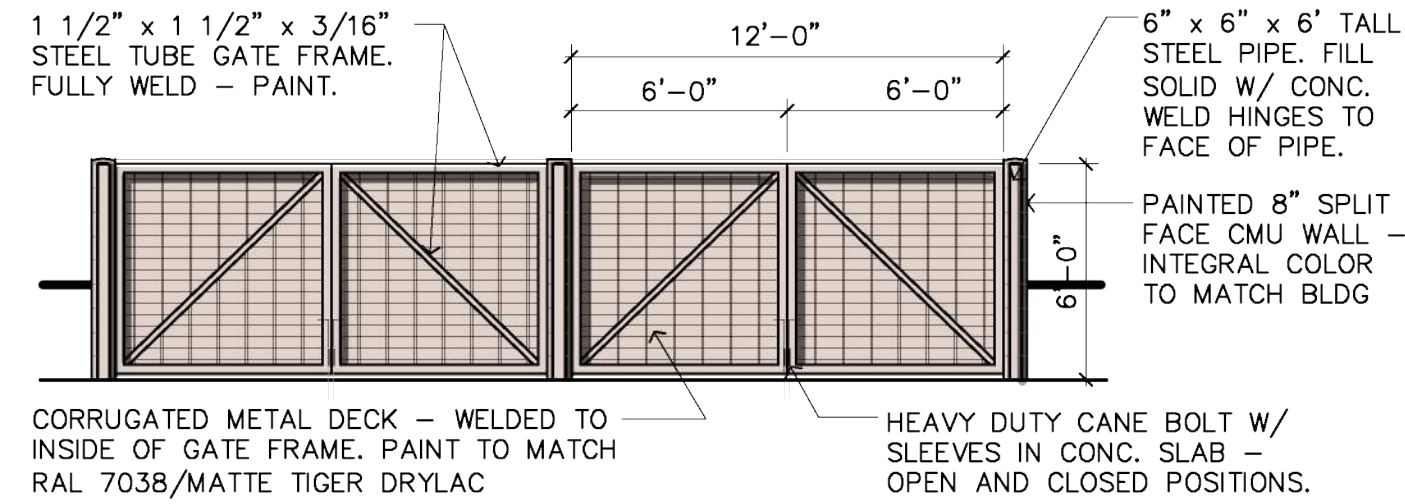


NORTH-WEST ELEVATION

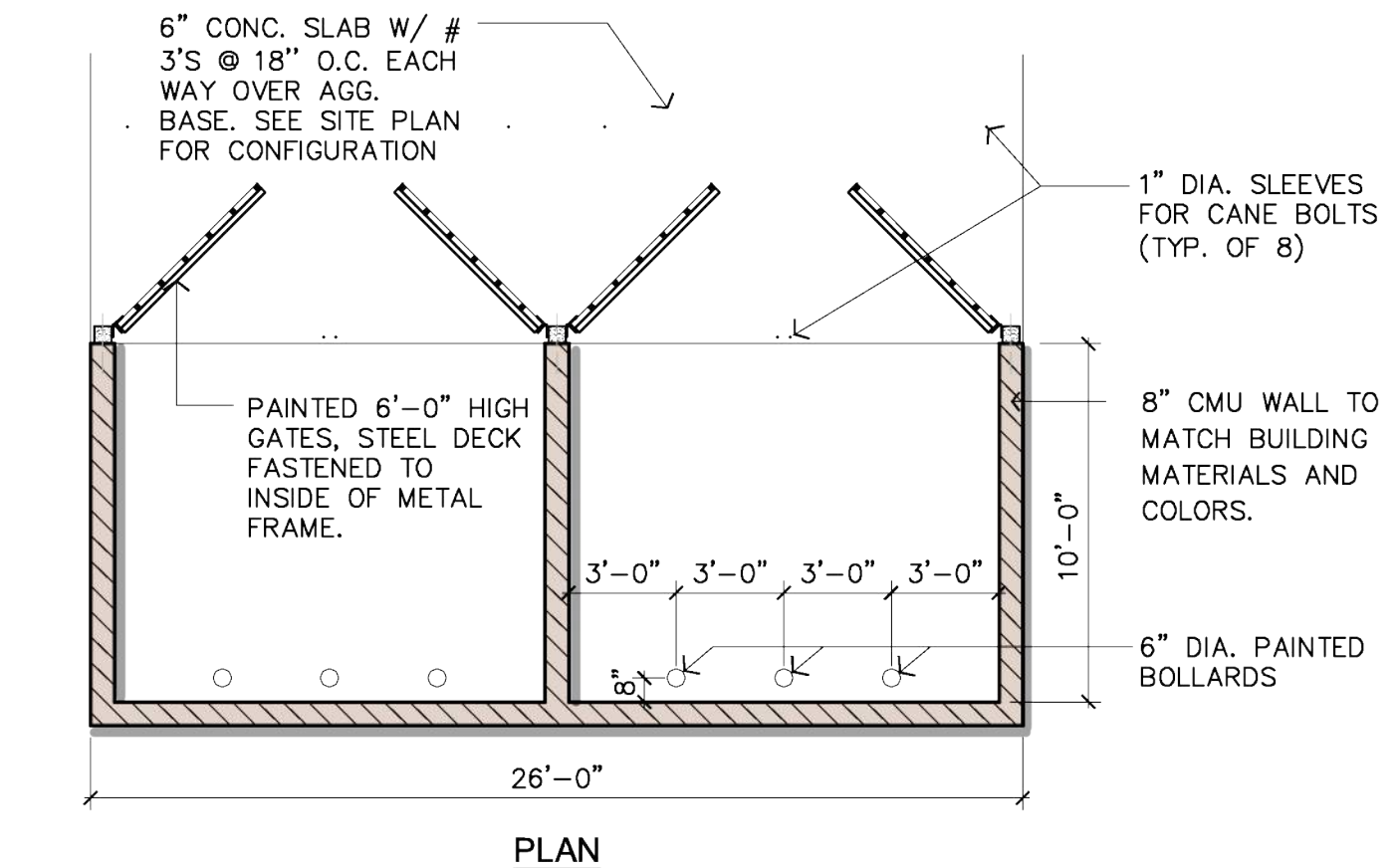
SCALE: 1/8" = 1'-0"



REAR ELEVATION



FRONT ELEVATION



TRASH ENCLOSURE ELEVATION

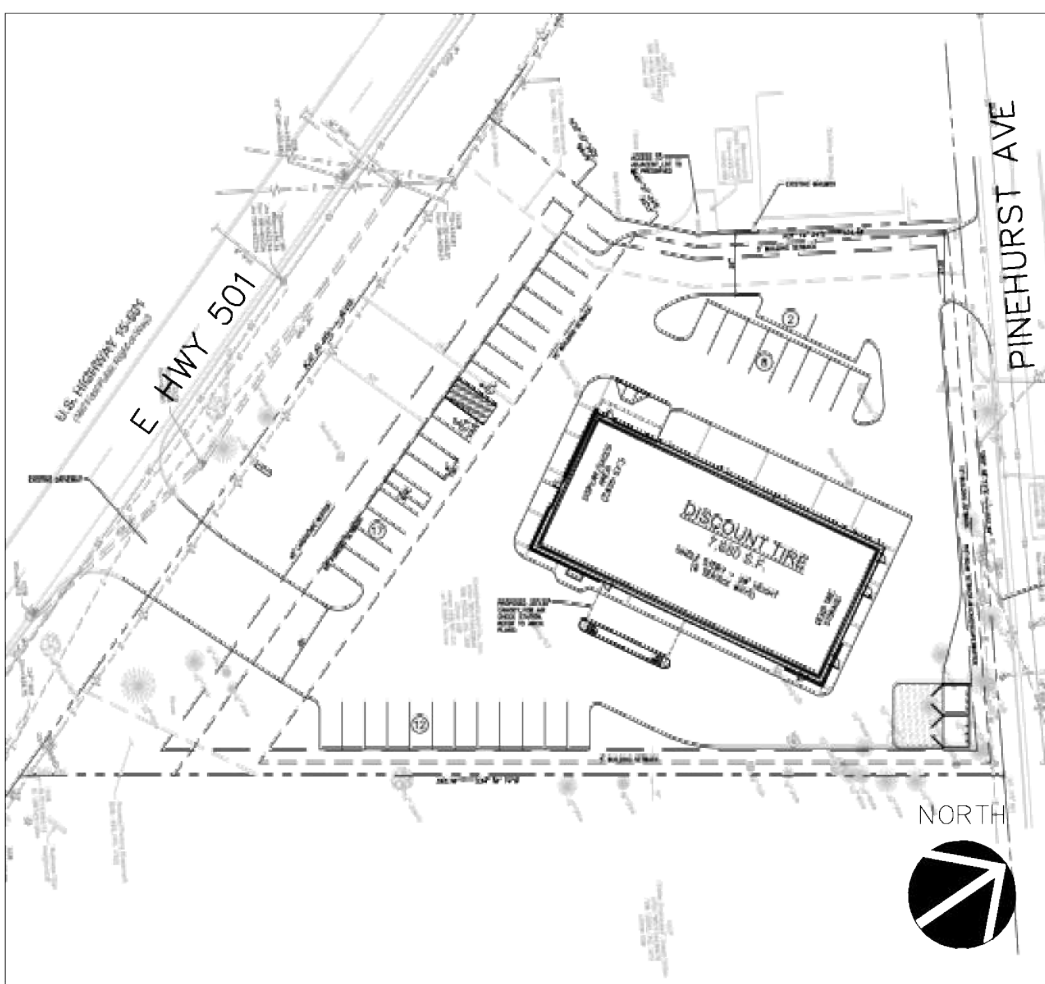
SCALE: 3/16" = 1'-0"

FINISH LEGEND

- 3-DIMENSIONAL INTERNALLY ILLUMINATED SIGNAGE (UNDER SEPARATE PERMIT)
- FABRIC AWNING IN STEEL FRAME "SUNBRELLA" NATURAL COLOR. STEEL FRAMES TO MATCH BRICK VENEER COLOR "ALPINE SELECT"
- BRICK VENEER: GENERAL SHALE; ALPINE SELECT
- ANODIZED ALUMINUM STOREFRONT SYSTEM - CLEAR ANODIZED FINISH ARCADIA AFG601T
- BRICK VENEER: GENERAL SHALE; WINTER HAVEN
- BRICK VENEER: GENERAL SHALE; GRAYSBURG
- STEEL BOLLARDS - POWDER COAT COLOR TO MATCH RAL 7038/MATTE TIGER DRYLAC
- HOLLOW METAL DOORS - PAINTED SHERWIN WILLIAMS SW 7066 "GRAY MATTERS"
- NATURAL STONE VENEER - CHISELED LIMESTONE
- METAL CAP - COLOR TO MATCH SW 7104 "COTTON WHITE"
- PAINT SHERWIN WILLIAMS SW 7104 "COTTON WHITE"
- CEMENT PLASTER STUCCO (EFIS) TO MATCH SHERWIN WILLIAMS SW 7104 "COTTON WHITE"

MATERIAL CALCULATIONS

	NORTH-EAST		SOUTH-WEST		SOUTH-EAST		NORTH-WEST	
WALL	AREA	%	AREA	%	AREA	%	AREA	%
STONE	0	0	24	1	48	1	48	1
BRICK	2295	94	1117	66	3153	92	1947	56
STUCCO	51	2	85	5	158	5	174	5
GLASS	0	0	468	28	0	0	312	9
STEEL	88	4	0	0	54	2	867	25
FABRIC	0	0	0	0	0	0	147	4



ACTION		
STAFF	APPROVED	DENIED
	DATE	INITIALS
P&Z	DATE	INITIALS
	DATE	INITIALS
NEIGHBORHOOD #		
SEE THE STAFF APPROVAL LETTER OR P&Z RESULT MEMO FOR ANY CONDITIONS ASSOCIATED WITH THE APPROVAL OF THE PROJECT		

DEVELOPER:
DISCOUNT TIRE COMPANY
20225 N. SCOTTSDALE ROAD
SCOTTSDALE, AZ 85255
CONTACT: MATTHEW JOHNSON
TEL: 480-606-5758
EMAIL: MAT

OWNER:
COMBINED LAND CO., INC.
1227 ROCKINGHAM RD.
ROCKINGHAM, NC 28379
CONTACT: STEVE TRYHALL
TEL: 910-997-2544

ENGINEER / APPLICANT:
BUCKEL DESIGN GROUP, LLC.
3471 DONAVILLE ST.
DULUTH, GA 30096
CONTACT: KELLY J. WAGONER, P.E.
TEL: 404-796-8014



THIS PLAN IS PROPERTY OF KINETIC DESIGN. THIS DRAWING IS LOANED WITHOUT OTHER CONSIDERATION THAN THE AGREEMENT AND CONDITION THAT IT IS NOT BE REPRODUCED, COPIED, OR OTHERWISE DISPOSED OF, DIRECTLY OR INDIRECTLY, AND IS NOT TO BE USED IN WHOLE OR IN PART TO ASSIST IN MAKING OR TO FURNISH ANY INFORMATION FOR THE MAKING OF DRAWINGS, PRINTS, APPARATUS OR PARTS THEREOF. THE ACCEPTANCE OF THIS DRAWING WILL BE CONSTRUED AS AN ACCEPTANCE OF THE FOREGOING CONDITIONS.

CONCEPTUAL COLORED ELEVATIONS

10935 U.S. HWY. 15-501
SOUTHERN PINES, NC 28387

July 2022 Town Council



Kinetic Design
20381 Lake Forest Dr.,
Suite B16
Lake Forest, CA 92630
951-710-6334 (T)

BUILDING MODEL	
FRAME DESIGN	
REVISION	
DATE	06-21-2022
SCALE	AS NOTED
PROJECT NUMBER	NCC 11625

Sheet No.

A.3

Agenda Item

To: Reagan Parsons, Town Manager
From: Jennifer Hunt, Planner I
Subject: AR-10-22 600 SW Broad St. Addition
Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

PTAH, LLC is requesting approval of an Architectural Compliance Permit for “600 SW Broad Street Addition,” a 1,954 square foot retail café and restaurant located in the Central Business zoning district within the Downtown Transition Overlay (DTO). This is an infill development project of a pre-existing building, where the old Wells Fargo used to be located. The property to be re-utilized is located north of SW Broad Street, west of W Wisconsin Avenue, south of S Bennett Street and east of W Morganton Road. The subject property is owned by PTAH, LLC, and Andy Bleggi is the Registered Agent.

II. PROJECT INFORMATION:

1. PARID 00041456; PIN 858100077025

2. Owners:

Andy Bleggi
795 SW Broad Street
Southern Pines, NC 28387

3. Applicant:

PTAH, LLC
695 SW Broad Street
Southern Pines, NC 28387

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in Yellow:

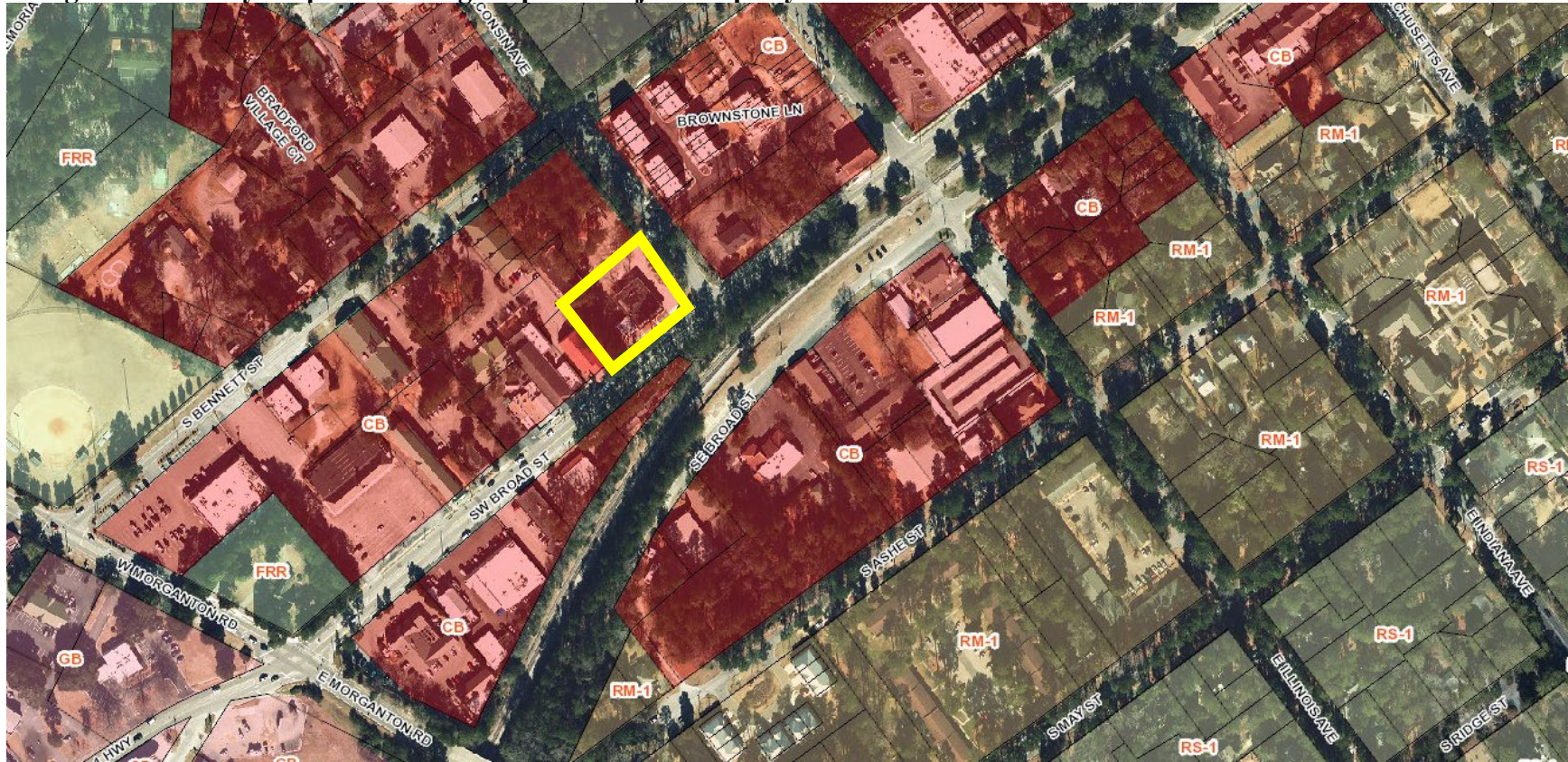
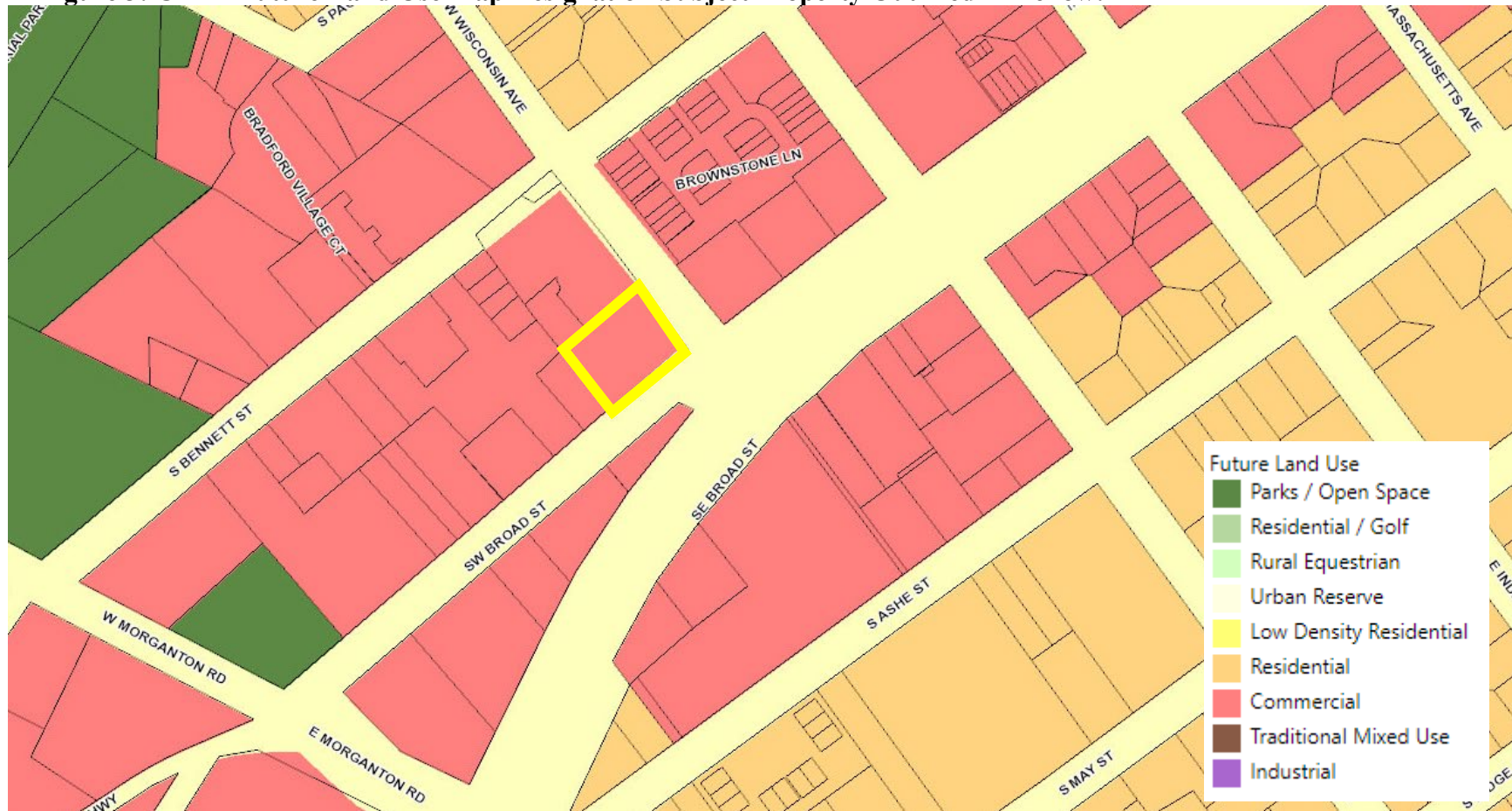


Figure 2: Downtown Transition Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Yellow:



Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Yellow:



1. Comprehensive Long-Range Plan Designation:

The area is designated as Commercial on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). *The Commercial designation applies to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes the Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.*

2. Zoning:

The parcel is currently zoned Central Business (CB) (See Figure 1) in the Downtown Transition Overlay (DTO). The Town of Southern Pines UDO for commercial architectural standards is set forth in UDO Section 4.10.4 *Building Design Requirements*. The CB district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) in an intensive Development Pattern in the Town's central business district.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: March 21, 2022

Application Complete: June 6, 2022

Town Council Agenda Meeting: July 6, 2022

Town Council Meeting: July 12, 2022

3. Criteria for Review:

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

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed development consists of redevelopment of the old Wells Fargo bank building into a café and grocery retail of 1,954 square feet. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for CB is 50 feet and further DTO is 100 feet.*

Unclear:

- The higher order street is SW Broad Street. The facility has an official entrance on SW Broad Street. The applicant does not address what, if any, changes are being made to the northeast elevation, where W Wisconsin Avenue is located, which is a street facing portion of the building.
- UDO §4.10.4 (B) *states (1) In the CB and DTO districts, buildings or building segments shall be taller than wide. (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*

Deviation Needed:

- The applicant states that the height of the building is approximately 15 feet and the length of the building is approximately 35 feet. There does not appear to be any changes of building segments created as mentioned above in the criteria. It is the re-use of an existing building. The building segments are not taller than wide and therefore is not compliant.
- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

Unclear/ Deviation Requested:

- The applicant states that the percentage of brick is as follows, see below. This is less than the required 80% brick.
 - Front Elevation (facing southeast, SW Broad Street) = 2.6%
 - Rear Elevation (facing northwest view) = 25.7%
 - Side Elevation (facing southwest view) = 26.1%

- Side Elevation (facing northeast view, W Wisconsin Ave.) = **NOT ADDRESSED**

- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. The following standards apply in the CB district (a) On the ground Floor a minimum of seventy (70) percent of the street-facing building façades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors. In the DTO district, this minimum window requirement is forty (40) percent. (b) On upper Floors a minimum of thirty (30) percent of the street-facing walls of all structures, including parking garages, above the first Floor shall be comprised of clear, windows with at least sixty (60) percent transparency or other openings for parking structures approved by the Planning Director. Openings shall be horizontally aligned with openings on adjacent buildings, vertically aligned, or proportionate with openings on the ground Floor of the building. (c) Window height shall be at least one and one-half (1.5) times the width.*

Unclear:

- The applicant states the windows will be glazed in non-reflective clear glass. There are no upper floors. There are two street facing building facades, SW Broad Street (southeast view) and W Wisconsin Avenue (northeast view). The applicant meets the 70% requirement of windows and doors between 2 and 10 feet above the sidewalk on SW Broad Street, the southeast facing view. However, there was no percentage or elevation shown for the street facing façade on the northeast view facing W Wisconsin Avenue. The applicant states in their narrative “that windows and doors account for over 79% of the front facing façade,” but this does not address the 80% requirement of transparency and they did not specify which front facing façade this is for. They did not provide the percentage of doors for the street facing façades of SW Broad Street and W Wisconsin Avenue despite my request on June 1, 2022. Clarification is needed by Town Council.

Front Elevation (facing southeast, **SW Broad Street**):

- 71.7% windows and doors
- Window length is 1.5 times the width.

Side Elevation (facing northeast view, **W Wisconsin Avenue**):

NOT ADDRESSED if it will be modified or not

- % of windows and doors?
- Window length is 1.5 times the width?

- UDO §4.10.4 (E) *states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council.*

Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.

Unclear:

- The applicant states that they would like to have black canvas awnings over the front and side windows with a projection of 6 feet and at least 8 feet clearance. The awnings will be retractable for use on hot days. Currently on the elevation plan there is an awning over the “pick-up” window on the southwest elevation which has over 8 feet of clearance from the ground. They do not show awnings on the current elevations for the front or side windows and they should show it if they seek approval for this.
- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*

Generally Compliant:

- The applicant states there will be no galleries or arcades provided.
- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100’.*

Unclear:

- The applicant states that the roof will have parapets with cornices and will remain consistent with the existing roof. The building is approximately 35 feet wide facing SW Broad Street and approximately 60 feet long on the side elevation (southwest view). However, the renderings submitted do not show this design.
- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

Unclear:

- The applicant has stated that all HVAC mechanical units will be located on the ground in the rear of the building and will be screened as well as saying that HVAC will be located on the roof.
- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

Unclear:

- The applicant states that they will have neither loading zones nor garage bays. Therefore, this is not applicable.
- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

Generally Compliant:

- The applicant states that the “agent of development will apply for signage approval later.” Permitting will be done in the future when they apply for a sign permit.

II. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Color Renderings
5. Elevations

III. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4.

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

I move to:

1. Approve AR-10-22;
2. Approve AR-10-22 with the following conditions...
3. Deny AR-10-22;



Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

- ✓ **Application fee** in the amount of **\$100.00** (gross floor area of 3,499 sq. ft. or less); or **\$300.00** (gross floor area of 3,500 sq. ft. or greater).
- ✓ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- ✓ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- ✓ **Deed** copy to provide proof of ownership and property boundaries.
- ✓ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.
- ✓ **Renderings of elevations** (color).
- ✓ **Site plan** if applicable.
- ✓ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

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

1/12/22



Architectural Compliance Permit Application

Date Received: 3/21/22 Fee Paid: \$100.00 Case No.: AR- 10-22

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: 600 SW Broad St Addition

Street Address: 600 SW Broad St, Southern Pines, NC 28387

PIN: 85810077013 Parcel ID: 00041456 Zoning: _____

Type of building (retail, office, etc.): _____ Total square footage: 1954 sq. ft.

Applicant:

Name: PTAH LLC

Email: andybleggi@gmail.com Phone: 910 639 1985

Mailing Address: 795 SW Broad St, Southern Pines, NC 28387

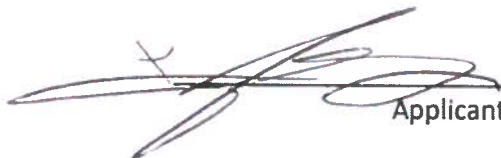
Legal Property Owner(s), if different from Applicant:

Name(s): Andy Bleggi

Email: andybleggi@gmail.com Phone: 910 639 1985

Mailing Address: 795 SW Broad St, Southern Pines, NC 28387

Date: 3-17-2022


Applicant

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), PTAH LLC, hereby appoint(s) Andy W Bleggi as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 17th day of March, 2022.

PTAH LLC

Property Owner

PTAH LLC

Property Owner

Andy Bleggi

Agent

1/12/22

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

April 19, 2021 3 21:45 PM

Book: 5595 Page: 533 - 534 #Pages 2

Fee: \$26.00 NC Rev Stamp: \$1,050.00

Instrument # 2021009217

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$1,050.00

Parcel Identifier No. 858100077018 Verified by _____ County on the ____ day of ____ 20__

By: _____

Mail/Box to: _____

This Instrument was prepared by: Wells Fargo Legal Dept. (Richard C. Belthoff, Jr., Esq.)Brief description for the Index: A portion of 600 SW Broad St, Southern Pines, NCTHIS DEED made as of 19th day of April 2021 by and between**GRANTOR****GRANTEE**

WELLS FARGO BANK, N.A.,
a national banking association,
successor in interest by merger to
First Union National Bank
Attn: Property Admin (BE #141208)
MAC D1116-L10
1525 West W.T. Harris Blvd.
Charlotte, NC 28262

PTAH, LLC,
a North Carolina limited liability company
Attn: Andy W. Bleggi
795 SW Broad Street
Southern Pines, NC 28387

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

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

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

Being all of Lot 2 as depicted on the Minor Subdivision for First Union National Bank dated July 14, 2019, prepared by Aaron J. McNeill, PLS, and recorded of even date herewith in the public registry of Moore County, North Carolina in Plat Cabinet 18, Slide 216.

Being a portion of the property conveyed to First Union National Bank by deed dated December 20, 1999, and recorded April 26, 2000, in Book 1615 at Page 445 in the Moore County Public Registry.

The property herein conveyed does not include the primary residence of Grantor.

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

eDocs #20797489

Page | 1

Submitted electronically by "Van Camp, Meacham & Newman, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

AR-10-22 600 SW Broad St.

July 2022 Town Council

13 of 19

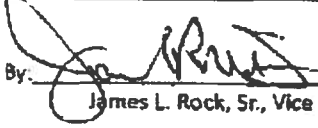
And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under, or through Grantor, other than the following exceptions:

1. **"Affiliated Entity"** means any entity that controls, is controlled by, or is under common control with Grantor, including successors by merger, acquisition, or otherwise. **"Financial Services Business"** means a state or national bank; a savings bank; a credit union; a savings and loan institution; a finance company; an industrial bank; a mortgage company a securities broker or dealer; a trust company; an investment advisor; a wealth manager; and any other business in the financial services industry that accepts deposits; originates loans; cashes checks; provides automated teller machine services offers trust services; sells stocks, bonds, or mutual funds; provides investment advice; or offers wealth management services. No entity or person other than Grantor or an Affiliated Entity may conduct a Financial Services Business from the Property (the **"Financial Use Restriction"**). In addition, Grantee shall not permit, allow, or install at the Property any type of signage, whether pylon, monument, plaque, or otherwise, and whether or not interior or exterior, that includes the name or logo of any Financial Services Business other than Grantor (the **"Signage Restriction"**). The Financial Use Restriction and the Signage Restriction are binding upon Grantee and Grantee's successors and assigns; are deemed to be covenants that touch and concern the land and run with the land; are for the benefit of Grantor and its successors and assigns and its properties located within the same county and state in which the property is located (as well as the counties adjacent thereto); and expire two years after the recording date of this Deed. Grantee acknowledges that a breach of the Financial Use Restriction or the Signage Restriction will cause irreparable damage to Grantor, the exact amount of which will be difficult or impossible to ascertain, and that remedies at law for such breach will be inadequate. Therefore, if Grantee breaches the Financial Use Restriction or the Signage Restriction, then in addition to any other remedy that might be available at law or in equity, (i) Grantor shall be entitled to specific performance and injunctive relief without the necessity of proving that actual damages are not an adequate remedy and (ii) Grantee shall not raise the defense that there is an adequate remedy at law.
2. The lien of ad valorem taxes for the year 2021 due, but not yet delinquent, and ad valorem taxes for subsequent years, not yet due and payable, which shall be paid by Grantee;
3. Any matters that would be disclosed by an accurate, current survey and inspection of the property herein conveyed; and
4. All covenants, conditions, easements, restrictions, and matters of record, if any.

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

Wells Fargo Bank, N.A., a national banking association,
successor in interest by merger to First Union National Bank

(Entity Name)

By: 

James L. Rock, Sr., Vice President

State of North Carolina - County of Guilford

The undersigned Notary Public of the County and State aforesaid, certify that James L. Rock, Sr., personally came before me this day and acknowledged that he is the Vice President of Wells Fargo Bank, N.A., a national banking association, and that by authority duly given and on the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notary stamp or seal, this 12 day of April 2021.

My Commission Expires: 06-2024


Notary Public

PTAH, LLC.

Written Narrative for

600 SW Broad St.
Southern Pines, NC 28387

Summary

In following with meetings with the Town of Southern Pines, we believe the development is consistent with the Comprehensive Plan goals and policies, commercial design and other applicable provisions of the UDO, prior Development approvals, and neighboring developments with which this development exhibits no determined potential conflicts.

For UDO 2.26.7:

A) The development complies with the Comprehensive Long-Range Plan by providing a space to diversify employment opportunities and create a more sustainable local economy, thereby directly furthering the vision of Southern Pines and subsequently aiding goal G-10: “[achieving] a sustainable, resilient, balanced economy, providing community prosperity and fiscal health.” Moreover, the development pursues these ends in line with Policies P.11.A – P.11.E in fostering healthy, sustainable, and resilient economy by providing space to diverse commercial tenants who will employ people in the area.

B) The development complies commercial design standards of the UDO as detailed in section describing UDO 4.10.4.

C) The development is following in line with the suggestions put forward by the Town of Southern Pines in prior development meetings.

D) The development has a focus on maintaining compatibility with neighboring developments by continuing with existing materials in construction with an aim to achieve a similar yet updated look to the storefront. In a similar vein, the development is mitigating any potential conflicts through this ethos of construction as well as adding parking and providing a patio and landscaping to make the space more attractive to the public and our neighbors.

For UDO 4.10.4:

✓ 4.10.4.A: The front of the building faces SW Broad Street in the Town of Southern Pines and spacing does not exceed the standards established in exhibit 4-16.

✓ 4.10.4.B: PTAH, LLC. is maintaining the current dimensions of the structure as is currently presented.

✓ **4.10.4.C:** The exterior finish of the building is primarily brick. Stucco and wood (primarily used as trim) will account for less than 20% of exterior walls, with brick constituting the majority of the rest of the exterior walls other than windows and doors.

4.10.4.D: Windows will be glazed in non-reflective, clear glass with more than 80% transparency.

✓ **D.2.a:** Windows and doors account for over 79% of the front facing façade (~270 ft² of ~340 ft²) meeting the minimum of at least 70% of the street-facing façade being comprised of windows or doors.

✓ **4.10.4.E:** Currently, the agents of the development do not plan on incorporating an awning; however, they seek approval for black canvas awnings over the front and side windows with a projection of 6 feet and at least 8 feet clearance. These awnings would be retractable for use on hot, sunny days and/or rainy weather.

✓ **4.10.4.F:** There will be neither galleries nor arcades. N/A

✓ **4.10.4.G:** The roof will have parapets with cornices and will remain consistent with the existing roof.

✓ **4.10.4.H:** The development will have its mechanical equipment on the roof and will be screened if necessary.

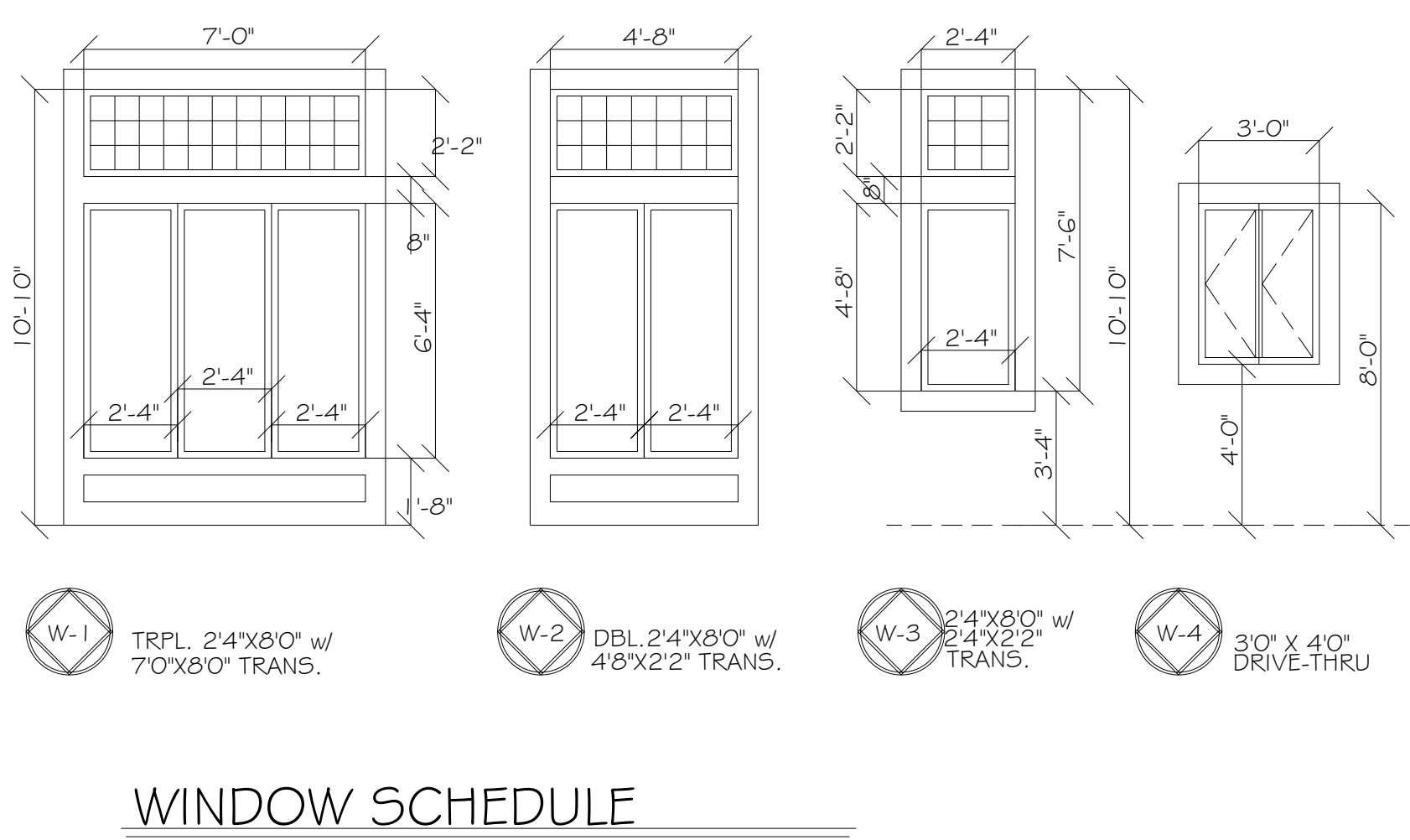
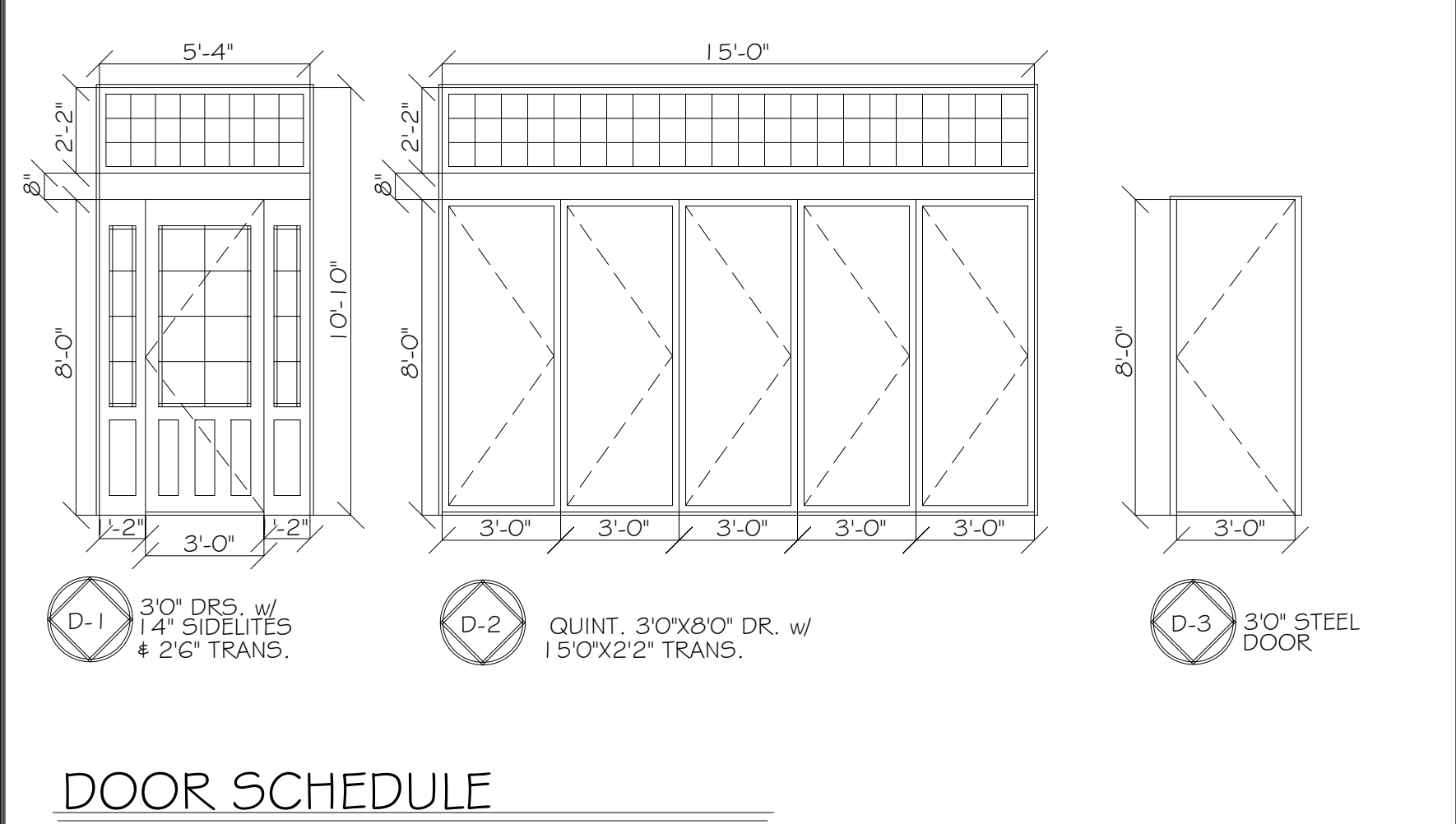
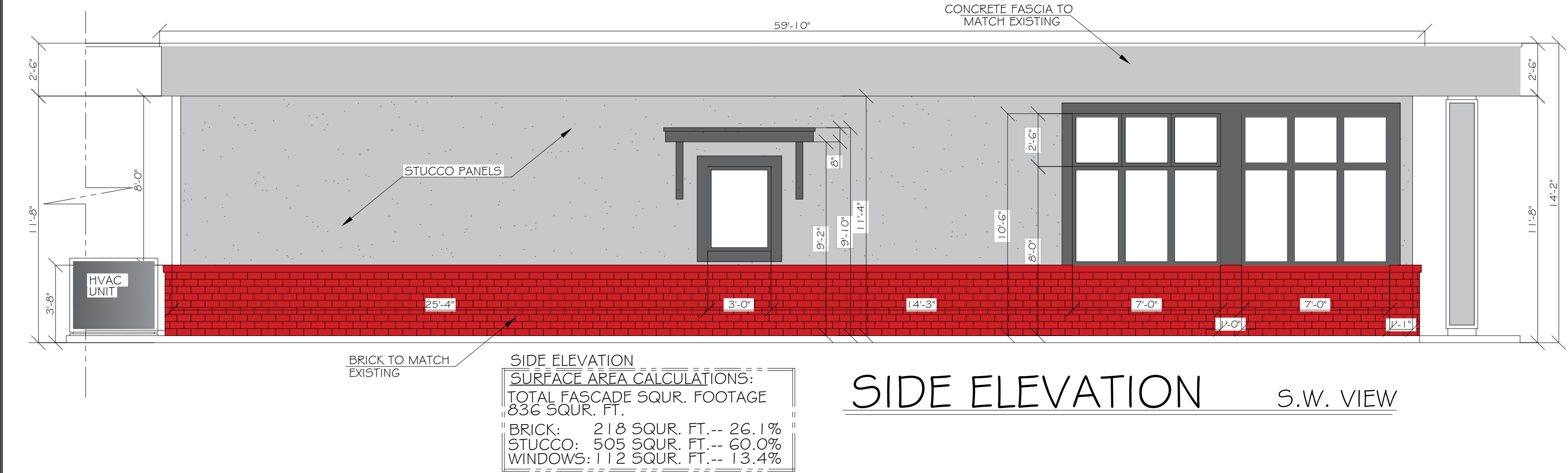
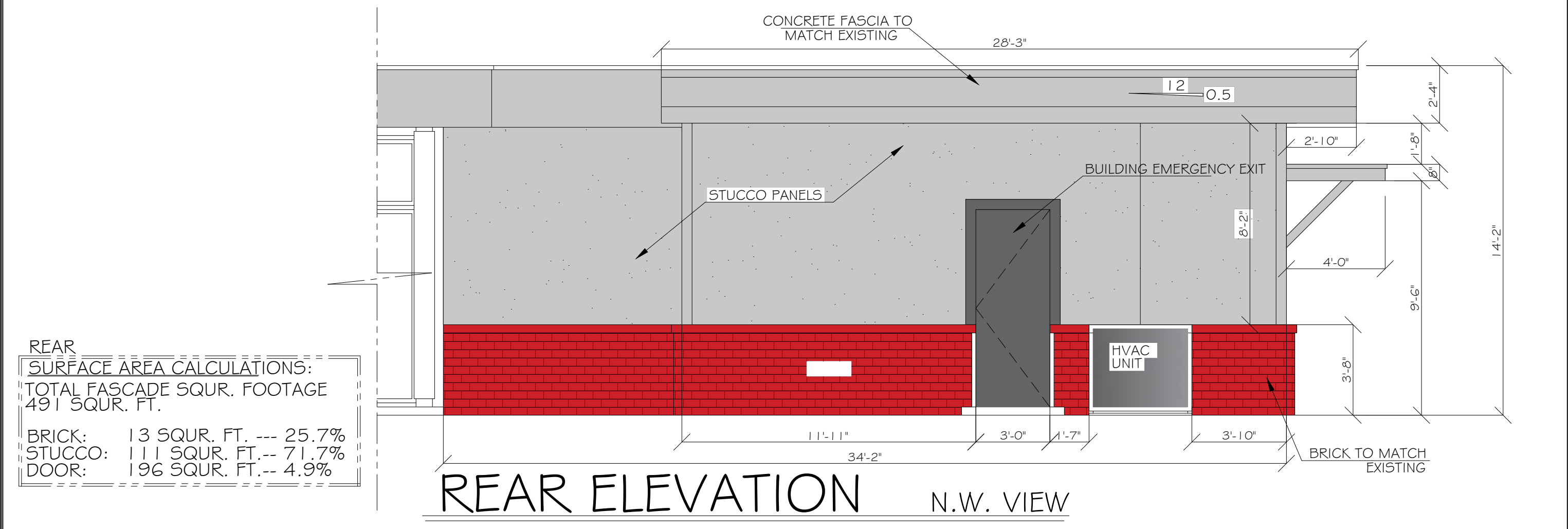
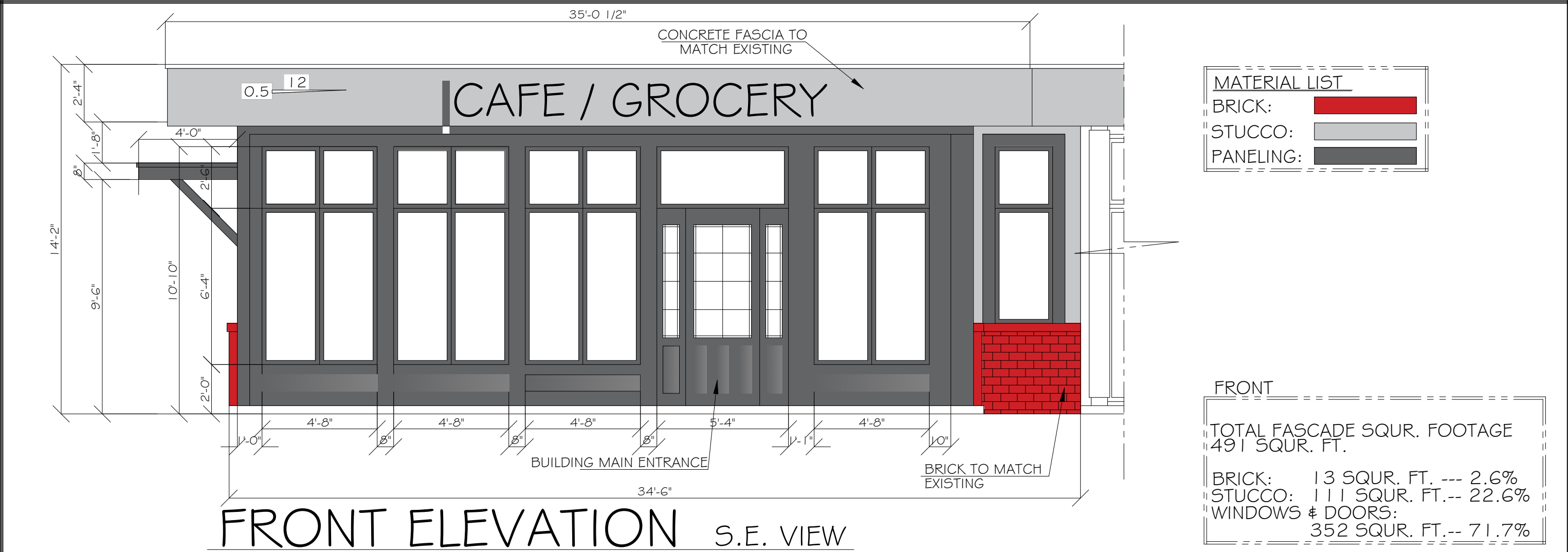
✓ **4.10.4.I:** The development will have neither loading zones nor garage bays. N/A

✓ **4.10.4.J:** The agents of the development will apply for signage approval later.

~ Need to show where
sign is on site plan

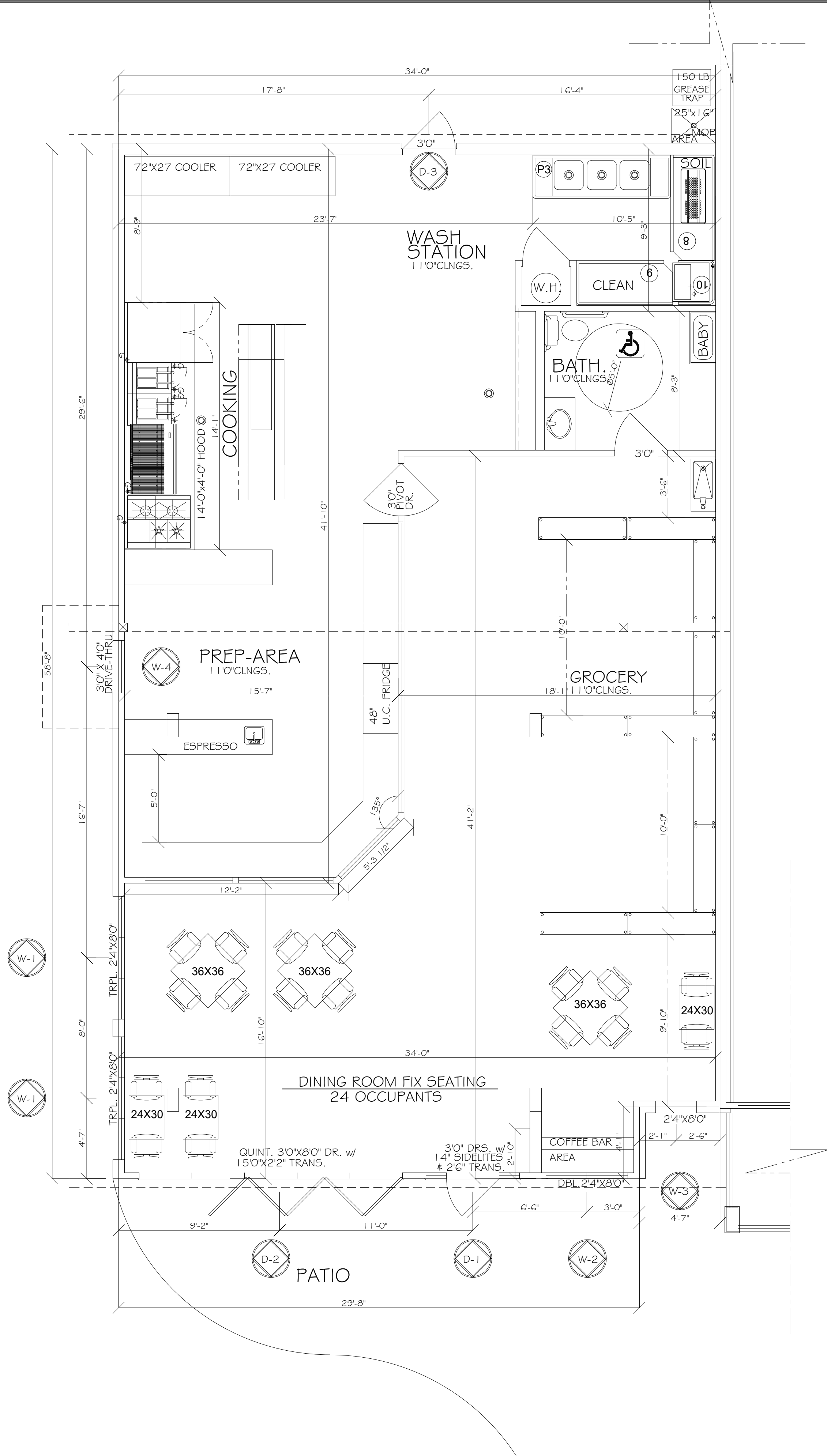






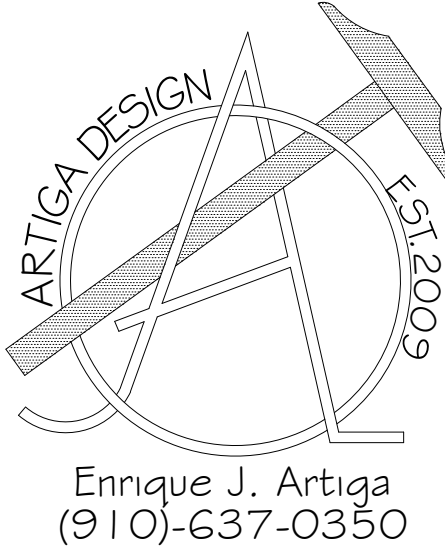
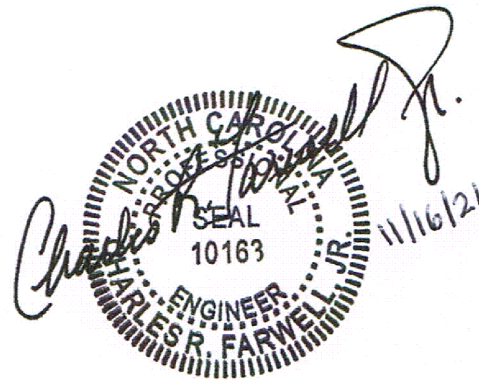
NOTE: 1) FINAL DIMENSIONS ARE TO BE VERIFIED ON SITE. NO CUT LIST SHOULD BE DONE BASED ON THIS PLAN. MEMBER AND WALL SIZES ARE TO BE CONFIRMED AND ADJUST ACCORDINGLY ON SITE. 2) THESE PLANS ARE BASED ON THE EXISTING DWELLING CONDITIONS AT TIME OF SITE MEASUREMENT. ARTIGA RESIDENTIAL DESIGN IS NOT RESPONSIBLE FOR CHANGES BY OTHERS.

ENRIQUE J. ARTIGA OWNER



SEVEN LAKES ENGINEERING SERVICES, INC.

2223 Seven Lakes South
Seven Lakes, NC 27376
Telephone: 910.673.0978
Email: 7lakesengrg@gmail.com



REVISIONS

By:	DATE/DESCRIPTION
THS	03/03/2021
THS	06/23/2021

Client: Andy Bleggi
600 SW Broad St.
Southern Pines, NC 28387

PROJECT NO: 21-126-557
DATE: 11/16/2021
DRAWN BY:
SCALE: NTS
TITLE:

ELEVATIONS

Sheet Number:

ST3of3

Agenda Item

To: Reagan Parsons, Town Manager
From: Pamela Graham, Principal Planner
Subject: AR-13-22 Waterworks SNC
Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bryan Bowles of Neal Smith Engineering is requesting approval of an Architectural Compliance Permit on behalf of property owner PTAH, LLC (Andy Bleggi, Registered Agent) for Phase 1 of the Waterworks SNC project. The project was approved as a Planned Development District on January 11, 2022, with the Phase 1 PDP being approved on February 8, 2022. The project is located at the site that formerly served as the Southern Pines water plant, on NC Highway 22, just east of Reservoir Park. (See Figure 1)

II. PROJECT INFORMATION:

1. PARID 00039185; PIN 858300245709

2. Applicant:

Neal Smith Engineering, Inc. on behalf of Andy Bleggi of PTAH, LLC
139 Pinehurst Avenue
Suite C
Southern Pines, NC 28387

Figure 1: Vicinity Map for Subject Property Outlined in Red

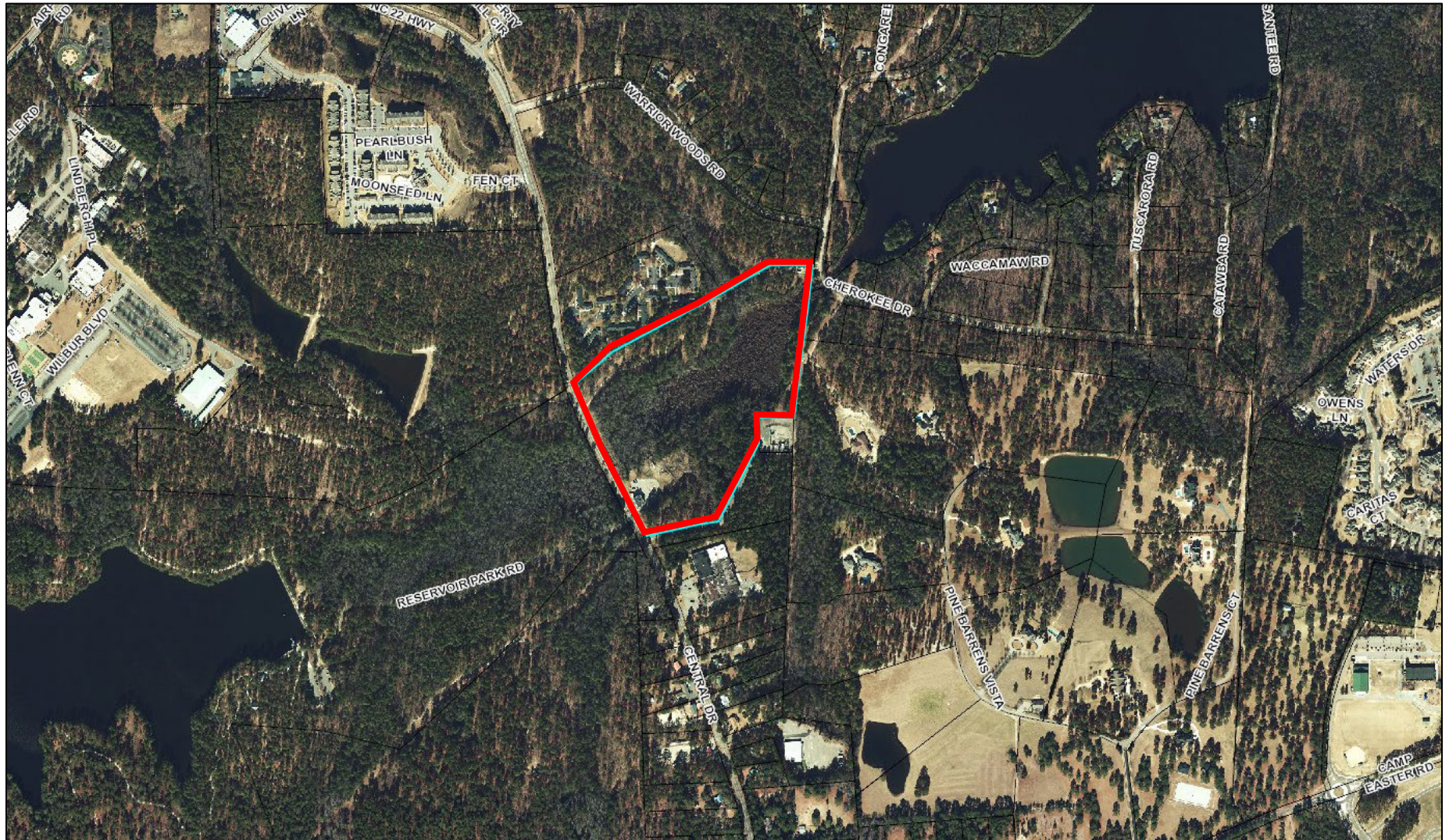
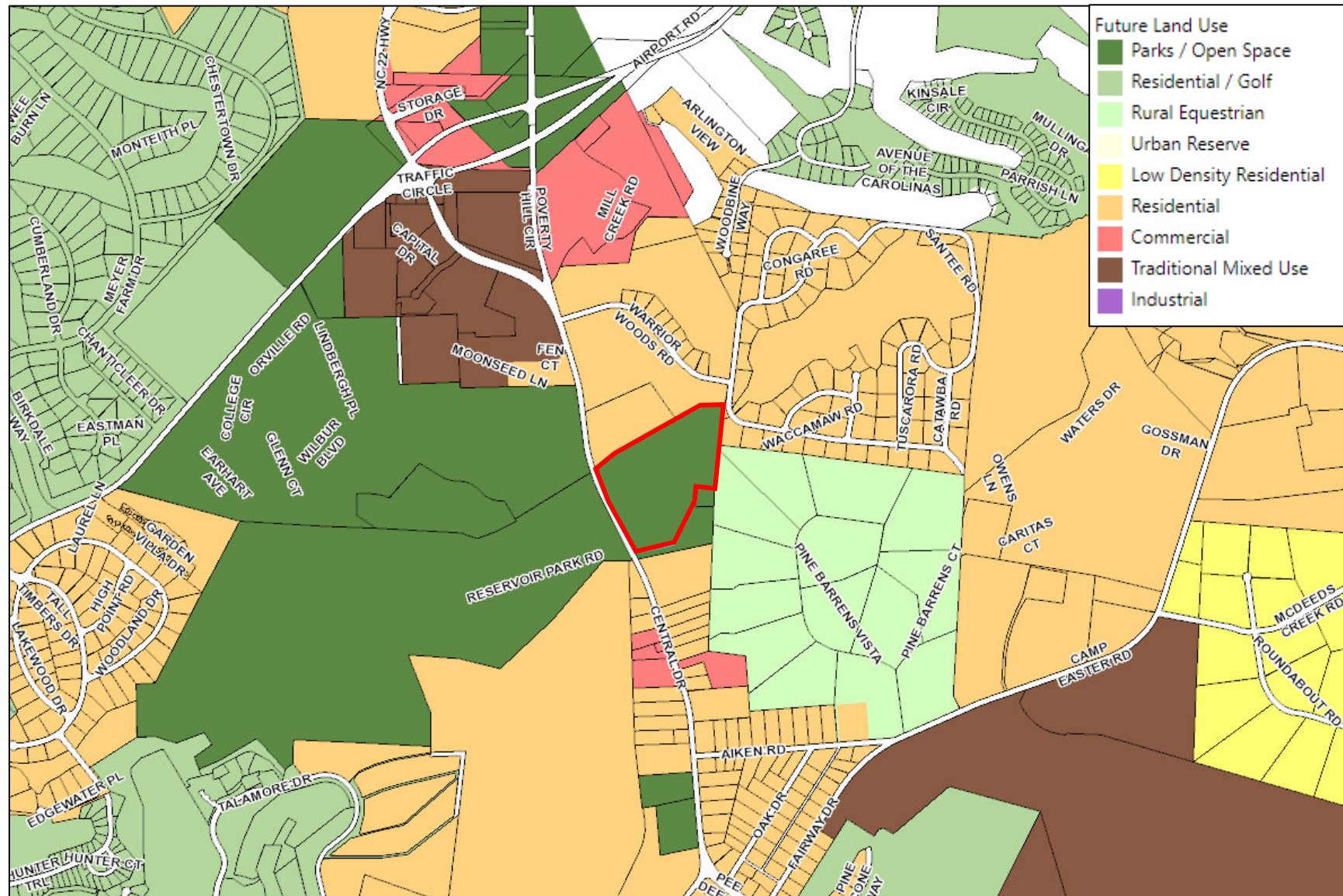


Figure 2: Zoning Map for Subject Property Outlined in Red



Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red



1. Future Land Use Map Designation (see Figure 3):

Following approval of the rezoning from Facilities, Resource and Recreation District to a Planned Development in 2018, the Comprehensive Long-Range Plan's Future Land Use Map was amended to reflect Traditional Mixed Use as the future land designation. The Traditional Mixed Use designation category applies to larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. No specific development intensity is implied by the designation, but the expectation is that these areas will be built to urban levels, will incorporate a variety of uses, and will have a street network that accommodates modes of travel beyond the automobile.

The parcel contains substantial areas of mapped floodplain, and wetlands as identified by US Fish and Wildlife. These sensitive areas are outside of the current project area.

2. Zoning:

The project is zoned Planned Development (PD), following approval of a rezoning request in April of 2018, amended in January of 2022.

Guided in part by UDO §3.5.14, the Planned Development option and processes focus on elements such as uses (with the intent being to allow mixed-use development in appropriate areas and to ensure compatible land uses), location (these projects are encouraged to be located on major thoroughfares and collector streets), conservation of undeveloped land through clustering of development, and providing networks of open space with improved connectivity. Conceptual images of the building design were provided during the CDP and PDP steps; however, architectural review constitutes a separate approval process and is not a consideration when the zoning and preliminary development plans are approved. Applicants are informed in UDO §3.5.14(F)(4) that, "unless otherwise specified in the PD approval, all PDs shall be subject to all local, State and Federal regulations."

In Section 2.2 "Vision" of the CDP Application, the applicant describes the project's architectural themes, landscaping and design elements as being common to Southern Pines, "as described in the Town of Southern Pines UDO". No specific UDO reference is provided; however, 4.10.2(B) – Development Design Standards, Purpose and General Principles provides the following guidance: "The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town."

An Urban Transition Highway Corridor Overlay (HCO) District applies to the portion of the property that is parallel to the highway within 400' from the right-of-way.

The Highway Corridor Overlay Districts are described as being *established to place special land Development controls on land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic, recreational and economic assets to the community.*

Furthermore, §3.65(C)(1) states that the Urban Transition Highway Corridor Overlay District “*shall be developed with a balance of residential, recreational and commercial uses. These sections are best suited for providing a balance of naturalized and manmade conditions. The visual quality of these sections depends on quality site planning, landscaping and preservation of natural features*”

3. Planned Development Approval:

The initial approval of the property as a PD District in 2018 was amended in 2022 to include, per the application, “a modified Conceptual Development Plan (CDP) that better addresses planned development in the Planned Development (PD) District” and to “establish the permitted uses, density, standards and conditions under which the subject property shall be developed through this document”. The CDP states that “a variety of land uses and building types including single family, retail, restaurant, service and office uses” are encouraged, and “results in a master planned development, and discourages disjointed, piecemeal development” while excluding “very intensive commercial uses and heavy industry”.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: May 2, 2022

Application Complete: May 20, 2022

Town Council Agenda Meeting: July 6, 2022

Town Council Meeting: July 12, 2022

3. Criteria for Review:

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

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Building Design Requirements per UDO §4.10.4:

UDO §4.10.4 includes requirements as listed below; applicant responses are included in *italicized* text and may also be found in the attached “Narrative and Architectural Compliance” document. Additionally, copies of the architectural rendering that was included with the CDP application (PD-11-21) and the building elevation drawings included in the PDP application (PD-12-21) are included here for reference. Staff notes are in **bold** type, and staff assessment regarding compliance with the requirements is signified in the bullet symbol as follows:

✓ = compliant ✕ = not compliant ? = compliance has not been determined

- ✕ The front of buildings shall face and have the primary customer entry facing the street.

“This building main entrance will be of the parking lot that is located to the rear of the property, refer to site plan.”

Staff note: This item is not compliant with requirements and no request for deviation from this requirement was included in the CDP or PDP documents.

- ✓ Maximum spacing or distance between customer entries in the HCO District is 150’, and may be increased for buildings located at least 40 feet back from the sidewalk and for buildings with common entries serving multiple businesses.

“The revised PDD (2022) does not address this standard and the property before being purchased by the developer was unzone (Town of Southern Pines owned) and therefore the classification that best fits the property would be GB with 150 feet maximum spacing. The current layout has a maximum spacing of 103.50 feet.”

Staff note: This item is compliant with requirements.

- ✕ In all districts other than Central Business (CB) and Downtown Overlay (DTO) Districts, the width of the buildings or building segments shall not be more than twice the building height.

“This building is in an approved PDD. However, the building has been reviewed by both the planning board and the Town of Southern Pines Council during the PDD approval process. The concept drawings, along with renderings, are part of the PDD documents that was approved at the regular town meeting on February 8, 2022 and then again, in writing, at the Town Council work session of February 28, 2022. The Covenants & Restrictions for the PDD have not been written as required by UDO Section 2.18(D) that will ultimately control the Architectural Standards for the entire development once the Final Development Plans are approved for the entire development.”

Staff note: The new building addition wraps around the existing structure on the northern side and rear (east), and extends slightly beyond the existing building on the southern side. As viewed from the road, the existing building clearly constitutes a building

segment. The portion of the new addition that will be easily visible from the road measures over 102' wide and slightly over 37' tall. Additional justification offered by the applicant for the segmentation of the building is included later in this report.

A preliminary rendering of the SNC addition to the Waterworks building was included in the application for an amendment to the CDP. However, the CDP states in Section 5.5.3 that "the community will be controlled by architectural standards through the community's Covenants and Restrictions. The CDP goes on to also state that "The Town of Southern Pines architectural review board will review and make recommendations on all non-residential building plans for compliance with the Town's architectural standards. All development and building permits are subject to all Local, State and Federal permitting guidelines, architectural review, rules and regulations."

It should be noted that the Covenants & Restrictions document has been submitted and is included as an attachment to this report. However, the Town has no regulatory authority over the enforcement of this document and has no capability of restricting changes that may be made to it in the future. Furthermore, the CDP states that all development is subject to local permitting and architectural review, rules and regulations. Therefore, this item is not technically compliant with the UDO requirement that the building width not be more than twice the building height, and no request for deviation from this requirement was included in the CDP or PDP documents.

- ? Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

"This building will have recessed window opening on both levels to the required offsets."

Staff note: More information on this item can be found later in this report, in item #2 of the section detailing staff's additional concerns.

- x **Building Materials.** The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The permit-issuing authority may approve:
 - o The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.

- Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.
- Alternative materials satisfying minimum building code standards for structures located within a planned golf course Development that are compatible with the Development and the proposed location within the Development.

“The exterior finish of building has been discussed at length during multiple TRC meetings, planning board meetings and Town Council meetings. The building will comply with the Covenants & Restrictions once written by the developer. The Covenants & Restrictions will ultimately control the overall look of the entire development written and recorded with Moore County.”

Staff note: This item is not compliant with UDO requirements and no request for deviation from this requirement was included in the CDP or PDP documents. Deviations may be granted by the Town Council on this item if the applicant establishes adequate justification that the alternative building material has an appearance equivalent to the required materials, and has equal or greater durability, or that the walls will be screened and not visible from any public street, walkway, or residential zoning district.

Additionally, while the Covenants & Restrictions document has been submitted and is included as an attachment to this report, the Town has no regulatory authority over the enforcement of this document and has no capability of restricting changes that may be made to it in the future.

✓ **Windows**

- Windows shall be glazed in non-reflective, clear glass.
“The North Carolina Energy Conservation Code, Chapter 4, requires the building to use Low-E windows to meet the energy efficiency requirement set forth in the chapter. Low-E windows are opaque (tinted) as they are manufactured to meet said standards. The placement of the non-Low E windows (non-tinted) in this building is violation of the North Carolina Codes as written by the International Building Code Council and as amended by the North Carolina Department of Insurance.”
Southern Pines’ Inspection Department has confirmed that clear glass is not compliant with the North Carolina Building Code.
- In all zoning districts other than the Central Business (CB) District, windows and doors shall comprise at least twenty-five (25) percent of street-facing building facades between the

elevations of two (2) and ten (10) feet above the grade of the building entry.

“This building is in an approved PDD. However, the building has been reviewed by both the planning board and the Town of Southern Pines Council during the PDD approval process. The concept drawings, along with renderings, are part of the PDD documents that was approved at the regular town meeting on February 8, 2022 and then again, in writing, at the Town Council work session of February 28, 2022. The Covenants & Restrictions for the PDD have not been written as required by UDO Section 2.18(D) that will ultimately control the Architectural Standards for the entire development once the Final Development Plans are approved for the entire development.”

Staff note: A rendering of the SNC building was included in the application attachments to the 2022 CDP and elevations of the building were included with the 2022 PDP. However, it is not accurate to say that the building architecture has been approved as part of the CDP and/or PDP process. The Covenants & Restrictions document referenced in Section 5.5.3 of the CDP has been submitted and is included as an attachment to this document. It is important to note however that the Town has no regulatory authority over the enforcement of this document and has no capability of restricting changes that may be made to it in the future.

The Applicant has provided confirmation that the design complies with the window and door percentage standard.

✓/x Awnings

- Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts.

“This building is not located in the CB District.”

- The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet.

“This building is not located in the CB District.”

- Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.

“This building is not located in the CB District.”

Staff note: Only the sidewalk encroachment standards for awnings apply to the CB District. The applicant has confirmed that clearance for all awnings is no less than 8', and that the material of the awnings is rod-hung metal. The clearance and encroachment of the awnings are compliant with requirements; however, the proposed awning material

constitutes a deviation that requires approval by the Town Council.

✓ **Galleries and Arcades**

- Galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into the public right-of-way.
- The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.

“There are no galleries or arcades planned for this building.”

Staff note: Galleries and arcades are encouraged but not required. Since the applicant is not proposing to include galleries or arcades, no compliance with this requirement is needed.

✓/x **Roofs**

In all zoning districts other than the Central Business (CB) District, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet.

“This building is in an approved PDD. However, the building has been reviewed by both the planning board and the Town of Southern Pines Council during the PDD approval process. The concept drawings, along with renderings, are part of the PDD documents that was approved at the regular town meeting on February 8, 2022 and then again, in writing, at the Town Council work session of February 28, 2022. The Covenants & Restrictions for the PDD have not been written as required by UDO Section 2.18(D) that will ultimately control the Architectural Standards for the entire development once the Final Development Plans are approved for the entire development.”

Staff note: No changes in parapet height or design, gables or other changes in the roofline as viewed from the public street are evident on the elevation drawings. The building design proposes a width of over 173'. This item is not compliant with requirements and no request for deviation from this requirement was included in the CDP or PDP documents.

Additionally, while the Covenants & Restrictions document has been submitted and is included as an attachment to this report, the Town has no regulatory authority over the enforcement of this document and has no capability of restricting changes that may be made to it in the future.

- Shingles or standing seam, non-reflective metal shall be used on all roofs visible from public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

“The roofing material will be of non-reflected material and will be of similar color of the building exterior finish.” **The applicant has clarified that the only portion of the roof that will be visible from the street will be a standing seam roof located on the single-story portion of the building, and will not be of intense blue, red, or orange color. This portion of the proposal is compliant with requirements.**

- ✓ **Mechanical Equipment.** Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building.

“The mechanical units are located on the roof and set back from the perimeter of the roof by a minimum of 72” to meet the OSHA’s fall requirements. There is also a parapet on three sides of the roof to screen the units from the street. The Duke Power transformer and the generator are screened as indicated on Sheet G2.1 and the site plan as submitted with the original documents.”

Staff note: This item is compliant with requirements.

- ✓ **Loading Zones and Garage Bays.** Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5.

“All loading/unloading areas and garage doors will face to the interior.”

Staff note: This item is compliant with requirements.

- ✓ **Signage.** Signage shall comply with the standards in section 4.6 and any applicable zoning district standards.

“Owner to apply for all applicable permits as it pertains to the onsite signage.”

Staff note: Compliance with signage requirements will be determined under separate application.

Staff expressed the following additional concerns to the applicant by email on May 9, 2022. The applicant’s response to each concern is included in *italicized* text.

1. The exterior building materials and overall design of the building in this proposal will likely bring about questions regarding compatibility. The approved CDP, in Section 2.2 – Vision states that architectural themes and design elements common to Southern Pines will be utilized. Additionally, Section 5.5.3 – Architectural Standards, addresses consistency with regard to architectural standards within the development. With this proposal being the first incidence of new construction on the site, and the historic Waterworks building being the apparent precedent for guiding design

decisions for the development, the disparity in design features when comparing the proposal with the existing conditions is dramatic and will require justification.

“The original Waterworks building was built in 1925, and the second phase was built in 1949. The original Waterworks facility consisted of a front building (red brick façade, concrete half sides and concrete back), two large above ground settlement ponds with concrete walls, and several large metal buildings with corrugated roofs around the site. One of the metal buildings was located directly behind the building approximately the same size as the front building. There were also two large concrete cisterns, one above ground and one below ground. One very large settlement pond with a concrete tower was present (a metal water tower with cross hatched metal support beams). The whole area was fenced by two metal fences, with gravel and concrete parking areas around all the areas. When designing the new building for Waterworks projects, these elements were taken into consideration.

If you look at the 1966 aerial photograph (Exhibit A), you will note that the new proposed building has been positioned to approximately overlay the old concrete water retention areas and metal buildings that were removed from the site in the early 1980s. If you look at the design of the new building, we have brought in the metal side panels to acknowledge the original buildings, on the site and its concrete and metal structure. The window design with the cross hatch structural metal pole beams in front of the window is to acknowledge the steel that was used to support not only the original water tower but other metal features around the site and to acknowledge this was an industrial structure. The large windows and glass were chosen to acknowledge the open area feeling and water related features of the original site. Part of the original cistern in the center of the project is still there and will be incorporated as part of the exterior entry landscaping and seating area. The color of the metal panels was chosen as a nod to the concrete, metal, and water features that were part of the original structure that were removed, plus to match into the original red brick feature on the front building as the concrete and metal once did. (Note: The original red brick on the original building will not be changed in color.) To simulate the running water features of the original working water treatment facility, added a waterfall feature in front that runs over a concrete retaining wall, this is very similar to the running water as it moved from tank to tank in the original buildings.

Although the buildings are being designed with current needs and environmentally conscious uses in mind (office professional, restaurant, retail, workout facility, etc.), the whole design has been laid out to take into consideration that this was an Industrial building in an Industrial Park for a specific use of being a Waterworks for the town of Southern Pines.”

2. Per UDO 4.10.4(B)(3) the appearance of building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features. The narrative responds by stating that the building will have recessed window openings on both levels to the required offsets. This single feature, though repeated, does not meet the standard of a combination of features and does not result in the appearance of building segments.

“From base the concrete footings will transition to a concrete wall that will raise for approximately 6-12”, transition to a vertical metal panel, then at approximately, 10’ it will transition to a horizontal metal panel, then to recessed open window section, then to an approximately 4-6’ metal panel section, then to a capped parapet flashing.”

3. The final comment was regarding the building not being designed to comply with large-scale retail requirements in UDO §4.10.6. Although the current plans for the building are other than large-scale retail, staff wished to inform the applicant that this use option would not be available to them at a future time unless the building meets those requirements. The applicant responded with a range of comments including statements of compliance with the standards or stating that compliance can be achieved with an upfit permit later if required. This item was intended to be provided for the applicant’s consideration, and is not a statement that speaks to requirements or compliance with regard to the current proposal.

IV. ATTACHMENTS:

1. Application
2. Deed
3. Applicant’s Narrative and Architectural Compliance document *(please note that, though UDO sections are cited in this document, the language that follows the citations are taken from the Developer’s Covenants and Restrictions document, and not the UDO)*
4. Elevation Drawings
5. Site Plan
6. Developer’s Covenants and Restrictions
7. Email correspondence between staff and applicant
8. Rendering from PD-11-21
9. Elevations from PD-12-21

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4.

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

I move to:

1. Approve AR-13-22;
2. Approve AR-13-22 with the following conditions:

3. Deny AR-13-22.

Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

- _____ **Application fee** in the amount of **\$100.00** (gross floor area of 3,499 sq. ft. or less); or **\$300.00** (gross floor area of 3,500 sq. ft. or greater).
- _____ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- _____ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.
- _____ **Deed** copy to provide proof of ownership and property boundaries.
- _____ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.
- _____ **Renderings of elevations** (color).
- _____ **Site plan** if applicable.
- _____ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

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

1/12/22



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Waterworks SNC

Street Address: 1605 Central Dr, Southern Pines, NC 28387

PIN: 858300245709 Parcel ID: 00039185 Zoning: PD (PD-12-21)

Type of building (retail, office, etc.): Office Total square footage: 13,272

Applicant:

Name: Neal Smith Engineering, Inc.

Email: bbowles@nsengineering.com Phone: 910-695-8825

Mailing Address: 139 Pinehurst Avenue - Ste. C, Southern Pines, NC 28387

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

Name(s): PTAH, LLC

Email: andybleggi@gmail.com Phone: 910-639-1985

Mailing Address: 109 Arnette St, Aberdeen, NC 28315

Date: 05/02/2022

Bryan Bowles
Applicant

1/12/22

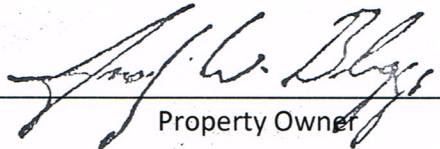
APPOINTMENT OF AGENT

The undersigned owner(s), PTAH, LLC, hereby appoint(s) Neal Smith Engineering, Inc. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 02 day of May, 2022.



Property Owner

Property Owner


Agent

1/12/22

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

March 12, 2019 4:45:55 PM

Book: 5099 Page: 508 - 509 #Pages: 2

Fee: \$26.00 NC Rev Stamp: \$0.00

Instrument # 2019003103

Mail after recording to: Richard Yelverton, Van Camp, Meacham and Newman
 This instrument was prepared by: Emily A. Tobias, Gill & Tobias, LLP
 Brief description for the Index: Water Works Plant, 1605 Central Drive, Southern Pines, NC
 Tax Stamps: \$ - (exempt per NCGS § 105-228.28)

**NORTH CAROLINA
 SPECIAL WARRANTY DEED
 (No Title Search by Drafting Attorney)**

THIS DEED made this the 5th day of March, 2019 by and between:

Grantor:
Town of Southern Pines
 A NC Municipal corporation
 P.O. Box 870
 Southern Pines, NC 28388

Grantee:
PTAH, LLC
 275 SW Broad Street
 Southern Pines NC 28387

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.

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

Being all of that 28.8 acres, more or less, described in Plat Cabinet 18, Slide 25 Moore County Registry.

The property hereinabove described was acquired by Grantor by instruments recorded in Book 349, Page 474 and Book 2011, Page 349 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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

Title to the property hereinabove described is subject to the following exceptions:
(i) the lien for ad valorem taxes or other assessments for the current year; (ii) utility easements of record; and (iii) applicable zoning and municipal ordinances.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its Mayor, attested to by its Town Clerk, and its seal to be hereunto affixed, the day and year first above written.

Town of Southern Pines,
a North Carolina municipality

ATTEST:

By: *W. David McNeill* (Seal)
W. David McNeill, Mayor

Peggy Knight Smith (Seal)
Peggy Knight Smith, Town Clerk

(town seal)

STATE OF NORTH CAROLINA
COUNTY OF MOORE

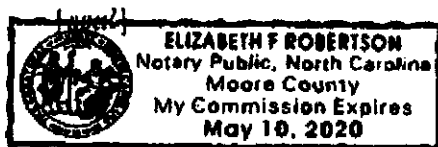
I, a Notary Public of the County and State aforesaid, certify that Peggy Knight Smith personally came before me this day and acknowledged that she is Town Clerk of Southern Pines and that by authority duly given and as the act of the Town of Southern Pines, the foregoing instrument was signed in its name by its Mayor, sealed with its town seal and attested by him as its Town Clerk.

Witness my hand and official stamp or seal, this 12 day of March, 2019.

My commission expires:

May 19, 2020

Elizabeth F. Robertson
Notary Public





Neal Smith Engineering, Inc.

139 Pinehurst Ave. – Suite C

Southern Pines, NC 28387

Phone: (910) 695-8825 | Fax: (910) 695-8832

www.nseengineering.com | NC License No. C-1425



**NARRATIVE AND ARCHITECTURAL COMPLIANCE PER COVENANTS
FOR**

WATERWORKS SNC

1605 CENTRAL DRIVE, SOUTHERN PINES

NSE PROJECT NO. 2112001

ZONED: PDD (PD-12-21, WATERWORKS PHASE 1, APPROVED 3-1-22)

MAY 2, 2022 – REVISED MAY 11, 2022 – REVISED MAY 27, 2022

NARRATIVE:

This is a multi-story building that will be attached to the original owned Town of Southern Pines Waterworks building located across the street from the Town of Southern Pines Reservoir Park. This building will consist of a 13,272 square foot first floor and a 13,201 square foot second floor. The building will be of conventional steel construction with Aluminum Composite Material (ACM Panels) skin.

ARCHITECTURAL COMPLIANCE – CHAPTER 4; SECTION 4.2.14 COVENANTS DEVELOPMENT AND DESIGN STANDARDS:

UDO 4.10.4(A)(1) - Primary Customer Entrance: The primary customer entrance for buildings not on a main development street shall be placed facing either the main parking lot associated with the structure or street side, or both as directed by the Planned Development Architectural Review Committee (PDARC) to best facilitate foot traffic for the establishment and/or the development. Buildings that face a primary development street, the primary customer entrance will face the primary street or as directed by the PDARC.

The main entrance to the building is facing the main parking area associated with the building

UDO 4.10.4(A)(2) – Spacing and Distance between customer entries: Each building or structure will have at least one front customer entrance per "business" and one side/rear facing entrance place as need based on interior layout of the building or business occupying the space(s) A single front entrance is permitted if allowed as outlined in North Carolina Building Code (latest edition).

The main entrance centered in the building is facing the main parking area, second entrance is located on the rear of the building on the left side in close proximity to the riser room, third entrance is on the main parking area side closest to the right endwall and the final entrance is located on the right endwall of the building.

UDO 4.10.4(B)(2) – Widths of building or building segments in other districts (not CB and DTO): Commercial buildings within the development shall not be more than 5.5x the building height measured at the highest point on the building or as deemed acceptable by the PDARC.

The building height is 35.08ft to the top of the finished parapet.

$35.08\text{ft} \times 5.5 = 192.94\text{ft} > 173.66\text{ft}$ (actual width of the building)

*UDO 4.10.4(B)(3) – Building segments created through a combination of features: Commercial building under consideration (single tenant or multi-tenant) will enter in from a single entry point as directed by Section UDO 4.10.4(A)(1) of this covenant. Exterior building elements/segments can be used, but not required, as needed for the over architectural appearance of the building and to provide a uniform look throughout the development. The **PDARC** can and will make recommendations on the exterior appearance to ensure a uniformity of all commercial buildings within the development.*

This building will use a two-material style approach. The flat ACM panels will be used for the top and bottom portion of the building with a horizontal ribbed style ACM panel at about mid-height.

UDO 4.10.4(C) – Building Materials: Building Materials can be primarily composed of Brick, Aluminum Composite Material aka ACM (3mm minimum thickness with a fire-retardant code), Architectural Metal/Steel Panels (vertical or horizontal ribs), Insulated Metal Panels aka IMP (vertical or horizontal seams), Concrete Masonry, Stone, Cast Stone, Non-reflective Glass and Stucco. Wood, Metal, Concrete, Glass, and Stucco maybe used as accent pieces.

This structure will be primarily constructed of ACM panel.

UDO 4.10.4(D)(1) – Windows and Window Glazing: Windows can be ether can be glazed in non-reflective, clear glass or non-reflective tinted glass that accents the building other architectural elements.

Windows will be Low-E, non-reflective tinted, glass in accordance with NC Energy Conservation Code (latest edition)

*UDO 4.10.4(D)(3) – Windows and Doors (Public Street Facing Facades): – Windows and Doors shall comprise at least twenty-five (25) percent of the street facing building facades unless a written variance is granted by the **PDARC**.*

The rear of the building which fronts Highway 22 will exceed this requirement:

$1,673\text{sq. ft. (door/glass surface)} / 6,093\text{sq. ft. (wall surface area)} = 27.46\% > 25\%$ required

UDO 4.10.4(E)(2) – Awnings: Awning are encouraged (not required) to be placed at all customer and employee entrances and shall maintain minimum clearance of seven feet (7ft) as measured from the lowest point of the awning and the finished sidewalk elevation directly under the location of the awning.

All main level "customer" entrances will have awnings and they will be above the 7ft requirements outlined in this section.

*UDO 4.10.4(E)(3) – Awning Materials: Awnings can be of canvas or metal that is architectural pleasing to the overall appearance of the building. Canvas material color and texture shall be approved by the **PDARC**.*

All awning to be used will be metal.

UDO 4.10.4(F)(1) – Galleries and Arches: Galleries and Arches are allowed within the development and allowed to encroach onto the sidewalks.

No galleries or arches are planned for this structure

UDO 4.10.4(F)(2) – Galleries and Arches Clearance: Clearance of twelve feet (12ft) minimum shall be maintained between the lowest point of the ceiling and the finished material directly below the ceiling.

No galleries or arches are planned for this structure

UDO 4.10.4(G)(1) – Parapets: Parapets are allowed within the development. Parapet heights shall not be less than required to meeting North Carolina Building Code (latest edition) and/or OSHA requirements for fall protection.

Parapet are planned for this building to a height just above the roof and will maintain a minimum distance to all roof top equipment front back of parapet in accordance with OSHA requirements for fall protection.

UDO 4.10.4(G)(2) – Changes in Parapet Heights: Changes in parapet heights are encouraged to provide architectural features to commercial buildings but are not required.

No change I parapet height is planned for this building.

UDO 4.10.4(G)(3) – Roofing Materials: Asphalt Shingles, Standing Seam (non-reflective), Non-Reflective Metal can be used on all roof and trim areas, and Ethylene Propylene Diene Terpolymer roofing aka EPDM.

EPDM roofing will be used on the primary building roof and the small lower building that fronts on Hwy. 22 will have a standing seam roof (non-reflective).

*UDO 4.10.4(H) Mechanical Equipment: Mechanical equipment shall be placed on the roof of all commercial buildings, if possible, and shall be screen from public view by use of parapets or placed in such a manner that they cannot be seen from surrounding streets or parking areas. The use of ground mounted equipment shall be approved by the **PDARC** and if approved shall be screened with materials as outlined in UDO 4.10.4 (C) – Building Materials of this covenant.*

Most of the mechanical equipment will be roof mounted except for the generator and the energy companies' transformer. All equipment screened in accordance with this section.

*UDO 4.10.4(I) – Loading Zones and Garage Bays: Garage bays and loading zones shall not face public streets or residential areas unless they are screened by materials outlined in UDO 4.10.4(C) of this covenant or my means of vegetation that is directly approved b by the **PDARC**.*

There are no loading zones or garage bay that directly face a public street.

*UDO 4.10.4(J) – Signage: Building signage shall be allow on each side of the building that fronts on a public street or parking area. Each sign shall not exceed 100 square feet in area and if they are multiple tenants, then the 100 square feet can be split between the tenants within the building for each side. The overall appearance of the signage shall be approved by the **PDARC** prior of ordering of sign.*

There is signage placed on the buildings, but none are more than 100sq.ft.

UDO 4.10.6 – Large Scale Retail Development

UDO 4.10.6(A) – Purpose: No deviation requested for section

Will meet the intent if this structure is to be converted.

UDO 4.10.6(B) – Applicability: This shall apply to any existing or new building having a single floor square footage equal to or greater than 25,000 square feet or building have a total gross square footage equal to or exceeding 25,000 square feet.

This structure has a main level of 15,852sq.ft. but has a gross square footage of 31,623 and could easily be converted to a large-scale retail building in the future.

UDO 4.10.6(C)(1) – Utility Design – On-site underground water and sanitary utilities will be designed to accommodate large scale retail development. All power requirements will be in accordance with utility company providing power to the development. Power for existing building(s) that will be redeveloped for large scale retail will be resized & coordinated with power company.

All on-site utilities will be or have been designed to accommodate this requirement.

UDO 4.10.6(C)(2) – Entries: Entries for new building shall be spaced no further than one-hundred and fifty (150) feet. Existing building entries shall be modified as needed to meet or exceed the exit requirements as outlined in the North Carolina Building Code (latest edition) for occupancy load projected for the large-scale retail development. The building (new or existing) entries shall be clearly defined, visible entrance, providing access from the front of the building and shall have an awning or canopy over the primary access. Display windows are allowed within the development.

This building can easily be modified to meet the requirements of this section if a change of use is requested

UDO 4.10.6(C)(3) – Building Materials: Buildings materials shall meet the requirements of UDO 4.10.4(C) – Building Materials of this covenant.

This current building façade meets this requirement.

UDO 4.10.6(C)(4) – Building Articulation: Building articulation will meet the requirements of UDO 4.10.4(B)(2) and UDO 4.10.4(B)(3) of this covenant.

This current building meets the requirement of this section.

UDO 4.10.6(C)(5)(A) – Rooflines: Rooflines for new large-scale retail development buildings shall vary in height to accurately define the entry locations of each retail space located in the same building. Hips, gables, or changes in parapet heights can used to meet this requirement for new buildings. Existing buildings set for redevelopment in large-scale retail are not required to be modified meet this requirement.

This building can be modified to meet this requirement.

UDO 4.10.6(C)(5)(B) – Rooflines: No deviation requested

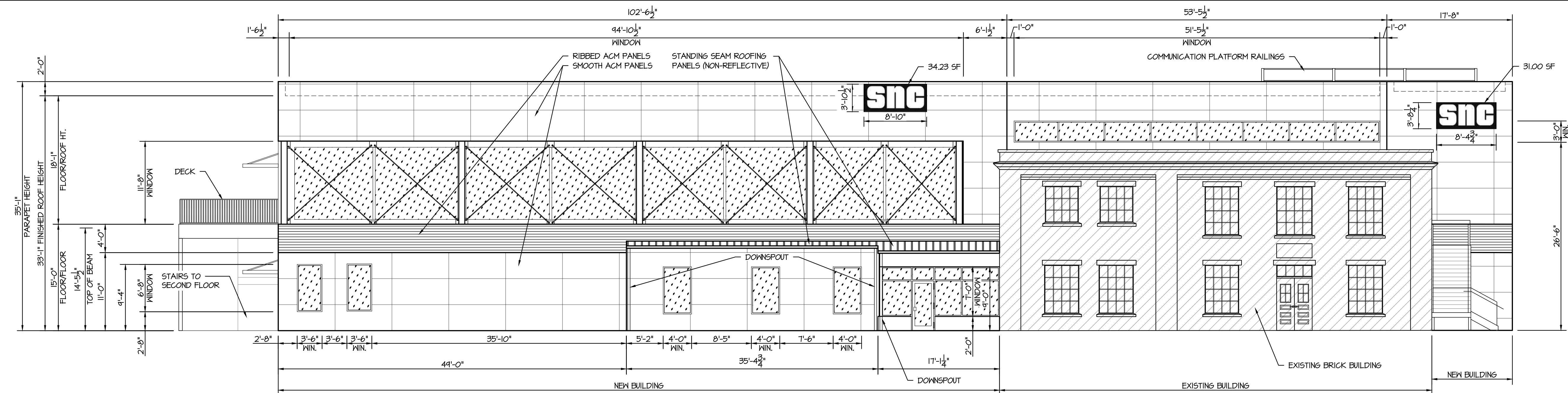
This building, once constructed, will meet the requirements of this section.

UDO 4.10.6(C)(5)(C) – Rooflines: Parapets when used shall meet the requirements of UDO 4.10.4(G)(1) – Parapets of this covenant.

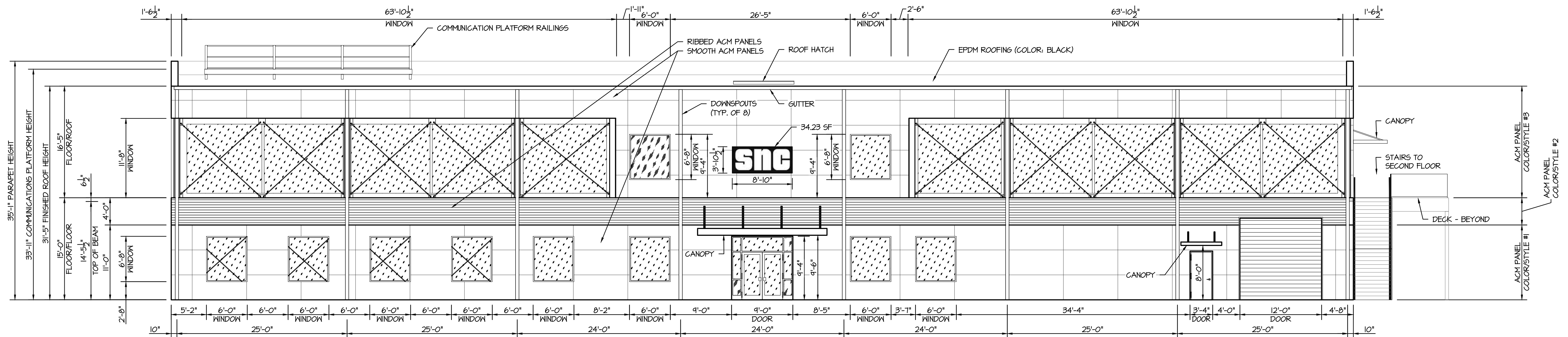
Parapets on this building will meet the requirement set forth in the covenants.

If you any additional questions or concerns, please feel free to contact us at any time.

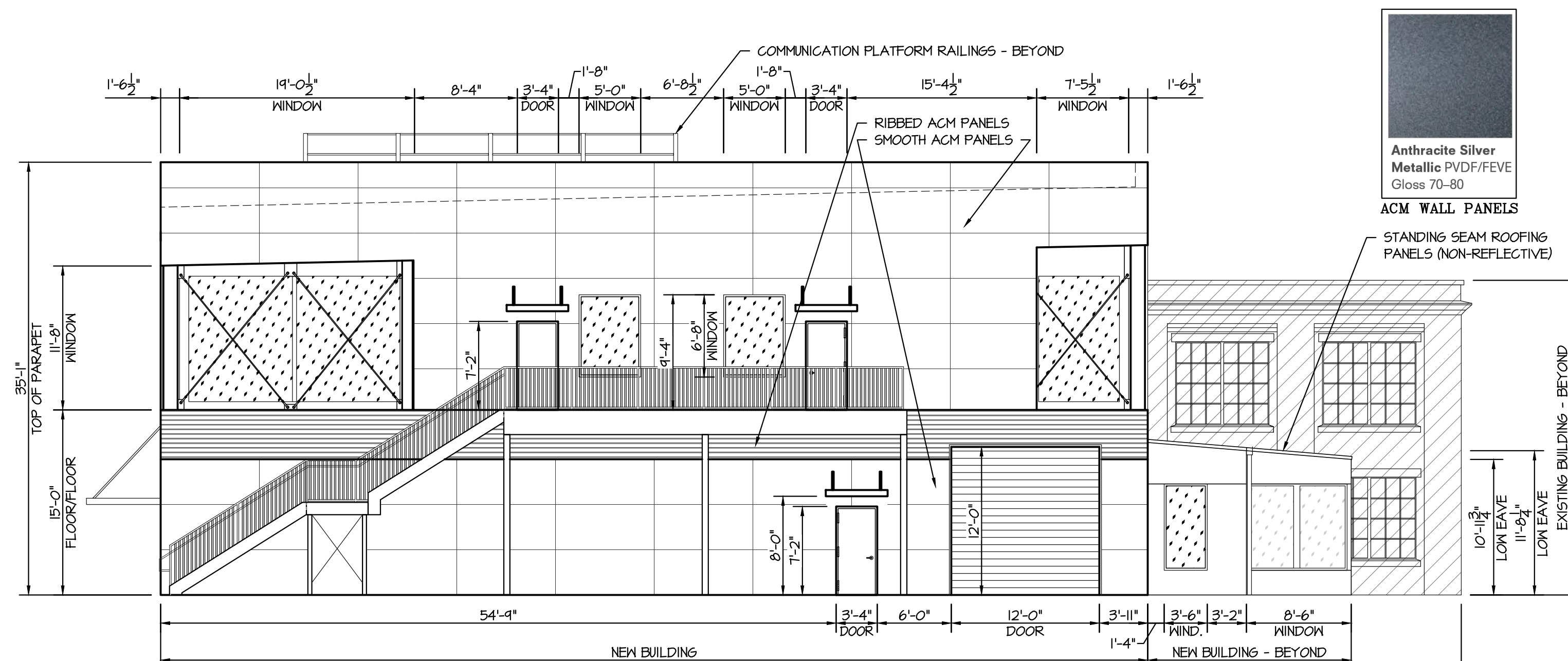
Sincerely,
NEAL SMITH ENGINEERING, INC.



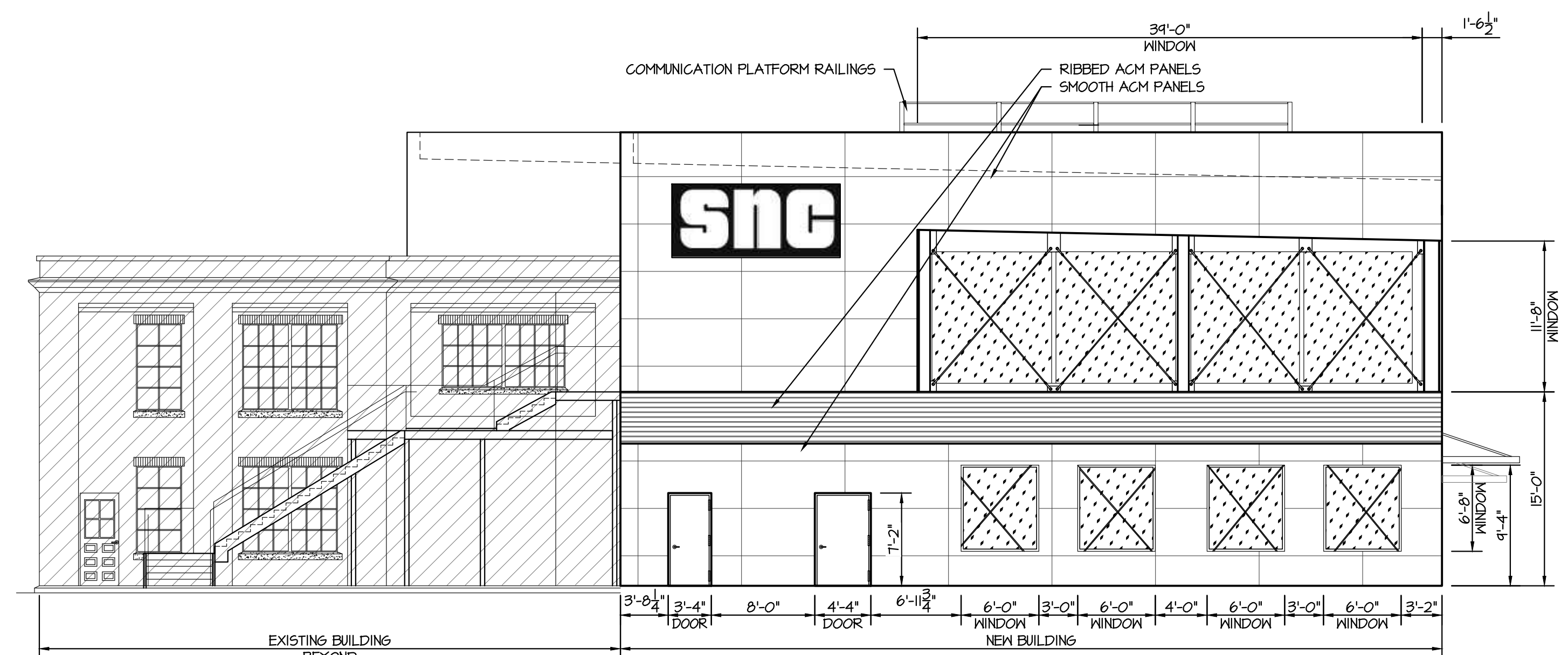
1 Front Elevation (Facing Road)
G1.1 1/8" = 1'-0"



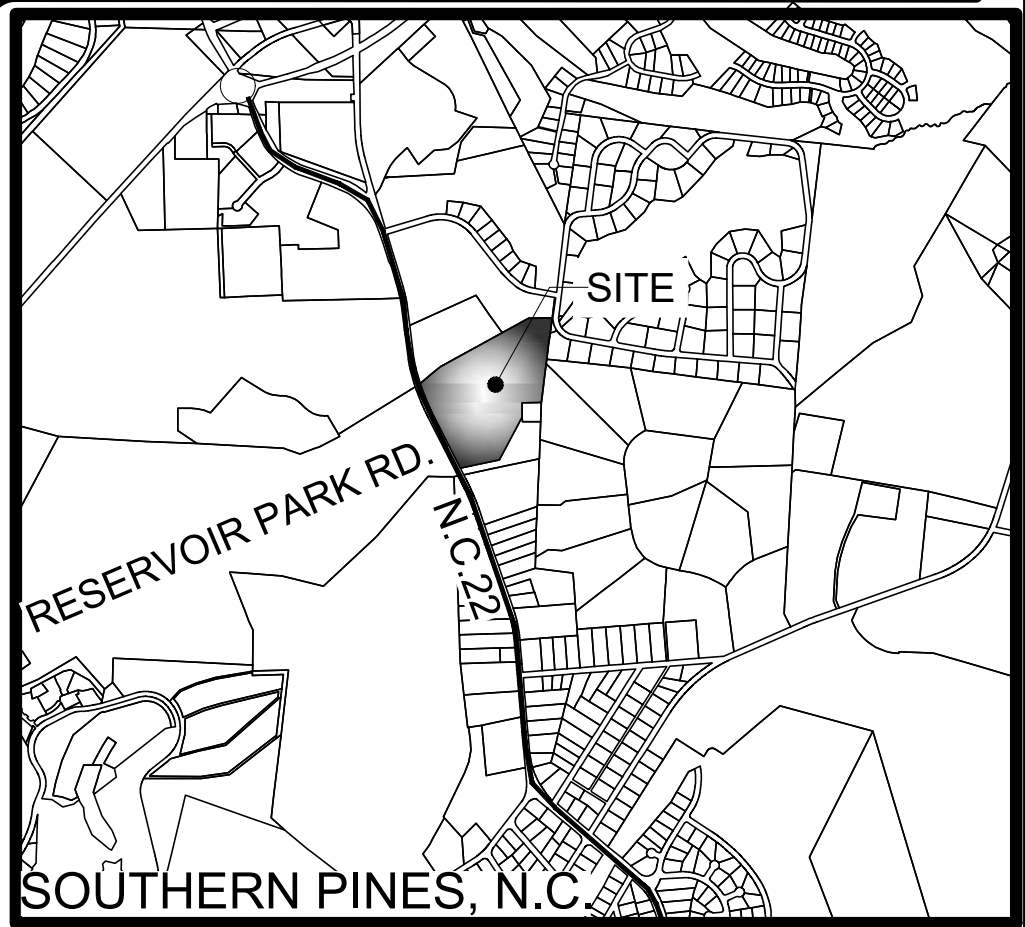
2 Rear Elevation (Facing Parking Lot)
G1.1 1/8" = 1'-0"



3 Left Elevation (Facing Moore County Airport)
G1.1 1/8" = 1'-0"

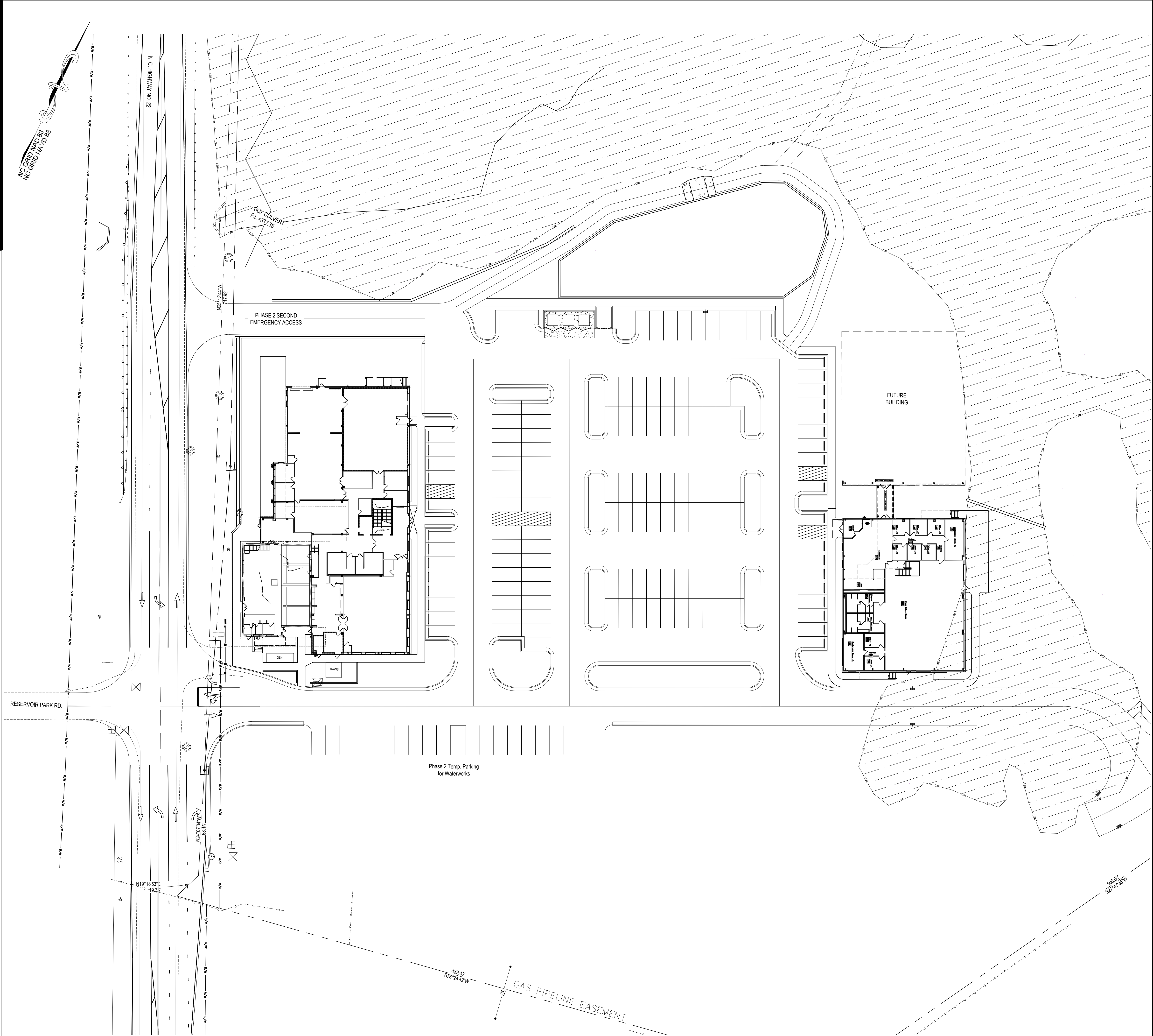


4 Right Elevation (Facing Entry Drive)
G1.1 1/8" = 1'-0"



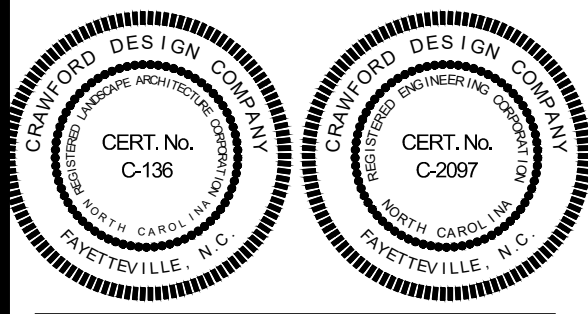
VICINITY MAP (1" = 2000')

SITE NOTES

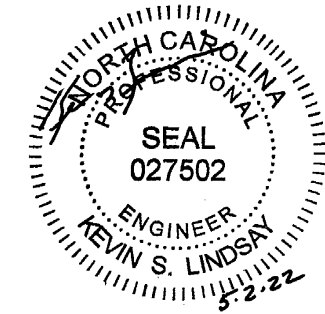


LANDSCAPE
ARCHITECTURE
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ENGINEERING
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PLANNING

Landscape Architecture ♦ Fayetteville, NC
Civil Engineering ♦ Southern Pines, NC
230C W. Pennsylvania Ave. ♦ Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com



SEALS



FOR PERMITTING

REVISIONS

PTAH, LLC
PTAH-WW-SNC

WATERWORKS REVISED PHASE 2
PRELIMINARY DEVELOPMENT PLAN (PDP)

PROJECT DETAILS
Project Manager: KSL
CAD Technician: RFN/GER
Reviewed / Approved By:
Project Number: 17028

SCALE 0 30 60
Full Scale: Horiz.: 1" = 30'
Half Scale: Horiz.: 1" = 60'

ISSUE DATE 03/25/2022

SHEET NUMBER

C2.0

DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, RESTRICTIONS, CHARGES, LIENS, AND RESERVATIONS WATERWORKS

THIS DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS, RESTRICTIONS, CHARGES, LIENS AND RESERVATIONS made this May 27, 2022, by PTAH, LLC, a NC limited liability company (hereinafter referred to as “Declarant”), its successors and assigns concerning the planned community to be known as **WATERWORKS**.

WITNESSETH

WHEREAS, it is the intent of the Declarant to establish a general plan and uniform scheme of development and improvement of property it owns or will acquire as a planned Commercial and Residential community (the “Planned Community”) together with streets, roads, footways, open spaces, entrances, drainage facilities, access easements, site lighting and signage, and any recreational area(s), common area(s) and any other common properties shown on any recorded plat of such real property of a portion thereof for the benefit of the Planned Community; and,

WHEREAS, Declarant desires to insure the attractiveness of the Planned Community and to prevent any future impairment thereof, to provide for the maintenance and upkeep of the Common Elements, as hereinafter defined, to prevent nuisances, to preserve, protect and enhance the Common Elements of the project; and to this end desires to subject the real property described herein, together with such additions as may hereafter be made thereto, to the covenants, conditions, restrictions, easements, charges, liens, reservations and other provisions hereafter set forth, each and all of which is and are for the benefit of the Planned Community and each property owner within the Planned Community; and

WHEREAS, Declarant has deemed it desirable, for the efficient preservation, protection and enhancement of the property values, amenities and opportunities within the Planned Community in order to contribute to the personal and general health, safety and welfare of the property owners and residents therein, to provide for the maintenance of all Common Elements, to create an organization to which will be delegated and assigned the powers of owning, maintaining and administering the Common Elements and administering and enforcing this Declaration, and collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, Declarant has caused, or shall cause to be incorporated under North Carolina law, WATERWORKS Property Owners Association, Inc. (the “Association”) as a nonprofit corporation for the purpose of exercising and performing the aforesaid functions, and as more specifically provided herein;

NOW, THEREFORE, Declarant hereby declares that it is the expressed purpose, desire and intention of Declarant and Declarant hereby does submit the Existing Property (as herein defined), including any improvements to be located thereon, so that the Existing Property shall be held, sold, conveyed and occupied subject to the provisions, covenants, conditions and restrictions contained herein, which shall run with the real property and be binding on all parties having any right, title or interest in the Existing Property or any part thereof, and their heirs, administrators, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE 1

DEFINITIONS

The following words and terms when used in this Declaration and Bylaws and any supplemental declaration and Bylaws (unless the context shall clearly indicate otherwise) shall have the following meanings:

1. **Architectural Review Board (abbreviated "ARB.")** The term "Architectural Review Board" means and refers to a committee of five (5) individuals initially designated and appointed (and removed) by the Declarant to carry out the duties herein assigned to said Architectural Review Board who shall serve at the pleasure of the Declarant until the end of the Declarant Control Period.
2. **Assessments.** "Assessments" means the same as Common Expenses levied by the Association, as more specifically provided in Article 6.
3. **Association.** "Association" means WATERWORKS Property Owners Association, Inc, a North Carolina nonprofit corporation, its successors and assigns.
4. **Bylaws.** "Bylaws" means such governing regulations as are adopted for the regulation and management of the Association, including such amendments thereof as may be adopted from time to time and recorded. The initial Bylaws are attached hereto as Schedule A.
5. **Board.** "Board" means a board of natural individuals of the number stated in the Bylaws, who need not be Owners, which constitute the Board of Directors of the Association and who shall manage the business, operations and affairs of the Association on behalf of the Members.
6. **Common Elements.** "Common Elements" means the common areas and facilities owned by the Association and dedicated to the common use and enjoyment of the Owners, or such other easements and areas for which the Association has maintenance responsibility, as more specifically provided in Article 7.
7. **Common Expenses.** "Common Expenses" means the expenses of the Association in providing for the acquisition, construction, management, maintenance and care of Association Property, the Common Elements and the Association's maintenance obligations as more particularly provided in Article 6.
8. **Declarant.** "Declarant" means PTAH, LLC, and its successors and assigns in interest in Townhouses on Bennett, if such successor or assign should acquire more than one undeveloped Homesite from the Declarant for the purpose of development, and PTAH, LLC affirmatively assigns in the conveyance to the acquirer of the undeveloped Commercial Lot (s) or Homesites some, or all, of the Declarant's rights as a Declarant.
9. **Declarant Control Period.** "Declarant Control Period" means that period of time that Declarant may appoint and remove a majority of the Board of Directors of the Association without consent of any Owner; which shall extend so long as Declarant owns any Lot in the Development Area; or, by voluntary relinquishment or assignment, whichever event shall first occur.
10. **Declaration.** "Declaration" means this instrument and any amendments thereto by which the Planned Community is created and expanded.
11. **Development Area.** "Development Area" means that property owned by Declarant as recorded in Book _____, Page _____, in the Office of the Register of Deeds of County, North Carolina; or, any other tract(s) or parcel(s) that are contiguous to the Development Area and which may be subsequently acquired by the Declarant.
12. **Development Rights.** "Development rights" means any right or combination of rights reserved by the Declarant in this Declaration (i) to add real estate to the Planned Community; (ii) to create lots, Common Elements, or Limited Common Elements within the Planned Community; (iii) to subdivide Commercial Lot (s), Homesites or convert Commercial Lot (s) Homesites into Common Elements; or (iv) to withdraw real estate from The Planned Community.
13. **Dispose or Disposition.** "Dispose" or "disposition" means a voluntary transfer to a purchaser of any legal or equitable interest in a Commercial Lot (s) Homesite, but does not include the transfer or release of a security interest.
14. **Development Parcel(s).** "Development Parcel(s)" means those unimproved parcels or tracts of land conveyed by the Declarant to third parties under this Declaration permitting the division of such parcel or tract into smaller land units as Commercial Lot (s), Homesites or Residence Units or for development as a Cluster Residential Tract. Any such conveyance shall contain a reference to this subsection.
15. **Drainage.** "Drainage" means the removal of surface water or ground water from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development and likewise includes undertaking those measures necessary for water supply preservation for prevention or alleviation of flooding.
16. **Foreclosure.** "Foreclosure" means the exercise of the rights of the holder of any mortgage or other instrument creating a security interest in a Commercial Lot (s), Homesite or Residence Unit.

17. **Commercial Lot (s) and/or Homesite(s).** “Commercial (s)” means any improved or unimproved plot of land designated with an Identifying Number upon any recorded subdivision map of a portion of the Planned Community. “Homesites(s)” means any unimproved plot of land designated with an Identifying Number upon any recorded subdivision map of a portion of The Planned Community. A Homesite shall be intended for use as the site for one (1) single family detached dwelling unit. A Homesite shall be deemed to be unimproved until the improvements being constructed thereon are sufficiently completed to reasonably permit habitation thereof and will thereafter be subject to assessments as improved property as a Residence Unit.
18. **Identifying Number.** "Identifying number" means a symbol on the recorded plat of any phase of the Property that identifies only one Commercial Lot or Homesite in The Planned Community.
19. **Improvements.** “Improvements” means all structures or construction of any kind that alters the initial physical appearance of a Commercial Lot or Homesite , including, without limitation, any building, outbuildings, roads, driveways, parking areas, retaining walls, loading areas, utilities, lawns, fence, wall, sign, paving, grading, parking and building additions, alteration, screen enclosure, pool ,sewer, drain, disposal system, decorative building, landscaping or landscape device(including existing and planted trees and shrubbery) or object together with any construction work or treatment done or applied to a Commercial Lot or Homesite in connection therewith.
20. **Lease.** “Lease” means all leases, subleases and rental contracts, whether oral or written.
21. **Limited Common Element.** "Limited common element" means a portion of the Property allocated by the Declaration for the exclusive use of one or more but fewer than all of the Commercial Lots or Homesites. There are no Limited Common Elements in the Existing Property. It is anticipated that the future development of new Regimes may allocate Limited Common Elements as part of a Supplemental Declaration affecting Development Parcels.
22. **Majority.** “Majority” means any number of votes which is greater than fifty percent (50%) of the applicable votes.
23. **Master Plan or Development Plan.** “Master Plan” or “Development Plan” means the drawings which represent the conceptual research plan for the future development of The Planned Community, held by the Declarant and made available for inspection by prospective land purchasers. Since the concept of the future development of the developed and undeveloped portions of The Planned Community retained by, and remaining in the Declarant’s ownership, is subject to continuing revision and change at the discretion of the Declarant, present and future references to the “Master Plan” by the Declarant, its employees or agents shall be reference to the latest revision thereof. In addition, no implied reciprocal covenants shall arise with respect to lands which have been retained by the Declarant for future development restricting their uses. The Declarant shall not be bound by any development plan, use or restriction of use shown on any Master Plan, and may at any time change or revise said Master Plan. None of the proposed facilities reflected on any Master Plan need be built. The final development plan and the construction of any proposed facilities is dependent on market conditions and the economic viability of the sale of Homesites in The Planned Community.
24. **Member.** “Member” means every person or entity who holds membership in the Association. Declarant shall be a Member of the Association from and after the date of recordation of this Declaration.
25. **Mortgage.** “Mortgage” includes both a deed of trust or a mortgage or any instrument creating a security interest in a Commercial Lot, Homesite or Residence Unit.
26. **Mortgagee.** “Mortgagee” includes any grantee in or holder of a Mortgage, or the beneficiary of a Deed of Trust, or other similar security interest.
27. **Occupant.** “Occupant” means any person who occupies, or who has the right to occupy, all or a part of any Commercial Lot, Homesite or Residence Unit which is a part of the Property, whether such occupancy or right of occupancy is based on ownership, lease, license or easement.
28. **Offensive or Noxious Activity.** “Offensive or Noxious” activity or behavior includes but not be limited to a public nuisance or nuisance per se and shall also include any behavior or activity which is inconsistent with both the pleasurable use of The Planned Community by a majority of the residents and their reasonable expectations of enjoying their property and the available amenities and natural surroundings free of boorish, rude, excessively noisy, crude, tasteless behavior, flashing lights, racing vehicles, radio, hi-fi or electronic music distractions, etc., or other similar behavior curtailing the pleasure of use of the natural environment and Common Elements of The Planned Community. Musical or other entertainment, concerts, festivals, competitions or shows conducted under permit from the Declarant shall not constitute offensive or noxious activity or behavior unless such permit is withdrawn by the Declarant.
29. **Owner or Unit Owner.** The term “Owner” or “Unit Owner” means a person who has acquired by disposition fee simple title to any Commercial Lot or Homesite but shall not include a person having such an interest merely as security for the performance of an obligation. The Declarant and any mortgagee are excluded from being an

“Owner” unless and until such Declarant and mortgagee has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

30. **Person.** "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.
31. **Planned Community.** "Planned Community" means real estate with respect to which any person, by virtue of his ownership of a Commercial Lot or Homesite, is expressly obligated by this Declaration to pay real property taxes, insurance premiums, or other expenses to maintain, improve or benefit other Commercial Lots, Homesites or other real estate described in this Declaration. The term Planned Community is used interchangeably with the term “Waterworks Development” within this Declaration.
32. **Property.** “Property” means the Existing Property as defined in Article 2.1 and any additions or replacements that may be brought by the Declarant, at its option, within the scheme and jurisdiction of this Declaration, including the Commercial Lots, Homesites and the Common Elements, together with the buildings and all other improvements thereon, and all easements and rights appurtenant thereto, which are now or hereafter used in connection with the ownership and use of said land and improvements.
33. **Recorded.** “Recorded” means made a matter of public record by filing same in the Office of the Register of Deeds or Clerk of Court for Moore County, North Carolina, the filing place to be determined by the type of document to be recorded.
34. **Regime.** “Regime” means a section or portion of the Property brought within the scheme of this Declaration for the purposes of levying assessment upon the Commercial Lots, Homesites and Owners. The Property within a Regime shall consist of Commercial Lots and Homesites, together with any Limited Common Elements, which have similar characteristics and expenses for maintenance and operation. All Owners of Commercial Lots and Homesites within a specific type of Regime, as designated by Declarant, shall be assessed the same annual amount for assessment established pursuant to the provisions herein. Different Regimes may, however, at Declarant’s sole discretion, have different assessments due to the presence of Limited Common Elements within that Regime, for example Commercial Private and Common Parking areas.
35. **Commercial Unit.** “Commercial Unit” means the improvements erected on a Commercial Lot for the use and occupancy of one single commercial tenant and/or owner and any exterior steps, garage, parking space, patio, deck, driveway, balcony, storage facilities, terraces, verandas and landscaping located on the Commercial Lot, and the Commercial Lot upon which said building and improvements are located.
36. **Residence Unit.** “Residence Unit” means the improvements erected on a Homesite for use and occupancy as one single family dwelling and any exterior steps, garage, parking space, patio, deck, driveway, balcony, storage facilities, terraces, verandas and landscaping located on the Homesite, and the Homesite upon which said building and improvements are located.
37. **Security Expenses.** “Security Expenses” means all fees and expenses incurred by the Association for any security purpose associated with the Planned Community, including but not limited to erection, purchase and maintenance of gates, perimeter fencing, vehicles, equipment, personnel or contracts with providers of such services, equipment and facilities.
38. **Shall.** “Shall” indicates a mandatory requirement, condition, or obligation; in contrast, the term “may” indicate a permissive action.
39. **Special Declarant Rights.** "Special Declarant Rights" means rights reserved for the benefit of the Declarant which may not be altered by the Members, including, but not limited to rights (i) to complete or modify improvements indicated on plats and plans filed with the Declaration; (ii) to exercise any Development Right; (iii) to maintain sales offices, management offices, signs advertising The Planned Community, and models; (iv) to use easements through the common elements for the purpose of making improvements within The Planned Community or within real estate which may be added to The Planned Community; (v) to have access over, upon and through the Development Area to any unsold Lots or undeveloped areas within the Planned Community or property owned by the Declarant adjacent thereto, (v) to appoint or remove any officers or executive board members of the Association during the period of declarant control, all of which Special Declarant Rights are more fully set forth herein.
40. **Structure.** “Structure” means any construction, object, projection or piece of work artificially built up or composed of parts joined together in some definite manner, which is erected or shaped on the Property, including but not limited to buildings, fences, walls, bridges, signs, blinds, tennis courts, swimming pools, tents, gazebos, greenhouses, garage facilities or other outbuildings, signs, abutments, ornamental projections, exterior fixtures, shaped earth as a masonry structure, lights, or any device which might obstruct or interfere with the quality of a view from the property.
41. **Use of Land or Intended for Use.** “Use of Land” or “Intended for Use” means the use designated in the deed of conveyance of a parcel or space or by separate declaration of covenants designating the use for which any

particular parcel of land is restricted to in such declaration incorporated by reference to a particular recorded declaration of covenants in deeds by which the Declarant has conveyed such land. Reference to “uses” of land, or description of parcels on maps, master plans, and promotional material shall not constitute a designation of use for purposes of this Declaration nor shall such reference create any obligation for the Declarant.

42. **Use or Used for Commercial Purposes.** “Use or Used for Commercial Purposes” means to be used as one’s commercial or normal and customary place of performing business and shall include any use for business or commercial purposes.
43. **Use or Used for Residential Purposes.** “Use or Used for Residential Purposes” means to be used as one’s residence or normal and customary place of abode and shall not include any use for business or commercial purposes. The use of a portion a Residence Unit as a home office shall be considered a residential use: (1) if such use does not create more than very occasional customer or client traffic to and from the Residence Unit and is otherwise permitted by any applicable Zoning Ordinance; (2) if the Residence Unit’s address is not held out or advertised in any way as a business address; (3) no sign, symbol, logo, or name plate identifying such business is affixed to the exterior of the Residence Unit or visible from the exterior of the Residence Unit; and (4) except where the approval of the Association has been given to such use.
44. **Utility Area.** “Utility Area” means those tracts or parcels of the properties set aside by Declarant, at its sole option, for maintenance buildings, and the installation of utility systems to serve the remainder of the Property. Utility systems shall include, but not be limited to, water, sewer, telephone, electricity, cable and gas. The Utility Areas may be conveyed by Declarant to a municipality or to public or private utility companies that operate and maintain such systems. Utility Areas shall be accessible by easements of ingress, egress and regress reserved herein over the Property if not located on a public or private street. At the option of the Declarant, any or all of a Commercial Lot or Homesite may be used as a Utility Area.

ARTICLE 2

PROPERTY SUBJECT TO DECLARATION

- 2.1 **Existing Property.** The Property which is and shall be held, transferred, sold, conveyed, given, donated, leased and occupied under this Declaration and within the jurisdiction of the Association, is located in McNeill Township, Moore County, North Carolina, and is more particularly described as “WATERWORKS”, as shown on plat thereof recorded in the Office of the Register of Deeds of Moore County, North Carolina in Plat Cabinet 18 Slides 25.
- 2.2 **Additions to Existing Property.** Additional land within the Development Area of any tract that Declarant may acquire that is contiguous to the Development Area may be brought within the scheme and operation of this Declaration and the Jurisdiction of the Association by the Declarant without the consent of the Association or any Member in the following manner: The area of the Property subject to this Declaration maybe increased by filing with the Register of Deeds of the jurisdiction referred to above, plats of additional phases within the Development Area and the subsequent conveyance of any Commercial Lot or Homesite by the Declarant in such phase by reference to such plat and this Declaration, which shall then extend the scheme of the Declaration to all property shown on the plat of that phase, except for any areas marked "Reserved" or such areas of similar nomenclature. No other land within the Development Area or vicinity of the Development Area shall be subject to this Declaration unless the provisions of this section are complied with, it being intended that this Declaration may not be construed or considered as a scheme for the development of any land other than that shown on the then existing and recorded plats for each phase by which at least one of the Commercial Lots or Homesites shown thereon has been conveyed by reference to such plat and this Declaration.
- 2.3 **Supplemental Declaration.** In addition the Declarant reserves the right to file Supplemental Declarations with the development of each successive phase, or as amendment to the Existing Property, which may contain such complementary additions and modifications of this Declaration as may be necessary or convenient, in the sole judgment of the Declarant, to reflect and adapt to any difference in character of the those properties (for example, a Regime developed on a Cluster Residential Tract, or that includes Limited Common Elements), and as are not inconsistent with the scheme of this Declaration.

ARTICLE 3

USE OF PROPERTY

- 3.1 **Use Restrictions.** The use of the Property, the Commercial Lots, Homesites, the Residence Units and Common Elements shall be in accordance with the following provisions as long as this Declaration remains in effect.
- 3.2a **Commercial Buildings.** The Commercial Lots and any building or structure now or hereafter erected on the Commercial Lot shall be occupied and used by a single or multi-tenant business or commercial purpose. Commercial building can be erected for mix use buiness and residential purposes as long as the business commercial purpose is located

on the 1st floor of the building. Commercial building should not exceed four floors and remain under 50' in total. Business and Commercial building can be lease both "short" or "long term" to prospective tenants by their owners.

3.2b Single Family Residence. The Homesites and any building or structure now or hereafter erected on a Homesite shall be occupied and used for single family residence purposes only, and no building shall be erected, altered, placed or permitted to remain on any Homesite other than one single detached dwelling not exceeding two stories and an attic (finished or unfinished) in height, a basement (finished or unfinished), a garage for not more than three cars (which may include guest or employee quarters) and appropriate outbuildings incident to the single family residential use of the premises. Garages shall not open to the front street unless approved by the Architectural Review Board. Each of the Homesites and any permitted Residence Units constructed thereon shall be occupied only by the Owner (or Owners), his family, his servants and guests, or lessees, and shall be used only as a single-family residence and for no other purpose. No Residence Unit may be divided or subdivided into a smaller unit nor any portion thereof separately sold or otherwise transferred; provided that Homesites or portions thereof may be combined to form larger parcels than originally platted. Lease or rental to one or more tenants of a Residence Unit for residential purposes, subject to the other provisions of this Declaration, shall not be considered a violation of this covenant.

3.3 Nuisances. No nuisances shall be allowed upon any Commercial Lot or Homesite nor any use or practice which is the source of annoyance to residents or which interferes with the peaceful possession and proper use of the Property by its residents. All parts of the Common Elements, and the Commercial Lots, Homesites or Residence Units shall be kept in a clean and sanitary condition, and no rubbish, refuse or garbage shall be allowed to accumulate. No damage to or waste of the Common Elements, or any part thereof, shall be committed by any Commercial Tenant, Owner or their family, visitors, guests, servants, lessees, agents or invitees, and each Owner shall indemnify and hold the Association and the other Owners harmless against all losses resulting from any such damage or waste. No Commercial Lot, Homesite or Residence Unit Owner shall make or permit any use of his Homesite or Residence Unit, or make any use of the Common Elements, which will violate the provisions of the general documents or any insurance policy covering the Property.

3.4 Lawful Use. No immoral, improper, offensive or unlawful use shall be made of any part of the Property, and all applicable laws, zoning ordinances and regulations of all governmental bodies shall be observed. The expense of complying with any such laws, ordinances or regulations which compliance requires maintenance, modification or repair of the Common Elements shall be borne by the Association unless necessitated by the misuse, misconduct or neglect of a Commercial Lot, Homesite Owner or Residence Unit Owner, or his family, visitors, guests, servants, lessees, agents or invitees, in which case such expense shall be assessed against such Owner.

3.5 Certain Structure Types Prohibited. For Homesites: Mobile, Modular and Manufactured Homes are prohibited. In the event of any question as to whether a proposed structure may be considered a prohibited Mobile, Modular or Manufactured Home, the Declarant shall decide based on its sole discretion during the period of Declarant Control and thereafter the Board shall decide based on the existing standards for construction in the Architectural Review Board Policies and Procedures.

3.6 Rules and Regulations. Rules and regulations adopted by the Board shall be binding upon the Owners, their families, visitors, guests, servants, lessees, agents, invitees, successors and assigns.

3.7 Fences, Walls and Landscaping. No fences or walls shall at any time be erected or maintained upon the Property or any Commercial Lot or Homesite, unless they are specifically approved by the Architectural Review Board or their designated representative. Initial landscaping for each Commercial Lot and Residence Unit must be approved by the Architectural Review Board. Any annual plants approved for landscaping by the Architectural Review Board must be cared for by the Owner of the Commercial Lot, Homesite or Residence Unit.

3.8 Parking Areas. No Owner or Tenant of a Commercial Lot or Homesite shall park, store or keep any motor vehicle, boat, trailer, recreational vehicle or other vehicle upon the Property except in accordance with rules and regulations adopted by the Association. No person shall repair or restore any motor vehicle, boat, trailer, recreational vehicle or other vehicle upon any portion of the Property or Common Elements except for emergency repairs thereto, and then only to the extent necessary to enable movement thereof to a proper facility.

3.9 Waste Material Containers. No rubbish, trash, garbage or other waste material shall be kept or permitted upon any Commercial Lot or Homesite or the Common Elements except in sanitary containers located in appropriate areas and otherwise in accordance with rules and regulations adopted by the Association from time to time. No Homesite owner shall use the Commercial Lots sanitary trash containers. No "hazardous substance" or "solid waste" as defined in any state or federal law shall be released, kept or maintained on any Homesite or portion of the Common Elements.

3.10 Signs. Unless prior written approval is obtained from the Association, no sign shall be posted on the Common Elements, or on any Commercial Lot, Homesite or Residence Unit or in any Residence Unit which will be visible from the exterior of such Unit.

3.11 Offensive Trade or Activity. No noxious or offensive trade or activity shall be carried on upon any building site, nor shall anything be done thereon which may be or cause an embarrassment, discomfort, annoyance or nuisance to the

neighborhood. No trade materials or inventories may be stored upon the premises and no campers, recreational vehicle, motor home, trucks or trailers, boats or boat trailers may be stored or regularly parked on the premises unless garaged and out of view, without prior written approval of Architectural Review Board. Unless approved in writing by the Architectural Review Board, in the Residential areas no business activity or trade of any kind whatsoever, which shall include but not be limited to the use of any residence as a doctor's office or professional office of any kind, shall be carried on upon any building site.

3.12 No Temporary Structures. No structure of temporary character, tent, shack, trailer, camper, garage, or any other outbuilding, except for temporary structures used by Declarant in the operation, maintenance or development of the Property shall be used on any Commercial Lots, Homesite at any time as permanent or temporary commercial space or residence, or dwelling, except under a temporary written permit which may be granted, upon specific time limitations of such use, in the discretion of the Architectural Review Board. Nor shall any of the facilities referenced above be placed on or erected on any Commercial Lot, Homesite or Homesites; provided, however, that the Architectural Review Board may grant permission for such temporary buildings or structures for the storage for materials during construction by the persons doing such work.

3.13 No Livestock. No livestock of any description may be kept or permitted on the Property with the exception of dogs, cats, and other animals which are bona fide household pets, and which do not make objectionable noise or constitute a nuisance or inconvenience to Owners of other Commercial Lots, Homesites or Residence Units nearby. All pets shall be leashed when not on the Owner's Commercial Lot or Homesite and shall otherwise be controlled by the Owner while on the Owner's Commercial Lot or Homesite such that the pet shall not have unrestrained access to property other than that of the Owner. Upon receipt of a written complaint regarding any dog, cat or pet, the Architectural Review Board may notify the Owner of such dog, cat or pet of the complaint and, after affording the Owner an opportunity to be heard, impose such restrictions upon the Owner regarding such dog, cat or pet as may be reasonably necessary to satisfy said complaint in the discretion of the Board. No raising, breeding, training or commercial dealing in dogs, cats or any other animals may be permitted on or from any Commercial Lot, Homesite or Residence Unit.

3.14 Off-Street Parking. Adequate off-street parking shall be provided by the Owner of each Commercial Lot, Homesite or Residence Unit being used as a building site and each Commercial Lot, Homesite or Residence Unit for the parking of automobiles owned by such Owner, or their guest. Owners of Homesites and Residence Units agree not to park their automobiles or other vehicles on the streets in the development. No boats, trailers, or recreational vehicles shall be regularly parked or stored on any street, or on any Commercial Lot or Homesite except in a garage. No commercial vehicles shall be parked on any street Commercial Lot, or Homesite longer than is reasonably necessary for the driver thereof to perform the business functions to which the commercial vehicle relates.

3.15 Recreational Facilities. Commercial Lots can have Recreational Facilities as approved by the Declarant. No Homesite Owner or Residence Unit Owner in the development shall have any right to use any portion of the Common Elements comprised of recreational facilities unless the Homesite Owner or Residence Unit Owner has paid the applicable fees and assessments established by the Association.

3.16 Refuse. No Commercial Lot or Homesite shall be used or maintained as a dumping ground for rubbish, refuse or garbage. Garbage or other waste shall be kept in sanitary containers. All incinerators or other equipment for the disposal or storage of such matter shall be kept in a clean and sanitary condition, and all incinerators shall be approved by the Architectural Review Board before installation or use. Burning of trash or refuse is prohibited without prior approval of the Architectural Review Board and the fire department authorized to serve the premises. Fires on any Commercial Lot or Homesite or any portion of the Common Elements are prohibited unless approved by the Architectural Review Board. No hazardous substance, waste or other toxic material shall be dumped, buried, injected, treated or disposed of on any Commercial Lot or Homesite or any portion of the Common Elements.

3.17 Antennas. No television or radio antennae, satellite receiver or towers may be erected or maintained anywhere upon the development without prior written consent of the Architectural Review Board upon such reasonable conditions as the Architectural Review Board may feel appropriate to minimize any visual impact of the structure to others.

3.18 Wash. All drying of wash must be done indoors or in an area screened from view from any other Commercial Lots Homesites, Residence Units, street or adjoining property not part of the Development. No permanent exterior clothes dryer shall be erected, installed, or maintained on any Commercial Lot, Homesite, or on any Structures thereon. Only collapsible or retractable clothes dryers shall be used, and they shall be collapsed or retracted when not in use and shall be located in the rear yard behind any Residence Unit and not be visible to any Commercial Lot.

3.19 Trees and Foliage. Trees measuring four (4) inches or more in diameter, at a point three (3) feet above ground level, and any flowering trees or shrubs above five (5) feet in height may not be removed from the property without the written approval of the Architectural Review Board. Excepted here shall be trees which must be removed because of an emergency or are in the specified building envelop.

3.20 No Site Obstructions. No trees or shrubs shall be located on any Commercial Lot or Homesite which block the view of operators of motor vehicles so as to create a traffic hazard.

3.21 Unsightly Conditions. It is the responsibility of each Owner to prevent any unclean, unsightly, or unkept conditions of their Commercial or Resident Unit or grounds on a Commercial Lot or Homesite of any owner which shall tend to materially decrease the beauty of the Planned Community. The Association shall have the option, but not the obligation to ameliorate any such condition and charge such expense to the Owner as an additional assessment immediately due and payable collectible under the provisions of Article 6.

3.22 Discharge of Firearms. Hunting and trapping of wild animals, fowl and game and discharge of firearms and/or bows and arrows within the property is prohibited unless required for public or private safety.

3.33 Motorized Vehicles. All motorized vehicles operating within the Property must be properly muffled so as to eliminate noise which might be offensive to others.

3.34 Vegetation. No existing vegetation or wetlands shall be disturbed during construction without the express written consent of the Architectural Review Board and any necessary approval from any governmental agency having jurisdiction. The Architectural Review Board shall require written proposals for the re-stabilization of any such disturbed area. Any vegetation disturbed during construction shall be restored to the satisfaction of the Architectural Review Board prior to Owner applying for an occupancy permit.

3.35 Wetlands. Any Commercial Lots or Homesites that include areas designated as “wetlands” on any recorded plat of the Property shall be subject to the following additional restrictive covenant: “A portion of this Commercial Lot or Homesite has been determined to meet requirements for the designation as a regulatory wetland. Any subsequent fill or alteration of this wetland shall conform to the requirements of state wetland rules adopted by the State of North Carolina in force at the time of the proposed alteration. The intent of this restriction is to prevent additional wetland fill, so the property owner should not assume that a future application for fill will be approved. The property owner shall report the name of the subdivision in any application pertaining to said wetland rules. This covenant is intended to ensure continued compliance with wetland rules adopted by the State of North Carolina and therefore benefits may be enforced by the State of North Carolina. This covenant is to run with the land and shall be binding on all parties and all persons claiming under them.

3.36 Additional Use Restrictions. These Restrictions shall include architectural and landscaping restrictions which shall govern portions of the Property as provided in Article 4.

ARTICLE 4

CONSTRUCTION ON COMMERCIAL LOTS / HOMESITES / RESIDENCE UNITS

ARCHITECTURAL AND LANDSCAPE CONTROLS

4.1 Architectural Review Board. It is the intent of Declarant to create a general plan and uniform scheme of development of the Property and to create within the Property a commercial/ residential mix use community of high quality and harmonious improvements. The Declarant desires to provide for the preservation of the property values in the Planned Community with respect to any Commercial Unit /Residence Unit to be constructed on any Commercial Lot / Homesite and to that end, desires to establish an Architectural Review Board in order to provide and maintain certain standards as to harmony of external design and location in relation to surrounding structures and topography. Accordingly, the Architectural Review Board (the “Architectural Review Board”) shall have the absolute and exclusive right to approve or disapprove all architectural, landscaping and locating of any proposed improvements. The Architectural Review Board may, in its sole discretion, impose standards for construction and development which may be greater or more stringent than standards prescribed in applicable building, zoning or other governmental codes.

4.2 Approval to Build. The Owner of a Commercial Lot / Homesite may build a Commercial Building / Residence Unit thereon subject to the following terms, conditions and restrictions:

4.2.1 Commercial / Homesite Configuration. No commercial or residence shall be constructed, altered, placed or permitted to remain on any parcel in the Planned Community unless same is constructed upon a defined Commercial Lot / Homesite. The lay of the Commercial Lots / Homesites as shown on the recorded plat shall be adhered to; provided, however, Declarant and its successors and assigns, may revise and altar the following: (a) the configuration of Commercial Lots / Homesites so that additional streets or access easements, either public or private, may be opened through any Commercial Lot / Homesite, and (b) the size and shape of any Commercial Lot / Homesite may be altered, provided such reconfiguration applies with all applicable zoning and subdivision regulations. The Owner(s) of more than one (1) contiguous Commercial Lot / Homesite may apply to the Architectural Review Board for permission to use such properties as a site for a Single use Commercial / Single-Family Residence and upon the written consent of the Architectural Review Board, said contiguous parcels shall then be deemed to be a single “Commercial Lot” / “Homesite” for purposes of this Declaration, except that the Commercial Lot / Homesites shall continue to be treated as separate and distinct Commercial Lot / Homesites for purposes of voting and assessments. In the event of a split of a Commercial Lot /

Homesite between two or more Owners of other Commercial Lots / Homesites, then they shall determine the allocation of the vote and assessment obligation between them and notify the Association. All setbacks and any reserved utility easements shall then apply to the new perimeter boundary of the combined Commercial Lots / Homesites.

4.2.2 Building Contractors for Commercial and Residence Unit. Declarant reserves the right, at its sole option, for Declarant or the Architectural Review Board to designate the criteria for building contractors who may be employed by Owners to construct commercial buildings or homes on a Commercial Lot / Homesite in the Planned Community which is the subject of these restrictions. The Architectural Review Board, at their election, may establish specific criteria for the building contractors to satisfy construction of homes within the Planned Community. Neither Declarant nor the Architectural Review Board have any obligation to establish the criteria for the building contractors and do not in any manner have any obligation concerning their performance.

4.2.3 Applicable Laws and Architectural Review Board Policies. A Commercial Lot / Homesite is subject to having constructed on it by its Owner a Commercial Unit / Residence Unit that meets the requirements of any applicable laws, ordinances, restrictions, and covenants approved by the Architectural Review Board pursuant to the policies and procedures established by the Architectural Review Board as described in the Policies and Procedures. The Architectural Review Board, shall have the power to enforce this Article and the Policies and Procedures by any action, including any type of action in a court of law or equity.

4.2.4 Plans and Specifications. No building of any type, outside lighting, driveway, clearing or site work, outside trash receptacle, fence, wall, hedge or screen planting shall be erected, placed or altered on any premises in the Planned Community until the building plans, specifications and plot plans showing the location of such building, outside lighting, outside trash receptacle, wall, hedge, fence or screen planting have been approved in writing as to conformity and harmony of external design, and external materials with existing structures in the area and as to location with respect to topography, wetlands, and finished ground elevation, by the Architectural Review Board. No exposed concrete blocks shall be used above finished ground elevations unless said blocks are covered with concrete, metal, brick veneer, stone, or stucco. No asbestos shingles or asbestos siding of any type or asphaltic covering shall be used on vertical exterior walls, unless approved by the Architectural Review Board. In the event said board fails to approve or disapprove such design or location within forty-five (45) days after such plans and specifications have been submitted to it, such approval will not be required, and this covenant will be deemed to have been fully complied with.

4.2.5 Site Plans. The Architectural Review Board shall approve the location of buildings and other improvements on all building sites in the Planned Community. Except with the prior written approval of the Architectural Review Board, no building shall be located on any building site outside the minimum building setback lines shown on any recorded map; or, if not shown on the recorded map setbacks shall be forty (40) feet from the rear property line, thirty (30) feet from any front street and twelve (12) feet from any side Homesite or side street line. The Architectural Review Board shall in all cases determine the front street for each Homesite. The measurements for setbacks, except in the cases of side street setbacks, shall be from the base of the building foundation and reasonable eaves or overhangs or decks (not to exceed ten (10) feet) shall not be considered. Side street setbacks and other measurements for setbacks are to be from the outer edge of the eaves, overhangs and decks. No change in the natural drainage shall be made by any Homesite Owner without prior written approval from the Declarant. No changes other than general maintenance can be made to any drainage easement unless approved by the Declarant. Commercial buildings Site Plans must be approved by the Declarant on an individual case bases including appropriate setbacks.

4.2.6 Exterior Building Materials: Waterworks was an industrial park that serviced housed the original Waterworks building for the Town of Southern Pines in 1925. As such there were many industrial elements incorporated into the original design and structure of the original buildings on the site i.e. Concrete settlement tanks, Concrete Cisterns, Steel and Wood building structures, Metal, Steel, and Wood Water Towers, Heavy Industrial equipment and pumps, Water Falls and Water Sprays. As such, the Architectural Review Board highly encourages the use of metal, concrete, wood, steel, brick, and glass into all designs. It also will encourage the use of unique and original design both in the commercial building and residential design. The Waterworks Development is somewhat isolated away from other commercial and residential areas in the Town of Southern Pines and therefore the Architectural Review Board will look and encourage designs that bring metal, glass, concrete, and wood elements in to mix with the traditional elements of glass and brick. Under these guidelines, each design will be considered on its own merits as how it fits into the Development as a whole. The original Waterworks building still stands and has been renovated. The first commercial buildings that have been approved by the ARB are metal, glass, concrete, and structural steel exteriors to give a “node” to the elements that were part of the original industrial site that was once Waterworks. Hence we encourage all owners to submit their original ideas to the Architectural Review Board for initial comments as the board wants to encourage original idea rather than stifle them.

4.2.7 Square Footage of Residence Units. No residential structure exceeding a total height of 35 feet, and which has an area of less than 1,800 square feet of heated living space, exclusive of porches and garages, shall be erected or placed

on any building site. Two-story dwellings shall contain not less than 1,200 square feet of heated living space on the first or ground floor. A second story shall be defined as any floor level which lies at an elevation of more than five (5) feet above but less than twelve (12) feet above any other floor level within the same residence. Square Footage of Commercial Unites will be determined on an individual case bases but not exceed 30,000 sq feet or a total height of 45 feet with out Declarant written approval.

4.2.8 Approvals. The Architectural Review Board shall have the right to disapprove any plans, specifications or details submitted to it as aforesaid in the event such plans, specifications and details are (i) not in accordance with all of the provisions established in this Declaration and the Policies and Procedures established by the Architectural Review Board, (ii) if the design or color schemes of the proposed building or other structure is not in harmony with the general surroundings of such Commercial Lot / Homesite or within the adjacent buildings or structures, (iii) if the plans and specifications submitted are incomplete, or (iv) in the event the Architectural Review Board deems the plans, specifications or details, or any part thereof, to be contrary to the interests, welfare or rights of all or any part of the Property or the Owners thereof, all in the sole discretion of the Architectural Review Board. The decisions of the Architectural Review Board shall be final, subject to the right of the Owner to appeal to the Board. Neither Declarant, the Architectural Review Board nor any agent thereof shall be responsible in any way for (i) any defects in any plans or specifications submitted, revised or approved in accordance with the foregoing, (ii) any structural or other defects in any work done according to such plans and specifications, or (iii) the enforcement of any municipal or governmental code, statute, law or ordinance.

4.2.9 Building Permit. No Owner shall obtain a building, permit from the applicable County or municipal agencies without first obtaining all necessary approvals from the Architectural Review Board as set forth in the Policies and Procedures. Declarant shall have the right to charge a reasonable building permit fee for use to defray the expense of the Architectural Review Board in approving any building or Commercial Lot / Homesite construction plan which shall be payable by the Owner at the time of submission of the plans for approval.

4.2.10 Time Period. The work of constructing, altering or remodeling any building on any Commercial Lot (s) / Homesite (s) shall be pursued diligently from the commencement until the completion thereof, and shall be completed within twenty-four months for Commercial Lots and twelve (12) months from time of approval by the Architectural Review Board.

4.2.11 Grading and Filling. All planned Commercial Lot / Homesite grading shall be approved in advance by the Architectural Review Board. No Commercial Lot / Homesite may be filled to a point higher than the highest point on the Homesite in its natural state without permission from the Architectural Review Board. All Commercial Lot / Homesite fillings shall be approved in advance by the Architectural Review Board.

4.2.12 Driveway Culverts. Each Owner, if required by the Architectural Review Board in the approval of the plans process, when making a driveway connection to the street or to a cul-de-sac, will provide a suitable drainage culvert so as to allow for unimpeded water movement along the existing roadway swale, and will maintain that culvert at all times in such a way that it does not become an eyesore or disturb the desired drainage patterns in the swale system.

4.2.13 Sidewalks. Commercial Buildings or Homes that require sidewalks per the plat approved by the Town of southern Pines shall be responsible for their installation. Maintenance shall subsequently be the responsibility of the Town of Southern Pines.

4.2.14 Deviations from the Town of Southern Pines UDO 4.10 “Development Design Standard (Adopted Oct. 8, 2013, Amended April 12, 2022, and compliance to G.S. 160D)” For Commercial Buildings:

UDO 4.10.4(A)(1) - Primary Customer Entrance: The primary customer entrance for buildings not on a main development street shall be placed facing either the main parking lot associated with the structure or street side, or both as directed by the Planned Development Architectural Review Committee (**PDARC**) to best facilitate foot traffic for the establishment and/or the development. Buildings that face a primary development street, the primary customer entrance will face the primary street or as directed by the **PDARC**.

UDO 4.10.4(A)(2) – Spacing and Distance between customer entries: Each building or structure will have at least one front customer entrance per “business” and one side/rear facing entrance place as need based on interior layout of the building or business occupying the space(s) A single front entrance is permitted if allowed as outlined in North Carolina Building Code (latest edition).

UDO 4.10.4(B)(2) – Widths of building or building segments in other districts (not CB and DTO): Commercial buildings within the development shall not be more than 5.5x the building height measured at the highest point on the building or as deemed acceptable by the **PDARC**.

UDO 4.10.4(B)(3) – Building segments created through a combination of features: Commercial building under consideration (single tenant or multi-tenant) will enter in from a single entry point as directed by Section UDO 4.10.4(A)(1) of this covenant. Exterior building elements/segments can be used, but not required, as needed for the over architectural appearance of the building and to provide a uniform look throughout the development. The **PDARC** can and

will make recommendations on the exterior appearance to ensure a uniformity of all commercial buildings within the development.

UDO 4.10.4(C) – Building Materials: Building Materials can be primarily composed of Brick, Aluminum Composite Material aka ACM (3mm minimum thickness with a fire-retardant code), Architectural Metal/Steel Panels (vertical or horizontal ribs), Insulated Metal Panels aka IMP (vertical or horizontal seams), Concrete Masonry, Stone, Cast Stone, Non-reflective Glass and Stucco. Wood, Metal, Concrete, Glass, and Stucco maybe used as accent pieces.

UDO 4.10.4(D)(1) – Windows and Window Glazing: Windows can be either can be glazed in non-reflective, clear glass or non-reflective tinted glass that accents the building other architectural elements.

UDO 4.10.4(D)(3) – Windows and Doors (Public Street Facing Facades): Windows and Doors shall comprise at least twenty-five (25) percent of the street facing building facades unless a written variance is granted by the **PDARC**.

UDO 4.10.4(E)(2) – Awnings: Awning are encouraged (not required) to be placed at all customer and employee entrances and shall maintain minimum clearance of seven feet (7ft) as measured from the lowest point of the awning and the finished sidewalk elevation directly under the location of the awning.

UDO 4.10.4(E)(3) – Awning Materials: Awnings can be of canvas or metal that is architectural pleasing to the overall appearance of the building. Canvas material color and texture shall be approved by the **PDARC**.

UDO 4.10.4(F)(1) – Galleries and Arches: Galleries and Arches are allowed within the development and allowed to encroach onto the sidewalks.

UDO 4.10.4(F)(2) – Galleries and Arches Clearance: Clearance of twelve feet (12ft) minimum shall be maintained between the lowest point of the ceiling and the finished material directly below the ceiling.

UDO 4.10.4(G)(1) – Parapets: Parapets are allowed within the development. Parapet heights shall not be less than required to meeting North Carolina Building Code (latest edition) and/or OSHA requirements for fall protection.

UDO 4.10.4(G)(2) – Changes in Parapet Heights: Changes in parapet heights are encouraged to provide architectural features to commercial buildings but are not required.

UDO 4.10.4(G)(3) – Roofing Materials: Asphalt Shingles, Standing Seam (non-reflective), Non-Reflective Metal can be used on all roof and trim areas, and Ethylene Propylene Diene Terpolymer roofing aka EPDM.

UDO 4.10.4(H) – Mechanical Equipment: Mechanical equipment shall be placed on the roof of all commercial buildings, if possible, and shall be screen from public view by use of parapets or placed in such a manner that they cannot be seen from surrounding streets or parking areas. The use of ground mounted equipment shall be approved by the **PDARC** and if approved shall be screened with materials as outlined in UDO 4.10.4 (C) – Building Materials of this covenant.

UDO 4.10.4(I) – Loading Zones and Garage Bays: Garage bays and loading zones shall not face public streets or residential areas unless they are screened by materials outlined in UDO 4.10.4(C) of this covenant or my means of vegetation that is directly approved b by the **PDARC**.

UDO 4.10.4(J) – Signage: Building signage shall be allow on each side of the building that fronts on a public street or parking area. Each sign shall not exceed 100 square feet in area and if they are multiple tenants, then the 100 square feet can be split between the tenant within the building for each side. The overall appearance of the signage shall be approved by the **PDARC** prior of ordering of sign.

UDO 4.10.6 – Large Scale Retail Development

UDO 4.10.6(A) – Purpose: No deviation requested for section

UDO 4.10.6(B) – Applicability: This shall apply to any existing or new building having a single floor square footage equal to or greater than 25,000 square feet or building have a total gross square footage equal to or exceeding 25,000 square feet.

UDO 4.10.6(C)(1) – Utility Design: On-site underground water and sanitary utilities will be designed to accommodate large scale retail development. All power requirements will be in accordance with utility company providing power to the development. Power for existing building(s) that will be redeveloped for large scale retail will be resized & coordinated with power company.

UDO 4.10.6(C)(2) – Entries: Entries for new building shall be spaced no further than one-hundred and fifty (150) feet. Existing building entries shall be modified as needed to meet or exceed the exit requirements as outlined in the North Carolina Building Code (latest edition) for occupancy load projected for the large-scale retail development. The building (new or existing) entries shall be clearly defined, visible entrance, providing access from the front of the building and shall have an awning or canopy over the primary access. Display windows are allowed within the development.

UDO 4.10.6(C)(3) – Building Materials: Buildings materials shall meet the requirements of UDO 4.10.4(C) – Building Materials of this covenant.

UDO 4.10.6(C)(4) – Building Articulation: Building articulation will meet the requirements of UDO 4.10.4(B)(2) and UDO 4.10.4(B)(3) of this covenant.

UDO 4.10.6(C)(5)(A) – Rooflines: Rooflines for new large-scale retail development buildings shall vary in height to accurately define the entry locations of each retail space located in the same building. Hips, gables, or changes in parapet heights can be used to meet this requirement for new buildings. Existing buildings set for redevelopment in large-scale retail are not required to be modified to meet this requirement.

UDO 4.10.6(C)(5)(B) – Rooflines: No deviation requested

UDO 4.10.6(C)(5)(C) – Rooflines: Parapets when used shall meet the requirements of UDO 4.10.4(G)(1) – Parapets of this covenant.

ARTICLE 5

PROPERTY OWNERS ASSOCIATION

5.1 Membership. Every owner of a Homesite shall be a member of Waterworks Property Owners Association, Inc., a non-profit corporation, created by the Declarant. Membership shall be appurtenant to and may not be separated from ownership of any Commercial Lot / Homesite. Each membership in the Association shall relate to and have a unity of interest with an individual Commercial Lot / Homesite which may not be separated from ownership of said Commercial Lot / Homesite. Note: Inside the Waterworks Property Owners Association, Inc. Commercial Property and Residential Property owners will be member of Commercial Property owners' group and Residential Property owners groups as they will be voting on issues that only effect each group independently.

5.2 Powers of Association. Subject to the provisions of this Declaration and the Articles of Incorporation, the Association may exercise all powers provided by NCGS §47F-3-102 of the North Carolina Planned Community Act, including but not limited to the following:

5.2.1 adopt and amend Bylaws and rules and regulations;

5.2.2 adopt and amend budgets for revenues, expenditures, and reserves and collect assessments for common expenses from owners;

5.2.3 hire and discharge managing agents and other employees, agents, and independent contractors;

5.2.4 institute, defend, or intervene in litigation or administrative proceedings on matters affecting the Planned Community;

5.2.5 make contracts and incur liabilities;

5.2.6 regulate the use, maintenance, repair, replacement, and modification of Common Elements;

5.2.7 cause additional improvements to be made as a part of the common elements;

5.2.8 acquire, hold, encumber, and convey in its own name any right, title, or interest to real or personal property, provided that Common Elements may be conveyed or subjected to a security interest only pursuant to NCGS §47F-3-112;

5.2.9 grant easements, leases, licenses, and concessions through or over the Common Elements;

5.2.10 impose and receive any payments, fees, or charges for the use, rental, or operation of the Common Elements other than the Limited Common Elements and for services provided to Owners;

5.2.11 impose reasonable charges for late payment of assessments and, after notice and an opportunity to be heard, suspend privileges or services provided by the Association (except rights of access to Commercial Lots / Homesites) during any period that assessments or other amounts due and owing to the Association remain unpaid for a period of thirty (30) days or longer;

5.2.12 after notice and an opportunity to be heard, impose reasonable fines or suspend privileges or services provided by the Association for reasonable periods for violations of the Declaration, Bylaws, and Rules and Regulations of the Association;

5.2.13 impose reasonable charges in connection with the preparation and recordation of documents, including, without limitation, amendments to the Declaration, or statements of unpaid assessments;

5.2.14 provide for the indemnification of and maintain liability insurance for its officers, executive board, directors, employees and agents;

5.2.15 assign its right to future income, including the right to receive Common Expense assessments;

5.2.16 exercise all other powers that may be exercised in this State by legal entities of the same type as the Association; and

5.2.17 exercise any other powers necessary and proper for the governance and operation of the Association.

5.3 Procedures for Fines and Suspension of Planned Community Privileges or Services.

A hearing shall be held before an adjudicatory panel appointed by the Board to determine, if any Owner should be fined, or if Planned Community privileges, including voting privileges, or services should be suspended. If the Board fails to appoint an adjudicatory panel to hear such matters, hearings under this section shall be held before the Board. The Owner charged shall be given notice of the charge, opportunity to be heard and to present evidence, and notice of the decision. If it is decided that a fine should be imposed, a fine not to exceed the maximum then allowed under the Planned Community Act may be imposed for the violation and without further hearing, for each day after the decision that the violation occurs.

Such fines shall be assessments secured by liens under Article 6. If it is decided that a suspension of Planned Community privileges, including voting privileges, or services should be imposed, the suspension may be continued without further hearing until the violation or delinquency is cured.

5.4 Executive Board Members and Officers.

Except as provided elsewhere in this Declaration, in the Bylaws, or in subsection 5.5, the executive board may act in all instances on behalf of the association. In the performance of their duties, officers and members of the executive board shall be deemed to stand in a fiduciary relationship to the association and the lot owners and shall discharge their duties in good faith, and with that diligence and care which ordinarily prudent men would exercise under similar circumstances in like positions.

5.5 Executive Board Prohibitions. The executive board may not act on behalf of the Association to amend the Declaration, except for any amendments that do not require Member approval; to terminate the Planned Community; or to elect members of the executive board or determine the qualifications, powers and duties, or terms of office of executive board members, but the executive board may fill vacancies in its membership for the unexpired portion of any term as provided in the Bylaws.

5.6 Declarant's Control of Association. Regardless of the time limitations of the Declarant Control Period, Declarant's vote shall be the vote of the membership and Declarant may appoint and remove all or any of the Board of Directors and all officers until such time as Declarant releases such right by notice in writing delivered to the Board of Directors of the Association.

5.7 Voting. The voting rights of the membership shall be appurtenant to the ownership of the Commercial Lots / Homesites. Each Owner shall be entitled to five (5) votes for each Commercial Lot one (1) vote for each Homesite owned. If only one of multiple owners of a Commercial Lot / Homesite is present at a meeting of the Association, that Owner is entitled to cast the vote allocated to that Commercial Lot / Homesite. If more than one of the multiple owners are present, the vote (s) allocated to that Commercial Lot / Homesite may be cast only in accordance with the agreement of the majority in interest of the multiple owners. Majority agreement is conclusively presumed if any one of the multiple owners casts the vote allocated to that Commercial Lot / Homesite without protest being made promptly to the person presiding over the meeting by any of the other multiple Owners of the Commercial Lot / Homesite.

5.8 Proxies. The vote allocated to a Commercial Lot / Homesite may be cast pursuant to a proxy duly executed by a Commercial Lot / Homesite Owner. If a Commercial Lot / Homesite is owned by more than one person, each Owner of the Commercial Lot / Homesite may vote or register protest to the casting of votes by the other owners of the Commercial Lot / Homesite through a duly executed proxy. A Commercial Lot / Homesite Owner may not revoke a proxy given pursuant to this section except by written notice of revocation delivered to the person presiding over a meeting of the Association. A proxy is void if it is not dated. A proxy terminates one year after its date, unless it specifies a shorter term.

5.9 Amenities and Common Elements. Every park, recreation area, recreation facility, dedicated access and other amenities appurtenant to the Planned Community, whether or not shown and delineated on any recorded plat of the Property, shall be considered private and for the sole and exclusive use of the Owners of Commercial Lots / Homesites within the Property. Neither Declarant's execution nor the recording of any plat nor any other act of Declarant with respect to such areas is, or is intended to be, or shall be construed as a dedication to the public of any such areas, facilities or amenities.

5.10 Rules and Regulations. The Association may make reasonable rules and regulations governing the use of the Property, including the Common Elements, which rules, and regulations shall be consistent with the rights and duties established by this Declaration. Copies of such rules and regulations shall be maintained by the Secretary of the Association and furnished to all Owners upon request. Such rules and regulations shall be binding upon the Owners, their families, visitors, guests, servants, lessees, agents, successors and assigns until and unless they are specifically amended, overruled or canceled in a regular or special meeting of the Association by the affirmative vote of seventy-five percent (75%) of the total vote of the membership of the Association.

5.11 Implied Rights. The Association may exercise any other right or privilege given to it expressly by this Declaration or by law, and every other right or privilege reasonably to be implied from the existence of any right or privilege given to it herein or reasonably necessary to effectuate any such right or privilege.

5.12 Personal Property for Common Use. The Association may from time to time acquire and hold tangible and intangible personal property and may dispose of the same by sale or otherwise.

ARTICLE 6

COMMON EXPENSES

6.1 Creation of the Lien and Personal Obligation of Assessments. Each Owner for each Commercial Lot / Homesite owned within the properties, by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual

assessments or charges; and (2) special assessments for capital improvements, such assessments to be established and collected as hereinafter provided. The annual and special assessments, together with interest, costs and reasonable attorney's fees, shall be a charge on each Commercial Lot / Homesite and shall be a continuing lien upon each Commercial Lot / Homesite against which each such assessment is made, but only from such time as a Claim of Lien is filed as hereafter provided. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Commercial Lot / Homesite at the time when the assessment fell due.

6.2. The Common Expenses of the Planned Community include:

6.2.1 All amounts expended by the Association or the Architectural Review Board in enforcing the Declaration, the Bylaws, or the Architectural Policies and Procedures.

6.2.2 All amounts expended by the Association in carrying out any duty or discretion as may be required or allowed by the Declaration or the Bylaws.

All amounts declared to be Common Expenses in the Declaration or Bylaws.

6.2.2 All taxes and special assessments which may be levied from time to time by any governmental authority upon the Common Elements in the Planned Community.

6.2.3 Fees and expenses of managing and administering the Association and maintaining, repair or placement of the Common Elements;

6.2.4 Expenses of utility services for the Common Elements, including water, gas, electricity and sewer;

6.2.5 The costs of all insurance premiums on all policies of insurance obtained by the Board pursuant to the Declaration;

6.2.6 All rental and other payments required to be made for any property which is hereafter leased or rented for the use and benefit of the Association;

6.2.7 Amounts determined by the Board to be reasonably required as working capital of the Association, for a general operation reserve, for a reserve fund for replacements, for deficiencies arising from unpaid assessments, and such amounts as may be required for the purchase or lease by the Board or its designee, corporate or otherwise, on behalf of all Owners of any Commercial Lot / Homesite who has elected to sell or lease such Commercial Lot / Homesite or Commercial Lot / Homesite which is to be sold at a foreclosure or other judicial sale;

6.2.8 Special assessments for capital improvements;

6.2.9 Any ad valorem real property taxes and governmental special assessments affecting the Common Elements which are not assessed upon the Owners separately;

6.2.10 Fees and expenses for the promotion of the health, safety and welfare of the residents of the Property;

6.2.12 Maintenance and operation expenses for the streets, gatehouses, walking or jogging trails, any recreational facilities (pools, tennis courts or other similar recreational amenities constructed by Declarant or approved by the Association after the Declarant Control Period), any future Community Center Building and Grounds, community garden, native plant nursery, playground, wetlands, parks and other properties owned, leased or used by the Association or for which the Association has maintenance responsibility.

6.2.13 Costs and expenses that the Association incurs to arrange with third parties to furnish trash collection, snow removal, and other common services to each Commercial Lot / Homesite or Residence Unit or Commercial Unit.;

6.2.14 Costs and expenses for the acquisition, improvement, repair and maintenance of the properties, services and facilities owned, leased or acquired by the Association;

6.2.15 Costs and expenses for the employment of third-party managers for the Common Elements, accountants, attorneys and other professionals to represent the Association when necessary;

6.2.16 Costs and expenses to purchase, install, maintain and replace, if damaged, at Association expense, all street directional and regulatory signs in the Development Area.

6.2.17 Costs and expenses of maintenance and landscaping on the rights of ways of any public street or road abutting the Development Area, including entranceways, identifying signs and any landscape berm within the boundary of the Development Area.

6.2.18 Cost and expenses of maintenance of any reserved utility easements, including drainage easements, whether located within the Development Area, regardless of ownership.

6.2.19 Costs and expenses for the procurement and maintenance of fidelity and performance bonds for its officers, agents and employees.

6.2.20 All Security Expenses.

6.2.21 All other amounts necessary to carry out the responsibilities of the Association under the terms of the Declaration or the Bylaws.

6.2.22 Any valid charge against the Association or against the Common Elements as a whole.

6.2.23 Expense agreed upon as Common Expense by the Association and lawfully assessed against Owners of Commercial Lot, Homesite or Residence Units or Commercial Unit in accordance with the Declaration or Bylaws.

6.2.24 Any other expense declared a Common Expense by the provisions of the Declaration or the Bylaws.

6.3 Special Assessments for Capital Improvements. In addition to the assessments provided for above, the Association may levy special assessments for the purpose of paying, in whole or in part, the cost of construction of any new improvement or reconstruction or replacement of any existing improvement within the Common Elements, including the cost of any fixtures or personal property relating thereto; provided that such assessment shall have been approved by the vote of the holders of at least two-thirds (b) of the total vote of the Association at a regular or special meeting duly called, written notice of which shall have been given in the manner specified in the Bylaws of the Association. The due date of any special assessments shall be fixed in the resolution or resolutions authorizing such assessments. Special Assessments shall be assessed at a uniform rate as applied to Regimes.

6.4 Emergency Special Assessments. The Association may levy an emergency special assessment when, in the sole determination of the Board, there is potential danger of damage to persons or property. Such emergency special assessments may be utilized to pay for preventative, protective or remedial construction, reconstruction, improvements, repairs or replacements. Events justifying emergency special assessments include, but are not limited to, hurricanes, floods, and Emergency special assessments shall be collectible from Homesite and Residence Unit Owners in such manner as the Board shall determine.

6.5 Certificates. The Association shall, upon request by an Owner or prospective Owner or such person's agent, and for a reasonable charge not to exceed \$50.00, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Commercial Lot / Homesite have been paid. A properly executed certificate of the Association or by its Manager as to the status of assessments on a Commercial Lot / Homesite is binding upon the Association as of the date of its issuance.

6.6 Procedure for setting Annual and Special Assessments. The Board of Directors shall annually adopt a proposed budget and the annual assessment for each Commercial Lot / Homesite for the next year. Within 30 days after adoption of any proposed budget for the Association and assessments for the Commercial Lot / Homesite Owners, the Board shall provide a summary of the budget and assessments to all Commercial Lot / Homesite Owners, and shall set a date for a meeting of the Owners to consider ratification of the budget and the assessments based thereon not less than 14 nor more than 30 days after mailing of the summary. There shall be no requirement that a quorum be present at the meeting. The budget and the assessments based thereon are ratified unless at that meeting a majority of all Owners in person or by proxy rejects the budget. In the event the proposed budget is rejected, the periodic budget last in effect and the assessments based thereon shall be continued until such time as the Owners ratify a subsequent budget proposed by the Board of Directors. In the event that the Association proposes a special assessment, it shall be set forth as a separate item in connection with the annual proposed budget and the procedure for setting the special assessment shall be as set forth above, except that the special assessment shall be ratified separately from the other portions of the budget.

6.7 Effect of Nonpayment of Assessments; Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of twelve percent (12%) per annum or the maximum interest rate permitted to be legally charged under The Planned Community Act at the time of such delinquency, whichever is greater, and shall constitute a lien on the Commercial Lot / Homesite when a Notice or Claim of Lien upon recordation in the Office of the Clerk of Court of Moore County, by the Association setting forth the name of the Owner, the Identifying Number of the Commercial Lot / Homesite, when the Assessment became due, the name of any subsequent Owner transferred the Commercial Lot / Homesite since the Assessment became due, and the amount owed, exclusive of any collection expense. In addition to such interest charge, the delinquent owner shall also pay such late charge as may be allowed by the Planned Community Act. The Association may bring an action at law against any Owner personally obligated to pay the same, and/or foreclose the lien against the property, and interest, late payment fee, fines, cost and attorneys' fees of such action of foreclosure shall be added to the amount of such delinquent Assessment. Notwithstanding the foregoing, however, nothing herein contained shall be construed to obligate the Board to bring any legal action or to prosecute any such action to a final conclusion if it is determined by the Board that it would be in the best interest of the Association to forego, to delay or to discontinue any such legal proceeding. No Owner may waive or otherwise escape liability for the Assessments provided for herein by nonuse of the Common Area or abandonment of their Commercial Lot / Homesite.

The Association's lien maybe foreclosed as provided in the Planned Community Act, as the same may be in effect at the time that foreclosure is commenced.

6.8 Collection. The Board shall take prompt action to collect the full amount of all fees, charges, assessments and other amounts, including any installment thereof, due from any owner which remain unpaid for more than ten (10) days from the respective due date for payment thereof. In the event of failure by any owner to pay within said ten (10) days any such amount, then the entire balance of all such amounts, including, without limitation, all amounts which would

otherwise be payable in installments, may, at the option of the Treasurer of the Association, be accelerated and be declared immediately due and payable in full, without notice.

6.9 Initial Limitation on Assessments. The initial monthly annual assessment of the first year until the first annual budget is adopted shall not exceed \$10 per month, or \$120 per year, for unimproved Commercial Lot / Homesites or \$50 per month or \$600 per year for Commercial Lot / Homesites with the issuance of a Building Permit for any Residence Unit.

6.10 Rate of Annual Assessment. Both annual and special assessments must be fixed at a uniform rate for all Commercial Lot / Homesites and may be collected on a monthly, quarterly or yearly basis or such other periodic basis as the Board of Directors of the Association may set. Emergency special assessments shall be collectible from Commercial Lot and Commercial Unit / Homesite and Residence Unit Owners in such manner as the Board shall determine.

6.11 Date and Commencement of Annual Assessment. The annual assessments provided for herein shall commence as to each Commercial Lots / Homesite on the first day of the month following the conveyance of that Commercial Lot / Homesite by Declarant to an Owner. The first annual assessment shall be adjusted according to the number of whole months remaining in the calendar year and shall be paid at closing along with an additional two (2) months assessment to be used as an initial unspecified reserve.

6.12 Subordination of the Lien to Mortgages. The liens provided for herein shall be subordinate to the lien of any first mortgage or deed of trust if, but only if, all such assessments with respect to such Commercial Lot / Homesite having a due date on or prior to the date such mortgage or deed of trust is filed of record have been paid. Sale or transfer of any Commercial Lot / Homesite shall not affect the assessment lien or liens provided for in the preceding sections. No such sale or transfer shall relieve such Commercial Lot / Homesite from liability for any assessments thereafter becoming due or from the lien thereof, but the liens provided for herein shall continue to be subordinate to the lien of any first mortgage or deed of trust filed prior to the time of transfer. Such subordination is merely a subordination and shall not relieve the Owner of the mortgaged or pledged property of his personal obligation to pay all assessments coming due at a time when he is the Owner.

6.13 Exempt Property. Each Commercial Unit / Homesite which is subject to this Declaration shall be exempt from the assessment, charges and liens created herein while owned by Declarant.

All Common Elements, including any Commercial Lot / Homesite which may be designated for use as such by Declarant, shall be exempt from the assessments, charges and liens created herein.

The grantee in conveyances made to utility companies for wells, tanks, pipelines, treatment plants and dispersion fields, liens, pumping stations and maintenance facilities or for the purpose of creating any utility easement;

All properties exempted from taxation by the laws of the State of North Carolina upon the terms and to the extent of such legal exemptions (Homestead exemptions shall not be considered an exemption);

ARTICLE 7

COMMON ELEMENTS

7.1 Common Elements. "Common Elements" means all real and personal property, together with those areas within dedicated portions of the Development Area and the Property, which may be deeded to, acquired or leased by the Association for the common enjoyment of the members of the Association; or, any reserved easement or structure that by this Declaration is the responsibility of the Association for ongoing maintenance, repair and replacement. It is the intention of Declarant that essentially all of the Development Area other than the Homesites will be conveyed to the Association at some point and be Common Elements, which includes, but is not limited to recreational sites, sewer and drainage areas, and other areas shown on any recorded plat other than Homesites. The Common Elements may consist of the remaining portion of the Property including, but not limited to, any real property conveyed to the Association, which may include but not be limited to, vehicles, equipment, and the ownership and / or maintenance of the roadsides, shoulders, landscape berms, drainage areas, landscaping, boundary fencing, signs at the entrances and along said roadways, any recreational site(s) and facility(s), maintenance building(s) and equipment, storm sewers, drainage, walking and jogging trails and gas line easements. The Common Elements shall ultimately consist of the remaining portions of the Development Area after deleting the (i) Commercial Lots, (ii) Homesites, (iii) Utility Areas, (iv) Parking Areas, and (iii) such other areas, if any designated to be excluded by Declarant on the filed plat or in this Declaration.

7.2 Easements Affecting Common Elements.

Subject to Declarant's Development Rights, the Members have an easement (i) in the Common Elements for purposes of access to their Commercial Lots or Homesites and (ii) to use the Common Elements and all real estate which may become Common Elements for all other purposes, except as otherwise provided in the Declaration.

The Declarant has an easement through the Common Elements as may be reasonably necessary for the purpose of discharging the Declarant's obligations or exercising special Development Rights reserved in the Declaration, including reserved access rights over, upon and through all streets.

Every Owner shall have a right and easement of enjoyment in and to the Common Elements owned by the Association, or for which the Association has maintenance responsibility, which shall be appurtenant to and shall pass with the title to every Commercial Lot and Homesite, subject to the following provisions:

The right of the Association to suspend the voting rights and right to use recreational facilities that are Common Elements by an Owner (and the occupants of such Owner's Commercial Unit or Residence Unit) for any period during which any assessment against said Owner's Commercial Lot or Commercial Unit or Homesite or Residence Unit remains unpaid; and for a period not to exceed sixty (60) days for an infraction by an Owner or by any tenant or occupant of such Owner's Commercial Unit Residence Unit of the Association's rules and regulations;

7.1.1 The right of the Association to dedicate or transfer, or to grant an easement in or to all or any part of the Common Elements to Declarant, any public agency, authority or utility for such purposes and subject to such conditions as may be agreed to by the Association and the grantee expressed in an instrument agreeing to such dedication, transfer or grant, signed by the Association and placed upon the records of the Register of Deeds of Moore County;

7.1.2 The right of the Association to provide for the exclusive use by an Owner (or any tenant or occupant of an Owner's Commercial Unit or Residence Unit) of certain portions of the Common Elements at certain designated times and for such functions as may be from time to time permitted under said rules and regulations and the right of the Association to charge a fee for such exclusive use.

7.1.3 The reservation by Declarant of all necessary easements, including the right to grant easements, including but not limited to access, utility and drainage easements.

7.1.4 The right of the Declarant, in its sole discretion, and at no cost to any Owner, to grade, pave or otherwise improve any street shown on any recorded plat of the property.

7.1.5 The right of the Association to charge reasonable fees for the use of any recreational facility situated in the Common Elements.

7.1.6 The right of the Association, in accordance with the Declaration and Bylaws, to borrow money for the purpose of improving the Common Elements and in aid thereof to mortgage said property, and the rights of such mortgage in said properties shall be subordinate to the rights of the homeowners hereunder.

7.1.7 The right of the Declarant to develop The Planned Community and to sell or lease Commercial Lots or Commercial Units or Homesites or Residence Units to purchasers or lessees. As a material condition for ownership of a Commercial Lots or Commercial Units or Homesite or Residence Unit, each Owner releases Declarant from any claim that the Owner might have for interference with his quiet enjoyment of the Common Elements due to the development of The Planned Community, whether or not the construction operations are performed on the Common Elements or any Commercial Lots or Homesites owned by Declarant, and each Owner acknowledges and agrees that Declarant shall have the sole right to design, construction, development and improvement of the Property.

7.1.8 The right of the Declarant for so long as Declarant owns or has any use rights to any property subject to this Declaration, to transact any business necessary to consummate sales of the property throughout The Planned Community, including, but not limited to, the right to maintain sales office(s) within the Development Area, or on the Common Elements in locations(s) to be selected by Declarant, to have employees in such offices, to construct and maintain other structures or appurtenances which are necessary or desirable for the development and sale of the Property throughout The Planned Community including without limitation, sales models and parking areas; to post and display a sign or signs on any Commercial Lots or Commercial Units or Homesites or Residence Units owned by Declarant or the Property; and to use the Common Elements and to show Commercial Lots or Commercial Units or Homesites and Residence Units. Sales office signs and all other structures and appurtenances pertaining to the sale or development of property within The Planned Community shall not be considered Common Elements and shall remain the property of the Declarant. Further, Declarant may authorize other builder/developer(s) to exercise the rights reserved in this Section, singularly or in concert with Declarant.

7.1.9 The right of the Declarant to have a Permanent Sales Office Building and Operations after the expiration of the Declarant Control Period and after sales of all Commercial Lots / Homesites, including Commercial Lots / Homesites added pursuant to Article 2.2. No other commercial or real estate offices shall be located on the Common Elements or in The Planned Community. After the Declarant Control Period, regardless of whether Declarant owns or has any use rights to any property in the Planned Community, Declarant or its assignee shall have the right but not the obligation, to continue to exercise the rights granted to Declarant to sell and lease property at no cost or charge of any kind, except for the payment of ad valorem taxes on any property so occupied and that any such retained privilege shall be deemed to be one (1) Commercial Lots or Commercial Units or Residence Unit Homesite for which the Declarant or its assigns, shall be subject to Common and Special Expense assessment in the manner as all other Owners.

7.2 Usage Rights. The Common Elements shall be used only for the purposes for which they are intended in providing services and facilities for the common use and enjoyment of the Commercial Lots or Commercial Units or Homesite owners and occupants of the Commercial Lots or Commercial Units or Residence Units. There shall be no

obstruction of the Common Elements, nor shall anything be kept or stored on any part of the Common Elements by an Owner without the prior written consent of the Association, except as specifically provided herein. Nothing shall be altered on, constructed in, or removed from the Common Elements by an Owner, except upon the prior written consent of the Association.

7.3 Area Boundaries and Conveyance of Common Elements. Each Commercial Lots or Commercial Units or Homesite or Homesite shall have the boundaries set forth in the plats filed in the County Registry of Deeds by Declarant as each phase is developed and on subsequent plats of additional property made subject to this Declaration. The Common Elements, as defined herein, when owned by the Association, shall remain undivided, and no right shall exist to partition or divide said Common Elements except as provided herein. The Common Elements are intended for the use and enjoyment of the Commercial Lots or Commercial Units or Homesite and Residence Unit owners and their tenants, guest and invitees. Title to the Common Elements shall remain vested in Declarant until the expiration of the Declarant Control Period. Notwithstanding the manner in which fee simple title is held, the Association shall be responsible for the management, maintenance and operation of the Common Elements and for the payment of all property taxes and other assessments which are liens against the Common Elements from the after the date of recordation of the Declaration. Reasonably soon after the expiration of the Declarant Control Period, Declarant shall convey all of its right, title and interest in the existing Common Elements to the Association. Such conveyance shall be free and clear of all encumbrances and liens other than this Declaration, and the terms and conditions recited herein and any reserved easements necessary for the beneficial use of any of Declarant's remaining property that is not then a part of the Property. Declarant shall also convey and the Association shall accept at its cost any permanent stormwater and/or soil erosion measures and systems required for the improvement of the Planned Community.

7.4 Delegation of Use. Any Owner may delegate, in accordance with the Bylaws, and subject to the terms and conditions recited herein, his right of enjoyment to the Common Elements and facilities to the members of his family, his tenants, or contract purchasers who reside in his Residence Unit.

ARTICLE 8

FINANCING PROVISIONS

8.1 Approval of Owners and Holders of First Deeds of Trust. Unless at least seventy-five (75%) percent of the owners and holder of first deeds of trust on Commercial Lots or Commercial Units or Homesites located within the Property have given their prior written approval, the Association shall not:

8.1.1 By act or omission seek to abandon, partition, subdivide, encumber, sell or transfer any real estate or improvements thereon which are owned, directly or indirectly, by the Association. The granting of easements for utilities or other purposes or the conveyance of such systems to governmental bodies shall not be deemed a transfer within the meaning of this clause.

8.1.2 Change the method of determining the obligations, assessments, dues or other charges which may be levied against an owner.

8.1.3 By act or omission change, waive, or abandon any plan of regulation, or enforcement thereof pertaining to the architectural design or the exterior appearance of residences located on Commercial Lots or Commercial Units or Homesites, the maintenance of party walls or common fences and driveways, or the upkeep of lawns and plantings in the Planned Community.

8.1.4 Fail to maintain liability insurance coverage on the Common Elements.

ARTICLE 9

SEWAGE DISPOSAL AND WATER SYSTEM

9.1 Charges. Homesite Owners agree to pay any availability, connection or surcharge fee for water or sewer, which may be approved by the North Carolina Utilities Commission prior to connection to such system. All usage charges of any nature for the utilities shall be paid by the Owner.

9.2 Connection Procedure. No permits and/or approvals for the construction of improvements on any Commercial Lots or Commercial Units or Homesites shall be granted to and approved by the Architectural Review Board unless and until the Owner of a Commercial Lots or Commercial Units or Homesite desiring such approval shall have made satisfactory contractual arrangements with a licensed plumber, approved by Declarant for making connections to an on-site sewage disposal and/or the central water system for such property Owner's Commercial Lots or Commercial Units or Homesite.

9.3 Private Water Wells. If the Declarant and the Architectural Review Board determine, in their sole discretion, that private wells may be constructed and drilled, said private water wells may be constructed or drilled only with the prior written consent of and pursuant to the specific policies, terms and restrictions established by the Architectural Review Board; and water therefrom may be used only for irrigation and / or heating and cooling purposes, and temporary

potable use subject to the approval of local statutory regulations and then only until the permanent water system is installed unless approved by the Architectural Review Board otherwise.

ARTICLE 10

RESERVED EASEMENTS

10.1 Utility and Drainage Easements. Declarant and its successors and assigns reserve the right to construct and maintain utilities on the streets and roads of the Property either above or below ground and to make all necessary slopes for cuts or fills upon the Commercial Lots or Commercial Units or Homesites as needed as determined by the Declarant. Declarant and/or assigns reserve perpetual utility easements under, over and across a strip ten (10) feet (unless otherwise noted on any recorded map, in which case said map shall govern) in width adjacent to and along the front, side and rear yard lines of each Commercial Lots or Commercial Units or Homesite for the purpose of placing, laying, erecting, constructing, maintaining and operating, or of authorizing the placement, laying, erection, construction, maintenance and operation of utilities (including, without limitation, sewage, water(including irrigation), storm drainage, culverts, sprinkler lines, natural gas lines, TV wires, irrigation lines, security wires, street lights, electricity, gas, cablevision, telephone and telegraph). Within these easement areas, no structure, planting or other material (other than sod) which may interfere with the installation and maintenance of underground utility facilities shall be placed or permitted to remain unless such structure, planting or other material was installed by the Declarant. The Association, its successors and assigns, are hereby granted access to all easements within where such underground facilities are located for the purpose of operation, maintenance and replacement thereof.

10.2 No Interest in Utilities. The interest conveyed by Declarant to any of said Commercial Lots or Commercial Units or Homesites by contract, deed or other conveyance, shall not in any event be held or construed to include the title to the water, gas, cablevision, sewer, storm sewer, electric light, power, telegraph and telephone lines, poles or conduits, or any other utility or appurtenances thereto constructed by Declarant, its agents, or by any utility company along or upon said Commercial Lots or Commercial Units or Homesites, or any part thereof, to serve said property. The right to sell, convey or lease water, sewer and other utility lines and their appurtenances erected by or on behalf of Declarant is hereby expressly reserved to Declarant.

10.3 Easement for Use of Streets. Declarant hereby grants, conveys and assigns and sets over to every Owner, his family, tenants or bona fide guests the non-exclusive right of ingress, egress and regress over, upon and across the streets within the Property and they shall have the use of said streets for access to and from public highways adjoining the properties. The Declarant and/or the Association reserves the right at any time hereafter to dedicate and convey such streets to any appropriate governmental body or to the public, or to the Homeowner's Association.

10.4 Master Electronic Reception Apparatus. With the prior written consent of the Association, which may be withheld at its sole discretion, master antennas, satellite dishes, or cable television facilities may be located upon certain portions of the Property by the Association. Any such antennas, satellite dishes and connections shall be maintained in good order and repair by the Association. To the extent required to effectuate the foregoing plan, there shall be an easement in favor of each Commercial Lots or Commercial Units or Residence Unit for the purpose of providing connection of the Commercial Lots or Commercial Units or Residence Unit with the cable television facility or the master antenna or satellite dish most convenient thereto. The Common Elements shall be subject to a further easement for the placement thereon by the Association of such master antennas, satellite dishes, cable television facilities and appurtenances, and for the installation and maintenance thereon of connections to serve any Commercial Lots or Commercial Units or Residence Unit. All of the foregoing easements are granted and reserved subject to the condition that their use and enjoyment shall not materially interfere with the use, occupancy or enjoyment of all or any part of the Commercial Lots or Commercial Units or Residence Unit and the Common Elements servient to such easements or to which such easements are appurtenant. No other mast, tower or pole or outside television antenna, satellite dish, aerial or pole shall be erected, constructed or maintained on any Commercial Lots or Commercial Units or Homesite or Residence Unit located in such a manner as to be visible from the Commercial Lots or Commercial Units or Homesite or outside of such Commercial Lots or Commercial Units or Residence Unit unless express approved by the Declarant.

10.5 Inspection and Maintenance. Any Member of the Board, or any other person authorized by the Board, shall have an access easement to all Common Elements for the purpose of inspection, maintenance, repair or replacement of any part of the Property.

10.6 Other Reserved Easements. There is hereby reserved easements as noted on the Planned Development for a jogging and/or walking trail.

ARTICLE 11

VARIANCES

11.1 Variances. The Architectural Review Board or the Declarant shall have power to and may allow reasonable variances and adjustments of these covenants, conditions and restrictions in order to overcome practical difficulties and prevent unnecessary hardships in the application of the regulations contained herein; provided, however, that such is done in conformity to the intent and purposes hereof; and, provided, also that in every instance such variance or adjustment will not be materially detrimental or injurious to other property or improvements located in the Property. Variances and adjustments may include, but not be limited to, height, size and setback requirements hereunder pursuant to the Policies and Procedures established by the Architectural Review Board. To be effective, a Variance must be recorded and indexed under the name of the Association and the Owner

ARTICLE 12

INSURANCE AND CASUALTY LOSSES

12.1 Insurance. The Board or its duly authorized agent shall have the authority to and shall obtain and maintain in effect insurance for all of the improvements which are a part of the Common Elements against loss or damage by fire or other hazards, including extended coverage, vandalism and malicious mischief, in an amount sufficient to cover the full replacement cost (subject to such “deductibles” as the Board may determine) of any repair or reconstruction in the event of damage or destruction from any such hazard. The Board shall also obtain and maintain in effect casualty and public liability insurance covering all Common Elements, such workmen’s compensation insurance as may be required by law, all insurance which it may be required or authorized to obtain according to any amendment to this Declaration (all of which insurance shall be in accordance with the provisions of this Declaration), and such other insurance as the Board may from time to time deem appropriate and fidelity bond coverage as specified in FNMA Lending Guides, Chapter 3, Part 5, Insurance Requirements. Premiums for all such insurance shall be an expense of the Association.

12.2 Policies. All policies shall be written with a company holding a rating of “AAA” or “AA” or better by Best’s Insurance Reports. All policies shall be for the benefit of the Association and its mortgagees as their interests may appear. The original of all policies and endorsements thereto shall be deposited with the Board. The exclusive authority to adjust losses under policies maintained by the Board shall be vested in the Board or its duly authorized agent; provided, however, that no mortgagee having an interest in such losses may be prohibited from participating in the settlement negotiations, if any, related thereto. In no event shall the insurance coverage obtained and maintained by the Board hereunder be brought into contribution with insurance purchased by individual Owners or their mortgagees. Provision shall be made for the issuance of a certificate of insurance to each Owner and his mortgagee, if any, which shall specify the proportionate amount of such insurance attributable to the particular Owner’s Commercial Lots or Commercial Units or Homesite or Residence Unit. The Board shall conduct an annual insurance review which shall include a replacement cost appraisal, without respect to depreciation, of all improvements on the Common Elements by one or more qualified persons, at least one of whom should be a qualified building cost estimator. It shall be the individual responsibility of each Owner, at his own expense, to provide, as he sees fit, title insurance, homeowner’s liability insurance, fire, casualty, theft and other insurance covering improvements, betterments and personal property damage and loss on his individual Commercial Lots or Commercial Units or Homesite and Residence Unit. The Board or its duly authorized agent shall be required to make every effort to secure insurance policies that will provide for the following: (I) a waiver of subrogation by the insurer as to any claims against the Board of Directors, its duly authorized agent, the Owners, and their respective tenants, servants, agents and guests; (ii) a waiver by the insurer of its right to repair or reconstruct instead of paying cash; (iii) that the policies cannot be canceled, invalidated or suspended on account of anyone or more individual Owners; that the policies cannot be canceled, invalidated or suspended on account of the conduct of any director, officer or employee of the Association, or its duly authorized agent, without a prior demand in writing delivered to the Association to cure the defect and the allowance of a reasonable time thereafter within which the defect may be cured by the Association, its agent or any Owner; (v) that any “other insurance” clause in the master policy exclude individual Owner’s policies from consideration.

12.3 Use of Proceeds. If the damage is confined to the Common Elements, such insurance proceeds shall be used by the Association to defray the cost of such repairs. If the cost of such repairs is less than the amount of such insurance proceeds, the excess shall be retained by the Association or its duly authorized agent and placed in the reserve maintenance fund or such other fund as may be established for the purpose of providing for the maintenance, repair and replacement of the Common Elements. If the cost of such repairs exceeds the amount of such insurance proceeds, such excess may be provided either by means of a special assessment levied by the Board against all Owners in proportion to each Owner’s share in the Common Elements or by means of an appropriation from the reserve maintenance fund or such other fund as may be established for the purpose of providing for the maintenance, repair and replacement of the Common Elements as the Board, in the exercise of its sole discretion, may determine.

ARTICLE 13

MAINTENANCE / REPAIR

13.1 Commercial Units/Buildings or Residence Units. Each Owner, at his own expense, shall keep all of their Commercial Lots or Commercial Units or Homesite and Residence Unit and all exterior walls, roofs, equipment and fixtures therein, landscaping, water, storm drainage, sanitary sewer and other utility lines serving only their Commercial Lots or Commercial Units or Residence Unit in good order, condition and repair and in a clean and sanitary condition, and shall be responsible for all redecorating and painting necessary to preserve or maintain the good condition and appearance of the Commercial Lots or Commercial Units or Residence Unit, the patios, terraces, balconies, verandas and storage facilities, if any, and all other improvements and landscaping located on the Commercial Lots or Commercial Units or Homesite. Each Owner shall also be responsible for all damages to any Commercial Lots or Commercial Units or Residence Unit or any of the Common Elements, which may result from the neglect, negligence, misuse or misconduct of such Owner, Members of his family, his or their tenants, guests, employees, agents, invitees or tenants, and the cost of repair of any such damage shall be charged to such Owner and shall be due and payable as provided in Article 6 hereof.

ARTICLE 14

CONDEMNATION

14.1 General. Whenever all or any part of the Common Elements of the Property shall be taken by any authority having the power of condemnation or eminent domain, each Owner shall be entitled to notice thereof and to participate in the proceedings incident thereto unless otherwise prohibited by law. The award made for such taking shall be payable to the Association.

14.2 Common Elements. If the taking includes any part of the Common Elements on which improvements shall have been constructed (other than those contained within any Commercial Lots or Commercial Units or Residence Unit) and if at least ninety percent (90%) of the total vote of the Association shall decide within sixty(60) days after such taking to replace said improvements, or any part thereof, on the remaining land included in the Common Elements and according to plans therefor first approved by the Association, then the Board of Directors shall arrange for such replacement. Alternatively, the Association shall treat the funds as a surplus.

ARTICLE 15

NOTICES

15.1 Form of Notice. Any notice required by the Act or by any of the documents shall be a written notice delivered to the recipient or mailed to him by United States mail, postage prepaid, at his last known address if the recipient is an individual, or addressed to the President of the Association, if the recipient is the Association or the Board. All notices delivered by mail shall be deemed to have been given as of the date and hour of the postmark thereon, or in the absence of such postmark, as of the date and time of mailing. The address of a Commercial Lots or Commercial Units or Homesite or Residence Unit Owner reflected on either the Moore County Tax Department records or the records maintained by the Secretary of the Association shall be the address of each Owner for making of all notices required from the Board or the Association, and it shall be the responsibility of each Owner to furnish the Secretary written notice of any error in such records or change of address.

15.2 Agent to Receive Service of Process. All notices, stipulations, writings or processes to be served upon the Association, or upon the Board shall be delivered to the Registered Agent of the Association or to the then acting President of the Association.

ARTICLE 16

TERM

16.1 Term. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2040, at which time said covenants shall be Automatically extended for successive periods of ten (10) years unless by vote of a Majority of the then Owners of the Commercial Lots or Commercial Units or Homesites covered by these or substantially identical covenants, it is agreed to change said covenants in whole or in part.

16.2 Covenants Running with Land. The provisions of this Declaration and related documents shall constitute covenants running with the land, binding on the undersigned, its successors and assigns, and on all subsequent Owners of any part of the Property, together with their grantees, successors, heirs, executors, administrators, devisees, lessees, subleases and assigns. By the acceptance of any deed or other document conveying or transferring any interest in a Commercial Lots or Commercial Units or Homesite or Residence Unit, the recipient thereof accepts and ratifies all covenants and restrictions contained herein and in the other documents. Each Commercial Lots or Commercial Units or Homesite or Residence Unit Owner, by the acceptance of said deed or other document, covenants and agrees each with the other that he will join in the execution of any and all documents which are deemed necessary by the Board to renew or

extend said covenants and restrictions from time to time and that any provision of law removing any limitation of time which would apply to this Declaration, if this Declaration were made after such provision of law becomes of effect, shall be deemed automatically to apply to this Declaration retroactively.

ARTICLE 17

ASSIGNMENT / AMENDMENT

17.1 Assignment. Any or all of the rights, powers and obligations, easements and estates reserved by or granted to the Declarant may be assigned by the Declarant as the case may be. Any such assignment or transfer shall be made by the appropriate instrument in writing in which the assignee or transferee shall join for the purpose of evidencing its consent to such assignment and its acceptance of the rights and powers, duties and obligations herein contained. Such assignee or transferee shall thereupon have the same rights and powers and be subject to the same obligations and duties as are herein given to the Declarant. After such assignment, Declarant shall be relieved and released of all obligations with respect to such rights, powers, obligations, easements or estates.

17.2 Amendments by Declarant. After the first conveyance of a Commercial Lots or Commercial Units or Homesite by Declarant, Declarant shall retain the right to make any of the following amendments, which may be effected by the Declarant without consent of the Owners: (A) The Declarant or Association may amend this Declaration to correct any obvious error or inconsistency in drafting, typing or reproduction. (B) The Declarant or Association shall have the right to amend this Declaration to conform to the requirements of any law or governmental agency having legal jurisdiction over the Property or to qualify the Property or any Commercial Lots or Commercial Units or Homesites and improvements thereon for mortgage or improvement loans made, insured or guaranteed by a governmental agency or to comply with the requirements of law or regulations of any corporation or agency belonging to, sponsored by, or under the substantial control of the United States Government, the State of North Carolina, Moore County or the Town of southern Pines regarding purchase or sale in such Commercial Lots or Commercial Units or Homesites and improvements, or mortgage interests therein, as well as any other law or regulation relating to the control of Property, including, without limitation, ecological controls, construction standards, aesthetics, and matters affecting the public health, safety and general welfare. © Any amendment allowed as a result of the exercise of any reserved Development Right or Special Declarant Right identified herein. Any amendments made pursuant to this section shall not affect the commercial, residential, mix use character of the Planned Community or the common plan or scheme for commercial, residential, mix use development. Any and all such amendments shall be recorded in the office of the Register of Deeds, and upon recording the same shall become effective with respect to the matter to which such amendment pertains. Other amendments which do not affect materially any rights of any then Owners or his mortgagee or any amendment necessary to effect compliance with any other law may be made by Declarant by recording the same in the foregoing manner at any time prior to the earlier of (i) the date on which Declarant certifies to the Association that all of the Commercial Lots or Commercial Units or Homesites have been conveyed to respective purchasers, or (ii) January 1, 2040. In the event that any such amendment does affect materially any rights of any then Owners or his mortgagee, such amendment shall be valid only upon the written consent thereto of all of the affected mortgages and fifty percent (50%) of the affected Owners of Commercial Lots or Commercial Units or Homesites or Residence Units theretofore conveyed by Declarant. Any such amendment shall be certified by Declarant as having been duly approved and shall be effective when recorded in the office of the Register of Deeds.

17.3 Amendments by Commercial Lots or Commercial Units or Residence Unit or Homesite Owners. At any time after the expiration of the Declarant Control Period, this Declaration shall be amended in the following manner:

17.3 Proposed Amendments. The Board or any Member of the Association may propose an amendment to this Declaration. Such proposed amendment must be submitted in writing to the Secretary of the Association at least twenty (20) days prior to the date of the special or regular Association meeting at which the proposal is to be considered.

17.5 Notice. A statement of the subject matter of the proposed amendment or amendments shall be included in the notice of any Association meeting at which the proposed amendments are to be considered.

17.6 Resolution. A resolution for the adoption of a proposed amendment may be proposed by any Member of the Association, including any officer of the Board. The resolution for adoption must be approved by the Members entitled to cast not less than sixty-six and two-thirds (66 2/3%) of the total authorized vote of the Association; provided, however, that any proposed amendment which would increase or decrease the percentage vote required to effect any action by the Association must be approved by Members having, in the aggregate, the larger of such percentage vote as theretofore required or as would thereafter be required if such amendment were approved.

17.7 Absentee Vote. Members not present at any meeting may vote by proxy or by written vote as provided in the Bylaws.

17.8 Proviso. Notwithstanding any other provision hereof, no amendment shall change the boundaries of a Commercial Lots or Commercial Units or Homesite or Residence Unit nor the share in the Common Elements

appurtenant to it, unless the record Owners of all Commercial Lots or Commercial Units or Homesites and/or Residence Units shall approve the amendment in writing, and so long as Declarant owns three or more Commercial Lots or Commercial Units or Homesites or Residence Units, no amendment may be made without the written approval of Declarant.

17.9 Execution and Recording. A copy of each amendment adopted pursuant to this Article shall be attached to an affidavit certifying that the amendment was duly adopted, which affidavit shall be executed by the President and attested by the Secretary in recordable form. The amendment shall be effective when such Amendment together with the Affidavit are filed for record in the Office of Register of Deeds.

ARTICLE 18

ENFORCEMENT

18.1 Violation of Covenants. If the parties hereto or the Owners, or any subsequent third parties, or their heirs, successors or assigns, shall violate or attempt to violate any of the covenants herein, it shall be lawful for any other person or persons owning any real property herein described or situated in The Planned Community and which is subject to these or substantially identical covenants to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant to prevent it, her, him or them from so doing and / or to recover damages or other expenses arising from said violation. In addition, the Association and to the limited extent provided in Article 4.2.3, shall have the authority, at their sole option and discretion, to enforce the terms, conditions and covenants recited herein; provided, however, neither the Board nor the Architectural Review Board have the specific obligation to enforce any covenants herein, and neither shall be liable for any failure to enforce said terms, covenants and conditions.

18.2 Invalidity. Invalidation of any one of these covenants or any part thereof by judgment or court order in no way affects any of the other provisions which shall remain in full force and effect.

18.3 Laws and Ordinances. These covenants shall be in addition to any laws, ordinances, governmental zoning or regulations which maybe applicable to the Property herein described, and in the event such laws, regulations or ordinances may be more restrictive than these covenants, said laws, regulations or ordinances shall control.

ARTICLE 19

REMEDIES FOR VIOLATIONS

19.1 All provisions, restrictions, conditions, easements, covenants, agreements, liens and charges herein shall be binding on all of the Commercial Lots or Commercial Units or Homesites within the Property and the Owners thereof, regardless of the source of title of such Owners, and any breach thereof if continued for a period of thirty (30) days [five (5) days in the event of an emergency situation] from and after the date that Declarant, the Association, or any other Owners shall have notified in writing the Owner or resident in possession of the Commercial Lots or Commercial Units or Homesite or Residence Unit upon which or as to which such breach has been committed to refrain from a continuance of such action and to correct such breach, shall warrant the Declarant, the Association or other Commercial Lots or Commercial Units or Homesite Owner, to apply to any court of law or equity having jurisdiction thereof for any injunction or other property relief, and if such relief be granted, the court may, in its discretion, award to the plaintiff in such action reasonable expense in prosecuting such suit, including reasonable attorney's fees.

19.2 Violations of any of the foregoing provisions, restrictions, conditions, easements, covenants, agreements, liens and charges shall not defeat or render invalid the lien of any mortgage or deed of trust made in good faith for value as to any Commercial Lots or Commercial Units or Homesite or portion thereof in the Property but such provisions, restrictions, conditions, easements, covenants, agreements, liens, and charges shall be enforceable against any portion thereof acquired by any person through foreclosure or by deed in lieu of foreclosure for any violation of the provisions, restrictions, conditions, easements, covenants, agreements, liens and charges herein contained occurring after the acquisition of said property through foreclosure, or deed in lieu of foreclosure.

ARTICLE 20

DECLARANT EXEMPTIONS

20.1 Notwithstanding any other language or provision to the contrary to this Declaration or in any of the other related documents, Declarant shall be exempt from the covenants, restrictions and provisions contained in herein, so long as Declarant owns one or more Commercial Lots or Commercial Units or Homesites or Residence Units. This exemption is granted for the purpose of allowing Declarant to complete improvements and complete the sale (or lease with option to purchase) of all Commercial Lots or Commercial Units or Homesites and Residence Units without restriction. Neither the Owner, the Association nor any use of the Property shall interfere with completion of construction of the buildings, the Commercial Lots or Commercial Units or Residence Units or other improvements, or with the sale of the Commercial Lots or Commercial Units or Homesites or Residence Units by Declarant. Declarant may make such use of the unsold

Commercial Lots or Commercial Units or Residence Units and Common Elements as may facilitate such completion and sale, including, but not limited to, maintenance of a sales office, model units, signs, storage areas, construction facilities and construction offices for the sale of the Commercial Lots or Commercial Units or Homesite and sale and construction of the Commercial Lots or Commercial Units or Residence Units covered by this Declaration.

ARTICLE 21

MISCELLANEOUS

21.1 Multiple Owners. If any Commercial Lots or Commercial Units or Residence Unit or Homesite shall be owned as tenants in common by two or more persons, such persons shall be jointly and severally liable for the Common Expenses assessed against such Commercial Lots or Commercial Units or Homesite or Residence Unit and for the prompt discharge of each and every obligation or duty imposed on such Owners by the Declaration and other governing documents.

22.2 Applicability to Third Parties. Each Owner of a Commercial Lots or Commercial Units or Homesite and each Owner, lessee, tenant or occupant of a Commercial Lots or Commercial Units or Residence Unit shall be bound to comply with the statutory provisions and shall comply with documents as the same maybe in effect from time to time and with the decisions, resolutions, rules and regulations of the Association, and Declarant as the same may be in effect from time to time, and failure to do so shall be grounds for an action to recover damages or to obtain injunctive and other equitable relief, or both.

22.3 Conveyance. Each Owner of a Homesite, by acceptance of a deed therefor, agrees that he has had full opportunity to inspect and examine same and waives any claim or demand which he might otherwise have had against the Declarant or any other person whomsoever as a result of any warranty, express or implied, or of any discrepancy between the Commercial Lots or Commercial Units or Homesite as it then exists and as it is described in this Declaration, filed plats, the supplemental plats, the architectural plans and specifications or any other instrument.

22.4 Perpetuities. In any of the covenants, conditions, restrictions or other provisions of this Declaration shall be unlawful, void or voidable for violation of the rule against perpetuities, then such provisions shall continue only until twenty-one (21) years after the date of the survivor of the now living descendants of Joe Biden, President of the United States, and Barack Obama, Donald Trump, Bill Clinton, Jimmy Carter, George W. Bush, and George H.W. Bush, former Presidents of the United States.

22.5 Severability. Invalidation of any of these covenants or restrictions by judgment or court shall in no way affect any other provisions, which shall remain in full force and effect.

22.6 Rights of Mortgagees. Any mortgagee holding a first mortgage on any Commercial Lots or Commercial Units or Homesite or Residence Unit may require that the loan documents evidencing and securing such loan contain provisions relating to reserve accounts for repairs and replacements, additional insurance, voting rights and such other matters as may be acceptable to the mortgagee and the Owner. However, such provisions shall be binding only as between such mortgagee and Owner and no such provision shall violate, restrict or modify the provisions of this Declaration and the other governing documents.

22.7 Declarant's Facilities. No Commercial Lots or Commercial Units or Homesite or Residence Unit Owner or any other person shall have any rights of any nature, express or implied, in any adjacent recreational or other facility owned by Declarant or other party not included as a part of the Property. Declarant shall have the unrestricted right at any time, and from time to time, to lease, mortgage or otherwise convey or encumber, modify, close, terminate, limit operations and the membership, expand and otherwise manage and control any such facilities and other property.

22.8 Inspection and Maintenance. If any Property, including any Commercial Lots or Commercial Units or Homesite or Residence Unit is not maintained as provided herein, Declarant shall have the right, but not the obligation, to maintain same and recover from the Association and the respective Owners at costs incurred in providing such maintenance. Any Member of the Board, Declarant's maintenance personnel, or any other person authorized by the Board, shall have reasonable rights of access to all Common Elements and Commercial Lots or Commercial Units or Homesites for the purposes of inspection, maintenance, repair or replacement of any part of the Property as provided in this section.

22.9 Waiver. The failure of the Association, the Declarant or any Commercial Lots or Commercial Units or Homesite or Residence Unit Owner to enforce any covenant, restriction or other provision of the documents shall not constitute a waiver of the right to do so thereafter.

22.10 Construction. If any provision, sentence, clause, phrase or word of this Declaration or any other Association document is judicially held invalid or unenforceable for any reason, such holding shall not be deemed to affect, alter, modify or impair in any manner any other provision herein or in said documents. Whenever the context so permits, the use of the plural shall include the singular, the singular the plural, and the use of any gender shall be deemed to include all genders. The captions used herein and in the other Association documents are solely to aid in the location of the various provisions, and in no way shall such captions be construed to limit or define the subject matter of such provisions.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed and attested by its duly authorized corporate officers, and its corporate seal, or a reasonable facsimile thereof, to be affixed, all at the direction and approval of its Directors, to be effective the day and year first above written.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

From: Pam Graham
To: "bbowles@nsengineering.com"
Cc: BJ Grieve; Jennifer Hunt
Subject: Architectural Reviews for Waterworks projects (SNC)
Date: Monday, May 9, 2022 4:25:00 PM

Good Morning Bryan. For clarification, the email I sent earlier was specific to the Waterworks Plus project and this one is Waterworks SNC. That being said, the comments are extremely similar, as you will see.

Our office received on 5/2/22 and has reviewed the application for an Architectural Compliance Permit for the project known as AR-13-22 Waterworks SNC. Pursuant to UDO §2.6 - Completeness Review and §2.26 - Architecture Compliance Permit and the applicable checklist contained in Appendix A of the Town of Southern Pines UDO, we have reviewed your application for completeness and found the application to be **incomplete for review**. Please provide the following information so that our office can process the application for the June 8, 2022 Town Council meeting which will be held at 450 W. Pennsylvania Avenue beginning at 6:00 pm.

1. UDO 4.10.4(A)(2) addresses the maximum spacing or distance between customer entries. The narrative submitted with the application responded by stating that the property is zoned PDD. However, unless a deviation from this requirement was specifically requested and granted in the approved CDP (rezoning) or during the PDP process, the requirement still applies. *Please clarify if the proposal will comply with Exhibit 4.-15, and if not, state the reason(s) why.*
2. UDO 4.10.4(B)(2) addresses the ratio of width to height of buildings in all districts except the CB and DTO Districts. Your narrative refers to the PDD regulations here also. Again, unless a deviation from this requirement was specifically requested and granted in the approved CDP (rezoning) or during the PDP process, the requirement still applies. *Please provide an appropriate response to the requirements in 4.10.4(B)(2) of the Town's UDO.*
3. The narrative's response to UDO 4.10.4(C) indicates that the building will not comply with the building material regulations, and will meet the regulation set forth in the PDD. The PDD does not create specific standards for building materials and did not constitute a deviation from the UDO requirements. *Please provide an appropriate response to the requirements in 4.10.4(C) of the UDO so that the application can be reviewed for compliance.*
4. The narrative's response to UDO 4.10.4(G)(3) only provides that the rooftop visible from the street will be standing seam metal, but does not address if the metal will be non-reflective. *Please clarify if the proposal meets this specific requirement so that the application can be reviewed for compliance.*
5. The narrative's response to UDO 4.10.4(H) only provides that the units will be screened but does not indicate if their location complies with the requirement that they not be located between the street and the building. *Please provide an appropriate response to this UDO requirements so that the application can be reviewed for compliance.*
6. UDO 4.10.4(D)(1) requires that windows be glazed in non-reflective, clear glass. Unless a deviation was granted in earlier approvals for tinted glass, this requirement

still applies. *Please provide an appropriate response to this UDO requirements so that the application can be reviewed for compliance.*

7. UDO 4.10.4(D)(3) applies to zoning districts other than the CB District. The statement in the narrative that the building is not located in the CB District is an inappropriate response to the requirements of this section of the UDO. *Please provide an appropriate response to this UDO requirements so that the application can be reviewed for compliance.*
8. UDO 4.10.4(G)(2) applies unless specific deviations to the requirements were granted in an earlier approval for this project. The statement that the building is in a PDD district is an inappropriate response to the requirements of this section of the UDO. *Please provide an appropriate response to this UDO requirements so that the application can be reviewed for compliance.*

Given the heightened scrutiny of late given to applications that are reviewed by Town Council, I feel obligated to point out to you the following items that have also been noted during the completeness review. Although they do not contribute to the application's lack of completeness, they will need to be addressed prior to the distribution of the staff report to Council in order to maximize your chances of approval.

1. The exterior building materials and overall design of the building in this proposal will likely bring about questions regarding compatibility. The approved CDP, in Section 2.2 – Vision states that architectural themes and design elements common to Southern Pines will be utilized. Additionally, Section 5.5.3 – Architectural Standards addresses consistency with regard to architectural standards within the development. With this proposal being the first incidence of new construction on the site, and the historic Waterworks building being the apparent precedent for guiding design decisions for the development, the disparity in design features when comparing the proposal with the existing conditions is dramatic and will require justification.
2. Per UDO 4.10.4(B)(3) the appearance of building segments may be created through a **combination** of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features. The narrative responds by stating that the building will have recessed window openings on both levels to the required offsets. This single feature, though repeated, does not meet the standard of a combination of features and does not result in the appearance of building segments.
3. Per UDO 4.10.4(B)(4) large scale retail structures shall comply with Section 4.10.6. While the immediate plans for the building are other than large-scale retail, please keep in mind that this option will not be available to you at a future time unless the building meets the requirements of 4.10.6.

Please also know that additional items may be identified once we move forward with our review of the proposal. We are certainly open to discussing this in greater detail with you following submittal of a complete application and as we begin to prepare for a presentation to the Council.

Pamela Graham, AICP
Principal Planner
Planning Department

Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: [Pam Graham](#)
To: ["Bryan Bowles"](#)
Cc: [BJ Grieve](#); [Jennifer Hunt](#); [Andy Bleggi](#); [Cheryl Melhorn](#)
Subject: RE: Waterworks Plus AR Response to Questions
Date: Friday, May 20, 2022 11:15:00 AM

Bryan et al,

This email response should be considered to apply to both the Waterworks Plus and Waterworks SNC submittals.

The question of what constitutes a complete application for Architectural Review has been the topic of much debate here internally, particularly the final item on the Architectural Compliance Permit Application Checklist, which calls for Additional Documentation – Additional text and/or maps provided to demonstrate consistency with the approval criteria in section 2.26. (the checklist mistakenly refers to 2.25, which is the Development Approval Revocation section, and needs to be updated to reference the correct section of the UDO).

Based on these internal discussions, I am deeming the applications to be complete. However, I want to be clear that the content of the original 5/2/22 application as well as the 5/11/22 resubmittal for both projects is wholly inadequate for determining compliance with the architectural standards of the UDO. In Section 2.6 – Completeness Review, the UDO states that “Additional information may be required by the Permit Issuing Authority to decide whether or not the Development, if completed as proposed, will comply with all of the requirements of this chapter. Failure to provide additional required information may result in application denial. The presumption established by this UDO is that all required application information is necessary”. (Please note that when the UDO uses the term “chapter”, it is referring to the entire development ordinance document, as it is a chapter of our code of ordinances).

There are multiple sections of the ordinance that I can cite to describe the intent of this process and the standards themselves, including to “assure respect for the character of the Town and reduce incompatible and adverse impacts on the community”, as stated in 4.10.2, which is located in the Development and Design Standards chapter, but I will focus on what stands out most to me as I attempt to review your submittal. Section 2.26.4 directs the application for architectural compliance to include information “in sufficient detail to enable the Council to evaluate compliance with the Commercial Design Standards and other applicable site Development requirements of the UDO”.

In short, your application does not achieve this, and places us all in a position of going to Council with applications for architectural compliance that provide inadequate information for which they are expected to render a decision. During the remaining period of time before June 1st when my staff reports must be complete, I will be reaching out in an attempt to gain the information that the Council will need and will expect. Should we arrive at the June 8th Council meeting with nothing more than what I currently have, which in large part amounts to statements referencing previous reviews of *conceptual* design and that detailed design will not be available until the developer has written the covenants and restrictions for the development, I will be in a position that I always wish to avoid, which is bringing a proposal to Council that I do not believe to be approvable. If detailed architectural design will not be available until covenants and restrictions are drafted, then what is the point of bringing the proposal to Council and asking them to approve an architectural compliance permit before the design standards for the development are complete? Please be aware that, per Section 2.26.3 (B), if the permit is denied by Council, a new application proposing the

same development for the same property may not be filed within six months of that decision.

Andy, I realize that I am the new kid on the block here and have certainly not been brought on board to make things more difficult for applicants. I worked with Bryan for several years in Aberdeen, and he may recall that I worked very hard to only take proposals to the planning board and the Town board there that they could say “yes” to. In my 8 years there, I only had one development proposal on which I recommended denial, on a case where the applicant refused to make adjustments in the design despite my urging. This record, which has continued since my time in Aberdeen, did not occur by accident, and was the result of working closely with developers to bring their proposals to an approvable state, based on the provisions of the ordinance. I truly do not want my first interaction with you to be a contentious one. I hope we can work together to also bring your proposal to an approvable state and that can be supported by staff, but I believe there is significant work to be done to achieve this. This site represents a tremendous opportunity for something special, and Southern Pines’ ordinance directs us in a manner that will help to achieve that.

I will be happy to meet with either, or both of you, at your request to discuss this in person. I will delve into the staff report early next week.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: Bryan Bowles <bbowles@nsengineering.com>
Sent: Wednesday, May 11, 2022 2:50 PM
To: Pam Graham <PGraham@southernpines.net>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Jennifer Hunt <jhunt@southernpines.net>; Andy Bleggi <andybleggi@gmail.com>; Cheryl Melhorn <cwmelhorn@aol.com>
Subject: Waterworks Plus AR Response to Questions

Pam:

Please see revised document for responses to you concerns.

Regards,
Bryan Bowles
Project Manager

Neal Smith Engineering, Inc.
139 Pinehurst Avenue – Suite C
Southern Pines, NC 28387

(O) 910-695-8825 ext. 304
(F) 910-695-8832

(M) 910-783-4745 [Voice, Email & Text]

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From: [Pam Graham](#)
To: ["Andy Bleggi"](#)
Cc: [Bryan Bowles](#); [Cheryl Melhorn](#); [Michael Bleggi](#); [Jennifer Hunt](#); [Cindy Williams](#); [BJ Grieve](#)
Subject: RE: Waterworks SNC & Waterworks Plus AR Application
Date: Wednesday, June 8, 2022 2:14:00 PM

I want to make a correction for the record to a statement in Bryan's calendar invitation for the July Council meeting, which of course is already on my calendar. I deemed the applications to be complete, not acceptable as he stated. This may be a semantic technicality, but as we have discussed some misunderstandings or differences in opinions regarding what is needed in order for the applications to be approved by Council, and I am being asked to state in writing that the applications are "complete" and/or "adequate", I want to be clear to avoid additional misunderstandings moving forward.

The applications have been deemed to be complete per our Architectural Compliance Permit Application completeness checklist in the UDO Appendices. I have not provided statements beyond that other than to point out deficiencies and will not until more is known during staff review of the proposal.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: Andy Bleggi <andybleggi@gmail.com>
Sent: Wednesday, June 8, 2022 12:57 PM
To: Pam Graham <PGraham@southernpines.net>
Cc: Bryan Bowles <bbowles@nsengineering.com>; Cheryl Melhorn <cwmelhorn@aol.com>; Michael Bleggi <michaelbleggi@gmail.com>; Jennifer Hunt <jhunt@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>; BJ Grieve <BJGrieve@southernpines.net>
Subject: Re: Waterworks SNC & Waterworks Plus AR Application

Thank you, please let us know as soon as possible so we can make sure we addressed all your concerns prior to the meeting. Thank You!

Sent from my iPhone

On Jun 8, 2022, at 12:30 PM, Pam Graham <PGraham@southernpines.net> wrote:

Andy, that wasn't Bryan's question and the completion criteria are very minimal as compared to "adequate for determination for compliance ...". We are juggling a great many project here and I haven't yet delved into the most recent information submitted by your team. So no, I cannot state that it addresses all of my concerns listed in the 5/20 email.

What I can tell you at this stage is that you and I continue to have a difference

of opinion as to whether your CDP allows a completely open-ended set of architectural standards to be applied to the project. I will know more when we get through a couple of major tasks here and can return my focus to yours.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: Andy Bleggi <andybleggi@gmail.com>
Sent: Wednesday, June 8, 2022 9:34 AM
To: Pam Graham <PGraham@southernpines.net>
Cc: Bryan Bowles <bbowles@nsengineering.com>; Cheryl Melhorn <cwmelhorn@aol.com>; Michael Bleggi <michaelbleggi@gmail.com>; Jennifer Hunt <jhunt@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>; BJ Grieve <BJGrieve@southernpines.net>
Subject: Re: Waterworks SNC & Waterworks Plus AR Application

Pam, To be clear, you now deem the application "Adequate" for determination for compliance for the AR portion and that we address all your concerns in your 5/20 email. Correct?

Thanks!

Sent from my iPhone

On Jun 8, 2022, at 9:23 AM, Pam Graham <PGraham@southernpines.net> wrote:

i
Good Morning Bryan. Both applications were deemed complete per the attached email dated 5/20. The item is currently scheduled for the July 6th Agenda Session meeting.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003

From: Bryan Bowles <bbowles@nsengineering.com>
Sent: Wednesday, June 8, 2022 7:03 AM

To: Pam Graham <PGraham@southernpines.net>
Cc: Andy Bleggi <andybleggi@gmail.com>; Cheryl Melhorn
<cwmelhorn@aol.com>; Michael Bleggi <michaelbleggi@gmail.com>;
Jennifer Hunt <jhunt@southernpines.net>; Cindy Williams
<CWilliams@southernpines.net>; BJ Grieve
<BJGrieve@southernpines.net>
Subject: Waterworks SNC & Waterworks Plus AR Application

Pam:

Please confirm that the applications as submitted are complete and will be on the ToSP Council Agenda for July.

Regards,
Bryan Bowles
Project Manager

Neal Smith Engineering, Inc.

139 Pinehurst Avenue – Suite C
Southern Pines, NC 28387

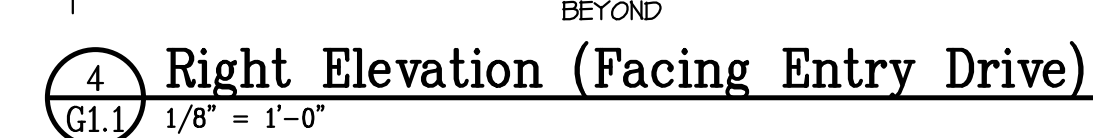
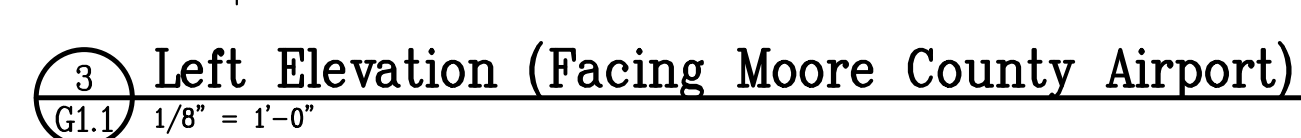
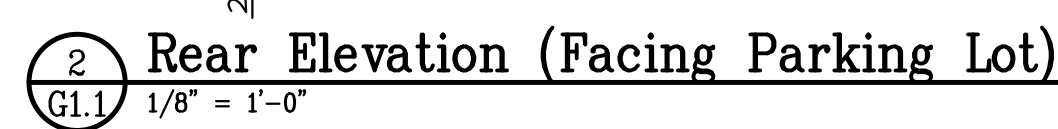
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(F) 910-695-8832
(M) 910-783-4745 [Voice, Email & Text]

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DRAWN BY: BKB SCALE: As Noted DATE: 10/14/21 JOB NUMBER: 21I2001 DRAWINGS KEY: G.I.		THIS DRAWING IS THE PROPERTY OF NEAL SMITH ENGINEERING, INC. AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.																					



Agenda Item

To: Reagan Parsons, Town Manager
From: Jennifer Hunt, Planner I
Subject: AR-17-22 Morganton Park Outparcel 1
Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

Ubuntu Developer LLC is requesting approval of an Architectural Compliance Permit for an approximately 7,000 square foot retail building located in the Planned Development known as Morganton Park South. The property to be developed is located on the southeast corner of West Morganton Road and Brucewood Road with Old Morganton Road on its southwest corner, lies within the Morganton Road Overlay. The subject property owner according to Moore County tax records is Ubuntu Developer, LLC.

II. PROJECT INFORMATION:

1. PARID 20200422; PIN 857100484800

2. Applicant:

Ubuntu Developer, LLC
Agent: William Spenser
978 Trinity Road
Raleigh, NC 27607

3. Owner:

Ubuntu Developer, LLC
PO Box 249
Southern Pines, NC 28388

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in Red:



Figure 2: Morganton Road Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Red:

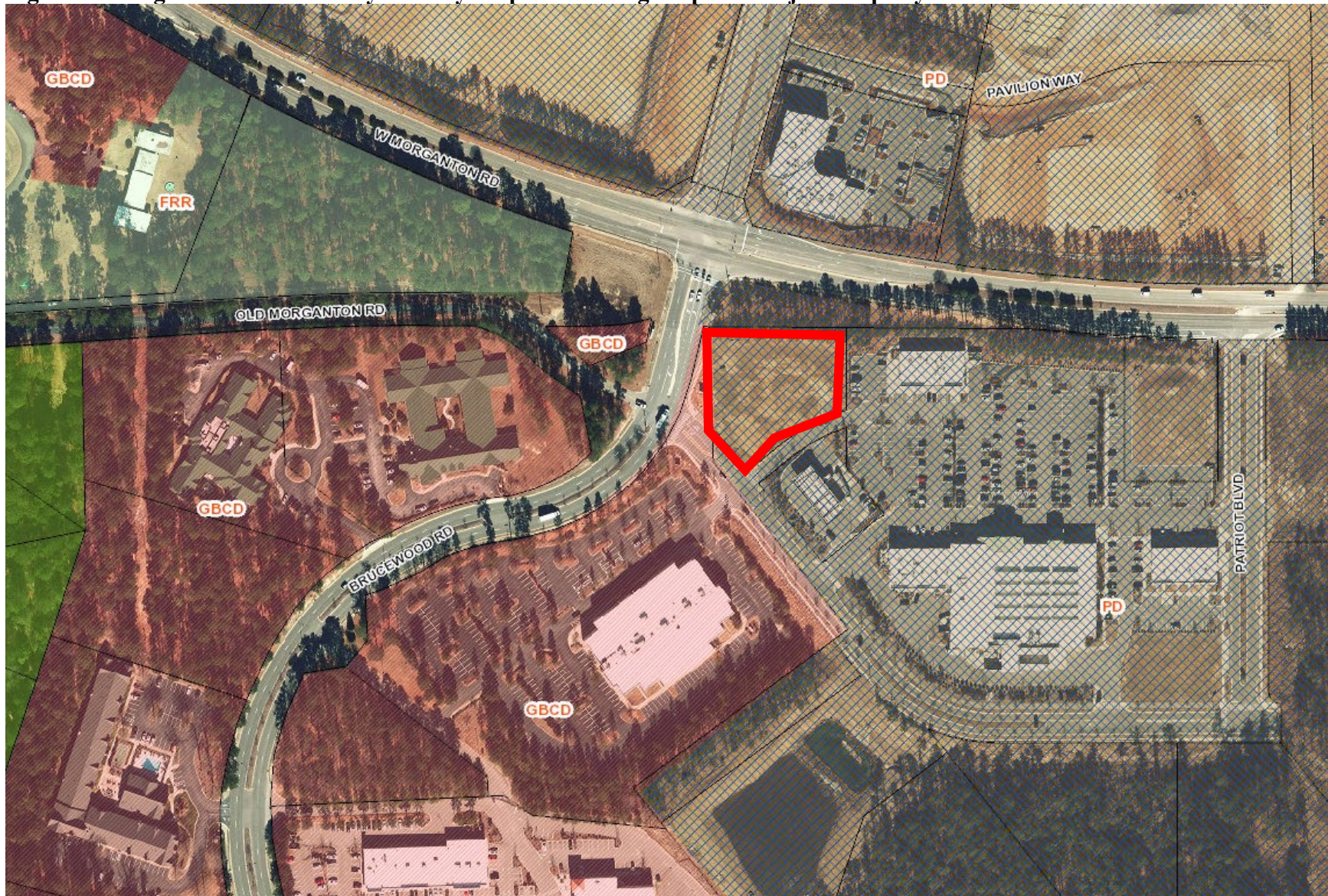
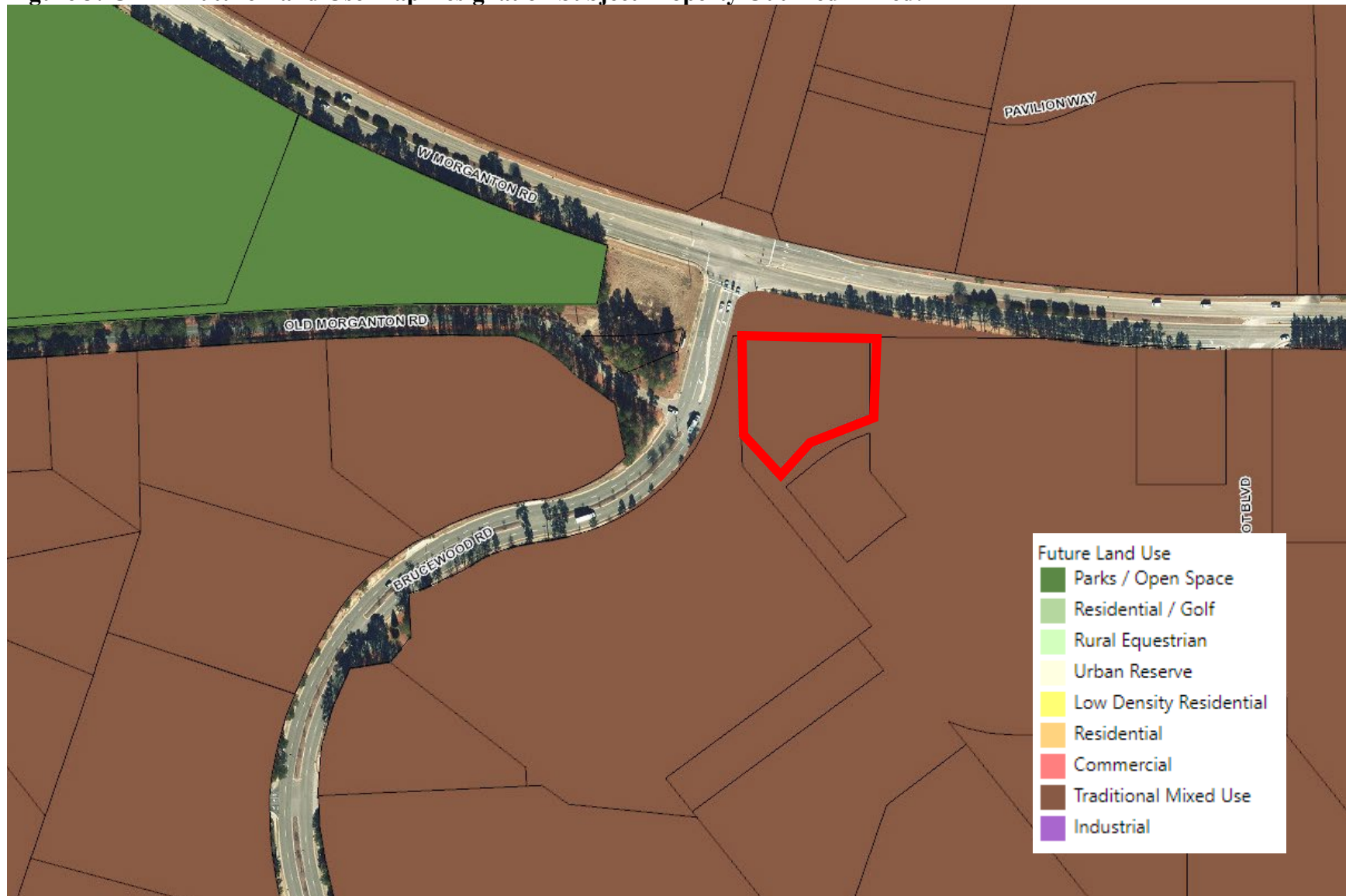


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red:



1. Comprehensive Long-Range Plan Designation:

The area is designated as Traditional Mixed Use on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). *The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.*

2. Zoning:

The parcel is currently zoned Planned Development (PD) (See Figure 1). This project is part of the Morganton Park Master Plan (internal file MRD-01-13, approved May 14, 2013) and defers to the Town of Southern Pines UDO for commercial architectural standards set forth in UDO Section 4.10.4. The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development.

III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: June 6, 2022

Application Complete: June 17, 2022

Town Council Agenda Meeting: July 6, 2022

Town Council Meeting: July 12, 2022

3. Criteria for Review:

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

1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
3. *The application is consistent with applicable conditions of prior Development approvals; and*

4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed development consists of a new 7,000 plus or minus square foot retail building. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.*

Requesting a Deviation:

- The highest order street is West Morganton Road, a state roadway with the next highest order street being Brucewood Road and Old Morganton Road which is a private street east of Brucewood Road. The front of the building faces the south side, which is consistent with the previously approved Morganton Park Master Plan in 2013, MRD-01-13. The orientation and front have been created that allow for multiple entrances along the pedestrian travel ways which is facing the parking lot, as consistent with the overall development. This will allow for the potential of outdoor seating and dining. The entrances are approximately 17 feet apart, which complies with Exhibit 4-15.
- UDO §4.10.4 (B) *states (2) in other districts, the width of buildings or building segments shall not be more than twice the building height. (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*

Generally Compliant:

- The length of the building is approximately 102 feet and the height of the building is 21 feet. The changes in rooflines create the building segments, which happens approximately every 22 feet to 35 feet.
- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls,*

exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.

Requesting a Deviation:

- The applicant states that the proposed design will utilize brick veneer as the primary material for the exterior facades to match the existing buildings at Morganton Park (Lowes Foods and the existing retail). The percentage of materials used along each side is listed below:

Front Side (South) Elevation:

- Brick = 35%
- Windows = 37%
- Doors = 0%
- EIFS = 17%
- Awnings = 10%

Right Side (East) Elevation:

- Brick = 63%
- Windows = 18%
- Doors = 3%
- EIFS = 10%
- Awnings = 6%

Left Side (West) Elevation:

- Brick = 67%
- Windows = 18%
- Doors = 0%
- EIFS = 10%
- Awnings = 4%

Rear (North) Elevation:

- Brick = 74%
- Windows = 0%
- Doors = 6%
- EIFS = 17%
- Awnings = 3%

- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.*

Generally Compliant:

- The applicant's windows and doors comprise of 37% of the street facing building facades, on the south side, between two (2) and ten

(10) feet above the grade of the building entry, which in compliance. The applicant states the windows will be glazed in non-reflective clear glass.

- UDO §4.10.4 (E) *states (1) Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts. (2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet. (3) Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council*

Requesting a Deviation:

- The applicant shows awnings and canopies, the amounts are listed below. The applicant states that the lowest point of the awnings over the sidewalk is 8 feet. Some awnings are canvas and some are pre-colored metal roofing and trim (labeled as “M1” on the elevation sheet). The metal awnings match the existing architecture that is onsite with the other retail buildings.

Front Side (South) Elevation:

- 2 (two) pre-finished standing seam metal roofing over sloped metal canopy.
- 2 (two) metal aluminum frame awning with hanger rod mount.

Right Side (East) Elevation:

- 1 (one) pre-finished standing seam metal roofing over sloped metal canopy.
- 1 (one) metal aluminum frame awning with hanger rod mount.
- 1 (one) canvas awnings over aluminum frame over the loading door.

Left Side (West) Elevation:

- 1 (one) pre-finished standing seam metal roofing over sloped metal canopy.
- 1 (one) metal aluminum frame awning with hanger rod mount.

Rear (North) Elevation:

- 5 (five) canvas awnings over aluminum frame

- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*

Generally Compliant:

- The applicant states there will be no galleries or arcades provided.

- UDO §4.10.4 (G) *states (2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet. (3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.*

Generally Compliant:

- The applicant states the roof will be non-reflective and concealed with vertical parapet walls with cornices. No bright colored roof material is proposed. The changes in parapet height occurs less than 100 feet.
- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

Generally Compliant:

- The applicant has stated that all HVAC mechanical units will be located on top of the ‘flat’ roof, screened by the vertical exterior wall parapets on all four sides. This matches the same system used at the other buildings already on site.
- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

Generally Compliant:

- The applicant states there is no vehicular garage door. There is a delivery area on the east side of the building as well as the loading door, which faces an interior lot line.
- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

Generally Compliant:

- The applicant shows many signs on the elevation plans. There is a Unified Sign Plan the applicant will have to follow. The applicant does not address signage in their narrative. However, the signage will need to be compliant with the Unified Sign Plan and UDO Section 4.6 at the time of issuance of sign permits.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4

4. Color Elevations
5. Existing Photos of Buildings Onsite

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 as well as the planned development zoning district purpose and development standards per UDO §3.5.14.

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

I move to:

1. Approve AR-17-22;
2. Approve AR-17-22 with the following conditions...
3. Deny AR-17-22;



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Proposed Retail Building - Outparcel 1
Street Address: Morganton Road, Southern Pines, NC 28387
PIN: 857100484800 Parcel ID: 20200422 Zoning: GB
Type of building (retail, office, etc.): Retail Total square footage: 7000sf +/-

Applicant:

Name: Ubuntu Developer LLC - Agent: William Spenser
Email: wspenser@rai-architects.com Phone: 919-413-2851
Mailing Address: 978 Trinity Road, Raliegh, NC 27607

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

Name(s): Sanjeev B.
Email: srm2750@gmail.com Phone: 540-435-63333
Mailing Address: 10205 US Hwy 15-501, Southern Pines, NC 28387

Date: JUNE 16, 2022

Applicant

1/12/22

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: PROPOSED RETAIL BUILDING - OUTPARCEL - 1
Street Address: MORGANTON WAD, SOUTHERN PINES, NC 28387
PIN: 857100484800 Parcel ID: 20200422 Zoning: GB
Type of building (retail, office, etc.): RETAIL Total square footage: 7000 ±

Applicant:

Name: UBUNTU DEVELOPER LLC - AGENT WILLIAM SPENCER
Email: WSPENCER@BAT-ARCHITECTS.COM Phone: 919-413-2851
Mailing Address: 978 TRINITY WAD, NC 27607

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

Name(s): SANJEEV B.
Email: SRM2750@GMAIL.COM Phone: 540-435-6333
Mailing Address: 10205 US HWY 15-501, SOUTHERN PINES, NC 28387

Date: June 3rd, 2022

Spencer Spencer

Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), UBUNTU DEVELOPER ^{LLC}, hereby appoint(s) WILLIAM SPENCER as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 6 day of JUNE, 2022.

UBUNTU DEVELOPER ^{LLC}

Property Owner

[Signature]

Property Owner

[Signature]

Agent

William G. Spencer, Architect

1/12/22

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

October 15, 2021 1:58:15 PM

Book: 5724 Page: 400 - 402 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$1,730.00

Instrument# 2021022866

Excise Tax \$1,730.00 Recording Time, Book and Page
 Parcel ID 20200422 PIN 857100484800
 Verified by _____ County on the _____ day of _____, 20____
 by _____

Mail after recording to: _____ Grantee

This instrument was prepared by: Charles E. Nichols, Jr. of Weatherspoon & Voltz LLP (without title examination)

Brief description for the Index: Parcel 1, PC17-712

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made this 13th day of October, 2021, by and between

GRANTOR

CPGKRE Pinehurst Lowes Outparcels, LLC,
 a North Carolina limited liability company

1330 St. Mary's Street, Suite 100
 Raleigh, NC 27605

GRANTEE

Ubuntu Developer LLC,
 a North Carolina limited liability company
 PO Box 249
 Southern Pines, NC 28388

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto

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.

the Grantee in fee simple, all of that certain lot or parcel of land situated in Guilford County, North Carolina and more particularly described as follows:

BEING ALL OF Parcel 1 as shown on that subdivision plat for CPGKRE Pinehurst Lowes, LLC prepared by McNeill Surveying and Land Planning, PLLC dated August 15, 2016 and recorded in Book 17, Page 712, Moore County, North Carolina, Registry.

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

The Property was acquired by Grantor by instrument recorded in Book 5397, Page 95, Moore County Registry.

A map showing the above described property is recorded in Plat Cabinet 17, Page 712, 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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

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

This property is conveyed subject to covenants, restrictions, easements and other matters of record affecting said property and to 2022 ad valorem taxes and taxes for subsequent years.

[SIGNATURE PAGE FOLLOWS]

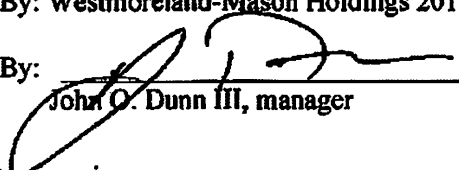
IN WITNESS WHEREOF, the Grantor has executed this instrument as of the day and year first above written.

CPGKRE Pinehurst Lowes Outparcels, LLC, a North Carolina limited liability company

By: CPG Ellison Pinehurst Lowes, LLC, its manager

By: CPG Pinehurst Lowes, LLC, its manager

By: Westmoreland-Mason Holdings 2015, LLC, its manager

By:  _____
John O. Dunn III, manager

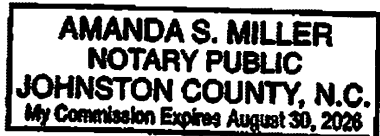
STATE OF North Carolina :
COUNTY OF Wake :

I certify that the following person personally appeared before me this day, acknowledging to me that to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: John O. Dunn III.

Date: 10/13/2021

[Affix Notary Seal]

Notary Public: A S Miller
Printed Name: Amanda S Miller
My Commission Expires: 8/30/2026





BAI-ARCHITECTS - 978 TRINITY ROAD - RALEIGH NORTH CAROLINA - 27607
919.859.7003 VOICE 919.859.7121 FACSIMILE

June 03, 2022

Town of Southern Pines
Architectural Review Board
180 SW Broad Street
Southern Pines, NC 28387

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road and Brucewood Road
Southern Pines, North Carolina 28387

Please find below our requested written narrative to illustrate how the proposed building and proposed project, for Morganton Park complies with the **Southern Pines Unified Development Ordinance, adopted October 8, 2013, Edits through April 12, 2022**

Southern Pines
Unified Development
Ordinance



2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

- (A) The application is consistent with applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district. in which the property is located;
- (C) The application is consistent with applicable conditions of prior Development approvals; and
- (D) The Development as proposed will be compatible with neighboring Development and has mitigated potential conflicts.

RESPONSE to Demonstrate Compliance: *Proposed development of the new commercial retail building on Out-Parcel 1, in our opinion is indeed consistent with the Comprehensive Plan, and confirms to the applicable commercial design standards as set for in the UDO. The proposed building and uses are consistent with the existing zoning of the property, and the addition of the proposed retail building is consistent and compatible with adjacent and existing buildings, both in form, material, shape and fashion, at the overall shopping center, known as Morganton Park Master Plan, previously approved in 2013, as MRD-01-13.*

June 03, 2022

Town of Southern Pines
Architectural Review Board

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road

4.10 Development Design Standards

4.10.2 Purpose and General Principles

The integration of proposed development, building, or site improvement into the existing fabric of the Town is of critical public concern. The intent of design requirements is to assure respect for the character of the Town and reduce incompatible and adverse impacts on the community.

- (A) Proposed development shall be located and configured in a manner that is visually harmonious with the terrain and vegetation of the Parcel and nearby Parcels.
- (B) The design and configuration of structures and their materials and colors shall be visually harmonious with the overall appearance, history and heritage of the Town.
- (C) Structures shall demonstrate the general principles of good design, including, but not limited to those dealing with form, mass, scale, height, texture and color. Specific consideration shall be given to compatibility with adjacent structures and neighborhoods and surrounding areas of the Town where the structures reflect the characteristics set forth in this section.

RESPONSE: *Proposed new Out-Parcel 1 retail development building is setback significantly from Morganton Road, to match the adjacent existing retail buildings. New landscaping will be planted on the site per the Town of Southern Pines landscape standards and a landscape buffer, meeting the requirements of the Highway Corridor Overlay District, will be established. The design and configuration of structures will be harmonious with the Town and meet the standards of this ordinance section. General principles of good design as described in the ordinance already in place at this Shopping Center, will be continued and reflected by this new addition at Out-Parcel 1.*

4.10.3 Site Design Requirements

(A) Building Continuity

- (1). Building along a block face shall provide a continuous frontage, particularly where maximum setbacks (build-to-lines) require buildings to be construction to the front property line. Building fronts may be recessed to allow courtyards and outdoor dining facilities as provided in this section.

RESPONSE: *Proposed design of the Out-Parcel 1 building will orient directly to pedestrian zones wide enough to accommodate foot traffic and/or provide opportunities for outdoor dining, along the front and side.*

June 03, 2022

Town of Southern Pines
Architectural Review Board

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road

4.10.4 Building Design Requirements

(A) Building Orientation and Entries

- (1) The front of buildings shall face and have the primary customer entry facing the street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block shall be required to have entries on each street frontage.
- (2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15.

RESPONSE: *Consistent with the previously approved Morganton Park Master Plan, previously approved in 2013, as MRD-01-13, the orientation and front of the proposed Retail Building has been created that allow for multiple entrances along multiple sides of the building to create flexibility. These entrances open on pedestrian travel ways, sidewalks and areas with potential for outdoor seating and dining. Maximum spacing between customer entries complies with 4-15.*

(B) Building Dimensions.

- (1) In the CB and DTO districts, buildings or building segments shall be taller than wide.
- (2) In other districts, the width of buildings or building segments shall not be more than twice the height.
- (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features, that create the appearance of building segments.
- (4) Large scale retail structures shall comply with Section 4.10.6.

RESPONSE: *Proposed design for the new Retail on Out-Parcel 1 is based on similar and adjacent building architecture, residing within the same overall Master Development at Morganton Park. Materials and colors, previously approved as AR-13-14, on November 12, 2014. This new building utilizes vertical Brick Veneer pilasters that repeat to break up the building facades into 'building segments'. These Brick Veneer pilasters are OFFSET to project out to further break up the building walls, and the changes in roof line by varying the building height, create and enhance the appearance, per the Code.*

June 03, 2022

Town of Southern Pines
Architectural Review Board

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road

(C) Building Materials

The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, case stone and stucco, may be used for accents, provided they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

- (1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.
- (2) Alternate materials satisfying minimum building code standard on walls that are screened and not visible from any public street, walkway or residential zoning district.

RESPONSE: Proposed design utilizes brick veneer as the primary material for the exterior facades. Note, the proposed exterior primary façade materials (brick) is chosen to match the existing buildings at Morganton Park (Lowes Foods and existing retail). No Alternative materials are proposed.

Note: See Exhibit A-1 (last page of this document for color photographs of existing adjacent retail building, previously reviewed and approved as AR-13-14, on November 12, 2014. This proposed new retail will match the existing in terms of materials, style, proportion, scale and context.

(I) Windows

- (1) Windows shall be glazed in non-reflective, clear glass.
- (2) The following standards apply in the CB district
 - (I) On a ground Floor a minimum of seventy percent (70) percent of the street-facing building facades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors. In the DTO district, this minimum requirement is forty (40) percent.
 - (b) On upper Floors....(N/A)
 - I Window height shall be at least one and one-half (1.5) times the width.
- (3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building facades between the elevations of two (2) and ten (10) feet above the grade of the building entry.

RESPONSE: Proposed design all buildings incorporates CLEAR non-reflective insulated glazing in aluminum frames. No mirrored or reflective glazing is proposed. All buildings are one (1) story, so there are no upper floor windows. Window area comprises more than 25 % of the building facades, facing street, and the storefront window height for the shops is full height from the sidewalk up to 10'-0".

June 03, 2022

Town of Southern Pines
Architectural Review Board

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road

(I) Awnings

- (1) Awnings are encouraged and may encroach over the sidewalk within the CD district and may encroach up to six (6) feet into any street side setback in other districts.
- (2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet.
- (3) Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically

RESPONSE: *Proposed designs for the new Out-Parcel 1 building have projected canopy-awnings on the building, providing cover for the storefront windows and cover for the pedestrians. The canopies are a combination of both pre-finished metal standing seam, to match the existing adjacent building architecture and also Canvas Awnings over the smaller shop doors, to create a texture and color variation to the project.*

(I) Galleries and Arcades

RESPONSE: *Not proposed.*

(G) Roofs

- (1) In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings.
- (2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in roofline shall be used to avoid uninterrupted plans of longer than two hundred (200) feet.
- (3) Shingles or standing seam, non-reflective metal shall be used to all roofs visible to public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

RESPONSE: *Proposed design accounts for variations in the parapet wall heights, so that they vary along the elevations, and along the walls so no section longer than 100 feet is not interrupted by variations in roof shape, form, height and/or material. Roofs visible to the public street and main parking areas will be sloped standing seam metal, non-reflective, and/or concealed with vertical parapet walls with cornices, per the ordinance. No bright colored roof material is proposed.*

June 03, 2022

Town of Southern Pines
Architectural Review Board

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road

(H) Mechanical Equipment

Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building.

RESPONSE: *Proposed design incorporates parapet wall screening for all four (4) sides of Retail for Out-Parcel 1.*

(I) Loading Zones and Garage Bays.

Garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with Sections 4.3.4 and 4.3.5.

RESPONSE: *Proposed design for the Retail for Out-Parcel 1 has the orientation of the Loading area (doors) and the loading area away from the Public Street, and both will be screened and buffered by vegetation (landscaping).*

Thank you for your consideration and input. We welcome the opportunity to work with you on this project and endeavor to bring a project to Southern Pines, that we can all be proud of for years to come.

Please let me know if you have any additional questions, or need additional clarification.

If you have any questions, or desire additional information, please let me know.

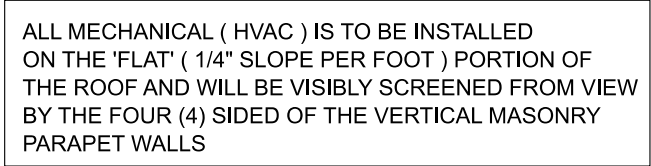
Sincerely yours,

BAI-Architects

William Spencer

William G. Spencer Jr.
Project Architect

cc: Ubuntu, LLC
Bell Manley
Crawford Design Company



June 03, 2022

Town of Southern Pines
Architectural Review Board

RE: Morganton Park Out-Parcel # 1 – New Retail Building
1798 Old Morganton Road

Exhibit A-1 – Photos of adjacent existing Retail Shops at Morganton Park.



RESOLUTION #1016 - CERTIFICATE OF SUFFICIENCY
AX-0-222: PSC SITE 3B

To the Town Council of the Town of Southern Pines, North Carolina;

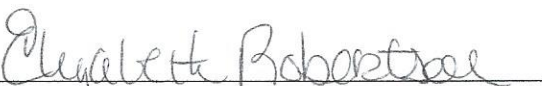
I, Elizabeth Robertson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

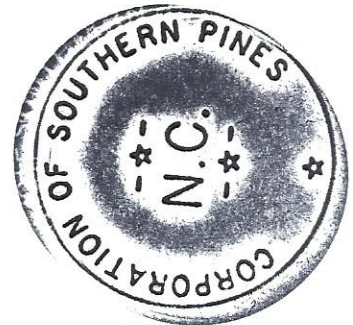
The petition contains an adequate property description of the area proposed for annexation, which is identified as follows: PIN 857100590566 (PARID: 20190271)

The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owner is listed as Morganton Park Realty, LLC.

The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 28th day of June, 2022.


Elizabeth Robertson, Town Clerk



Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: AX-02-22: Set a Public Hearing for Voluntary Annexation of Property Contiguous to the Corporate Limits of the Town of Southern Pines; 5.19 Acres; Petitioner: Charles Gregg

Date: July 12, 2022

I. SUMMARY OF APPLICATION REQUEST:

Charles Gregg, on behalf of Morganton Park Realty, LLC, is requesting voluntary annexation of a contiguous parcel that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcel is identified as PIN 857100590566; PARID 20190271 and is owned by Morganton Park Realty, LLC.

II. PRIOR TOWN COUNCIL ACTION:

During the June 27, 2022 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

III. PROJECT INFORMATION:

A. Physical Address:

West Morganton Road
Southern Pines, NC 28387

B. Property Owner/Applicant:

Morganton Park Realty, LLC/Charles Gregg, Executive Officer
5 First Village Drive
Southern Pines, NC 28387

C. Property Identification & Parcel Identification Number:

PIN 857100590566; PARID 20190271

D. Size of Property:

Total area: 5.19 acres

IV. STAFF COMMENTS:

- The applicant has submitted a Petition for Voluntary Annexation accompanied by a survey and a written metes and bounds description of the subject property.
- The written metes and bounds description of the area to be annexed has been approved by the Moore County Tax Mapper.
- The request is a voluntary request for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned PD (Planned Development). The adjacent properties are also zoned PD.
- At the June 27, 2022 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the Petition for Voluntary Annexation of the subject property.
- The purpose of this agenda item is for the Town Council to adopt a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- **Comprehensive Long Range Plan Analysis:**
 - The subject property is identified as “Traditional Mixed Use” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

“The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.”

Figure 1: Adjacent Property (Areas to be Annexed Outlined in Red)

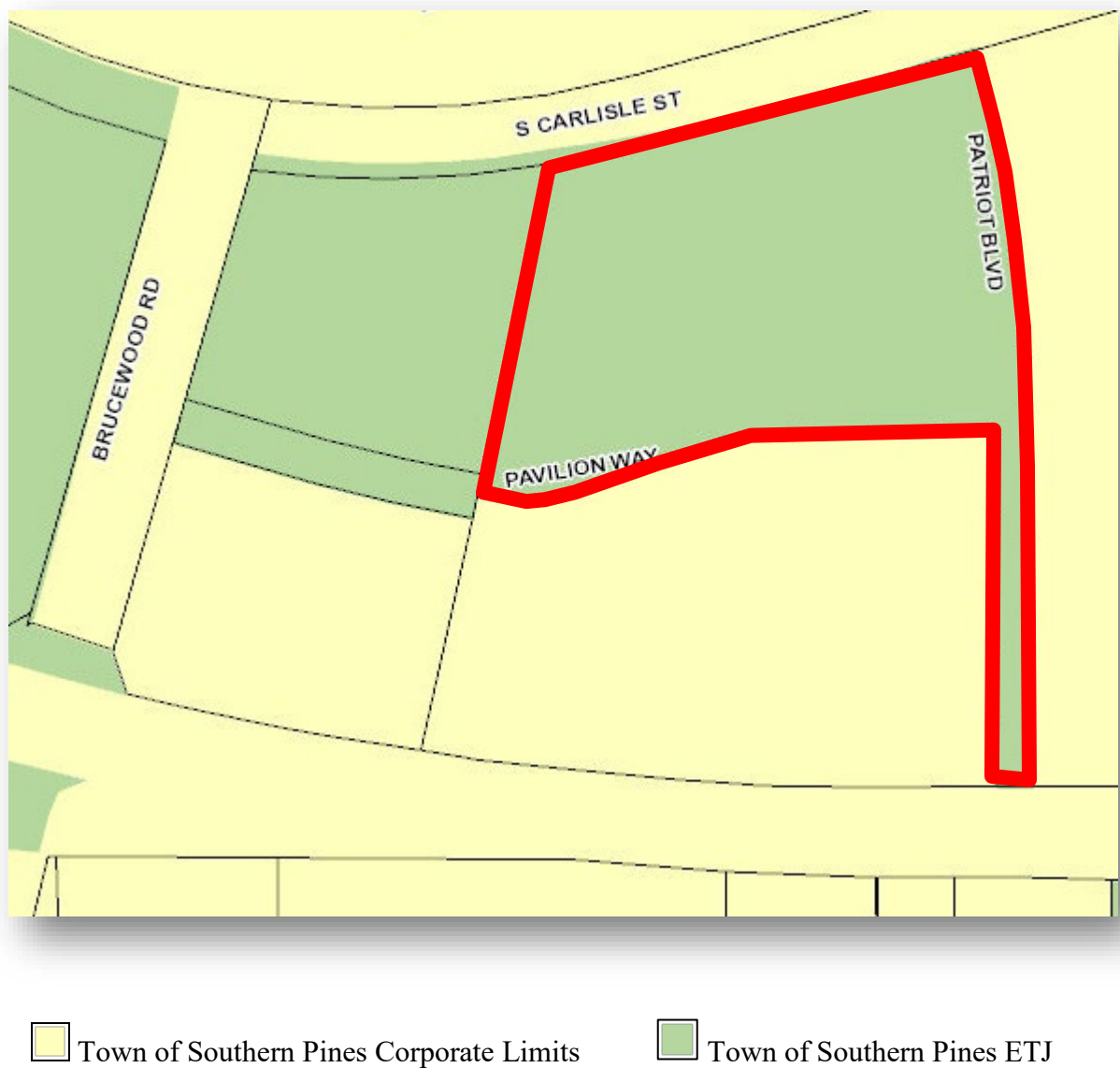
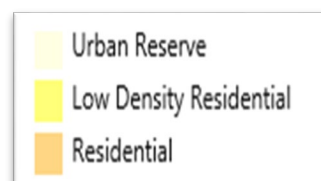
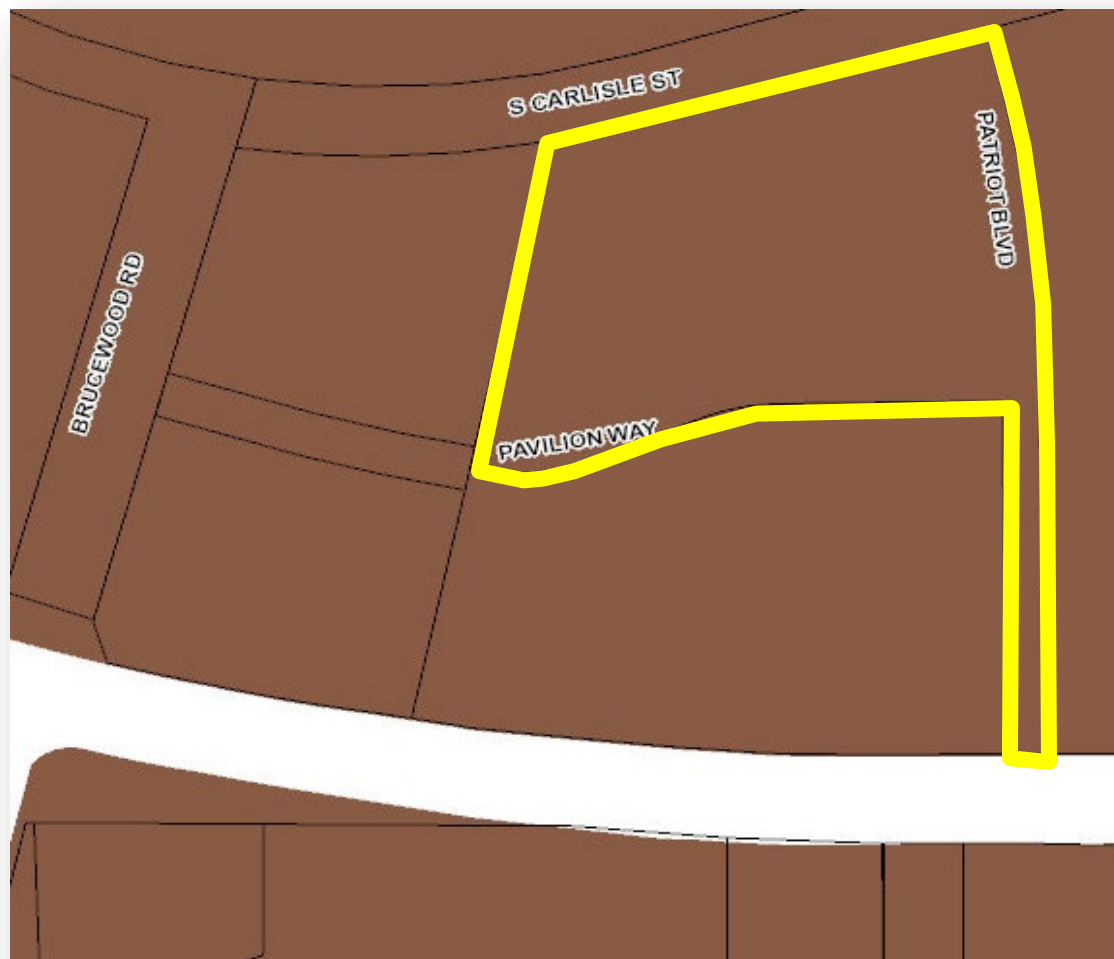


Figure 2: Zoning Map (Area to be Annexed Outlined in Blue)



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



V. ATTACHMENTS:

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

VI. TOWN COUNCIL ACTION:

Upon receiving a Certificate of Sufficiency from the Town Clerk, the Town Council may fix a date for the public hearing to consider the annexation request. The Town Council may choose one of the following motions, or any alternative they wish:

- 1) Per the Town Clerk's Certificate of Sufficiency, I move to adopt a Resolution establishing August 9, 2022 as the date of the public hearing for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-22.
- 2) **or-**
- 2) I move to not adopt a Resolution establishing August 9, 2022 as the date of the public hearing for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-22.

**PETITION FOR VOLUNTARY ANNEXATION OF REAL
PROPERTY CONTIGUOUS TO THE
TOWN OF SOUTHERN PINES, NORTH CAROLINA**



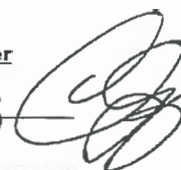
May 16, _____, 2022

**TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH
CAROLINA:**

- 1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Southern Pines, North Carolina, pursuant to G. S. 160A-31.**
- 2. The area requested to be annexed is contiguous to the Town of Southern Pines, and the boundary of such territory is described by metes and bounds as follows:**

A legal metes and bounds description of boundaries of annexation, or a legal metes and bounds description of boundaries must be included.

Name & Signature of Owner

Charles Gregg 

Address of Owner

5 First Village Drive P.O. Box 2000
Pinehurst, NC 28374

Two copies of the petition, an 11" x 17" map showing location and boundaries of the area requested to be annexed, a legal metes and bounds description and physical address for the property (new projects or properties that are being subdivided are to obtain address numbers from the Southern Pines Planning office while properties with existing structures are to obtain/confirm those addresses through the Southern Pines Fire Department) are to be filed with the Town Clerk, 125 S. E. Broad Street, Southern Pines, NC 28387.

LOT 3B
MORGANTON PARK REALTY, LLC

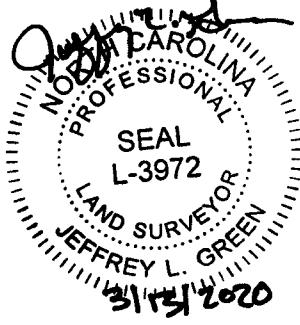
BEING ALL OF THE MORGANTON PARK REALTY, LLC TRACT (PID-20190271) LOT 3 DESCRIBED IN DEED BOOK 5210 PAGE 279 IN THE MOORE COUNTY REGISTRY, MCNEILL TOWNSHIP, SOUTHERN PINES; BOUNDED ON THE NORTH BY SOUTH CARLISLE STREET, THE EAST BY THE PINEHURST SURGICAL CLINIC REALTY TRACT, ON THE SOUTH BY WEST MORGANTON ROAD, ON THE WEST BY THE PINEHURST MEDICAL GROUP, LLC TRACT AND THE S & S PARTNERS, LLP TRACT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A .5" EXISTING IRON ROD IN THE SOUTH CARLISLE STREET SOUTHERN RIGHT-OF-WAY (80' ROW), SAID IRON ROD BEING THE NORTHEAST CORNER OF THE S & S PARTNERS, LLP TRACT DESCRIBED IN DEED BOOK 5081 PAGE 398 IN THE MOORE COUNTY REGISTRY THENCE WITH THE SOUTH CARLISLE STREET THE FOLLOWING CALLS; A CURVE TO THE LEFT HAVING A RADIUS OF 1085.21', A CHORD BEARING OF N 77°17'25" E A CHORD DISTANCE OF 103.52' TO A .5" EXISTING IRON ROD; THENCE N 74°26'37" E A DISTANCE OF 384.12' TO A .5" EXISTING IRON ROD, SAID IRON ROD BEING THE NORTHWEST CORNER OF THE PINEHURST SURGICAL CLINIC REALTY, LLC TRACT DESCRIBED IN DEED BOOK 5210 PAGE 301 IN THE MOORE COUNTY REGISTRY; THENCE LEAVING THE SOUTH CARLISLE STREET SOUTHERN RIGHT-OF-WAY WITH THE PINEHURST SURGICAL REALTY, LLC WESTERN LINE THE FOLLOWING CALLS; S 14°52'33" E A DISTANCE OF 65.47' TO A .5" EXISTING IRON ROD; THENCE A CURVE TO THE RIGHT, HAVING A RADIUS OF 1240.00', A CHORD BEARING OF S 07°49'19" E A CHORD DISTANCE OF 304.55' TO A .5" EXISTING IRON ROD; THENCE S 00°46'05" E A DISTANCE OF 54.64' TO A .5" EXISTING IRON ROD; THENCE S 00°46'05" E A DISTANCE OF 407.54' TO AN EXISTING IRON ROD IN THE MORGANTON ROAD NORTHERN RIGHT-OF-WAY (100' ROW), SAID IRON ROD ALSO BEING THE SOUTHWEST CORNER OF THE PINEHURST SURGICAL REALTY, LLC TRACT; THENCE WITH THE MORGANTON ROAD NORTHERN RIGHT-OF-WAY N 89°39'43" W A DISTANCE OF 40.01' TO A .5" EXISTING IRON ROD, SAID IRON ROD BEING THE SOUTHEAST CORNER OF THE PINEHURST MEDICAL GROUP, LLC TRACT DESCRIBED IN DEED BOOK 5297 PAGE 202 IN THE MOORE COUNTY REGISTRY; THENCE WITH THE PINEHURST MEDICAL GROUP, LLC TRACT THE FOLLOWING CALLS; N 00°46'05" W A DISTANCE OF 406.77' TO A .5 " EXISTING IRON ROD; THENCE S 89°13'55" W A DISTANCE OF 242.28' TO A .5" EXISTING IRON ROD; THENCE A CURVE TO THE LEFT HAVING A RADIUS OF 230.00', A CHORD BEARING OF S 78°32'26" W A CHORD DISTANCE OF 85.34' TO A .5" EXISTING IRON ROD; THENCE S 67°50'57" W A DISTANCE OF 118.83' TO A .5" EXISTING IRON ROD; THENCE A CURVE TO THE RIGHT HAVING A RADIUS OF 230.00', A CHORD BEARING OF S 85°12'49" W A CHORD DISTANCE OF 137.28' TO A .5" EXISTING IRON ROD IN THE CENTERLINE OF PAVILION WAY (50' ROW); THENCE N 12°34'40" E A DISTANCE OF 25.00' TO A .5" EXISTING IRON ROD, SAID BEING THE SOUTHEAST CORNER OF THE S & S PARTNERS, LLC TRACT; THENCE WITH THE EASTERN LINE OF THE S & S PARTNERS, LLC TRACT N 12°34'40" E A DISTANCE OF 354.95' TO THE POINT OF BEGINNING, HAVING AN AREA OF 5.19 ACRES.

I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED REFERENCES AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13TH DAY OF MARCH, A.D., 2020

Jeffrey L. Green
PROFESSIONAL LAND SURVEYOR

L-3972
LICENSE NUMBER



State of North Carolina
I, Theresa M. Thompson, Review Officer of Moore County,
North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.

Theresa M. Thompson
Review Officer

3/17/2020
Date

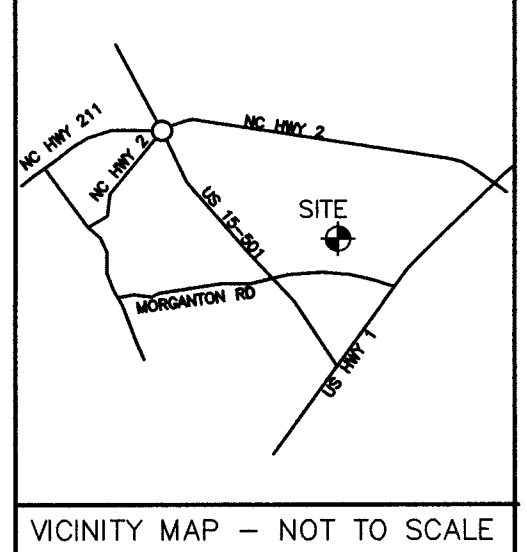
NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.

I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE SOUTHERN PINES WATERSHED PROTECTION ORDINANCE AND IS APPROVED BY MYSELF, AS AGENT FOR THE TOWN OF SOUTHERN PINES FOR RECORDING IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE.

Watershed Administrator

3/17/20
DATE

TITLE REFERENCE
PID 20190271
PIN 857100590364
DEED BOOK 5210 PAGE 279
MOORE COUNTY REGISTRY
FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
March 17, 2020 01:49:49 PM
Book 18 Page 450-450
FEE: \$21.00
INSTRUMENT # 2020004496

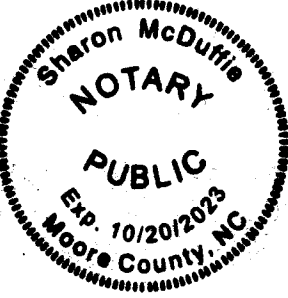


VICINITY MAP - NOT TO SCALE

STATE OF NORTH CAROLINA, MOORE COUNTY I, A NOTARY PUBLIC OF THE COUNTY AND THE STATE AFORESAID, CERTIFY THAT JEFFREY L. GREEN, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS DAY OF March 13, 2020.

SEAL OR STAMP

NOTARY PUBLIC
MY COMMISSION EXPIRES: 10-20-23

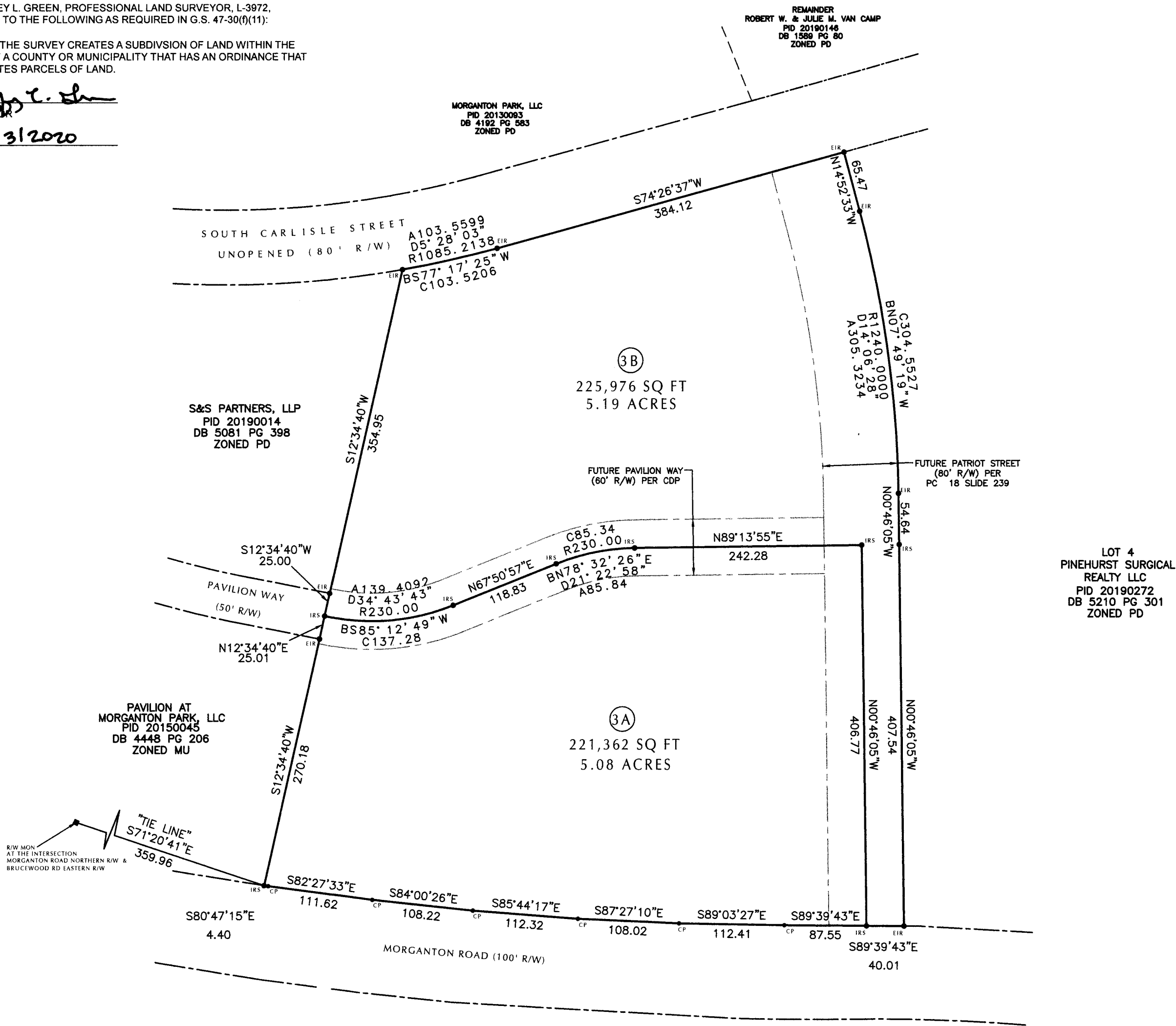


I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR, L-3972, CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30(9)(11):

a. THAT THE SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

Jeffrey L. Green
SURVEYOR

3/13/2020
DATE



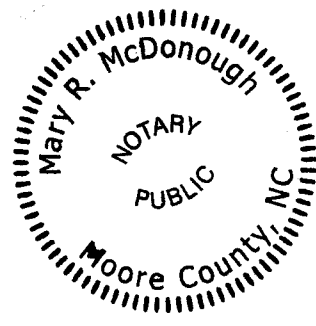
CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SOUTHERN PINES, THAT I HEREBY FREELY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE TO PUBLIC USE ALL AREAS SHOWN ON THIS PLAT AS STREETS, ALLEYS, WALKS, PARKS, OPEN SPACE AND EASEMENTS, EXCEPT THOSE SPECIFICALLY INDICATED AS PRIVATE AND THAT I WILL MAINTAIN ALL SUCH AREAS UNTIL THE OFFER OF DEDICATION IS ACCEPTED BY THE APPROPRIATE PUBLIC AUTHORITY. ALL PROPERTY SHOWN ON THIS PLAT AS DEDICATED FOR A PUBLIC USE SHALL BE DEEMED TO BE DEDICATED FOR ANY OTHER PUBLIC USE AUTHORIZED BY LAW WHEN SUCH OTHER USE IS APPROVED BY THE SOUTHERN PINES TOWN COUNCIL IN THE PUBLIC INTEREST.

Owner

3/17/2020
DATE

Mary R. McDonough
NOTARIZED
State of North Carolina
County of Moore
Commission Expires 03/02/2022



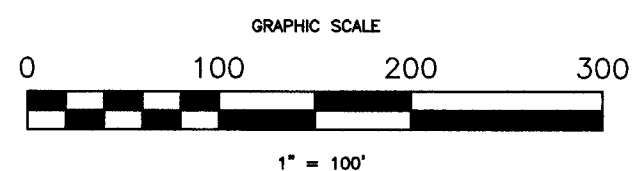
LEGEND
1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
2. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING CORNERS FOUND, EXISTING BOUNDARY EVIDENCE, AND DEEDS AND PLATS OF RECORD IN THE MOORE COUNTY REGISTRY.
3. ALL DISTANCES ARE HORIZONTAL DISTANCES.
4. ALL AREAS BY COORDINATE COMPUTATION.
5. GRID COORDINATES ESTABLISHED USING GPS METHODS USING OPUS.
6. THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 37108D700A WITH AN EFFECTIVE DATE OF 10/17/2008.
7. ZONING INFORMATION - ZONED PD (PLANNED DEVELOPMENT).
FOR SETBACK INFORMATION CONTACT THE TOWN OF SOUTHERN PINES PLANNING DEPARTMENT 910.692.4003

NOTES:

1. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT OF WAYS, AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.
2. ALL PROPERTY LINES AND CORNERS ESTABLISHED USING EXISTING CORNERS FOUND, EXISTING BOUNDARY EVIDENCE, AND DEEDS AND PLATS OF RECORD IN THE MOORE COUNTY REGISTRY.
3. ALL DISTANCES ARE HORIZONTAL DISTANCES.
4. ALL AREAS BY COORDINATE COMPUTATION.
5. GRID COORDINATES ESTABLISHED USING GPS METHODS USING OPUS.
6. THIS PROPERTY DOES NOT LIE WITHIN A DESIGNATED FEMA SPECIAL FLOOD HAZARD AREA PER FIRM NO. 37108D700A WITH AN EFFECTIVE DATE OF 10/17/2008.
7. ZONING INFORMATION - ZONED PD (PLANNED DEVELOPMENT).

CPGKRE PINEHURST LOWES, LLC
PID 98000750
DB 4484 PG 354
ZONED PD

MINOR SUBDIVISION PLAT OF
LOTS 3A & 3B MORGANTON PARK
MCNEILL TOWNSHIP, TOWN OF SOUTHERN PINES
MOORE COUNTY, NORTH CAROLINA
MARCH, 2020 SCALE 1"= 100'
FIELD SURVEY- FEBRUARY, 2020



OWNER: MORGANTON PARK REALTY, LLC
5 FIRST VILLAGE DRIVE
PINEHURST, N.C. 28374
SURVEYOR: JEFFREY L. GREEN, PLS
140 AQUA SHED COURT
ABERDEEN, N.C. 28315
(910) 975-2306

**TOWN OF SOUTHERN PINES RESOLUTION #1017
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION APPLICATION
AX-02-22; PSC Site 3B**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on August 9, 2022.

Section 2. The area proposed for annexation is described as follows:

Property Owners/Applicants:

Morganton Park Realty, LLC/Charles Gregg, Executive Officer
Southern Pines, NC 28387

Property Identification Number (PIN) and Parcel Identification:

PIN: 857100590566; PARID: 20190271

Size of Property:

Total Acreage: 5.19 acres

Meets & Bounds Description:

Being all of the Morganton Park Realty, LLC Tract (PID-20190271) Lot 3 described in Deed Book 5210 Page 279 in the Moore County Registry, McNeill Township, Southern Pines; Bounded on the north by South Carlisle Street, the east by the Pinehurst Surgical Clinic Realty Tract, on the south by West Morganton Road, on the west by the Pinehurst Medical Group, LLC Tract and the S&S Partners, LLP Tract and more particularly described as follows:

Beginning at a .5" existing iron rod in the South Carlisle Street southern right-of-way (80' ROW), said iron rod being the northeast corner of the S&S Partners, LLP Tract described in Deed Book 5081 Page 398 in the Moore County Registry thence with the South Carlisle Street the following calls; a curve to the left having a radius of 1085.21', a chord bearing of N 77°17'25" E a chord distance of 103.52' to a .5" existing iron rod; thence N 74°26'37" a distance of 384.12' to a .5" existing iron rod, said iron rod being the northwest corner of the Pinehurst Surgical Clinic Realty, LLC Tract described in Deed Book 5210 Page 301 in the Moore County Registry; thence leaving the South Carlisle Street southern right-of-way with the Pinehurst Surgical Realty, LLC western line the following calls; S 14°52'33" E a distance of 65.47' to a .5" existing iron rod; thence a curve to the right, having a radius of 1240.00', a chord bearing of S 07°49'19" E a chord distance of 304.55' to a .5" existing iron rod; thence S 00°46'05" E a distance of 54.64' to a .5" existing iron rod; then S 00°46'.05 E a distance of 407.54' to an existing iron rod in the Morganton Road northern right-of-way (100' ROW), said iron rod also being the southwest corner of the Pinehurst Surgical Realty, LLC Tract; thence with the Morganton Road northern right-of-way N 89°39'43" W a distance of 40.01' to a .5" existing iron rod, said iron rod being the southeast corner of the Pinehurst Medical Group, LLC Tract described in Deed Book 5297 Page 202 in the Moore County Registry; thence with the Pinehurst Medical Group, LLC Tract the following Calls; N 00°46'05" W a distance of 406.77' to a .5" existing iron rod; thence S 89°13'55" W a distance of 242.28' to a .5" existing iron rod; thence a curve to the left having a radius of 230.00', a chord bearing of S 78°32'26" W a chord distance of 85.34' to a .5" existing iron rod; thence S 67°50'57" W a distance of 118.83' to a .5" existing iron rod; thence a curve to the right having a radius of 230.00', a chord bearing of S 85°12'49" W a chord distance of 137.28' to a .5" existing iron rod in the centerline of Pavilion Way (50' ROW); thence N 12°34'40" E a distance of

25.00’ to a .5” existing iron rod, said being the southeast corner of the S&S Partners, LLC Tract; thence with the eastern line of the S&S Partners, LLC Tract N 12°34’40” E a distance of 354.95’ to the point of beginning, having an area of 5.19 acres.

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 9th day of August, 2022.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

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 August 9, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

DRAFT



MINUTES

Monday, June 27, 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.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider Appointing Audrey Wiggins to Bicycle & Pedestrian Advisory Committee with a Term to Expire June 27, 2025

Audrey Wiggins, a resident of in the Town's ETJ, has submitted an application fill the vacant seventh seat on the BPAC. Her appointment will be for a full three-year term, to expire on June 27, 2025.

Mayor Haney reviewed the item.

Councilmember Pate moved to approve the appointment of Audrey Wiggins to the Bicycle & Pedestrian Advisory Committee, seconded by Mayor Pro Tem Murphy: the vote was unanimous. Motion passed.

b. Consider FY 22-23 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. As discussed at the May work session, Executive Director Natalie Hawkins has requested that the Town consider entering into a contract to formally define these services, the Town's financial obligations, and other relevant details.

Mayor Haney gave a brief overview of the item.

Councilmember Clement moved to approve the FY 22-23 Partners in Progress Agreement, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

c. Consider Resolution #1015: Direct Clerk to Investigate AX-02-22, Pinehurst Surgical Lot 3B

Morganton Park Realty, LLC is petitioning the Town of Southern Pines for annexation of approximately 5.19 acres of land located on the southeast corner of Brucewood Road and South Carlisle Street. The first step in the annexation process is for the Town Council to direct the Town Clerk to investigate the sufficiency of the petition and certify the result, per NCGS 160A-31(c).

Planning Director BJ Grieve gave an overview of the application.
Discussion ensued.

Councilmember Pate moved to adopt Resolution #1015 directing the Clerk to investigate the petition received for the voluntary annexation of property as defined in the submitted written metes and bounds description under application AX-02-22. Seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion Passed

d. Consider Written Decision for PD-02-22 Ace Hardware PDP

Staff has prepared a formal Written Decision document for the application PD-02-22 Ace Hardware PDP that was approved by the Town Council at the June 14th meeting.
Planning Director Grieve reviewed the item for the Council.

Councilmember Pate moved to approve the Written Decision for PD-02-22 Ace Hardware PDP as prepared by the Town staff, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

e. Consider Written Decision for SU-03-22 Murray Hill Pines

Staff has prepared a formal Written Decision document for the application SU-03-22 Murray Hill Pines that was approved by the Town Council at the June 14th meeting.
Planning Director Grieve gave an overview of the written decision.
Discussion ensued.

Councilmember Clement questioned the wording of Finding of Fact #3 Item #4 regarding the fence type.

Discussion ensued and it was agreed that on Finding of Fact #3 Item #4 the wording be changed from '*The fencing shall not be chain link fence*' to '*The fencing shall be code compliant*'. This correction shall be hand written in before signing.

Councilmember Pate moved to approve the Written Decision for SU-02-22 Murray Hill Pines with the change to Finding of Fact #3 Item #4, seconded by Councilmember Clement; the vote was unanimous.
Motion passed.

4. COUNCIL UPDATES AND DISCUSSION

b. Town Council Meeting Protocol

Opportunity for Council to discuss meeting time limits, placement of public comment, and any other items related to their meetings.

Councilmember Clement feels after the initial change in the Public Comment portion, the meetings seem to be moving smoother.

Councilmember Pate agreed with having the public comment period at the beginning of the business meetings and doesn't feel we should put a time limit on the meeting itself.

Councilmember Petersen doesn't feel the Council is at it's best when the meetings run so long.

Mayor Pro Tem Murphy feels that both the public comments and the meeting time limit can be better managed by participants self-editing their remarks.

Discussion ensued.

There was consensus that there will be no changes to the current meeting structure at this time and that the Council will revisit the issue in six months.

c. Discussion Regarding Building Heights and Number of Floors

Council will have an opportunity to discuss the January amendment to the UDO regarding maximum building height and floors.

Town Manager Parsons clarified that the January UDO amendment did not change the maximum building height, but that the maximum number of floors was addressed.

Discussion ensued.

There was consensus that Planning Director Grieve will bring examples of how buildings could look with the current UDO parameters to the August 2022 Work Session for Council to review.

d. Logo and Branding Initiative

Staff would like to discuss some factors and timelines that may lend well to launching a branding initiative, with the intent of developing an updated logo and brand for Southern Pines.

Assistant Town Manager Jessica Roth presented an overview of the item to the Council. Staff recommends that Council consider a rebranding initiative, with the intent of developing a new logo for Southern Pines, as part of the community engagement process for the CLRP.

Discussion ensued and there was consensus that combining the two efforts would allow for widespread community involvement and save in overall costs.

The Council expressed support and directed staff to move forward.

a. Update Regarding Legal Services for the Town

Town Attorney Doug Gill has shared with Council that he is beginning to plan for his eventual retirement. Mr. Gill and Councilmember Bill Pate will share some updates on the next steps in securing the next Town Attorney.

Item 4a moved to the end of the meeting.

Mayor Pro Tem Murphy moved that the Council enter into closed session, pursuant to G.S. 143-318.11(a)(6), to consider the appointment or conditions of initial employment of an individual public officer. Seconded by Councilmember Pate, the vote was unanimous and Council entered closed session at 4:34 pm.

Motion passed.

Upon motion by Councilmember Petersen, seconded by Councilmember Pate, and voted upon unanimously, the Council exited closed session at 4:55 pm.

5. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Pate and carried unanimously, Council adjourned at 4:55 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Wednesday, June 8, 2022: 6:00 PM

Town Council Agenda Meeting

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

1. CALL TO ORDER

Mayor Haney called the meeting to order at 6:00pm. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; and Ann Petersen. Councilmember Bill Pate was absent.

Mayor Haney thanked everyone involved with staffing the Womens U.S. Open at Pine Needles last week.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

Town Manager Parsons informed Council that with the exception of items 3a and 3f, all applications require a quasi-judicial hearing and discussions should be reserved for the hearing on June 14th. He also informed the Council that both the applicant and the opposing parties for PD-04-22 have requested that the hearing be postponed to July. Town Manager Parsons stated that since the hearing has already been opened, the Council can take this action during the meeting on June 14th. There was not any opposition to this request from the Council.

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

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

b. 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.

c. 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.

d. 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.

e. Second Public Hearing FY 22-23 Annual Budget

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

4. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

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

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

Town Planner I, Jennifer Hunt, reviewed the application and provided details on the deviations requested by the applicant.

Ms. Casey King of Caviness and Cates Homes spoke on behalf of the applicant and provided more details about the reasoning behind the requested deviations.

The Council asked various questions of Ms. King. There was general consensus from Council that it would be preferable for the applicant to make revisions to the plans to conform with the UDO rather than designing with the need for deviations. There was consensus between the Council and the applicant that the decision would be postponed to July.

b. AR-15-22 Patrick's Pointe

An Architectural Compliance Permit for multiple new 12-unit, 16-unit and 24-unit apartment buildings totaling 240 units, multiple new townhome-style buildings containing a total of 26 units, a new clubhouse building and new garage buildings all located within a new multi-family residential development called Patrick's Pointe. The 25.6-acre development is adjacent to the east side of US Highway 1, approximately between

Midland Road on the north and West Connecticut Avenue on the south. The applicant is Kerry Finley of Finley Design, on behalf of VG Pines Residential LLC, a subsidiary of 1700 LLC.

Councilmember Petersen stated her preference to defer decisions regarding the architecture or site until the Council had reviewed the pending requests for right-of-way abandonment. The Mayor and other Councilmembers expressed consensus to move forward with the architectural review.

Principal Planner Pamela Graham reviewed the application and provided details on the deviations requested by the applicant.

Architect Kerry Finley spoke on behalf of the application.

Some members of Council stated their displeasure at being asked to approve deviations to the UDO given the specificity of recent approvals for this property. Mr. Finley stated the goal is to provide a high-quality design and was attempting to show Council some options that they felt were more attractive.

The Council asked Mr. Finley to work with Planning staff to modify the design before Council considers the application. There was consensus between the Council and applicant that the decision will be postponed to July.

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

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

Town Manager Parsons stated that Code Enforcement Officer Lisa Webb asked the property owner to provide a contract and the property is not currently under contract. Mayor Pro-Tem stated that while he was interested in evaluating the historic value of the property, it is clear that the property is not safe and community residents are concerned

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

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

John and Lindsay Baker of 760 N. Ridge Street, spoke on behalf of their application. The Council asked them to address a few questions and return to the meeting on June 14.

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

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

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

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

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

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

h. 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.

Assistant Town Manager Jessica Roth reviewed some requested revisions to the fee schedule related to the swimming pool and Douglass Community Center. There was consensus to leave resident fees the same at the swimming pool, with the exception of adding some passes for purchase. Council expressed consensus to increase non-resident fees to \$3 for youth and \$6 for adults. Staff will return with appropriate pass fees based on these final daily fees. Lastly, there was consensus to increase the rental fees at all facilities as recommended by staff.

5. REVIEW PROPOSED CONSENT AGENDA FOR BUSINESS MEETING

Town Manager Parsons reviewed the proposed consent agenda. There was consensus to move forward as proposed, with the addition of the audit contract.

a. Bicycle and Pedestrian Advisory Committee Appointments

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

b. Adoption of the 2021 Local Water Supply Plan

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

c. Approve Town Council Meeting Minutes for May 2022

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

d. Adopt Various Ordinances 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.

e. 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.

f. 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.

g. Approve Various Ordinances 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

h. Approve Resolution #1012 to Appropriate System Development Fees

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

i. 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.

j. 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.

k. 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.

l. Approve Resolution #2014 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.

6. ADJOURNMENT

Councilmember Clement reminded everyone who was interested in attending the June 9th Historic District Commission meeting that it has been moved to the Douglass Community Center.

Councilmember Petersen motioned to adjourn, which was seconded by Councilmember Clement. The vote was unanimous. The meeting adjourned at 8:06 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk