AGENDA

Tuesday, August 9, 2022: 6:00 PM
Town Council Business Meeting
Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PUBLIC COMMENTS

5. PUBLIC HEARINGS

a. Continuation of Public Hearing for 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 August 9, 2022.

b. Public 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.

c. Public Hearing for SU-04-22: Boles Funeral Home Addition

On behalf of Boles Family LLC, Mr. John Heckethorn with Heckethorn Architecture, PLLC, has submitted an application for a Special Use Permit for the construction of a 340 square foot addition to the existing structure serving the funeral home business. A special use permit is required due to the use being a legal nonconforming use in the Central Business (CB) District where the proposed project is located.

6. ACTION ITEMS

a. 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..

b. 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.

c. Consider AR-14-22: The Luxe at Morganton Park

Morganton Park II, LLC requests an Architectural Compliance Permit for a multi-family residential development located directly east of Legends at Morganton Park on South Carlisle Street. The proposal includes three new 30-

unit apartment buildings as well as six new 5-bay garage structures. This agenda item was first reviewed by the Town Council at the June 8, 2022 Town Council Agenda Meeting.

d. Consider Order #2022-02 for RA-02-22: Request to Abandon Portions of Mechanic St. and Rhode Island Ave.

Mr. Bob Koontz, on behalf of VG Pines Residential LLC, requests the abandonment of Mechanic St. from W. Rhode Island Ave. to the right-of-way for US Highway 1 as well as the portion of Rhode Island Ave that extends through the parcel identified as PIN 858214321933 (PARID 00039174).

e. Consider AR-15-22: Patrick's Pointe

Kerry Finley of Finley Design requests an Architectural Compliance Permit multi-family residential development called Patrick's Pointe. The proposed structures include multiple 12-unit, 16-unit and 24-unit apartment buildings totaling 240 units, multiple townhome-style buildings containing a total of 26 units, a clubhouse building, and garage buildings. The 25.6-acre development is adjacent to the east side of US Highway 1, between Midland Rd. and W. Connecticut Ave. This agenda item was first reviewed by the Town Council at the June 8, 2022 Town Council Agenda Meeting.

f. Consider Resolution #1019 - RD-01-22: Offer of Dedication of Ravensbrook Phase 1 Roads

Colin Webster, on behalf of Ravensbrook LLC, is offering the road improvements and rights-of way in Phase 1 of the Ravensbrook residential subdivision for dedication to the Town of Southern Pines for perpetual maintenance.

7. CONSENT AGENDA

a. Approve Resolution #1018 Regarding Lease for Electric Vehicle Charging Stations

Staff has worked with local business Go Pines, LLC, to develop a lease agreement to provide the infrastructure for electric vehicle charging stations at Reservoir Park as well as in the downtown district (Bennett St. parking lot). The next step is for to Council to adopt a Resolution of Intent to enter into a lease for this purpose and to provide a public notice of the pending action. Based on the mandatory notice requirements in NCGS §160A-272, the Council could take action on the lease document at the September 26th work session.

b. Approve Updated Town Council Meeting Schedule for 2022

The election will be held on the 2nd Tuesday of November, which is the day that the Town Council Business Meeting is typically held. The Moore County Board of Elections uses the Douglass Community Center as a voting site, so it will not be available for the Council meeting. Staff recommends delaying the November agenda and business meetings one week, to Wednesday, November 9th and Tuesday, November 15th respectively.

c. Adopt Policies Relative to American Rescue Plan Funding

1. **Non-discrimination**
2. **Records Retention**
3. **Allowable Costs and Principles**
4. **Eligible Projects**
5. **Conflict of Interests**

Staff has prepared the policies recommended by the School of Government to have in place before spending any ARPA funding.

d. Authorize the Execution of an Interlocal Agreement with Moore County Regarding a Development Proposal

This agreement addresses a proposal for a residential development in Moore County, a small part of which lies in the Town's ETJ. Through this agreement, the County will review the application and future site plans for the area within the ETJ.

e. Approve Town Council Meeting Minutes for July 2022

1. **July 6, 2022 Agenda Meeting**
2. **July 12, 2022 Business Meeting**
3. **July 25, 2022 Work Session**

Staff has prepared the draft Town Council Meeting Minutes for July 2022.

f. Approve Ordinance #2019 - Administrative Updates to Code of Ordinances

Staff is in the process of reviewing the entire Code of Ordinances to identify sections where administrative updates are needed due to obsolescence, changes in state statutes, or similar. These will be forwarded to Council as they are complete, with the end goal being a re-codification of the entire Code of Ordinances. Staff requests approval of the first set of amendments, which will be included on the August 9th consent agenda, unless Council prefers otherwise.

g. Approve Ordinance #2020 Amending the FY 22-23 Budget

As discussed at the July 25th work session, the library staff has requested funds to replace the front desk. This amendment authorizes $42,452.00 to complete that purchase.

8. ADJOURNMENT

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

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **BJ Grieve, Planning Director**

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: **August 9, 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. An additional continuance was granted at the July 12, 2022 Town Council meeting.

On July 26, 2022, Planning staff contacted Pete Bogle via email asking if the applicants had any additional information to be submitted for inclusion in the staff report and packet for PD-04-22. Mr. Bogle responded that the applicants planned to make a presentation at the August 9, 2022 meeting, but that no additional materials would be submitted prior to the meeting. Mr. Bogle, on behalf of the applicants, will be presenting revisions to the project design that have been offered to the neighbors that they believe are a fair compromise based on the neighbor's concerns.

III. PLANNING BOARD RECOMMENDATION:

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

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

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

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

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

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

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

[1] 637496785356700000 (garnernc.gov)

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

acceptable land use in the proposed Planned Development located in an area with a "Residential" Future Land Use designation.)

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

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

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

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

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

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

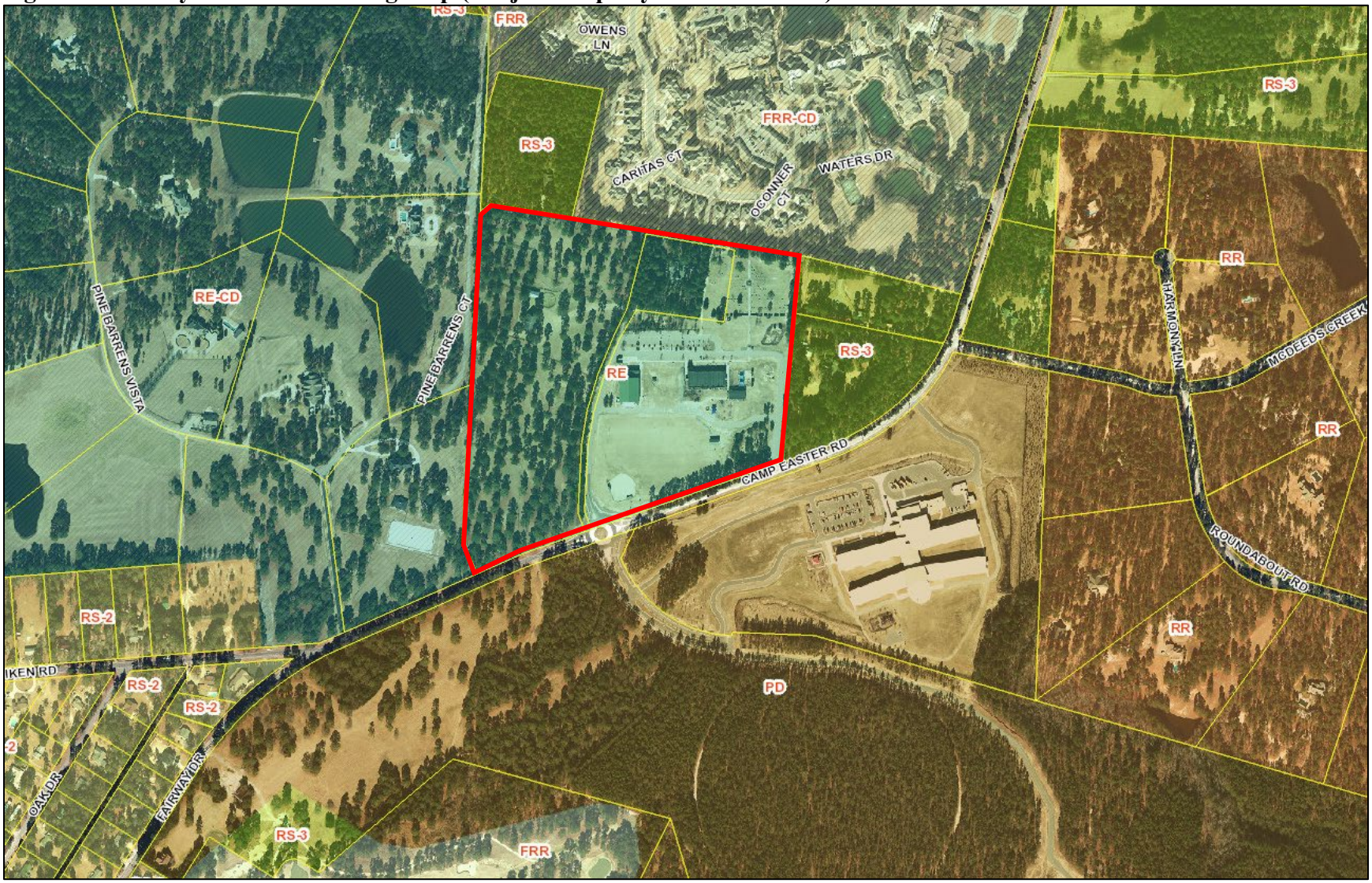


Figure 2: Aerial Image Looking Northeast at Subject Property (February 25, 2022):

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

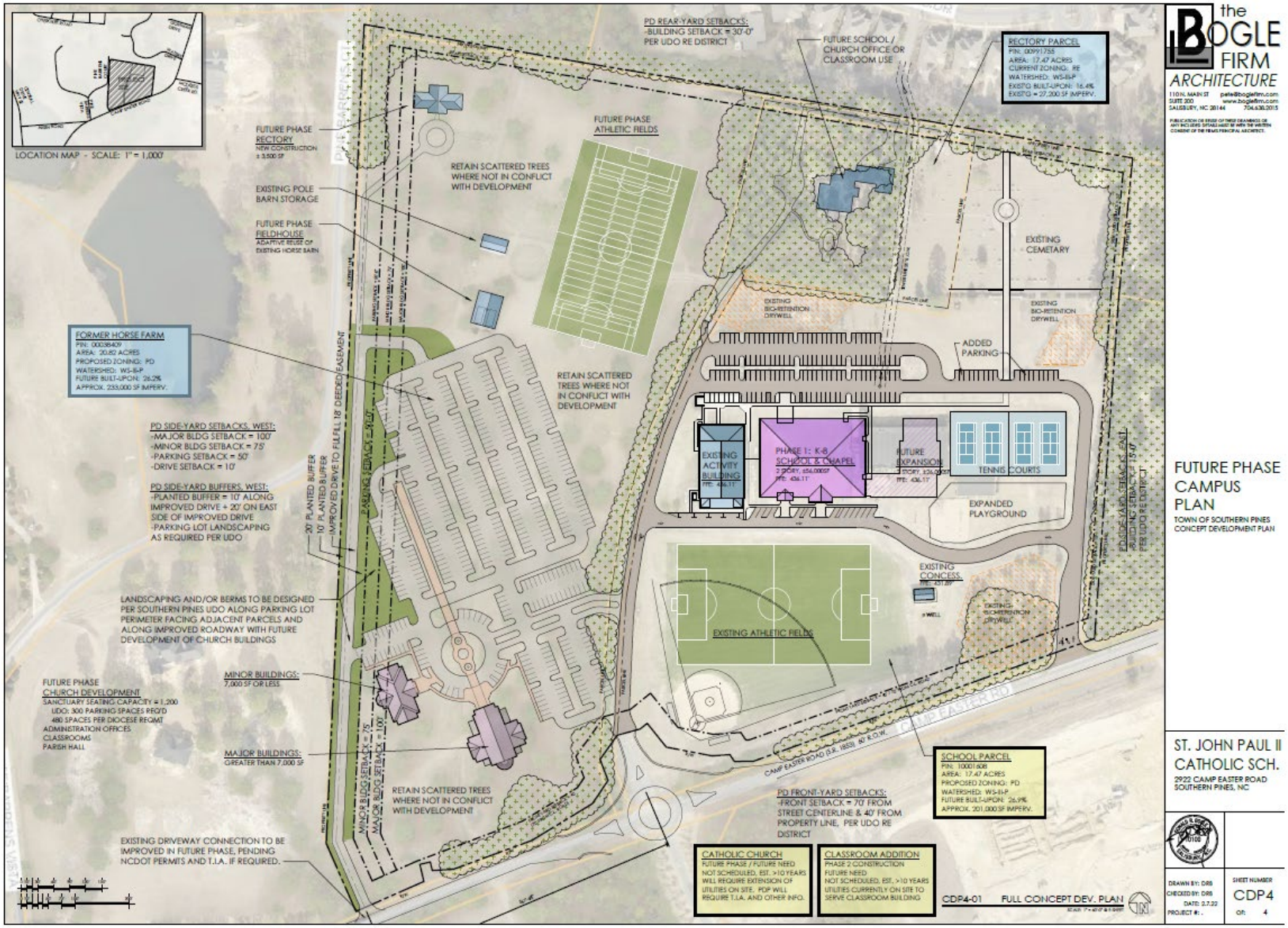


Figure 4: DRAFT REVISED Conceptual Development Plan Layout (Emailed to Planning Staff March 30, 2022):

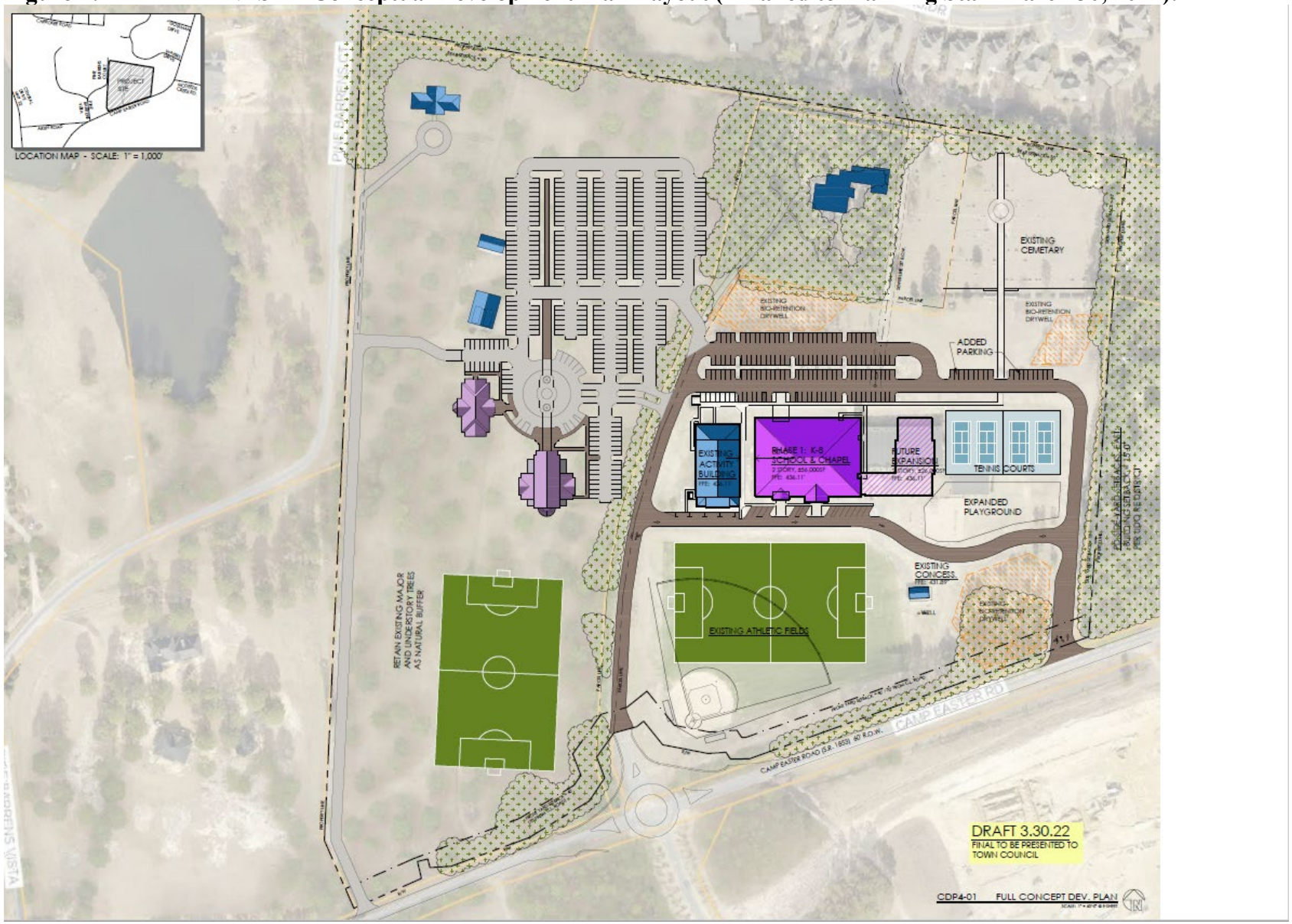
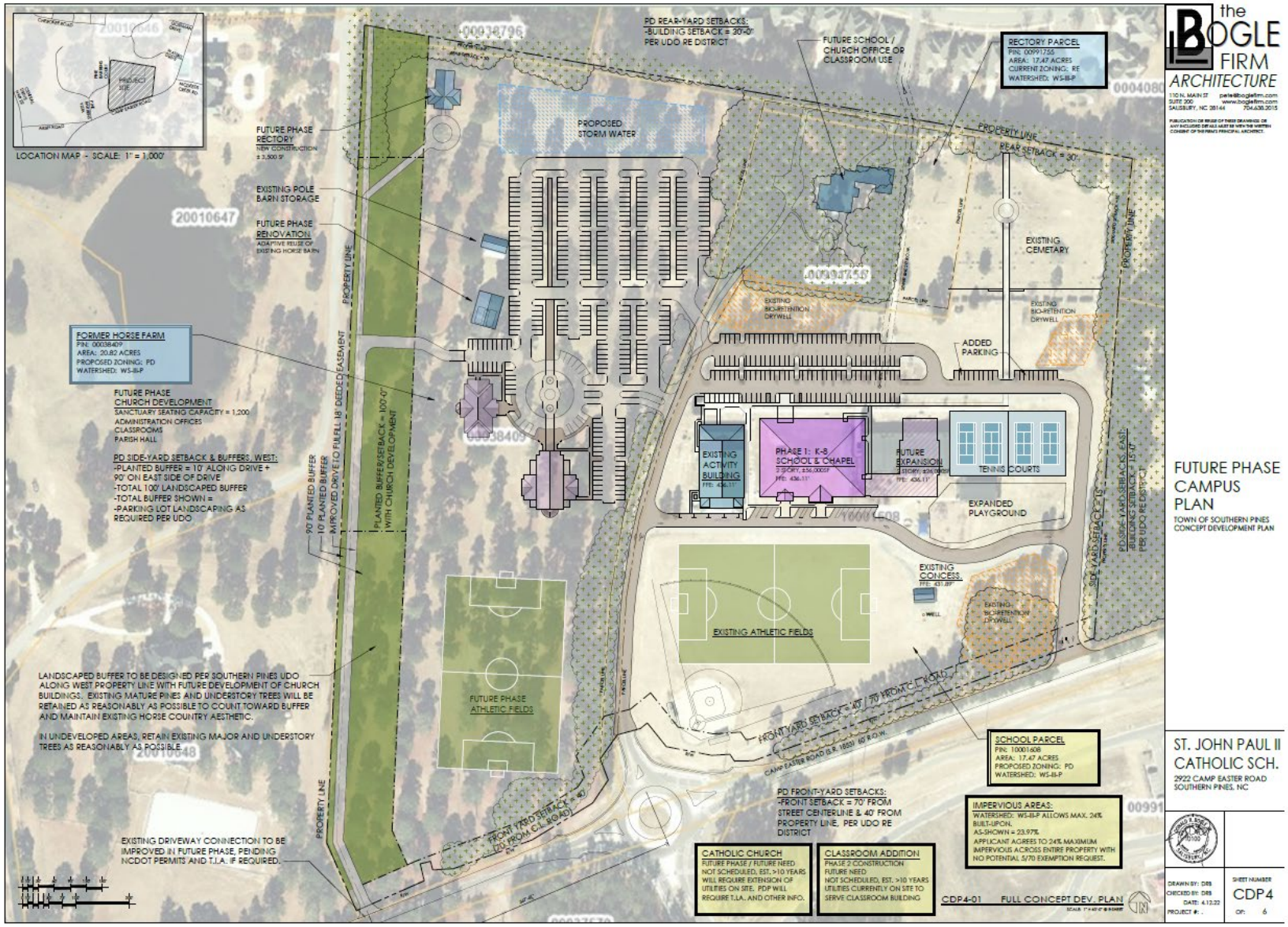


Figure 5: 2nd DRAFT REVISED Conceptual Development Plan Layout (Presented at April 12, 2022 T.C. Hearing):



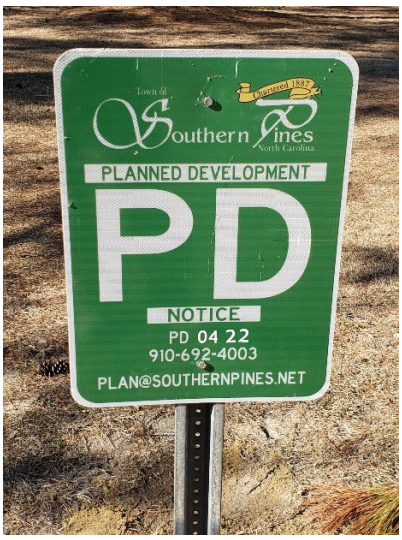
IV. STAFF REVIEW:

A. Review Process:

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

B. Application Review Dates:

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



C. Criteria for Review:

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

Conceptual Development Plan

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

D. Staff Comments:

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

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

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

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

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

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

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

iii. Deviations from Unified Development Ordinance (UDO):

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

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

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

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

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

iv. Consultation with Technical Review Committee:

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

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

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

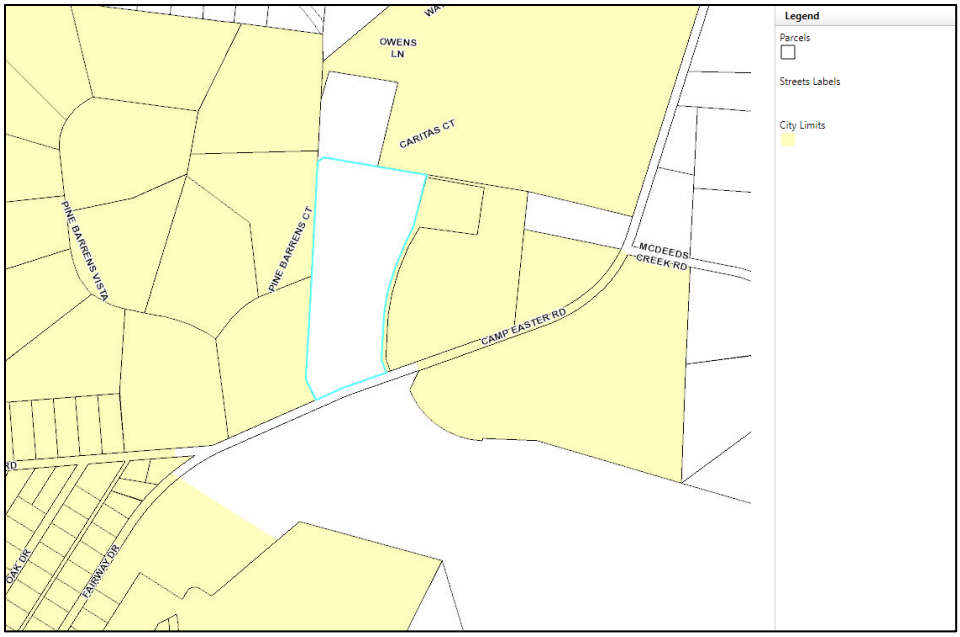
  Primary Uses:
  - Private School (Pre-K through 8th grade) LBCS-6110, 6121, 6122, 6125
  - Religious Institution (large church) LBCS-6600
  - Residential, single-family home (rectory) LBCS-1111

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

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

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

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



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

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

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

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

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

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

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

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

V. Cooperating Agency Review and Comments:

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

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

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

VI. ATTACHMENTS:

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

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

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

VII. TOWN COUNCIL ACTION:

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

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

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

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

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

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

And, therefore, I move to:

1. Deny PD-04-22.

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

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

Town of Southern Pines North Carolina Chartered 1887

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

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

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

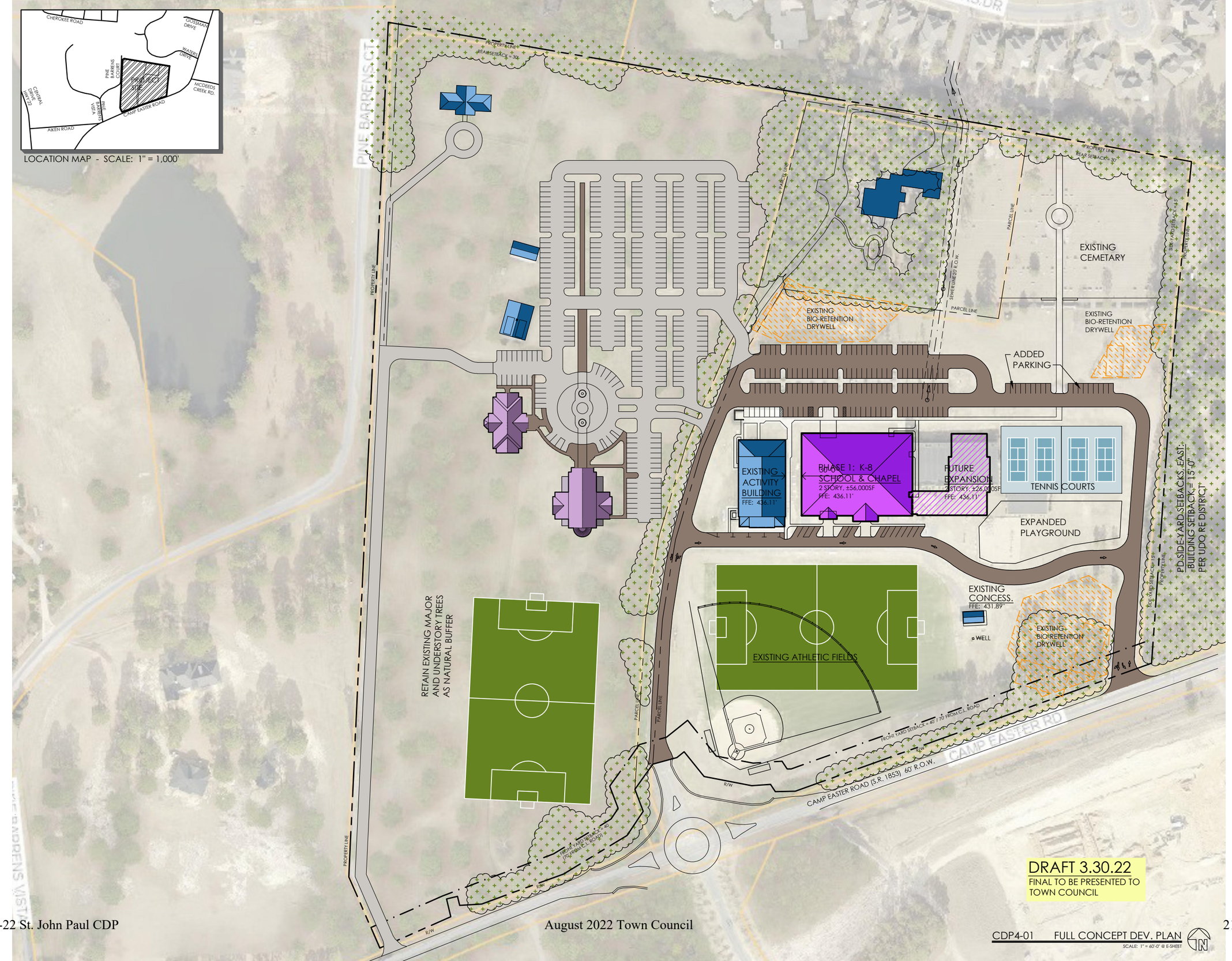
Town Council Members

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

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

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

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



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

Planned Development District

Conceptual Development Plan

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Submitted by:

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

and

Tony Bornhorst
Lead Project Manager
Rhetson Companies, Inc.

Planned Development District

Conceptual Development Plan Narrative & Design Guidelines

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

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1.0: PURPOSE / SUMMARY:

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

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

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

2.0: PROJECT OVERVIEW:

2.1 LOCATION

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

2.2 DEVELOPMENT VISION:

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

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

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

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

2.3 APPLICANT AND PROJECT TEAM:

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

2.4 COMPLIANCE:

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

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION, CHECKLISTS, & SUPPORT DOCUMENTS

See separate document, Exhibit A

4.0 EXISTING CONDITIONS

4.1 EXISTING NATURAL FEATURES

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

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

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

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

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

4.2 EXISTING MAN-MADE FEATURES

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

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

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

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

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

Adjacent parcel information can be seen on CDP1.

5.0 DEVELOPMENT CONDITIONS

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

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

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

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

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

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

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

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

5.2.2 Summary of PD Development Standards

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

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

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

APPENDIX 1

EXISTING PROPERTY INFORMATION:

Property Information by parcel

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

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

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

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

APPENDIX 2

CONCEPTUAL DEVELOPMENT PLAN CRITERIA:

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

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

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

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

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

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

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

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

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

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

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

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

APPENDIX 3

ZONING MAP AMENDMENT CRITERIA:

Responses to UDO Section 2.17.9 Criteria for Zoning Map Amendments

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

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

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

B. ***Adverse Impacts on Neighboring Lands****. The Hearing Body shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. The Town finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences, such as traffic congestion, air pollution, and social alienation. Accordingly, rezoning may promote mixed uses subject to a high degree of design control.*
   - The proposed School Development is an expansion of the site's current use. The proposed rezoning to PD will not change the use, but instead will allow the existing school to replace their mobile classroom units with a permanent building and to expand the study body to their goal of 450 to 500 students, as was outlined by the school in their approved 2017 Activity Building project.

C. ***Suitability as Presently Zoned****. The Hearing Body shall consider the suitability or unsuitability of the Tract for its use as presently zoned. This factor, like the others, should be weighed in relation to the other standards, and instances can exist in which the land may be rezoned to meet public need, to reflect substantially changed conditions in the neighborhood, or to effectuate important goals, objectives and policies of the Comprehensive Plan or UDO.*
   - Adjacent property to the south of the site was rezoned PD for the new McDeed's Creek Elementary School.
   - Church Development adjacent to the school is an appropriate connection of uses.
   - St. Joseph of the Pines, a large, Catholic-based senior living community owned by the Diocese, is located adjacent to the project site.

D. ***Health, Safety, and Welfare****. The amending ordinance must bear a substantial relationship to the public health, safety or general welfare, or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need or purpose exists, even if the private owner of the Tract will also benefit.*
   - School Development will provide private education opportunities to more students within a permanent structure. In comparison to the mobile classrooms currently being used, this new structure will be visually more attractive, will

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

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

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

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

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

APPENDIX 4

CONCEPTUAL TRANSPORTION PLAN:

Responses to Conceptual Transportation Checklist from UDO Appendicies

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

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

B. Proposed transportation facilities within the project boundary including:

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

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

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

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

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

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

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

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

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

Privately owned.

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

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

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

Deeded Easement, per description from deed, is 18 feet.

No other rights of way are proposed for transportation facilities

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

See CTP1, attached below.

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

See descriptions of buffering and easements in PD Design Guidelines.

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

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

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

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

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

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

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

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

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

1) *Location and type of facility,*

Primary arterial road = Camp Easter Road

2) *Connectivity to other community facilities*

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

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

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

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

McDeed's Creek Elementary School (PD district zoning)

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

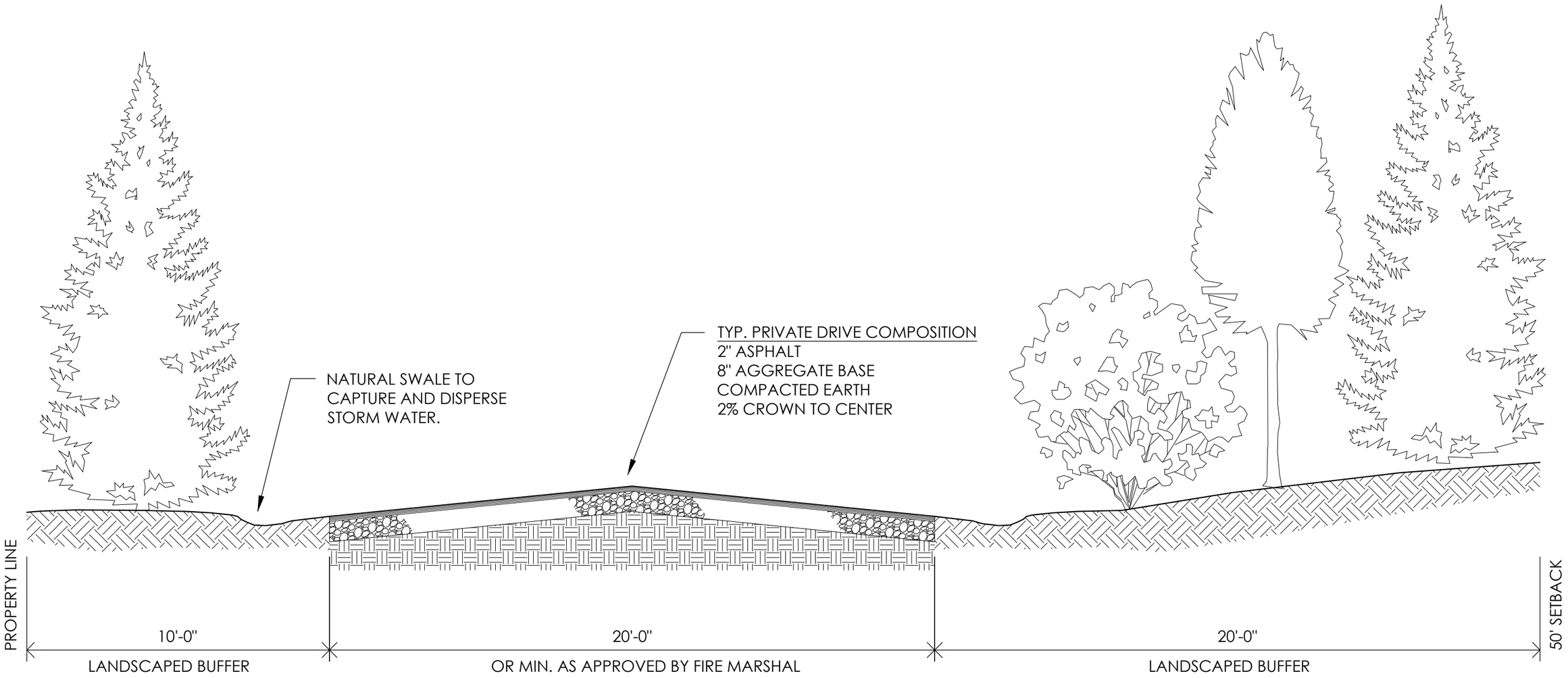
Improved connection to Camp Easter at existing deeded easement, including appropriate site triangles, pavement design, etc.

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

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

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

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



CTP1 PRIVATE DRIVE SECTION

N.T.S.

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

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

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

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

Exhibit A
2.14.22

Planned Development District

Conceptual Development Plan

EXHIBIT A

Checklists, Applications and Additional Documentation

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Checklists

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

Planned Development District
Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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

PLANNED DEVELOPMENT DISTRICT CONCEPTUAL DEVELOPMENT PLAN APPLICATION CHECKLIST

Process Overview

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

Submittal Requirements*

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

- **PROOF OF OWNERSHIP** – Filed deed, vendor's lien, act of donation or tax assessment with legal description.
- **DEVELOPOMENT NAME** (if applicable) – The proposed name must be unique and not similar to an existing subdivision in the Town.
- **NOTIFICATION MATERIALS –** List of the owners of all property located within 200 feet of the perimeter of the property being rezoned and including not fewer that the 10 closest property owners.
- **NEIGHBORHOOD MEETING RECORDS** – Records shall include the following:
  a. Copies of graphics presented at the meeting;
  b. A copy of the sign-in sheet showing attendees;
  c. Representations made by the Applicant regarding the proposed development; and
  d. A summary of public comments and responses provided by the Applicant.
- **PDD CONCEPTUAL DEVELOPMENT PLAN** – Copies (4 full sized, 1 11" by 17" copy and digital copy) of scaled drawing (1" to 100' or other scale approved by the Director) of the entire tract to be subdivided showing:

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

area if within Watershed Protection Overlay District;

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

NATURE OF SERVICES – Planned utility services and providers.

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

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

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

APPLICATION FEE – as specified in Appendix H.

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

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

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

See Appendix 4 of PDD Design Guidelines document for CTP.

CONCEPTUAL TRANSPORTATION PLAN CHECKLIST

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

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

B. Proposed transportation facilities within the project boundary including:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Location and type of facility,

(2) Connectivity to other community facilities,

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

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

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

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

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

Application & Forms

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

Planned Development District
Conceptual Development Plan
Application

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

Project Information:

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

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

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

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

Applicant:

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

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

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

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

Email: pete@boglefirm.com Phone: 704.638.2015

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

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

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

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

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

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

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

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

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

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

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

Date: 2/7/2022

Applicant

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner

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

1. to submit an application and required supplemental materials;

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

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

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

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

Signed this 31ST day of January, 2022.

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

Property Owner

Agent

8-27-21

APPOINTMENT OF AGENT

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

1. to submit an application and required supplemental materials;

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

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

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

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

Signed this 31ST day of January, 2022.

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

Property Owner

Agent

8-27-21

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

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

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

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

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

List of Adjacent Property Owners

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

SJPCS Properties:

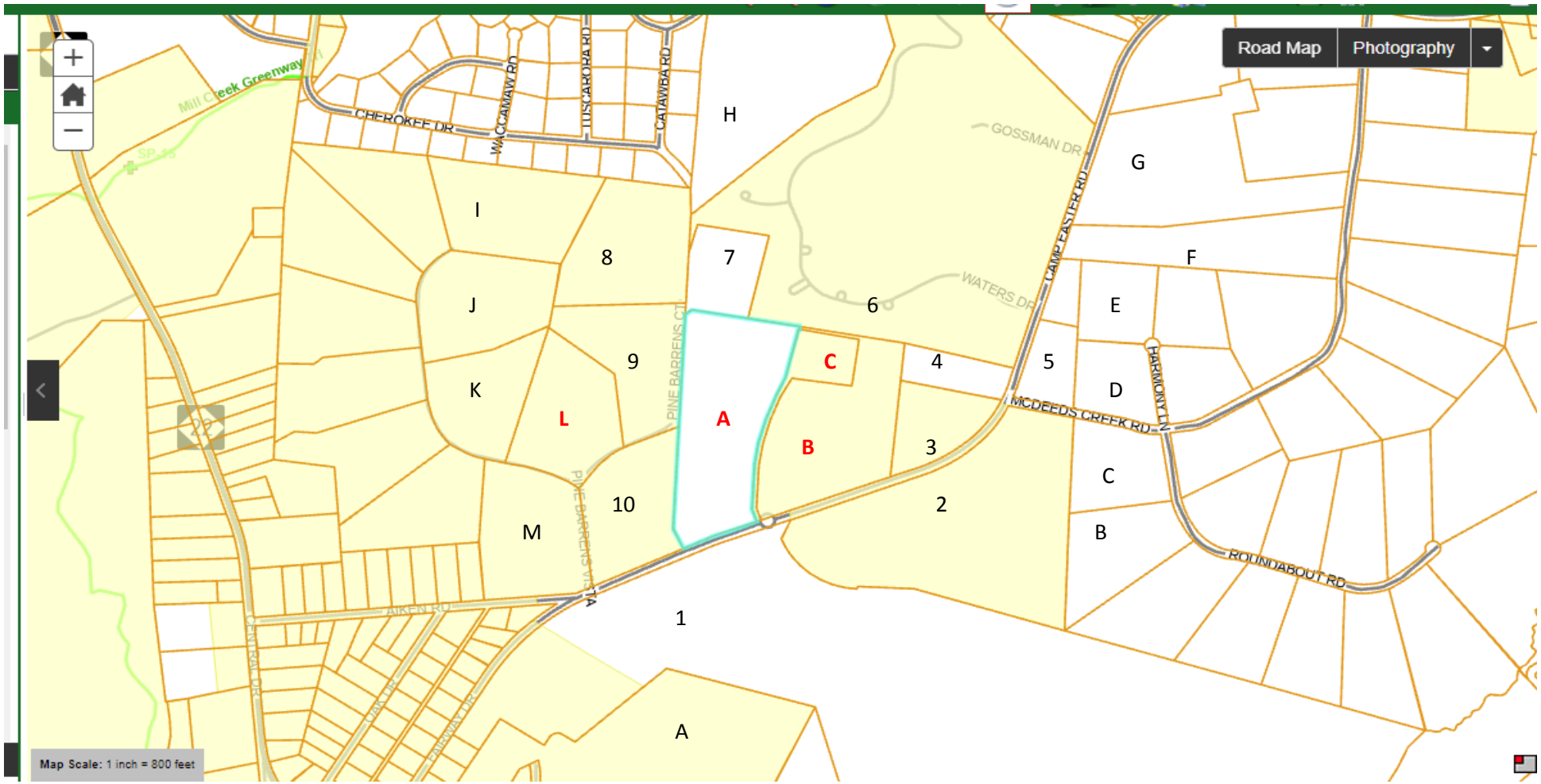
- **A.** 2978 Camp Easter Rd
- **B.** 2878 Camp Easter Rd
- **C.** 2952 camp Easter Rd

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

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

Secondary List of Owners:
(beyond required notification range)

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


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

Deeds & Proof of Ownership

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

HM

Hayes

INSTRUMENT # 2012007969

NORTH CAROLINA GENERAL WARRANTY DEED

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

Mail/Box to: _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

_____(SEAL)
Donald W. Longstreet

By: _____ _____(SEAL)

By: _____ _____(SEAL)
Title: _____

By: _____ _____(SEAL)
Title: _____

State of North Carolina - County of Moore

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

BONNIE HANHAM NOTARY PUBLIC MOORE COUNTY, NC

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

EXHIBIT A

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

806 Bethesda Ave
Aberdeen, NC 28315

TAX ADDRESS
RECORDING $ 10.00
STAMP $ 370.00
TOTAL $ 380.00

NORTH CAROLINA EXCISE TAX
MAR 26 '92
$ 370.00

BOOK 00827 PAGE 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, 19 92, by and between

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

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

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

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

See Exhibit A Attached Hereto

Rowe

14-3803

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

Parcel ID: 00038409
Former Horse Farm property
DEEDED EASEMENT

BOOK PAGE

00827 00080

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

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

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

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

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

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

BARCLAYS BANK OF NORTH CAROLINA (Corporate Name)

By: [signature] Senior Vice President

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

USE BLACK INK ONLY

..... (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, ... County.

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

..... Grantor,

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

My commission expires: ..... Notary Public

SEAL-STAMP

Use Black Ink

NORTH CAROLINA, Mecklenburg County.

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

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

North Carolina--Moore County

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

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

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY

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

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

EXHIBIT "A"

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

Tax Address Same

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

Excise Stamps $ Recording Time, Book & Page

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

UPDATED SURVEY AND GIS SHOWS 17.47 ACRES

Brief Description for Index 18 23 acres, McNeills Twp

NORTH CAROLINA GENERAL WARRANTY DEED

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

WITNESSETH

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

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

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

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

Hay CS

Parcel ID: 10001608
Current School property
2878 Camp Easter Road

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

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

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

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

ROYAL & ANCIENT INVESTORS, LTD

By _____
Kelly R. Miller, General Partner

NORTH CAROLINA, MOORE COUNTY

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

My commission expires _____

_____
Notary Public

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

EXHIBIT "A"

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

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

EXHIBIT "A"

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

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

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

SellerDocs

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

$999 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.

Hayes

Parcel ID: 00991755
Current Rectory property
2952 Camp Easter Road

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

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

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

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

_____(SEAL)
Kelly R Miller

_____(SEAL)
Peggy A Miller

NORTH CAROLINA, MOORE COUNTY

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

My commission expires _____ _____
Notary Public

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

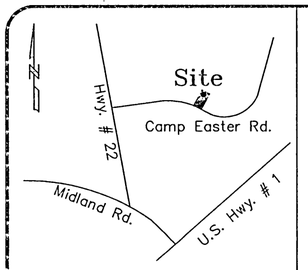
EXHIBIT "A"

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

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

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

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



Vicinity Map (Not to Scale)

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

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

Ryan McBryde
Professional Land Surveyor

L-4394
Registration Number

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

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

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

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

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

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

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

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

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

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

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

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

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

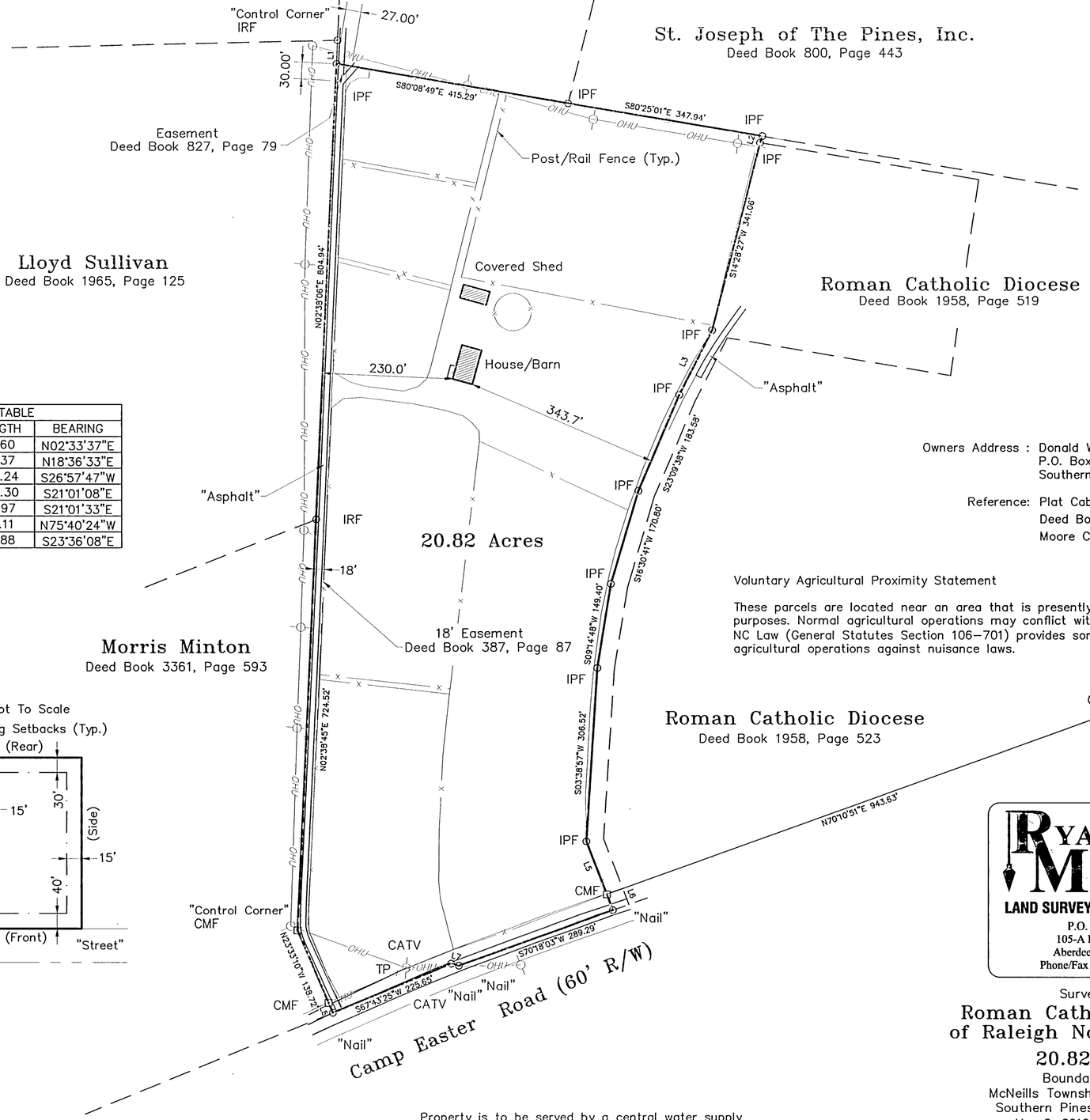
NORTH CAROLINA PROFESSIONAL SEAL L-4394 SURVEYOR RYAN D. McBRYDE

Ryan McBryde
Professional Land Surveyor

L-4394
Registration Number

5/8/12
Date

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



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

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

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

Voluntary Agricultural Proximity Statement

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

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

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

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

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

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

EIP
N: 533868.8015
E: 1886399.0459
ELEV: 101.72

S80°22'58"E
312.08'

EIP
N: 533749.4877
E: 1887075.0617
ELEV: 96.13

S70°48'44"E
376.31'

PROTECT EXISTING FENCE

EXISTING PAVED DRIVE

EXISTING BUILDING F.F.E. 106.83

EXISTING WELLHOUSE

EXISTING IRRIGATION VALVE

EXISTING CEMETERY

EXISTING CONCRETE WALK

EXISTING PUMP HOUSE

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

PROPERTY BOUNDARY

EXISTING SOIL DRIVE

EXISTING UNDERGROUND TELEVISION CABLE

EXISTING FIBER OPTIC LINE

EXISTING FENCE

EXISTING BRICK COLUMNS

EXISTING 15" RCP
INV. OUT = 98.04

EXISTING BRICK WALL

EXISTING 15" RCP
INV. IN = 98.89

BENCH MARK
N: 532852.2573
E: 1887010.5386
ELEV: 101.78

60' R/W
PER NCDOT

EXISTING 8"
WATER MAIN

EXISTING NATURAL
GAS LINE

EXISTING UTILITY POLE

PROPERTY BOUNDARY

PROTECT EXISTING FENCE

EXISTING BRICK HEAD WALL

EXISTING WATER METER

EXISTING BRICK COLUMN

EXISTING BRICK COLUMNS

BENCH MARK
N: 532533.2384
E: 1886122.5135
ELEV: 106.12

EXISTING BRICK HEAD WALL

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

NC 22

EXISTING 15" RCP
INV. OUT = 103.92

EXISTING 15" RCP
INV. IN = 104.06

NOTE:

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

LEGEND

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

BENCH MARK

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

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

NOTE:

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

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

GRAPHIC SCALE

-60 0 30 60 120 240

(IN FEET)
1 inch = 60 ft.

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

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

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

EXISTING TOPOGRAPHY PLAN

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

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

SHEET NO. C-01

Additional Documents

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

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

22 October 2021

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

Dear Mr. Bogle:

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

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

Sincerely,

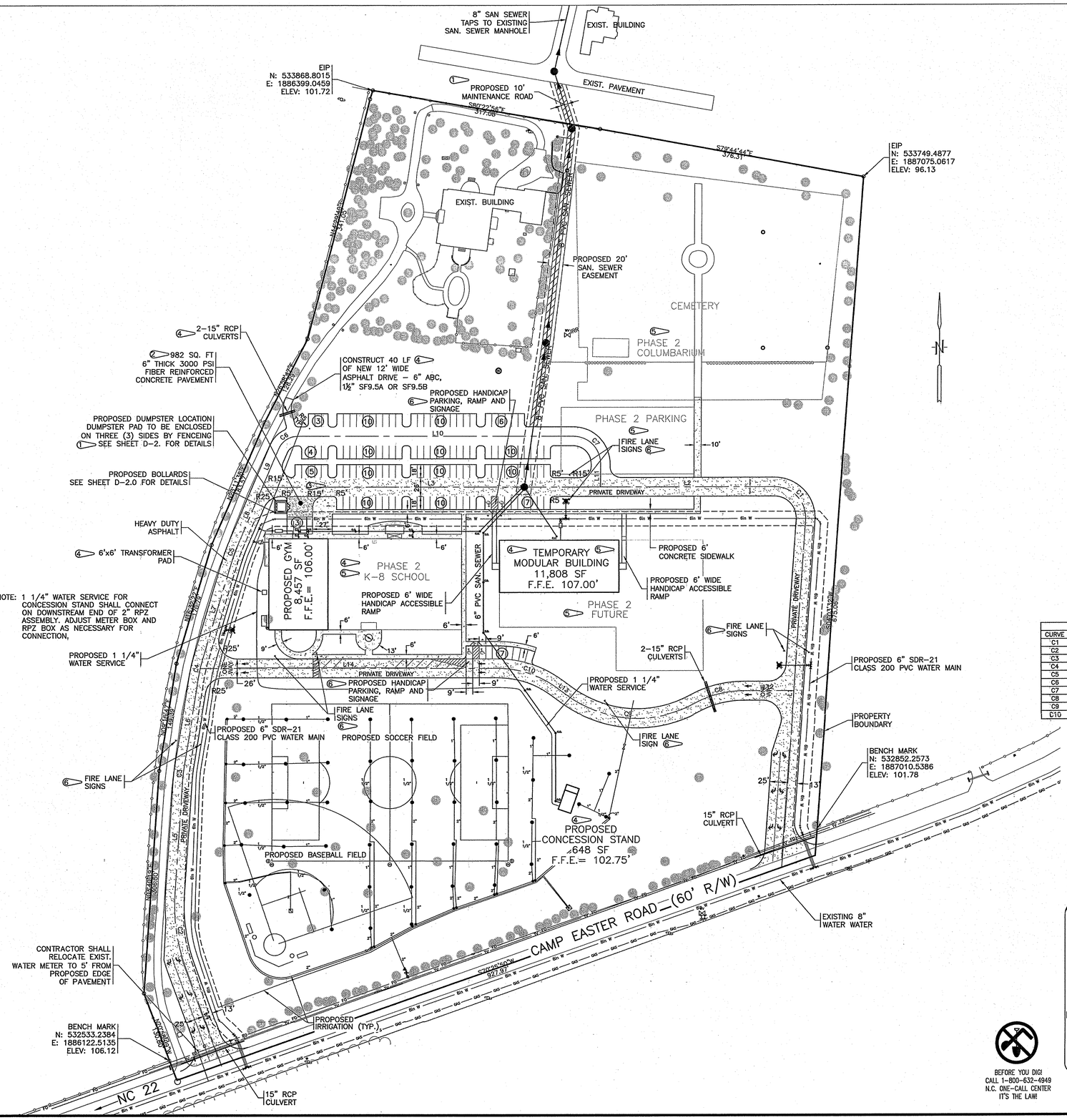
Jan Goodson
Senior Wildlife Biologist

Active Woodpecker Foraging Overlay

Nature of Services

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

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



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

BUILDINGS

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

PARKING

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

IMPERVIOUS AREA

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

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

BENCH MARK

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

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

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

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

INFRASTRUCTURE/UTILITY TOTALS

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

AREA INFORMATION

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

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

RIVER BASIN: CAPE FEARE

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

LEGEND

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

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

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

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

OVERALL SITE PLAN

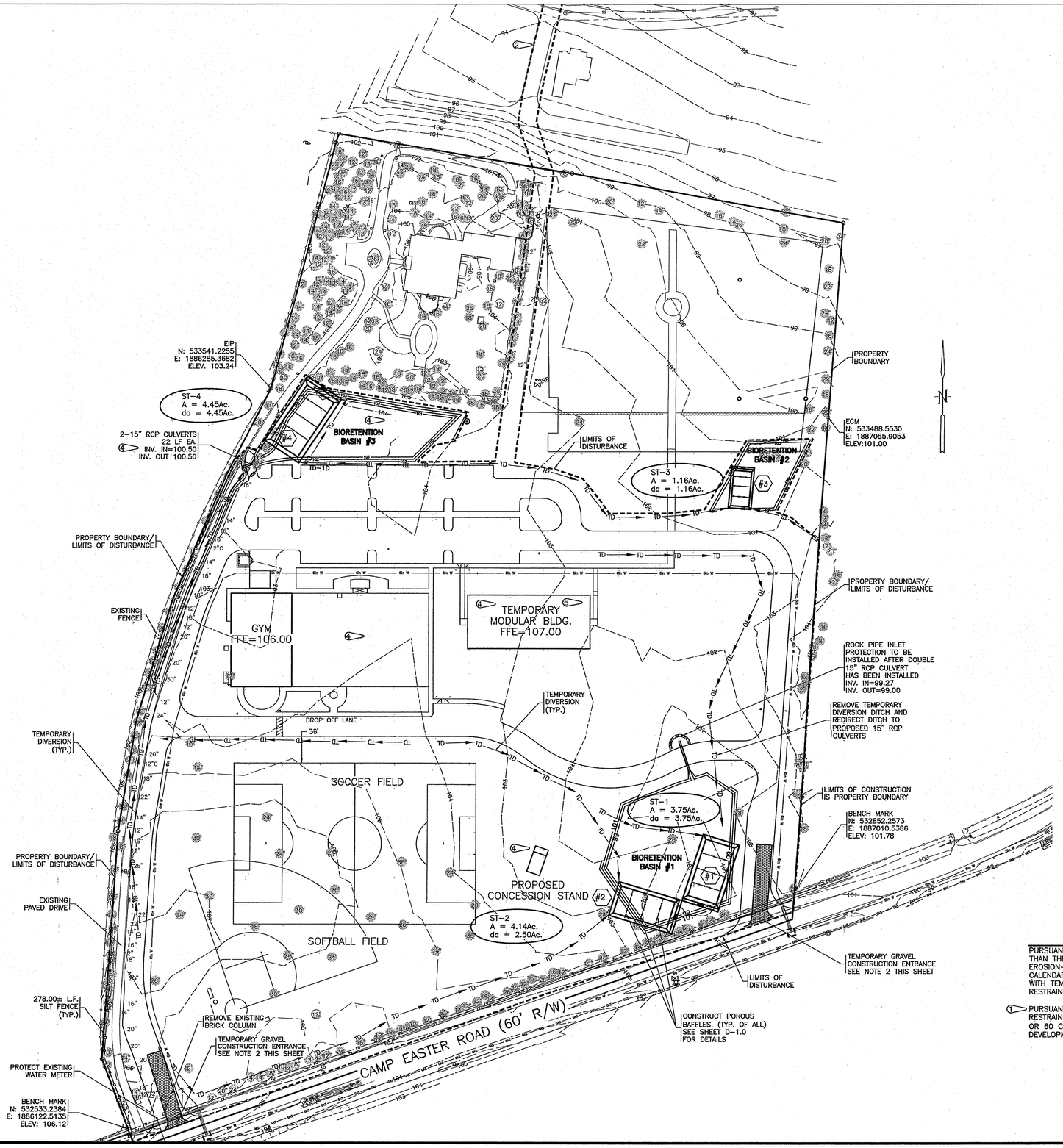
NORTH CAROLINA PROFESSIONAL SEAL 035670 ENGINEER JAMROZ E. HILLIARD
12-18-09

DATE: 02/27/07	REV NO.	DATE	JOB #: SP0714
DES BY: ----	1	10/23/07	ST. ANTHONY OF PADUA CATHOLIC SCHOOL
DWG BY: ----	2	11/20/07	
CHK BY: ----	3	12/04/07	
REV NO.: ----	4	11/9/09	
	5	11/30/09	NCSBC 2006
	6	12/11/09	

SHEET NO. C-02

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

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



CONSTRUCTION NOTES:

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

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

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

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

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

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

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

SEDIMENT TRAP – SUMMARY

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

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

NOTE:

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

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

DISTURBED AREA: 15.95 Ac. 2

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

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

LEGEND

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

GRAPHIC SCALE

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

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

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

EROSION CONTROL PLAN

NORTH CAROLINA PROFESSIONAL SEAL 035657 ENGINEER LAMOND E. HILLIARD
12-16-09

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

SHEET NO. C-03

H:\SP0714\600\810\02\C-03 EROSION CONTROL.dwg TMonko 17/12/09 - 3:11 P

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

EIP
N: 533749.4877
E: 1887075.0617
ELEV: 96.13

EXISTING FENCE (TO REMIAN)

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

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

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

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

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

PROPERTY BOUNDARY

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

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

TEMPORARY MODULAR BLDG. FFE=107.00

GYM FFE=106.00

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

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

EXISTING UNDERGROUND TELEVISION CABLE

EXISTING FIBER OPTIC LINE

EXISTING FENCE

PROPERTY BOUNDARY

SOCCER FIELD

SOFTBALL FIELD

PROPOSED CONCESSION STAND

BENCH MARK
N: 532852.2573
E: 1887010.5386
ELEV: 101.78

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

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

CAMP EASTER ROAD (60' R/W)

S70°25'50"W 927.97'

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

TEMPORARY GRAVEL CONSTRUCTION ENTRANCE

EXISTING BRICK COLUMNS

BENCH MARK
N: 532533.2384
E: 1886122.5135
ELEV: 106.12

EXISTING FENCE (TO REMIAN)

NOTE:

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

LEGEND

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

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

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

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

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

GRADING AND DRAINAGE PLAN

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

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

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

SHEET NO.
C-04

H:\SP0714\B00\B10\02\C-04 GRADING & DRAINAGE PLAN.dwg TWorko 17/12/09 - 3:12 P

Neighborhood Meeting Materials and Records

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

ST. JOHN PAUL II CATHOLIC SCHOOL

1.3.22

Invitation to a Neighborhood Informational Meeting

To Whom It May Concern,

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

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

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

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

Kind regards,

John Donohue, Principal

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

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

SJPCS Properties:

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

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

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

Secondary List of Owners:
(beyond required notification range)

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

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

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

Please sign in.

Name	Address	OPTIONAL Contact Info / Email
Adam Kiker	215 Pine Barrens Vista Southern Pines	adam@LKengineering.com
RORY GABRIEL	110 N MAIN ST. SALISBURY	
PETE BOGLE	110 N. MAIN ST. SALISBURY	
John Donohue	St. John Paul	jdonohue@sjp2catholicschool.org
Robert Evanila	234C Persimmon Dr. Pinebluff, NC 28373	SJPII REVANILA@jp2catholicschool.org
Fran Jim Cuvrey	141 Pine Barrens Ct SP.	francurrey@windstream.net
Robert & Jamie Peele	2741 Camp Easter Rd.	
Scott Dembowski	SJPII	sdembowski80@gmail.com
Rev. John Kane	2952 Camp Easter Rd	Father.Kane@stanthonyparish.net
Pete Mace	170 Pine Barrens Vista	petemace007@gmail.com

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

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

Please sign in.

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

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

Neighborhood Meeting Presentation

ST. JOHN PAUL II CATHOLIC SCHOOL

THE BOGLE FIRM, ARCHITECTURE

Neighborhood Meeting Presentation

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

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

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

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

St. John Paul II Catholic School

a case statement and feasibility report

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

2021- 2024

Table of Contents

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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	$75,000	$2500	$577
$50,000	$5,000	$15,000	$3,750	$1,250	$288
$10,000	$1,000	3,000	$750	$250	$58
$5,000	$500	$1,500	$375	$125	$29
$1,000	$100	$300	$75	$25	$6

Neighborhood Meeting Presentation

We can't envision their future without you!

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

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

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

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

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

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

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

Name: _____

Address: _____

City, State _____

Zip: _____

Phone: _____

Email: _____

My Gift or Pledge: _____

Credit Card: _____

Exp.: _____ 3 digit code: _____

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

dlawson@sjp2catholicschool.org

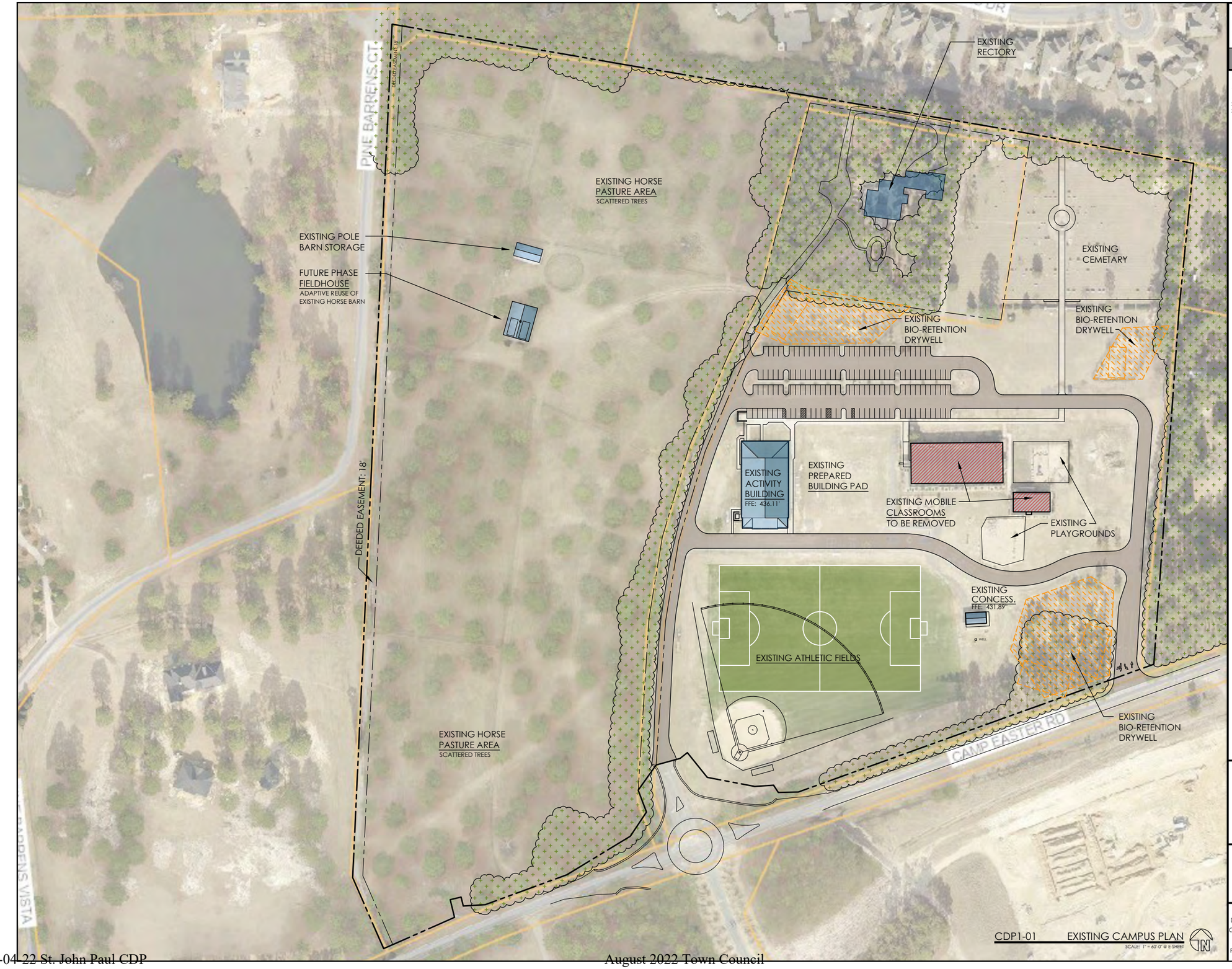
Embracing our *Legacy.*
Envisioning our *Future.*

Capital Campaign

St. John Paul II Catholic School

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

Neighborhood Meeting Presentation



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

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

EXISTING CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

SHEET NUMBER
CDP1
OF: 3

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

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

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

PHASE 1 CAMPUS PLAN

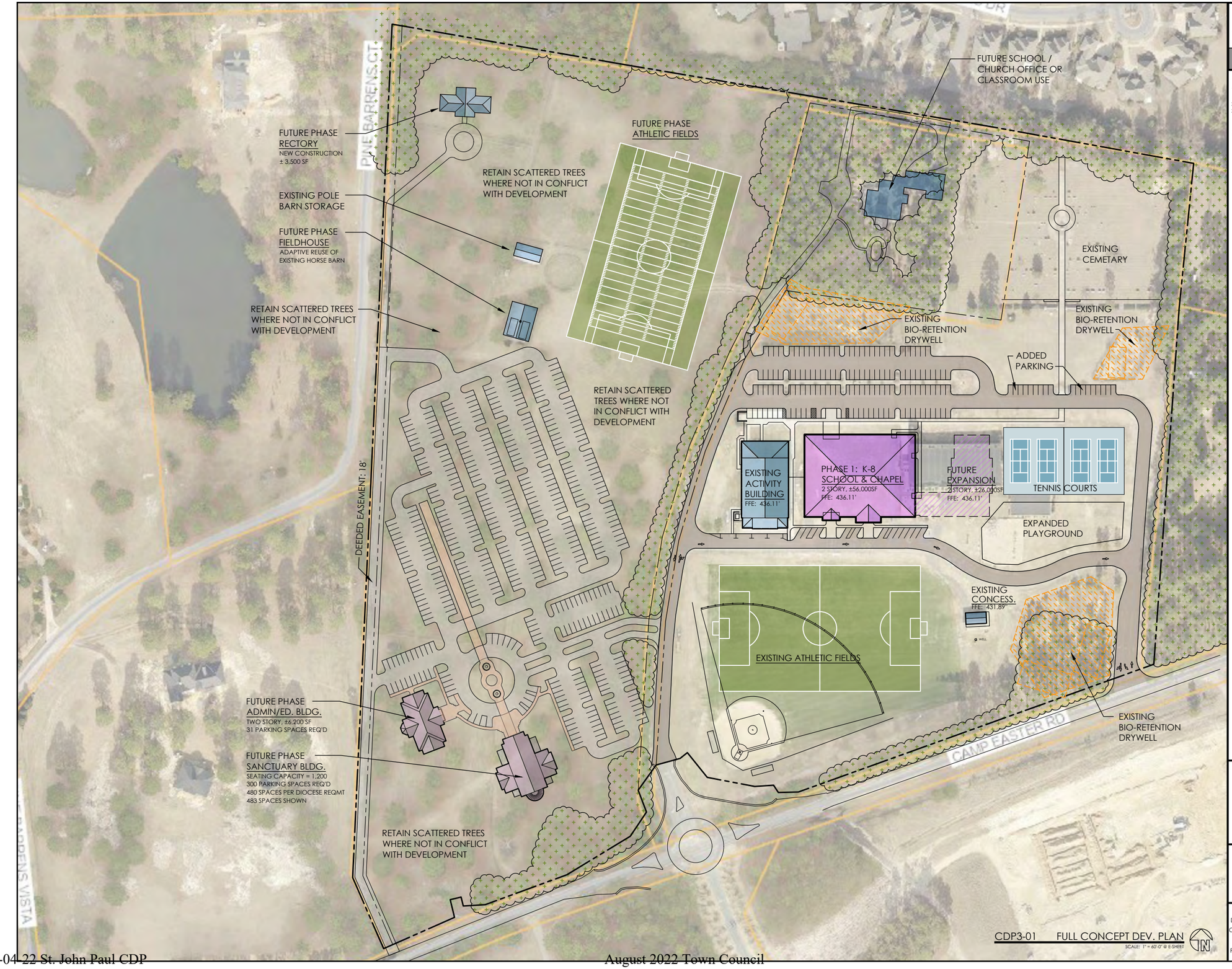
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

SHEET NUMBER
CDP2
OF: 3



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

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

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

FUTURE CAMPUS PLAN

TOWN OF SOTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

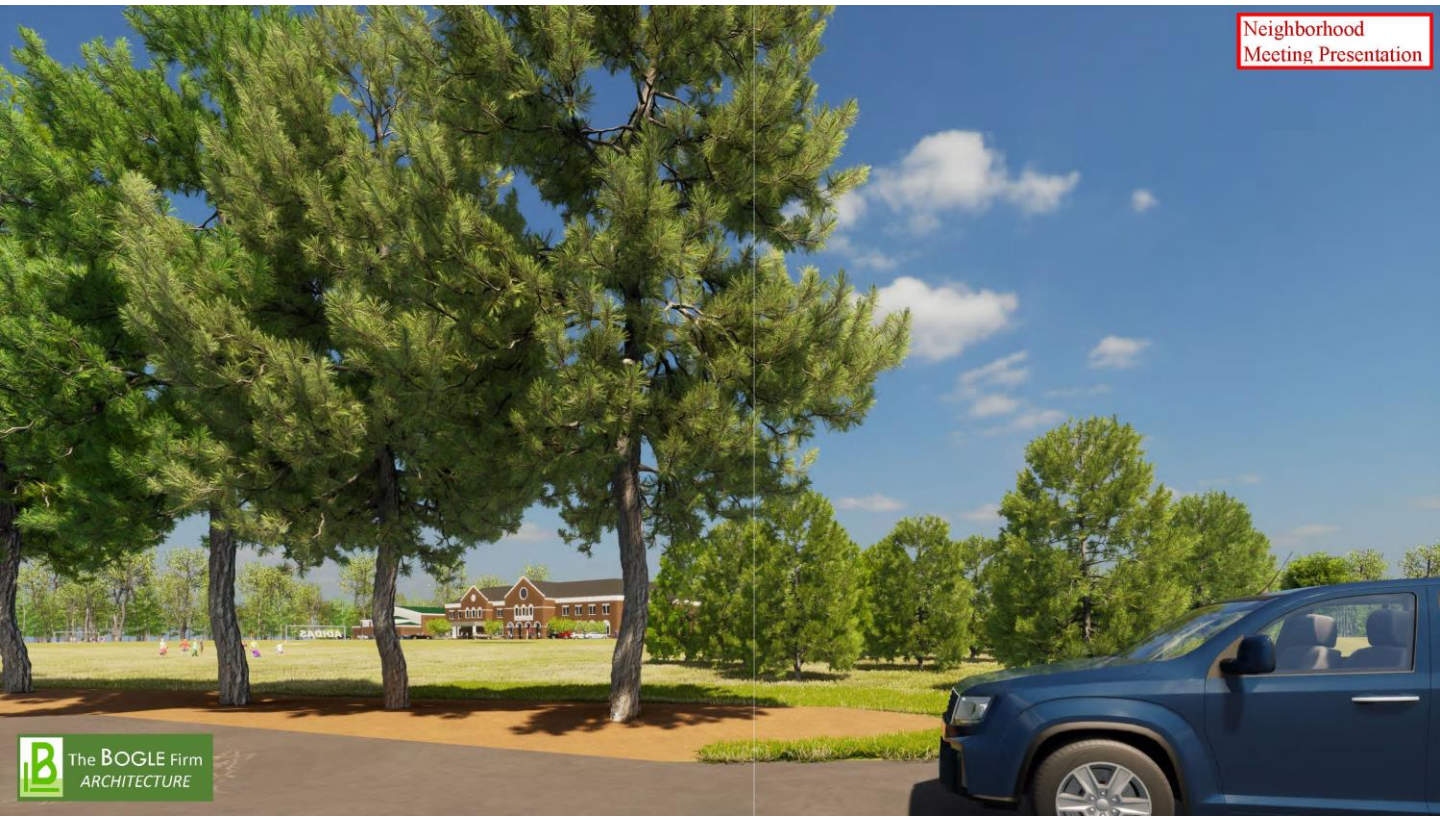
DRAWN BY: DRB
CHECKED BY: DRB
DATE: 11.2.21
PROJECT #: .

SHEET NUMBER
CDP3
OF: 3

Neighborhood Meeting Presentation

ST. JOHN PAUL II CATHOLIC SCHOOL

THE BOGLE FIRM, ARCHITECTURE



Neighborhood
Meeting Presentation
The BOGLE Firm
ARCHITECTURE

Neighborhood
Meeting Presentation
The BOGLE Firm
ARCHITECTURE

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

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

Neighborhood Meeting Presentation

PHASE 2 1ST FLOOR PLAN
SCALE: NTS

the BOGLE Firm ARCHITECTURE
Pete Bogle, AIA
704.638.2015
pete@boglefirm.com
110 n. Main Street
Suite 300
Salisbury, NC 28144

Neighborhood Meeting Presentation

PHASE 2 2ND FLOOR PLAN
SCALE: NTS

the BOGLE Firm ARCHITECTURE
Pete Bogle, AIA
704.638.2015
pete@boglefirm.com
110 n. Main Street
Suite 300
Salisbury, NC 28144

Neighborhood Meeting Presentation

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

2012 JUN -1 P 1:46

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

Vicinity Map (Not to Scale)

I, Ryan D. McBryde, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 3607, Page 109); that the boundaries not surveyed are clearly indicated as drawn from information as indicated; that the ratio of precision as calculated is 1: 20,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 8th day of May, 20 12

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

Professional Land Surveyor

L-4394
Registration Number

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

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

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

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

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

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

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

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

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

Professional Land Surveyor

L-4394
Registration Number

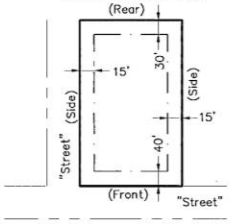
5/8/12
Date

GRAPHIC SCALE

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

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

Not To Scale
Building Setbacks (Typ.)



Robert Carrington
Deed Book 827, Page 79

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

Lloyd Sullivan
Deed Book 1965, Page 125

Roman Catholic Diocese
Deed Book 1958, Page 519

Morris Minton
Deed Book 3361, Page 593

Roman Catholic Diocese
Deed Book 1958, Page 523

20.82 Acres

Easement
Deed Book 827, Page 79

18' Easement
Deed Book 387, Page 87

Post/Rail Fence (Typ.)

Covered Shed

House/Barn

"Asphalt"

"Control Corner" IRF

"Control Corner" CMF

CATV

TP

"Nail"

Camp Easter Road (60' R/W)

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

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

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

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

Voluntary Agricultural Proximity Statement

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

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

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

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

Neighborhood Meeting Presentation

806 Bethesda Ave Aberdeen, NC 28315

TAX ADDRESS
RECORDING $ 10.00
STAMP $ 370.00
TOTAL $ 380.00

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

BOOK 00827 0

Mar 26 2 29 PM '92

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

Excise Tax

Recording Time, Book and Page

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

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

by .....

Mail after recording to Arthur Rowe

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

This instrument was prepared by Barclays Bank of North Carolina

Brief description for the Index 6.13 acres Camp Easter Road

NORTH CAROLINA GENERAL WARRANTY DEED

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

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

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

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

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

See Exhibit A Attached Hereto

Rowe

14-3803

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

Neighborhood Meeting Presentation

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

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

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

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

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

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

BARCLAYS BANK OF NORTH CAROLINA (Corporate Name)

By: [signature] Senior Vice President

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

USE BLACK INK ONLY

..... (SEAL)

..... (SEAL)

..... (SEAL)

..... (SEAL)

SEAL-STAMP

NORTH CAROLINA, ... County.

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

..... Grantor,

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

My commission expires: ..... Notary Public

Use Black Ink

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

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

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

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

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

North Carolina--Moore County

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

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

Judith M. Adams REGISTER OF DEEDS FOR Moore COUNTY

By [signature] Deputy/Assistant - Register of Deeds

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

Neighborhood Meeting Presentation

EXHIBIT "A"

BOOK 00827 00081

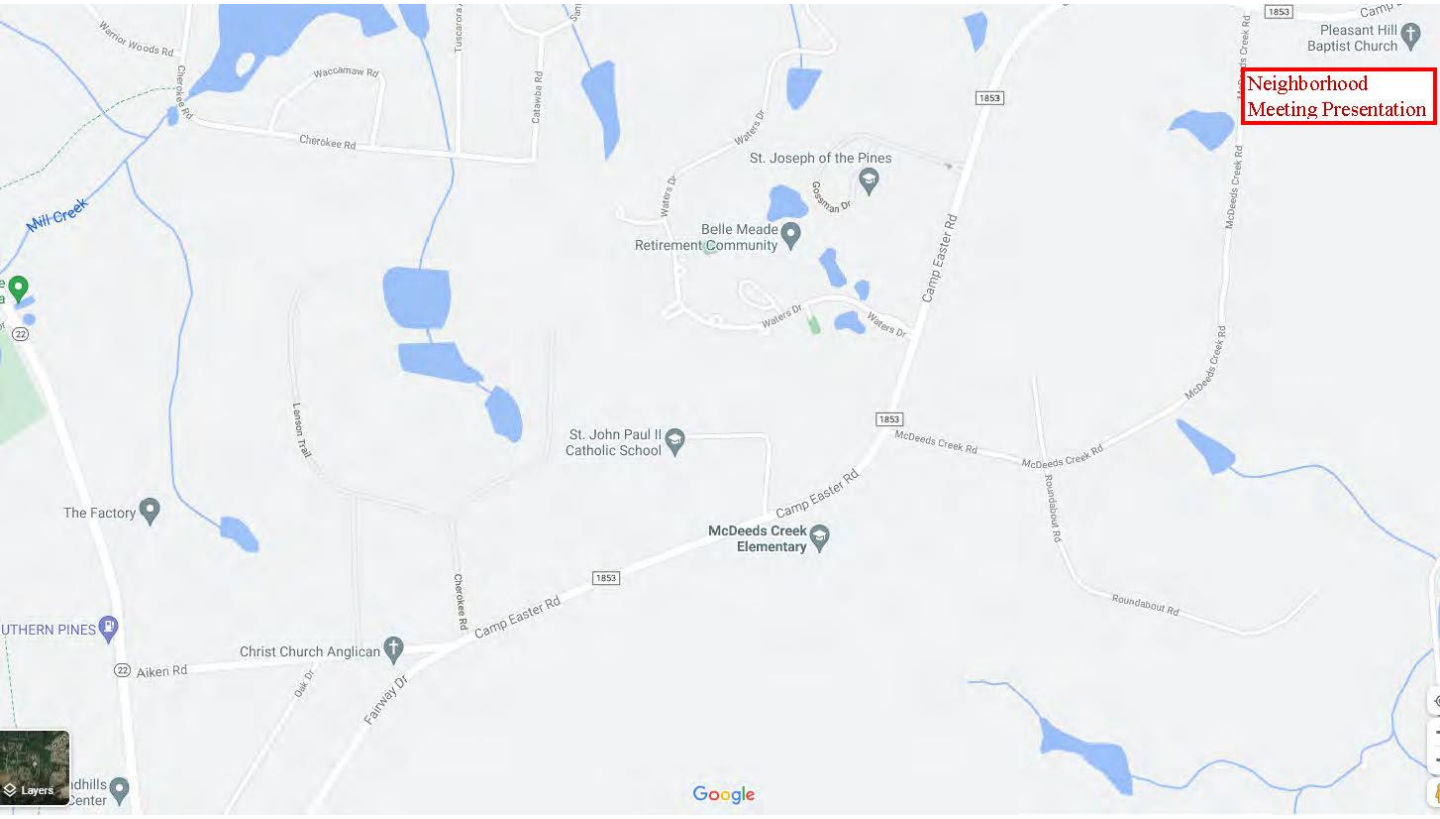
A certain tract of land located North of the Town of Southern Pines and lying about 600 yards North of State Road No. 1853 (Aiken Road), adjoining the lands of Kelly Miller, et al on the North, East, and South and the 18 feet wide Camp Easter Road on the West, described as follows: BEGINNING at iron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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

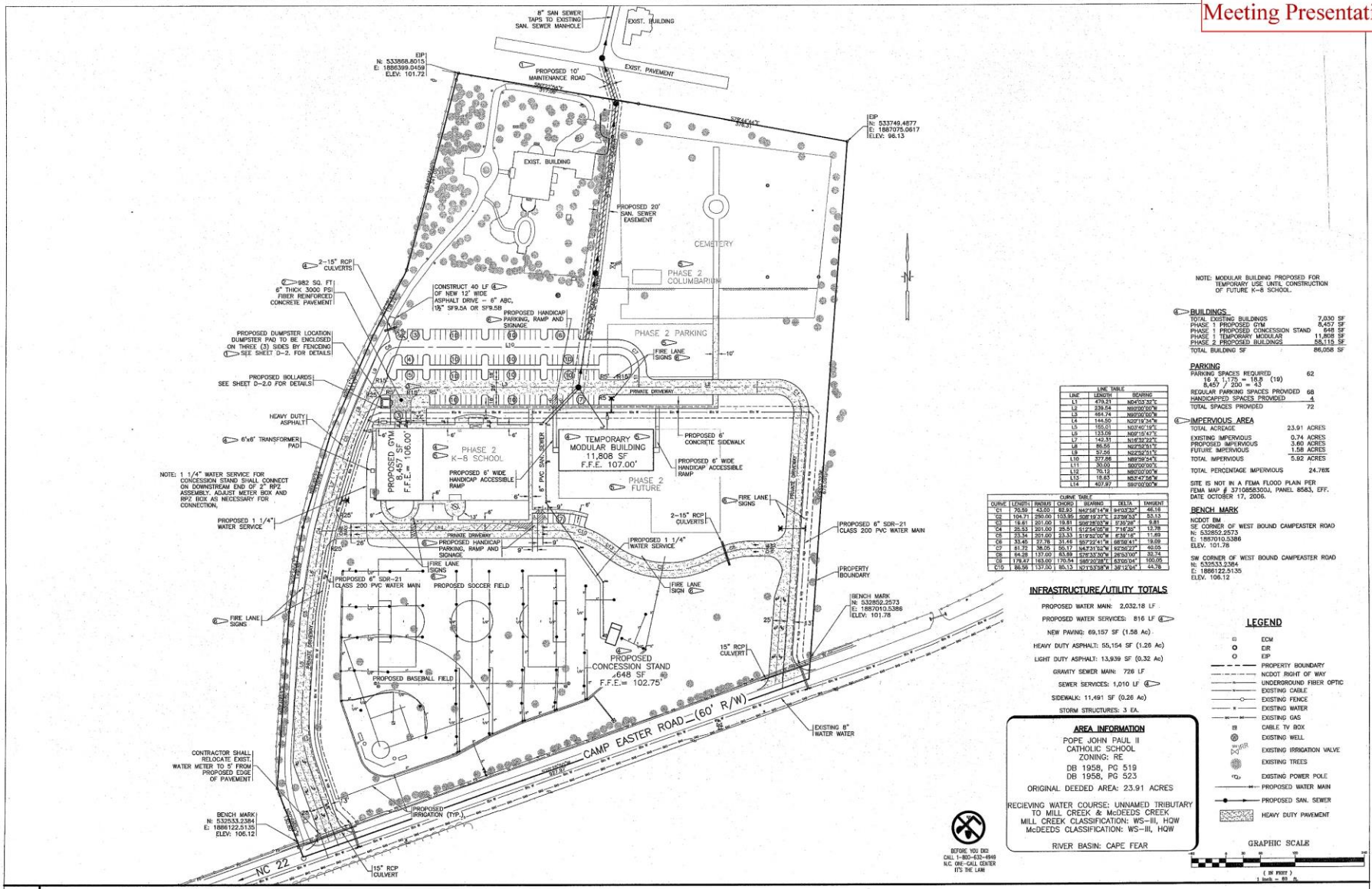
ACCESS EASEMENT TO 6.00 ACRE TRACT

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


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

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

Neighborhood Meeting Presentation



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

BUILDINGS

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

PARKING

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

IMPERVIOUS AREA

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

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

BENCH MARK

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

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

LINE TABLE		
LINE	LENGTH	BEARING
L1	479.21	N04°03'29"E
L2	239.54	N89°08'00"W
L3	464.74	N89°08'00"W
L4	144.50	N20°18'34"W
L5	155.01	N03°46'19"E
L6	133.09	N89°15'47"E
L7	142.31	N16°32'22"E
L8	86.56	N62°52'51"E
L9	57.56	N22°52'51"E
L10	377.66	N89°59'54"E
L11	30.00	S00°00'06"E
L12	70.12	N89°00'00"E
L13	18.63	N57°47'36"E
L14	407.97	S89°00'00"W

CURVE TABLE						
CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	TANGENT
C1	79.59	43.00	67.83	N43°58'14"W	94°57'33"	46.16
C2	104.71	250.00	103.95	S08°19'37"E	23°59'53"	53.13
C3	15.61	201.00	19.81	S08°28'05"W	4°26'28"	7.81
C4	25.53	201.00	25.51	S12°54'58"W	7°16'46"	12.78
C5	23.34	201.00	23.33	S19°52'00"W	6°39'18"	11.69
C6	33.45	27.78	31.46	S57°32'41"W	68°58'41"	19.09
C7	61.72	38.05	55.17	N43°31'32"W	92°56'27"	40.05
C8	64.28	137.00	63.69	S76°31'30"W	26°53'00"	32.74
C9	178.47	163.00	170.54	S80°20'28"E	63°00'04"	100.05
C10	86.56	137.00	85.13	N21°53'58"W	36°12'04"	44.78

INFRASTRUCTURE/UTILITY TOTALS

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

AREA INFORMATION

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

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

LEGEND

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

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

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

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

OVERALL SITE PLAN

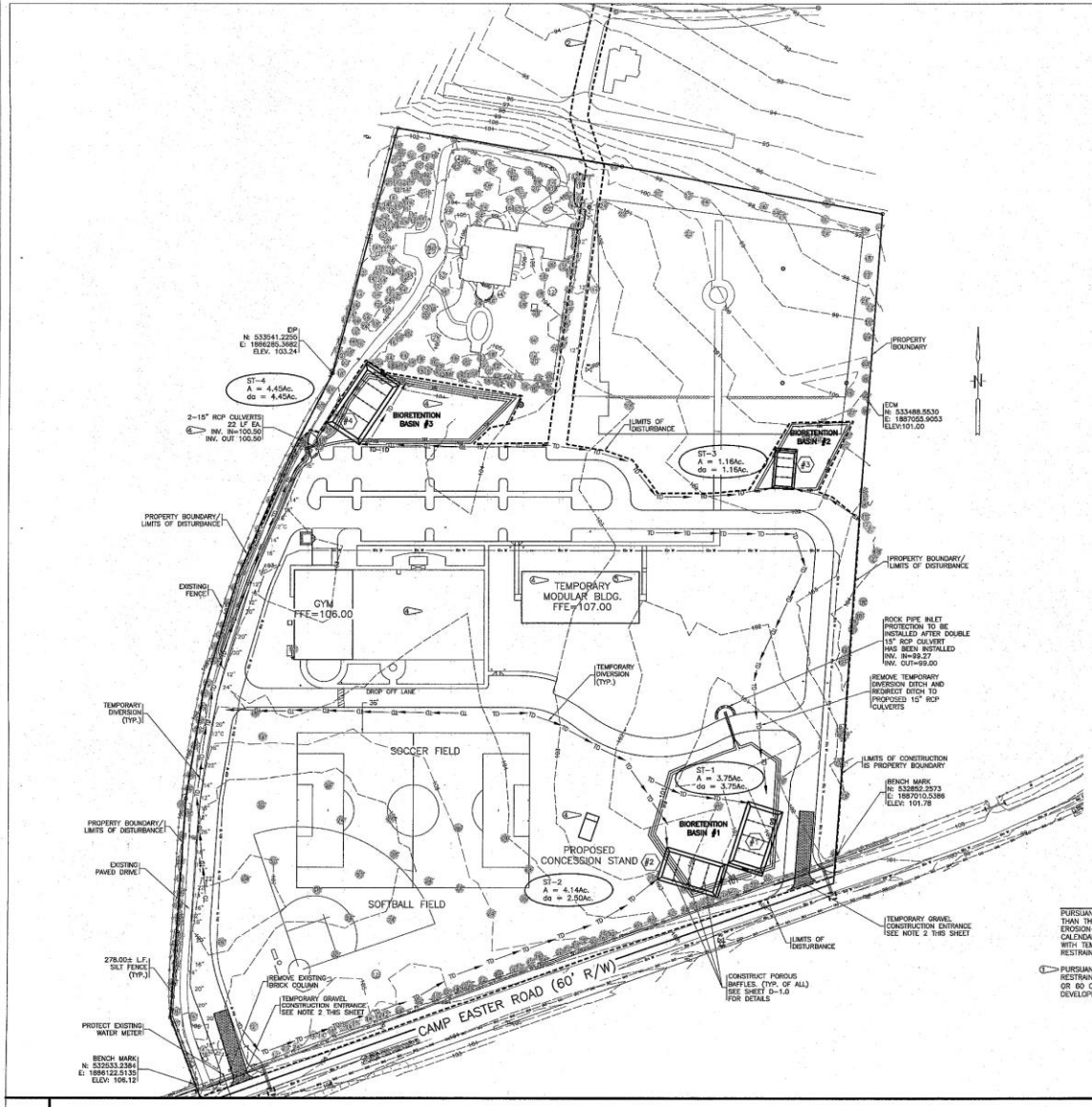
NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 03809 RICHARD E. HILLIARD 12-16-09

DATE: 02/27/07	APPROVED DATE: 12/16/09	06214
DES BY: ----	1 12/20/07	
DWG BY: ----	2 12/04/07	
CHK BY: ----	3 1/9/09	
REV NO.: ----	4 11/20/09	
	5 12/1/09	

SHEET NO. C-02

H:\JPS\07141.500\810\CAD\C-02 OVERALL SITE PLAN.dwg TWenko 12/12/09 - 3:11 P

Neighborhood Meeting Presentation



CONSTRUCTION NOTES:

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

SEDIMENT TRAP – SUMMARY

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

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

NOTE:

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

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

DISTURBED AREA: 15.95 Ac.

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

LEGEND

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

GRAPHIC SCALE

(IN FEET)
1 inch = 60 ft.

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

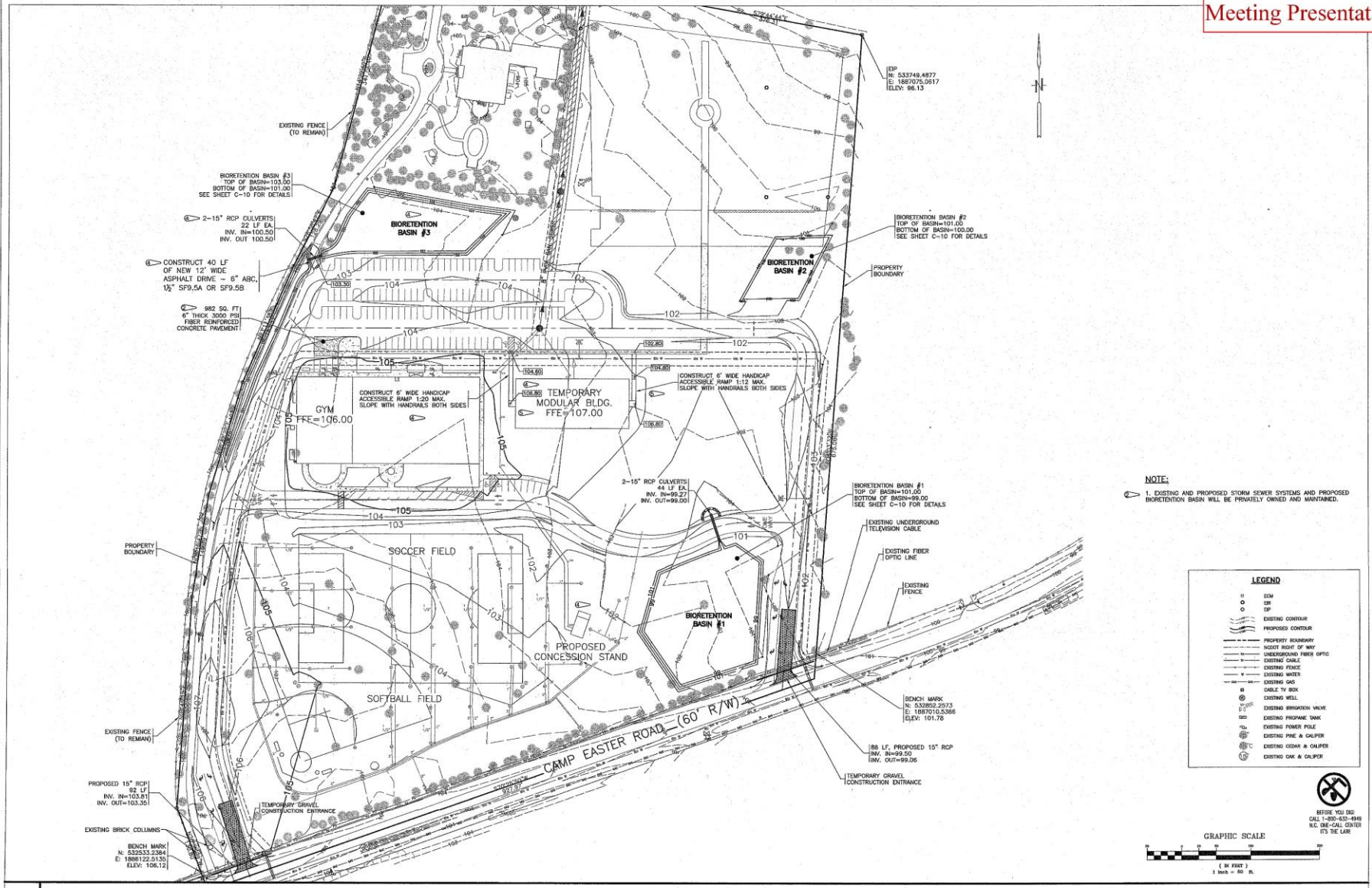
	DATE
DES BY:	07/27/07
DWG BY:	9/4/07
CHK BY:	11/9/09
REV NO.:	11/20/09
	12/11/09

ST. ANTHONY OF PADUA CATHOLIC SCHOOL

SHEET NO. C-03

12-18-09

Neighborhood Meeting Presentation



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

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

GRADING AND DRAINAGE PLAN

12-16-09

DATE:	02/27/07	BY:	DATE:	12/22/09
DES BY:	---	1	12/9/09	
DWG BY:	---	2	11/9/09	
CHK BY:	---	3	11/30/09	
REV NO.	---			

ST. ANTHONY OF PADUA CATHOLIC SCHOOL
NC 211

SHEET NO.
C-04

The BOGLE Firm, PLLC
Architecture • Planning • Consulting

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 phrase 1 end. He specifically used drainage/runoff results as examples to illustrate.

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

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

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

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

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

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

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

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

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

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

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

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

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

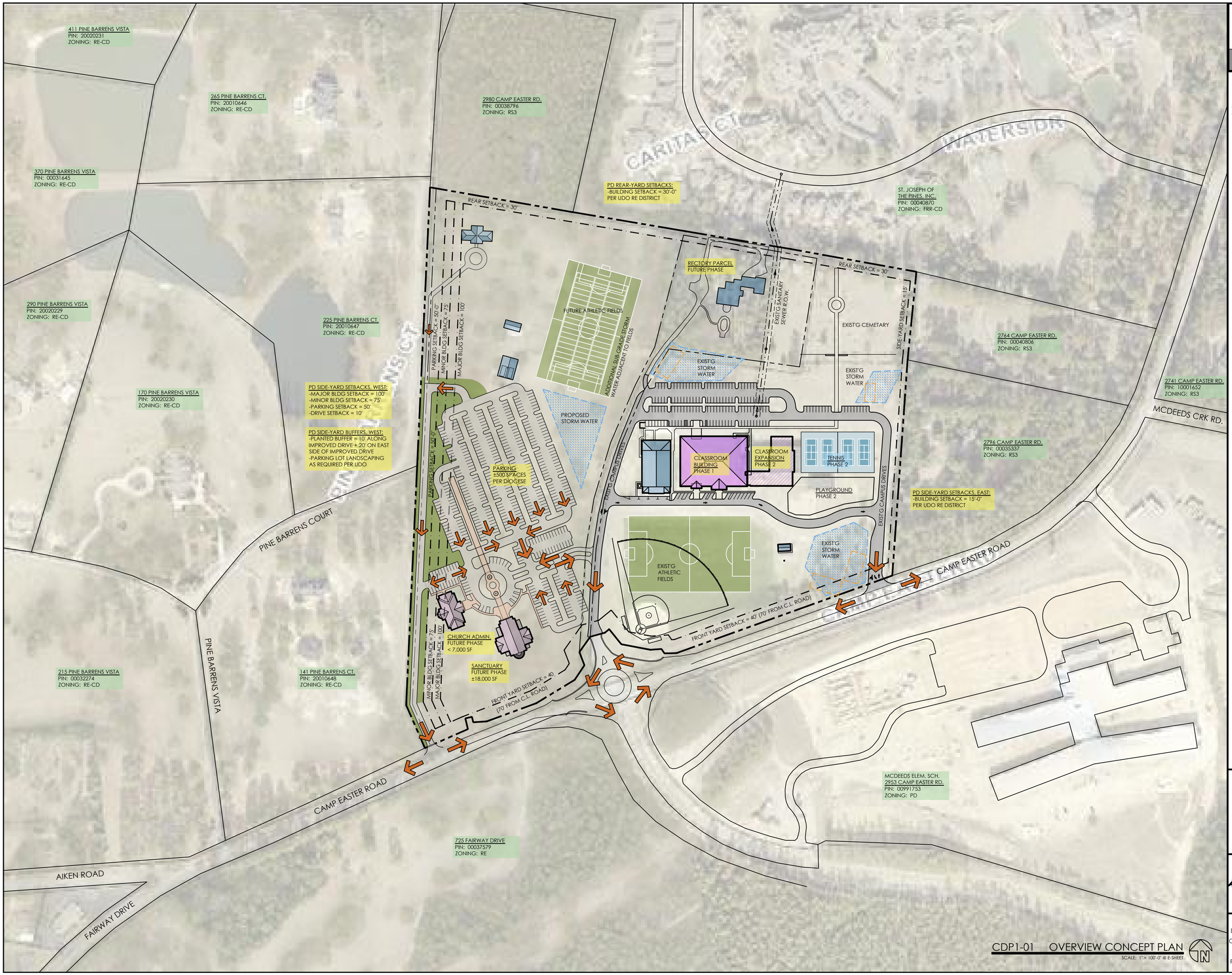
Bogle noted that there might be an additional easement on the far side of SJPII's easement belonging to others. If so, it would be an easement with which his firm would not be aware. While no one could say for certain, this was one of the possibilities noted to address a claim by a neighbor that a surveyor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

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

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

Conceptual Development Plan

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



the BOGLE FIRM
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110 N. MAIN ST
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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.

OVERVIEW CONCEPT PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

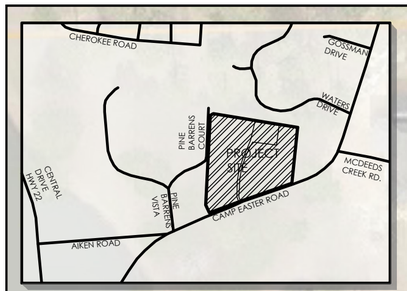
ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

DONALD R. BOGLE
10100
SALISBURY, N.C.

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

SHEET NUMBER
CDP1
OF: 4



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

PINE BARRENS CT.

DEEDED EASEMENT: 18'

PROPERTY LINE

EXISTING HORSE PASTURE AREA
SCATTERED TREES

EXISTING POLE BARN STORAGE

FUTURE PHASE
FIELDHOUSE
ADAPTIVE REUSE OF EXISTING HORSE BARN

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

RE

EXISTING RECTORY

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

PARCEL LINE

SEWER LINE 20' R.O.W.

EXISTING CEMETARY

EXISTING BIO-RETENTION DRYWELL

EXISTING ACTIVITY BUILDING
FFE: 436.11'

EXISTING PREPARED BUILDING PAD

EXISTING MOBILE CLASSROOMS TO BE REMOVED

EXISTING PLAYGROUNDS

EXISTING CONCESS.
FFE: 431.89'

WELL

EXISTING ATHLETIC FIELDS

R/W

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

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

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

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

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

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

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

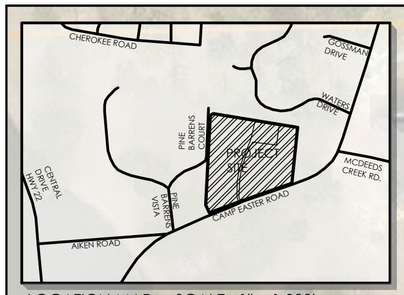
ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

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

SHEET NUMBER
CDP2
OF: 4



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

PINE BARRENS CT.

PROPERTY LINE

REAR SETBACK = 30'

DEEDED EASEMENT 18'

EXISTING HORSE PASTURE AREA
SCATTERED TREES

EXISTING POLE BARN STORAGE

EXISTING HORSE BARN / OFFICE
CURRENT USE TO REMAIN THIS PHASE

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

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

PD

EXISTING HORSE PASTURE AREA
SCATTERED TREES

EXISTING ATHLETIC FIELDS

EXISTING RECTORY

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

RE

PARCEL LINE

SEWER LINE 20' R.O.W.

EXISTING CEMETARY

SIDE YARD SETBACK = 45'

EXISTING BIO-RETENTION DRYWELL

ADDED PARKING

EXISTING ACTIVITY BUILDING
FFE: 436.11'

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

EXISTING PLAYGROUNDS

EXISTING CONCESS.
FFE: 431.89'

WELL

EXISTING BIO-RETENTION DRYWELL

SIDE YARD SETBACK = 45'

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

R/W

CAMP EASTER RD

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

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

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

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

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

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

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PHASE 1 CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

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

SHEET NUMBER
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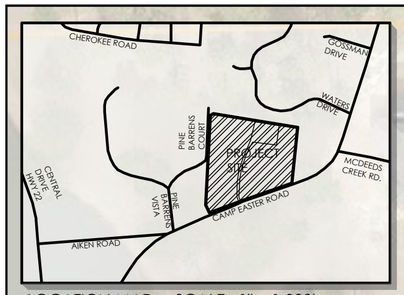
OF: 4



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

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

FUTURE SCHOOL / CHURCH OFFICE OR CLASSROOM USE

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

FUTURE PHASE
RECTORY
NEW CONSTRUCTION
± 3,500 SF

FUTURE PHASE
ATHLETIC FIELDS

RETAIN SCATTERED TREES WHERE NOT IN CONFLICT WITH DEVELOPMENT

EXISTING POLE BARN STORAGE

FUTURE PHASE
FIELDHOUSE
ADAPTIVE REUSE OF EXISTING HORSE BARN

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

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

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

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

PARKING SETBACK = 50'-0"

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

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

MINOR BUILDINGS:
7,000 SF OR LESS

MAJOR BUILDINGS:
GREATER THAN 7,000 SF

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

RETAIN SCATTERED TREES WHERE NOT IN CONFLICT WITH DEVELOPMENT

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

EXISTING CEMETARY

EXISTING BIO-RETENTION DRYWELL

ADDED PARKING

EXISTING ACTIVITY BUILDING
FFE: 436.11'

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

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

TENNIS COURTS

EXPANDED PLAYGROUND

EXISTING ATHLETIC FIELDS

EXISTING CONCESS.
FFE: 431.89'

WELL

EXISTING BIO-RETENTION DRYWELL

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

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

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

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

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

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

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

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

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FUTURE PHASE CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

ST. JOHN PAUL II CATHOLIC SCH.

2922 CAMP EASTER ROAD
SOUTHERN PINES, NC

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

SHEET NUMBER
CDP4
OF: 4

RLUAC

Regional Land Use Advisory Commission

TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: PD-04-22 – Conceptual Development Plan

Location: 2978 Camp Easter Road

PIN#: 858315538280, 858315635655, and 858315635197

March 8, 2022

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

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

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

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

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

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

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

Thank you for allowing RLUAC to review this case.

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

BJ Grieve

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

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

Cindy,

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

Thank you,

Dago

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

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315

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

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

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

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

Good morning,

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

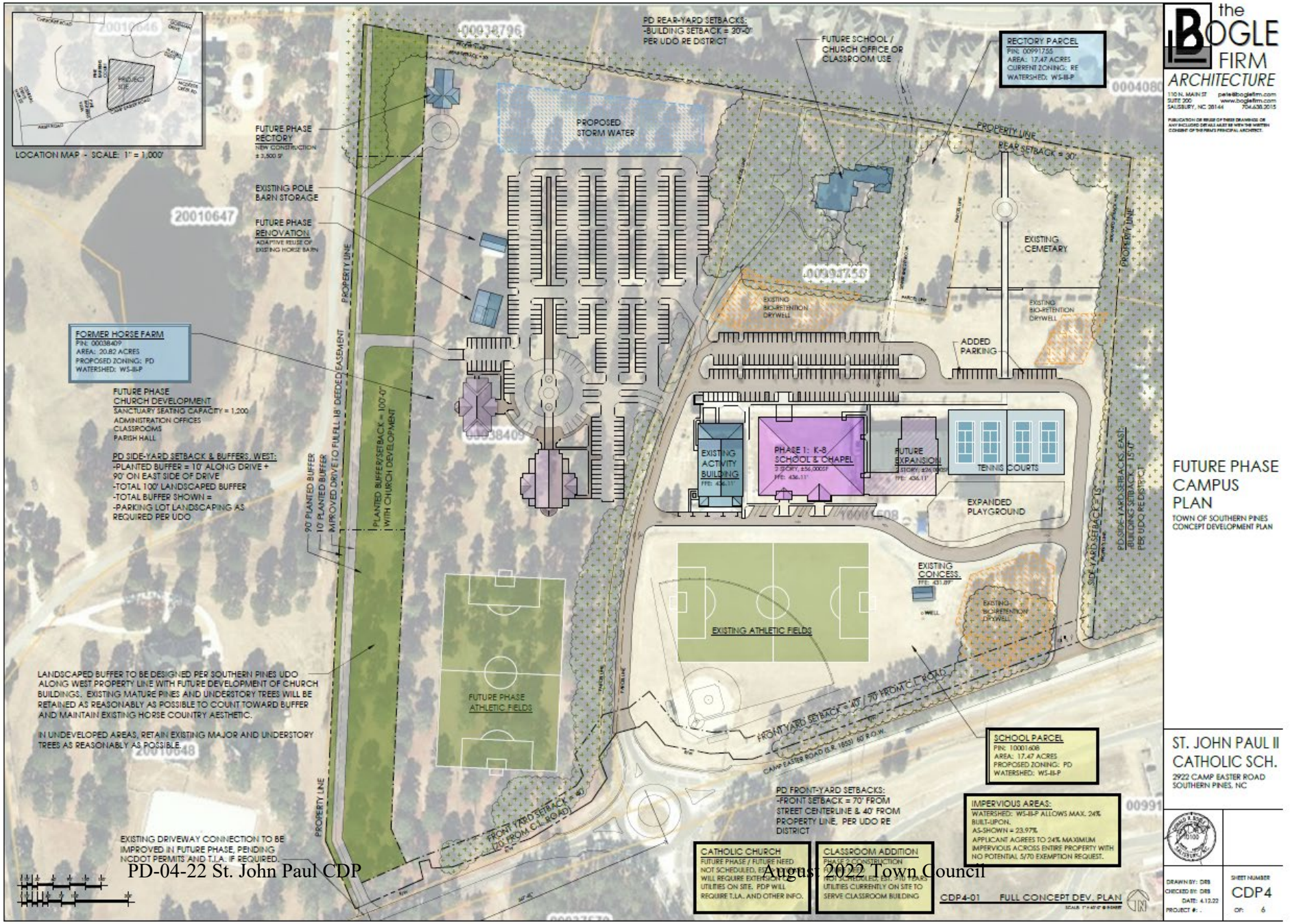
Thank you.

Sincerely,

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

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

ADJUSTED CDP SITE PLAN



Adjustments made based on comments from Planning Board including:

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

Town of Southern Pines
Chartered 1887
North Carolina

ATTACHMENT A

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

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

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

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

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

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

Findings from Planning Board:

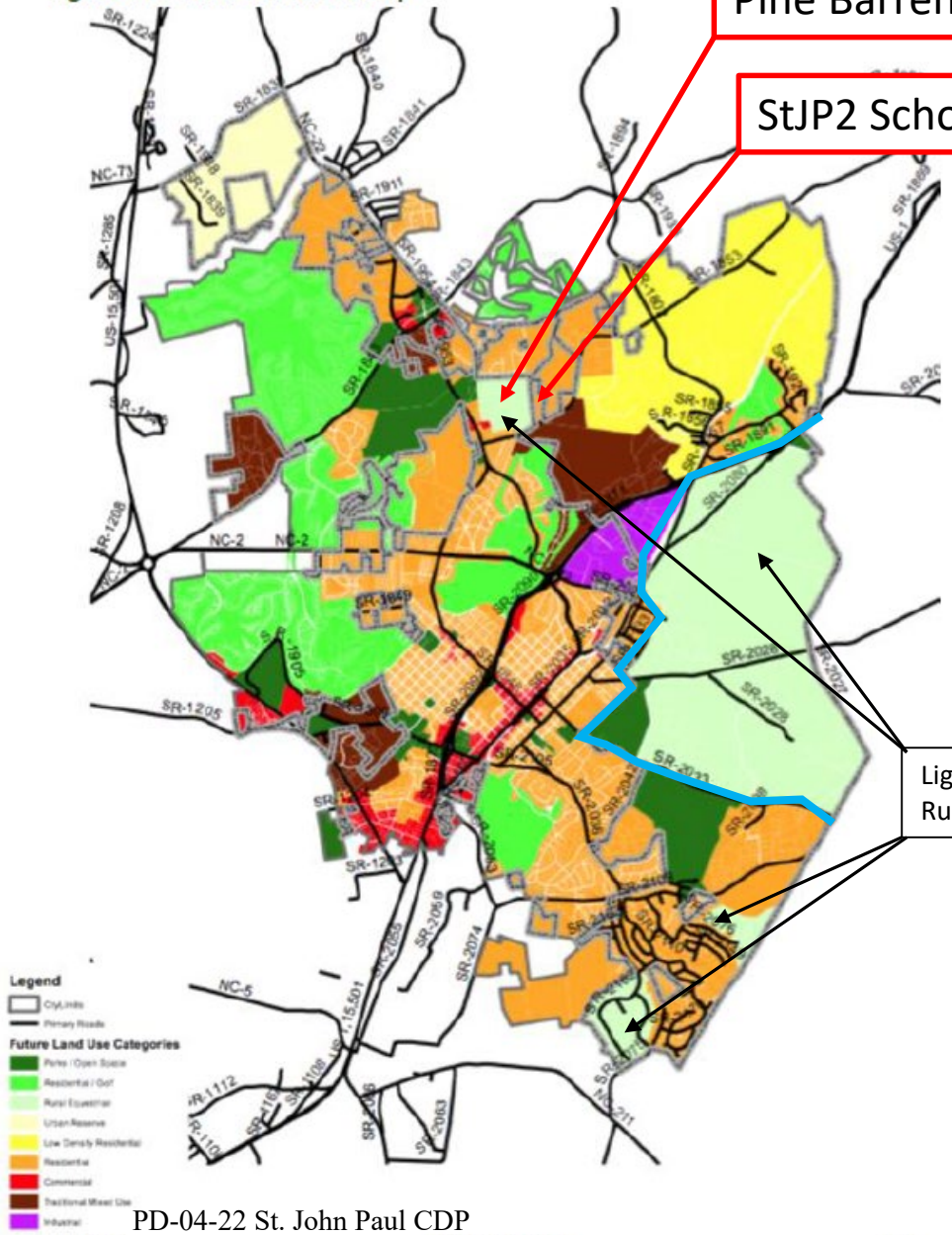
1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
3) "Church Development" on west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

<u>Answering Planning Board's Identified Findings:</u>

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

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

Figure 4.6 – Future Land Use Map



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

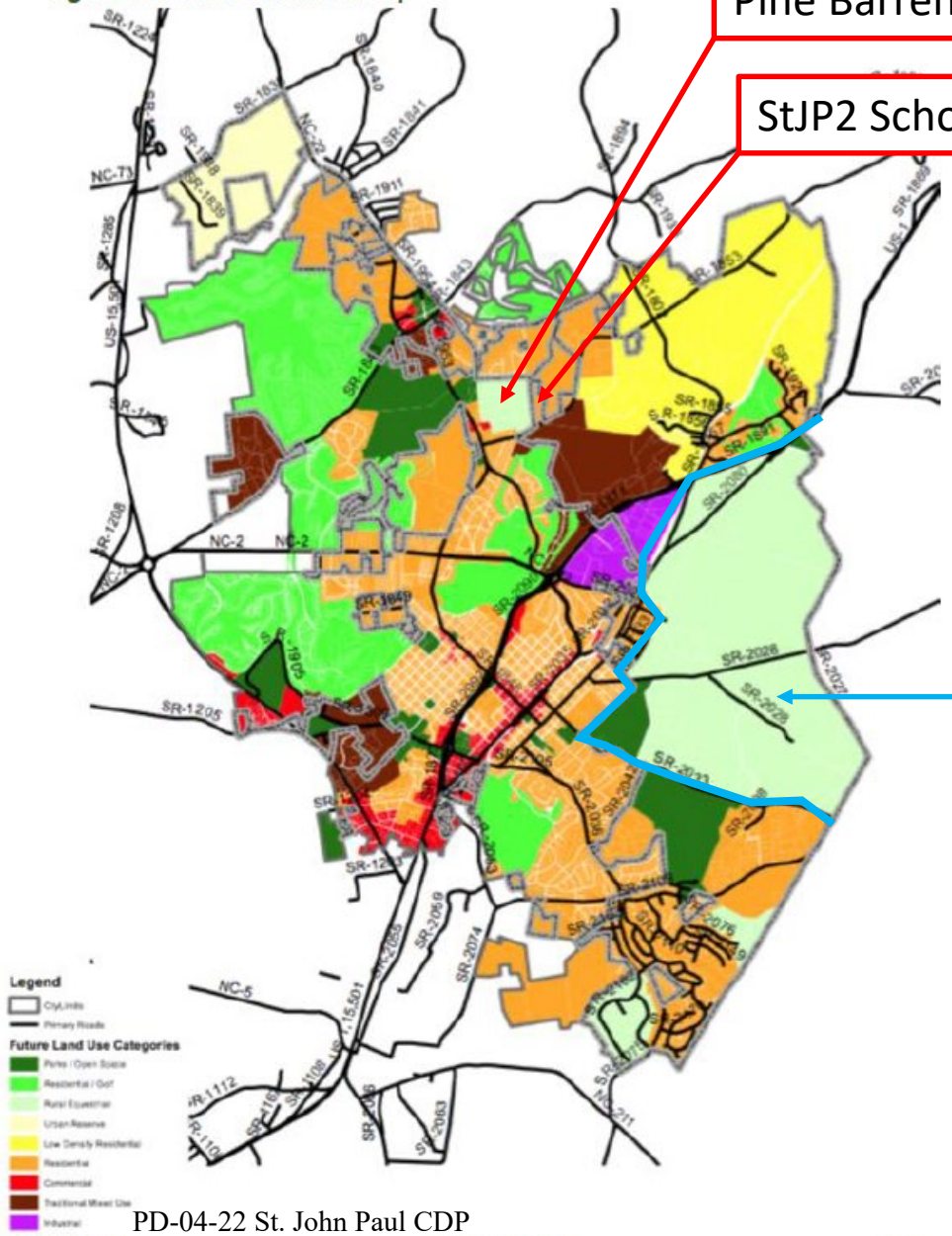
The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited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

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.

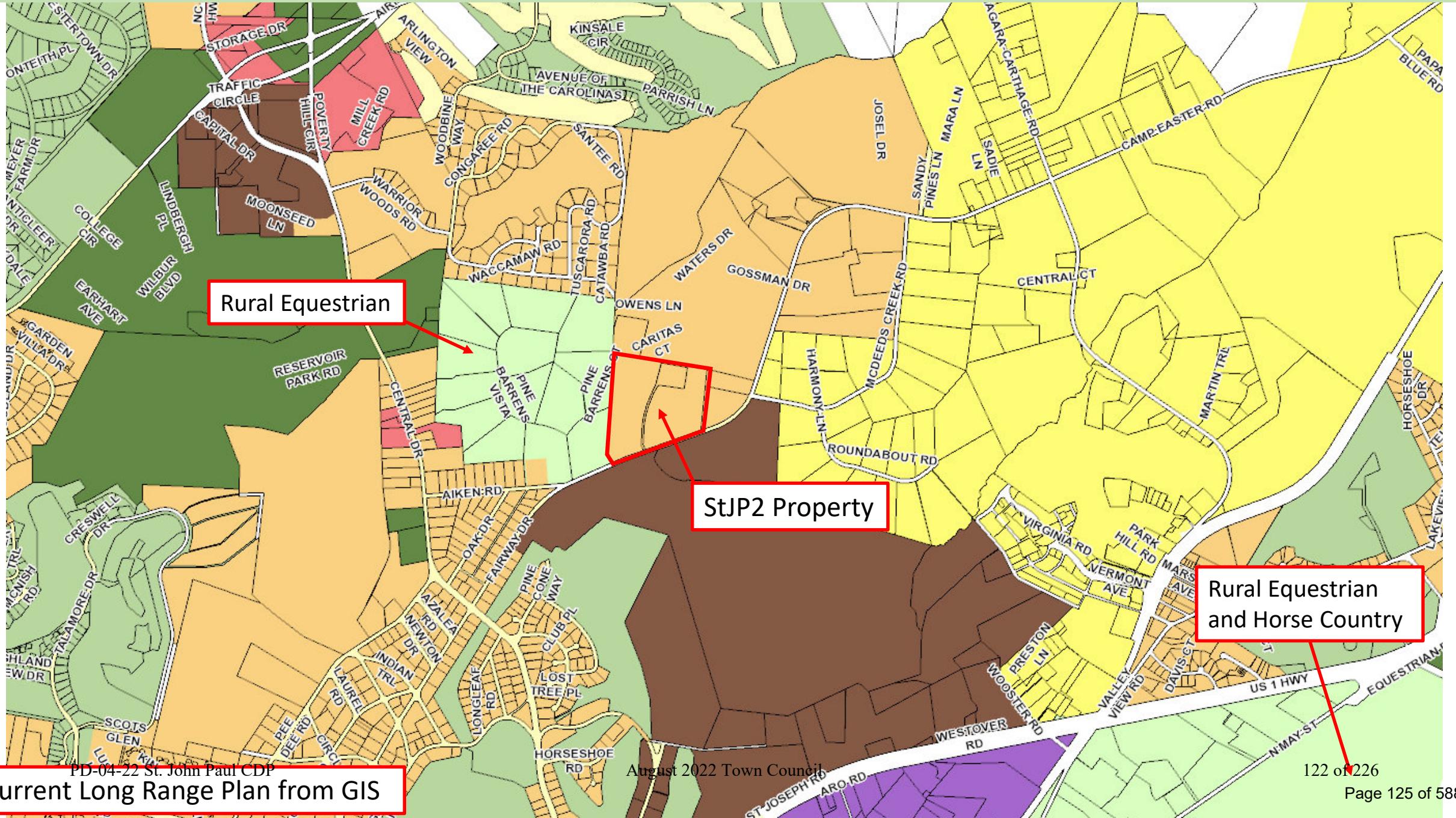
Land Conservation: The placement of dwellings and accessory buildings in a pattern of development which reduces impervious surface area, lowers costs of development and maintenance and retains larger expanses of property available for agriculture, forestry, or continuity of ecological functions characteristic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

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

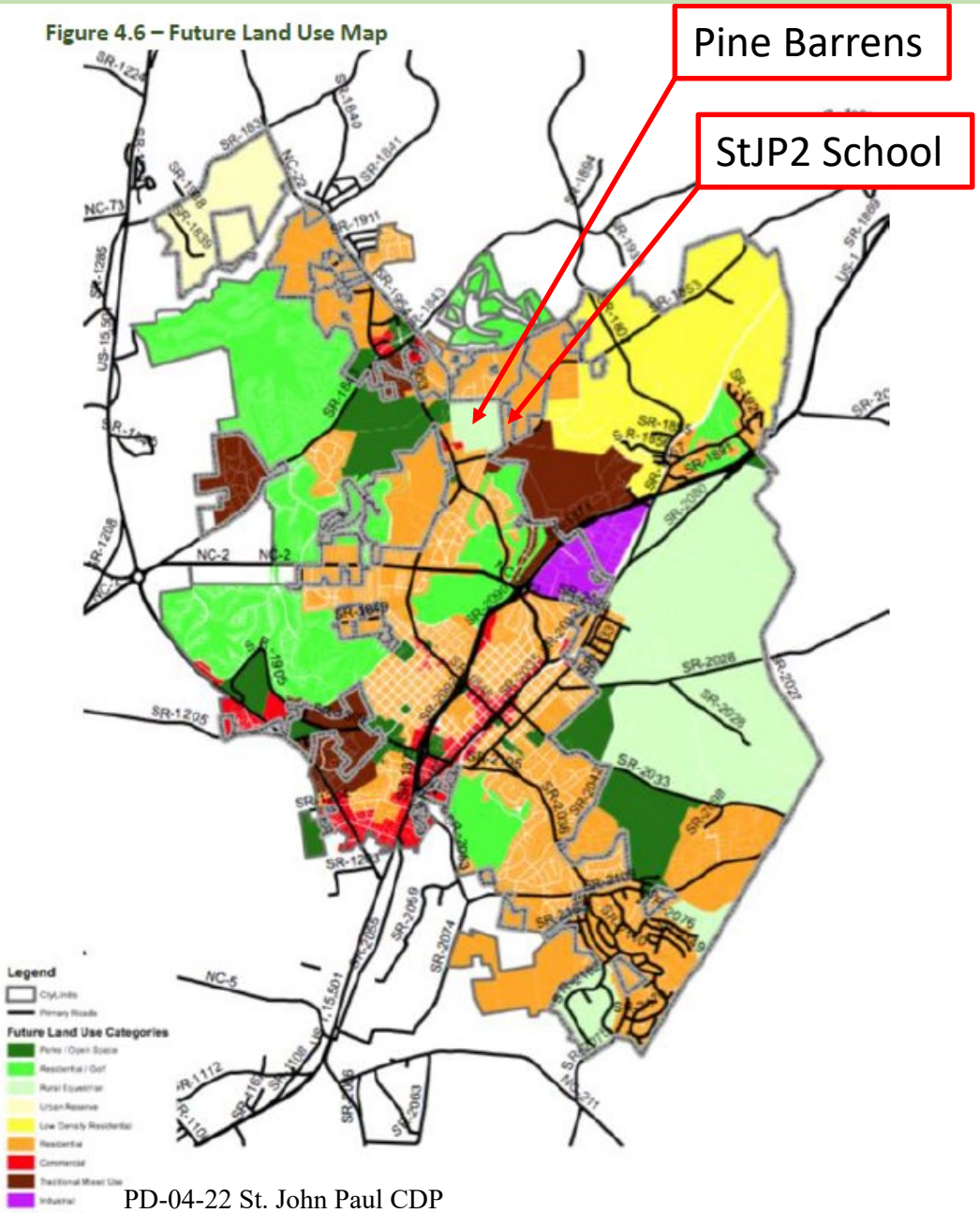
<u>CLRP Definition</u>

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

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?

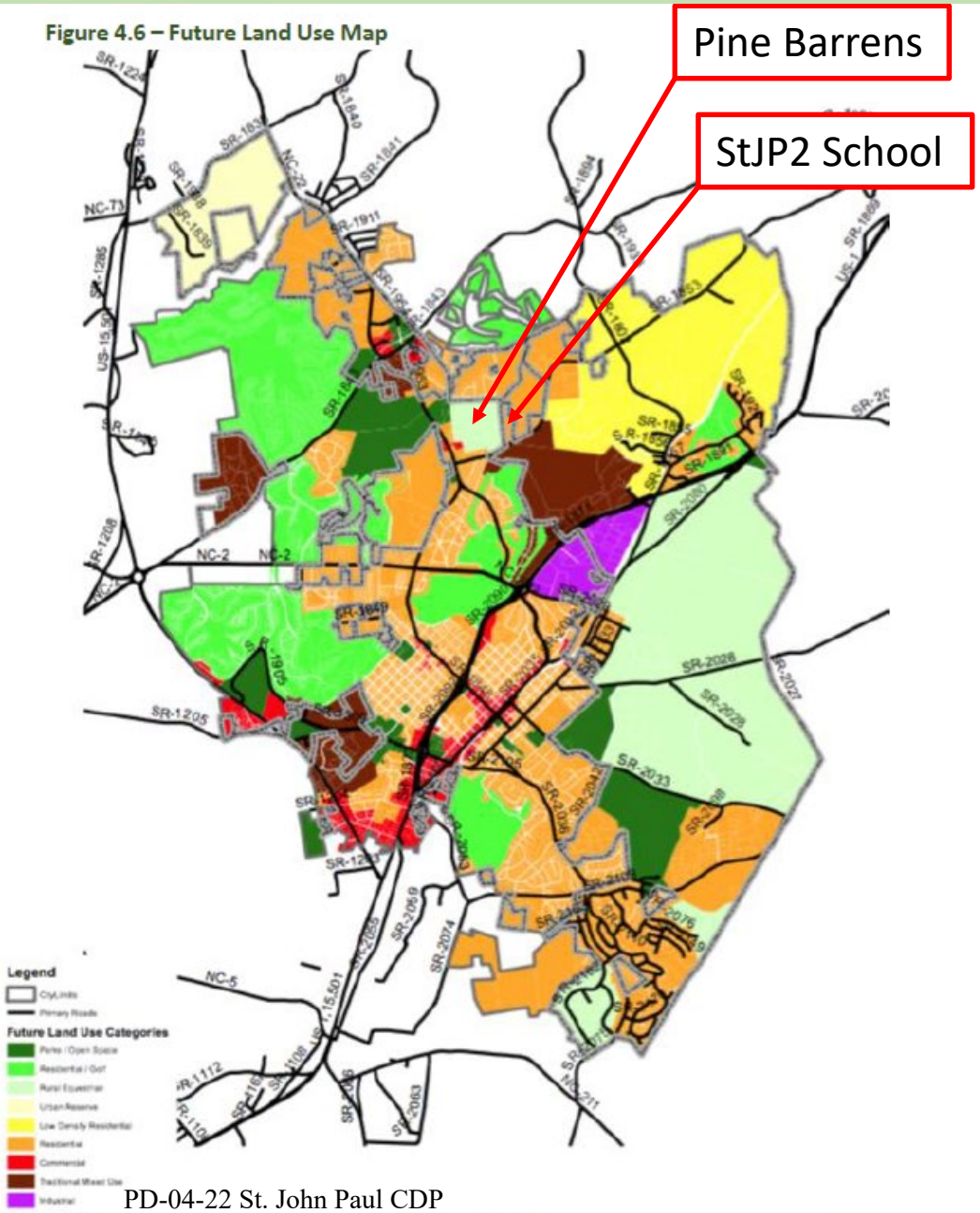


G-5. Horse Country. Retain the aesthetic and functional characteristics of Horse Country.

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

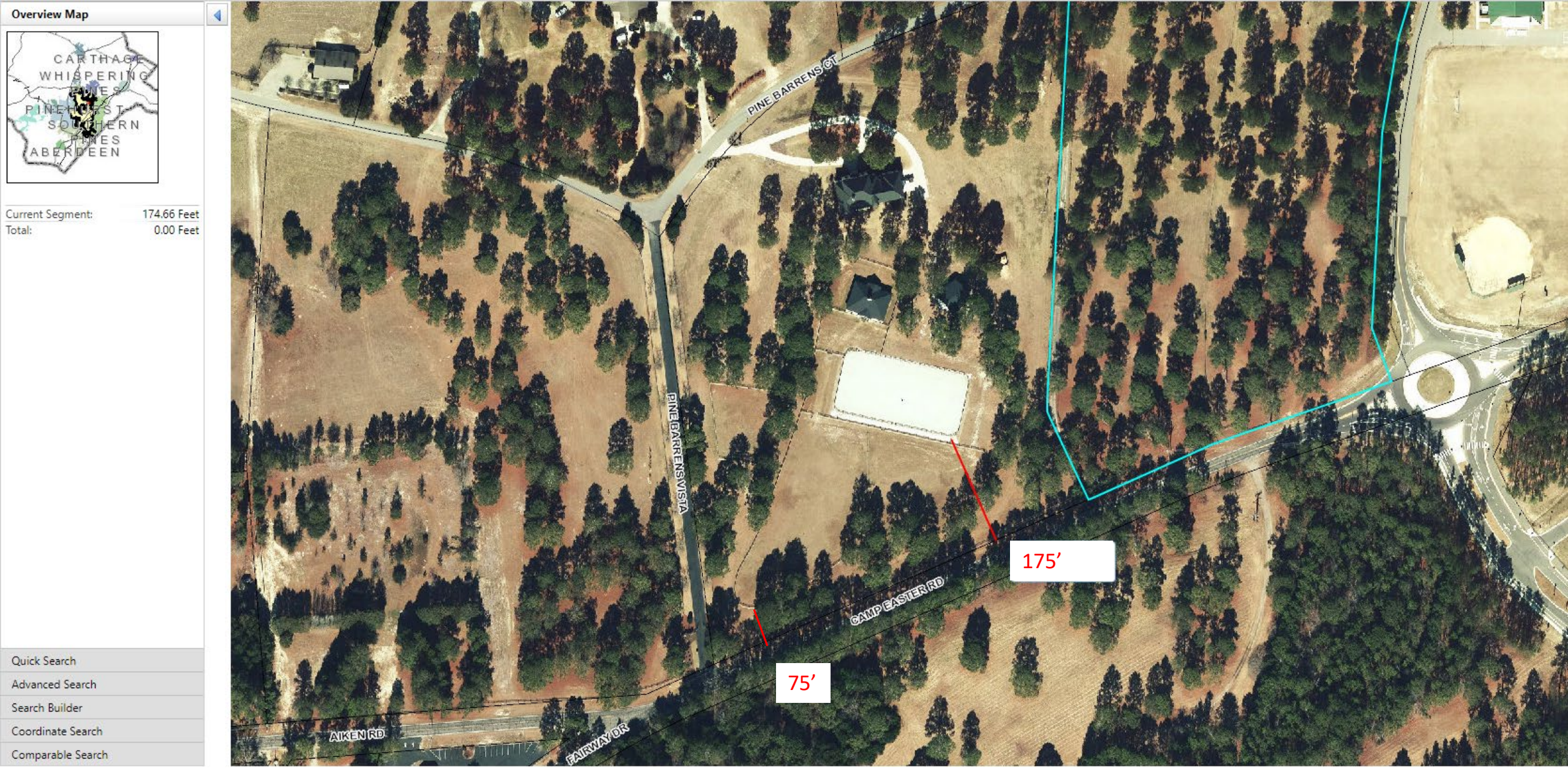
a. Engaging equestrian organizations and property owners;
b. Coordinating with Moore County, land trusts and others on effective land use strategies;
c. Coordinating with NCDOT, Moore County and Fort Bragg on appropriate transportation strategies, such as greenway and trail development in coordination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

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



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

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



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

VISUAL SEPARATION - EXISTING

Pano from west edge of proposed parking

Pano from existing easement looking into Pine Barrens – at pond

Pano from existing easement looking into Pine Barrens – at Currey House

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

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

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

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

100’ Buffer extends roughly to top of rise.

From existing easement / property line, looking toward Mace House

±950 feet from shown Church location to Mace house

From 100 feet into site, viewing toward Currey house.

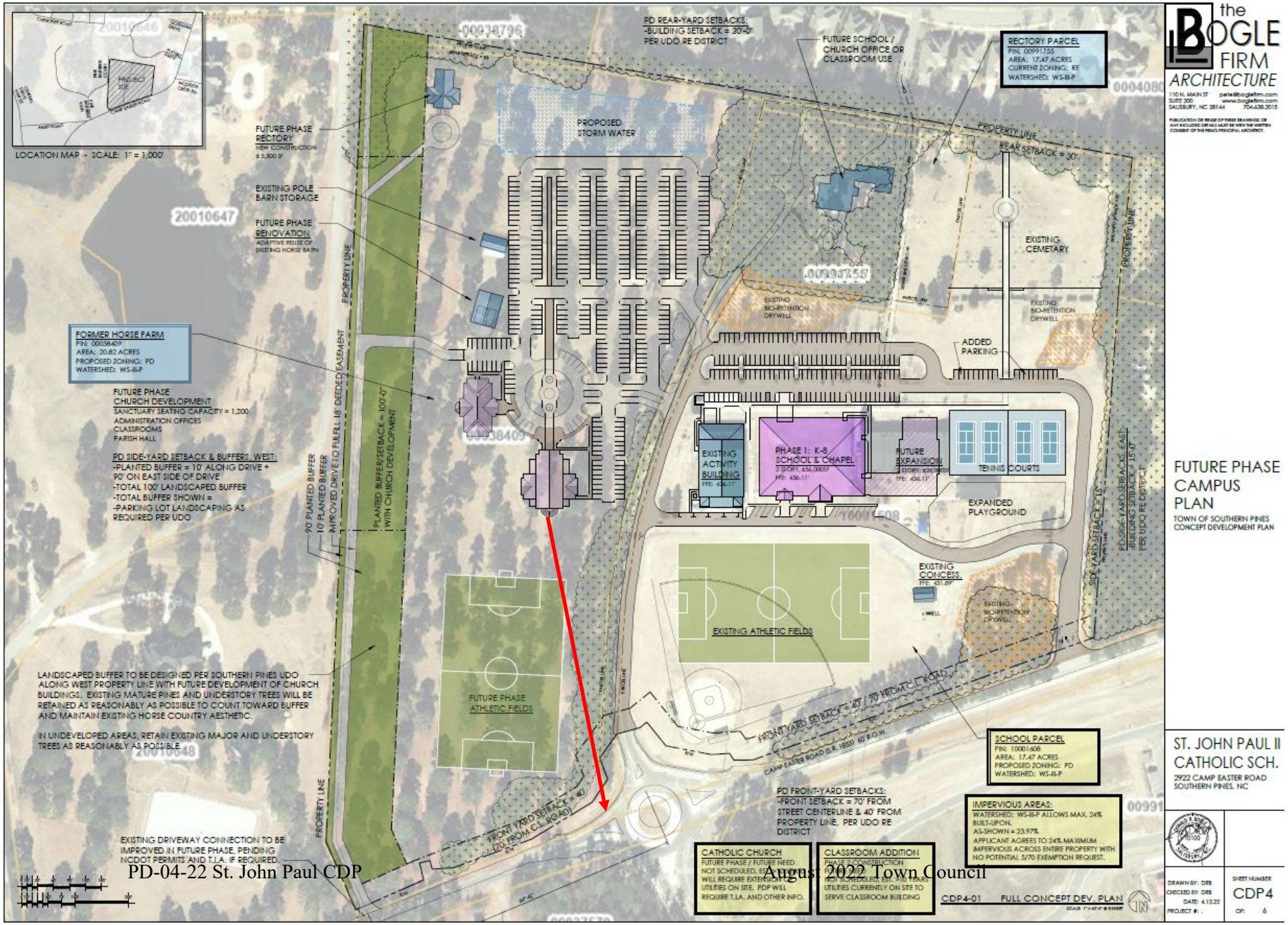
±450’ from Currey house to Athletic field where shown.

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

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

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

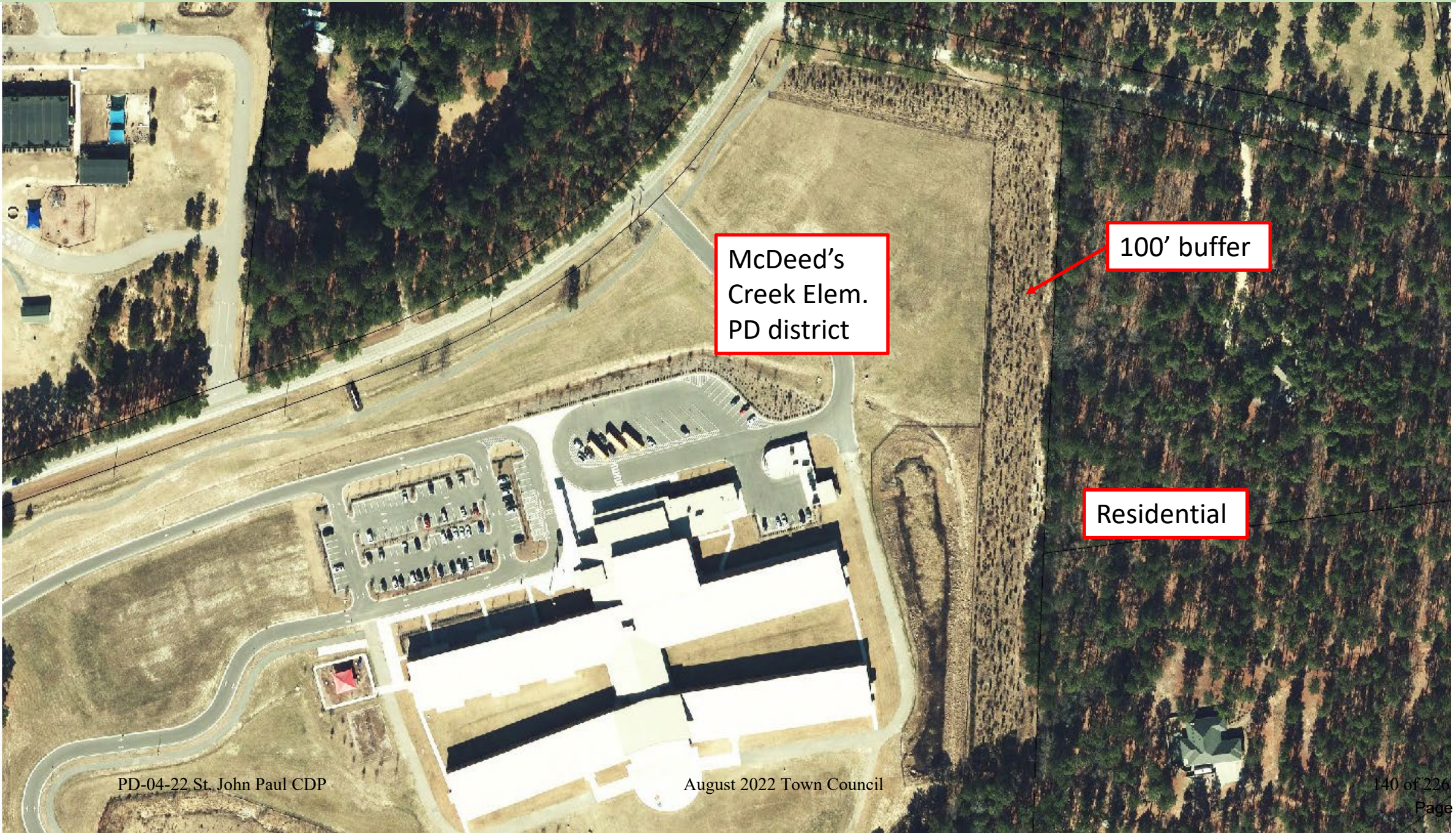
Is the Church Development Scale, **Location**, and **Buffering** inconsistent with the CLRP residential future land use designation?



Adjustments made based on comments from Planning Board including:

- Location of Church Development shown at >500' from Camp Easter Road – in line with adjacent school buildings
- Addition of 100' Buffer / Setback

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



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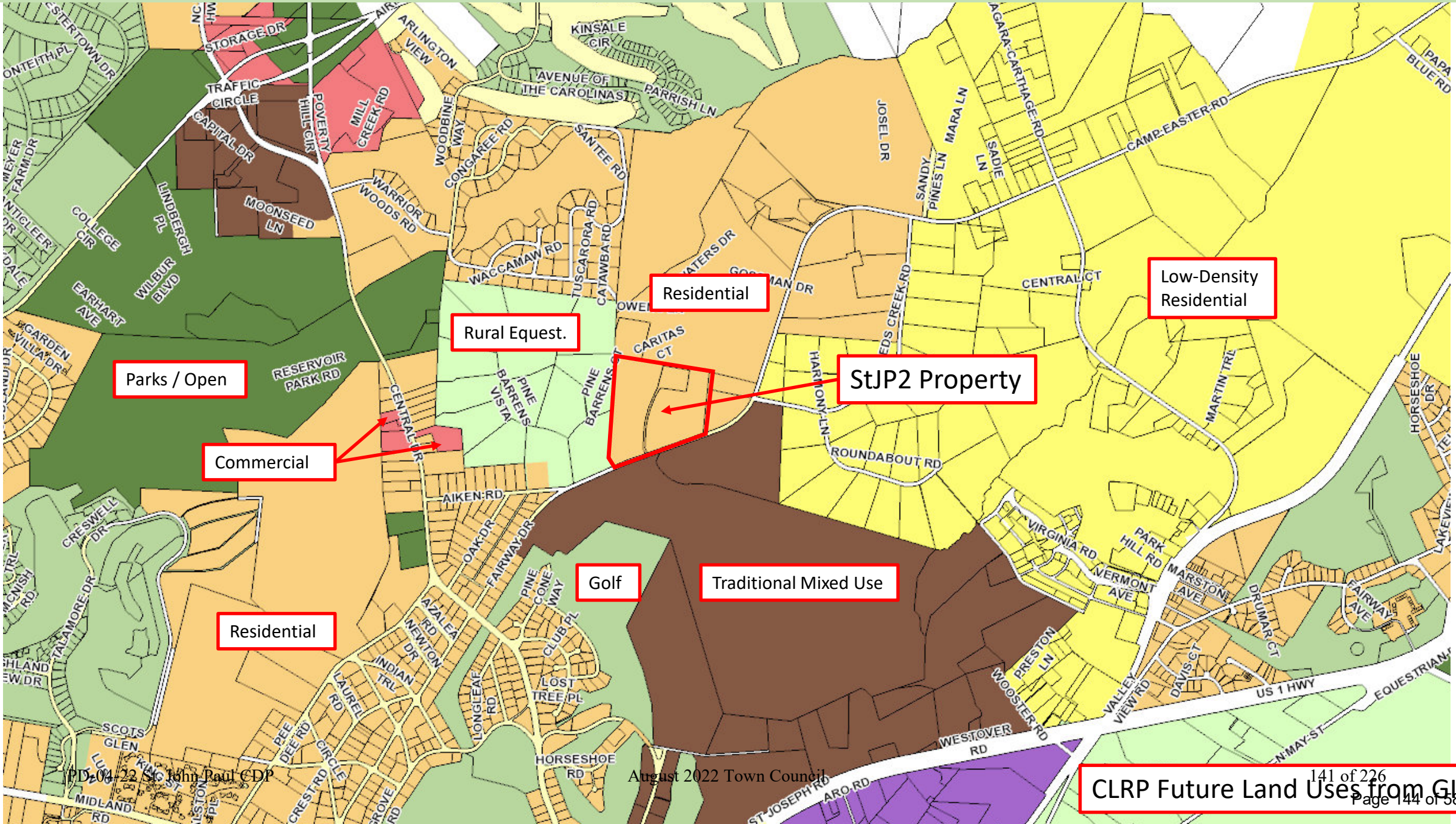

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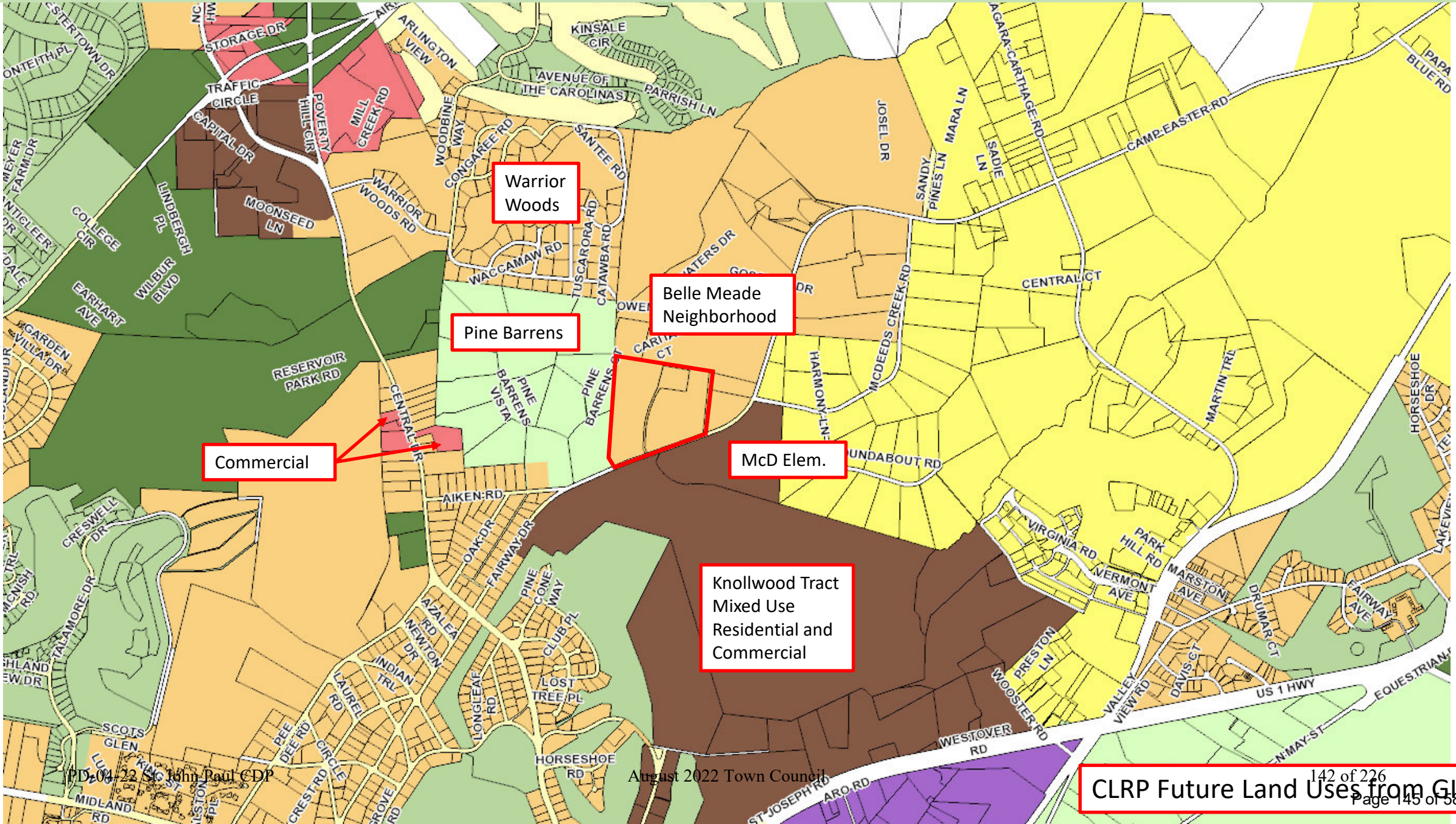

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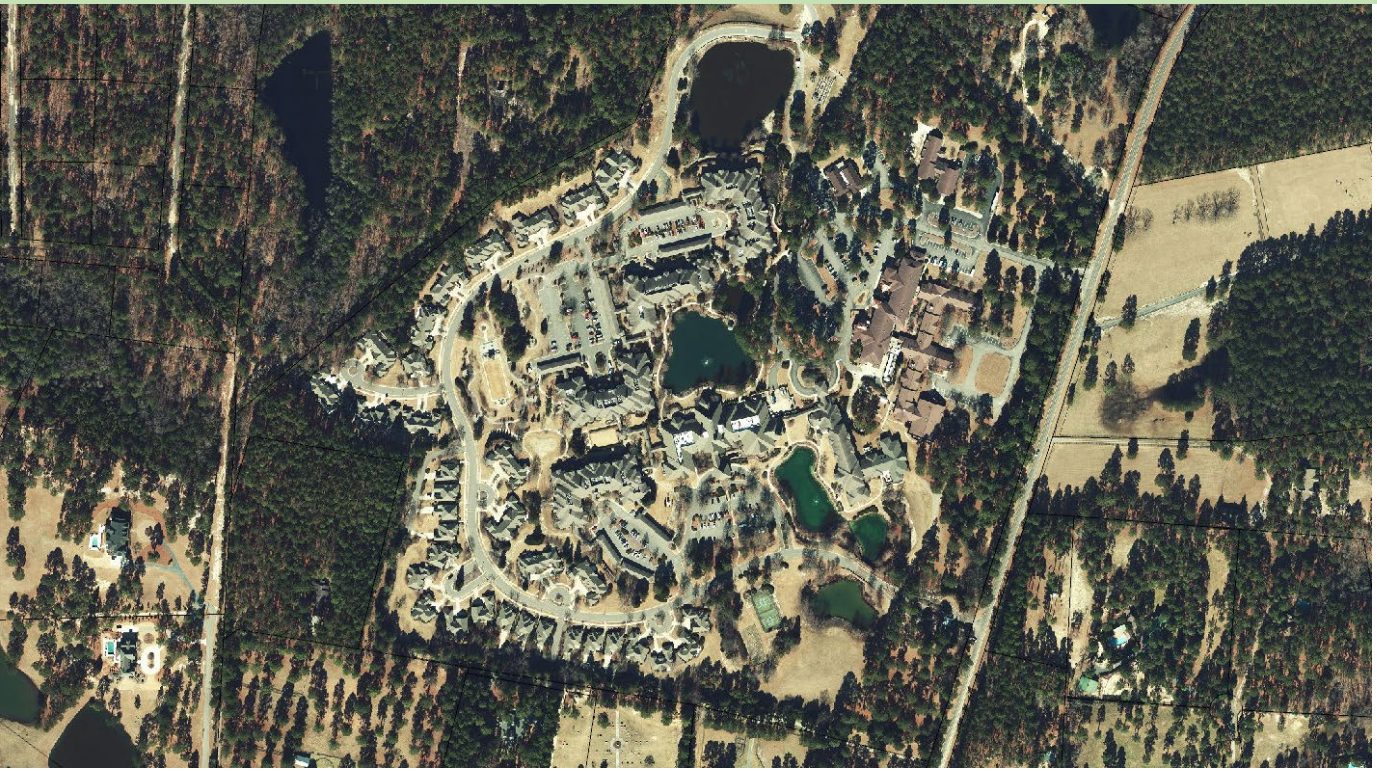


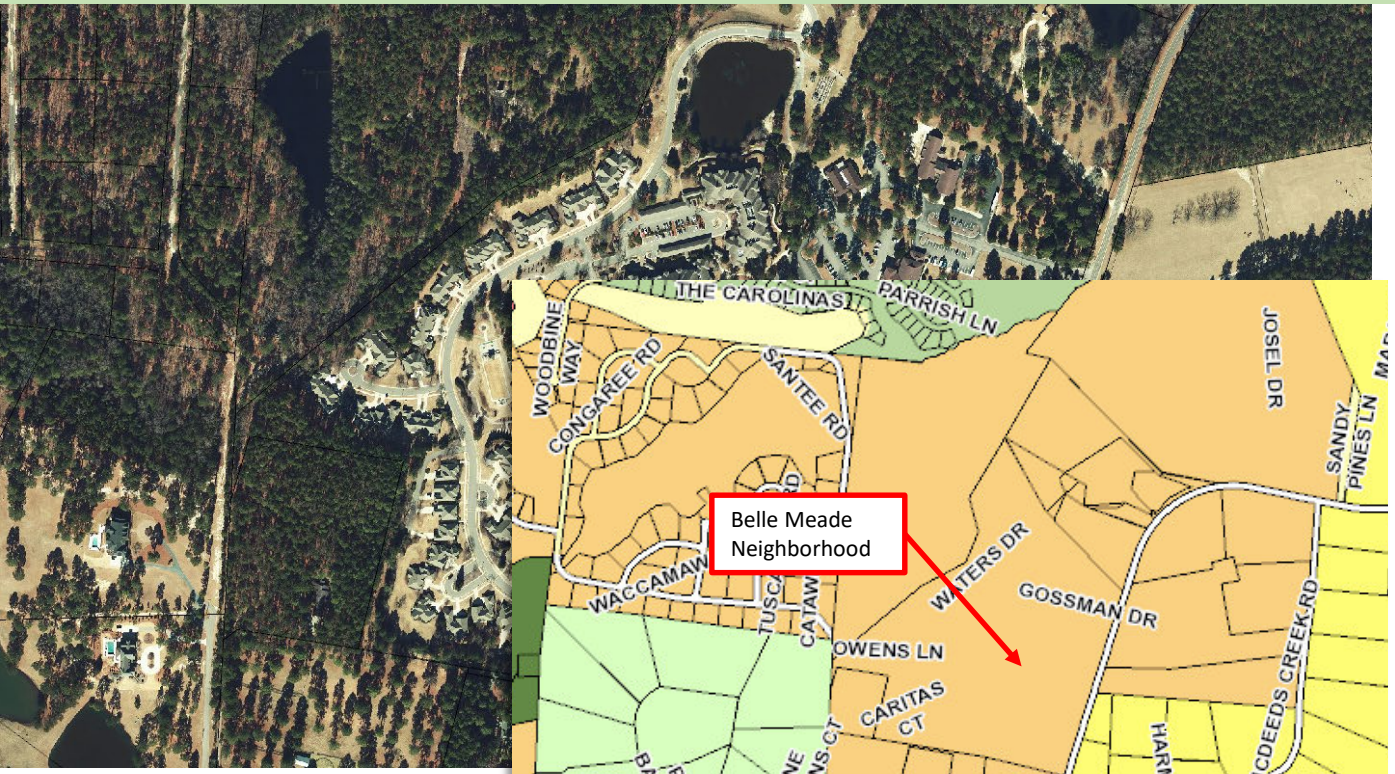
ST. JOSEPH of the PINES

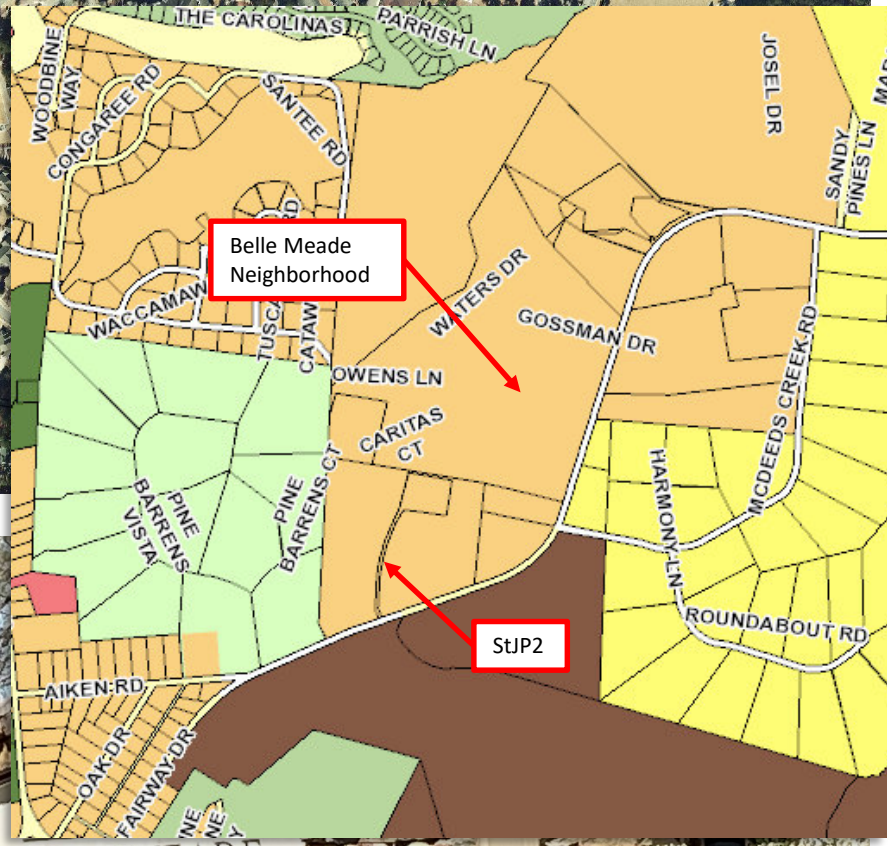
Belle Meade:

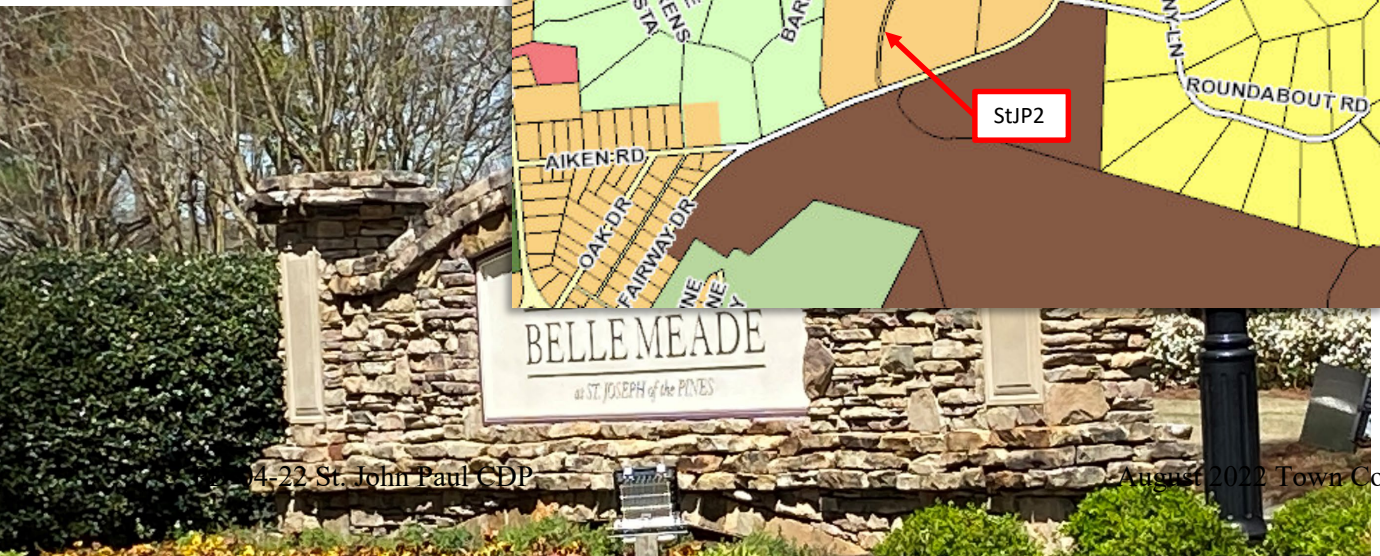
Nestled on almost 100 acres in Southern Pines, North Carolina, Belle Meade is a nationally- accredited Life Plan Community (continuing care retirement community) with a healthy, enriched lifestyle devoted to wellness and personal growth. Select from 48 spacious homes and cottages or 172 lavish apartment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

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

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







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

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

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

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

Knollwood Tract / McDeed's Creek Elementary / Planned Housing

- PD zoning district – Mixed Use, 558 acres

2012 Original PUD

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

2017 Updated to PD

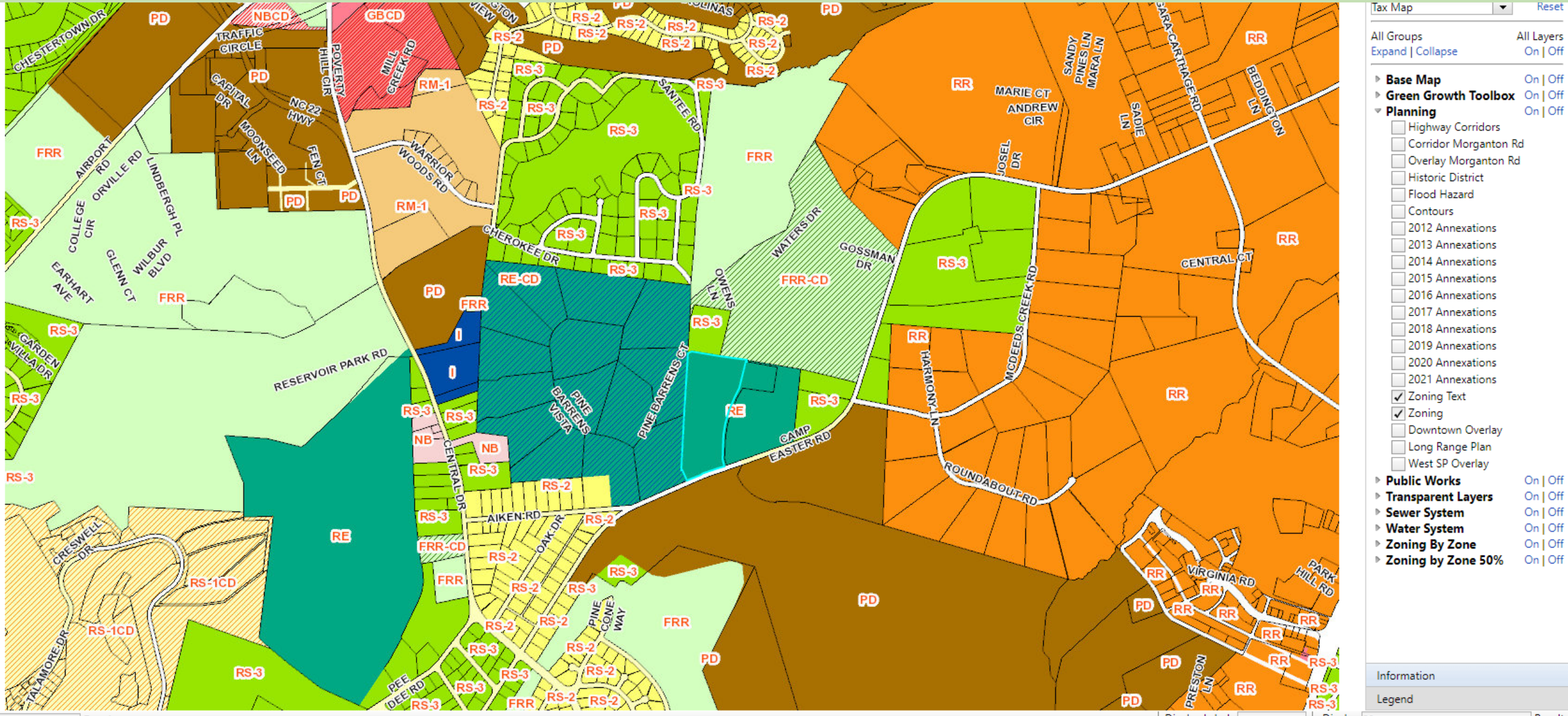
- PD application 2017 – Added an Elementary School to Use Matrix

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

McDeed's Creek Elementary

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

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



Neighborhood:

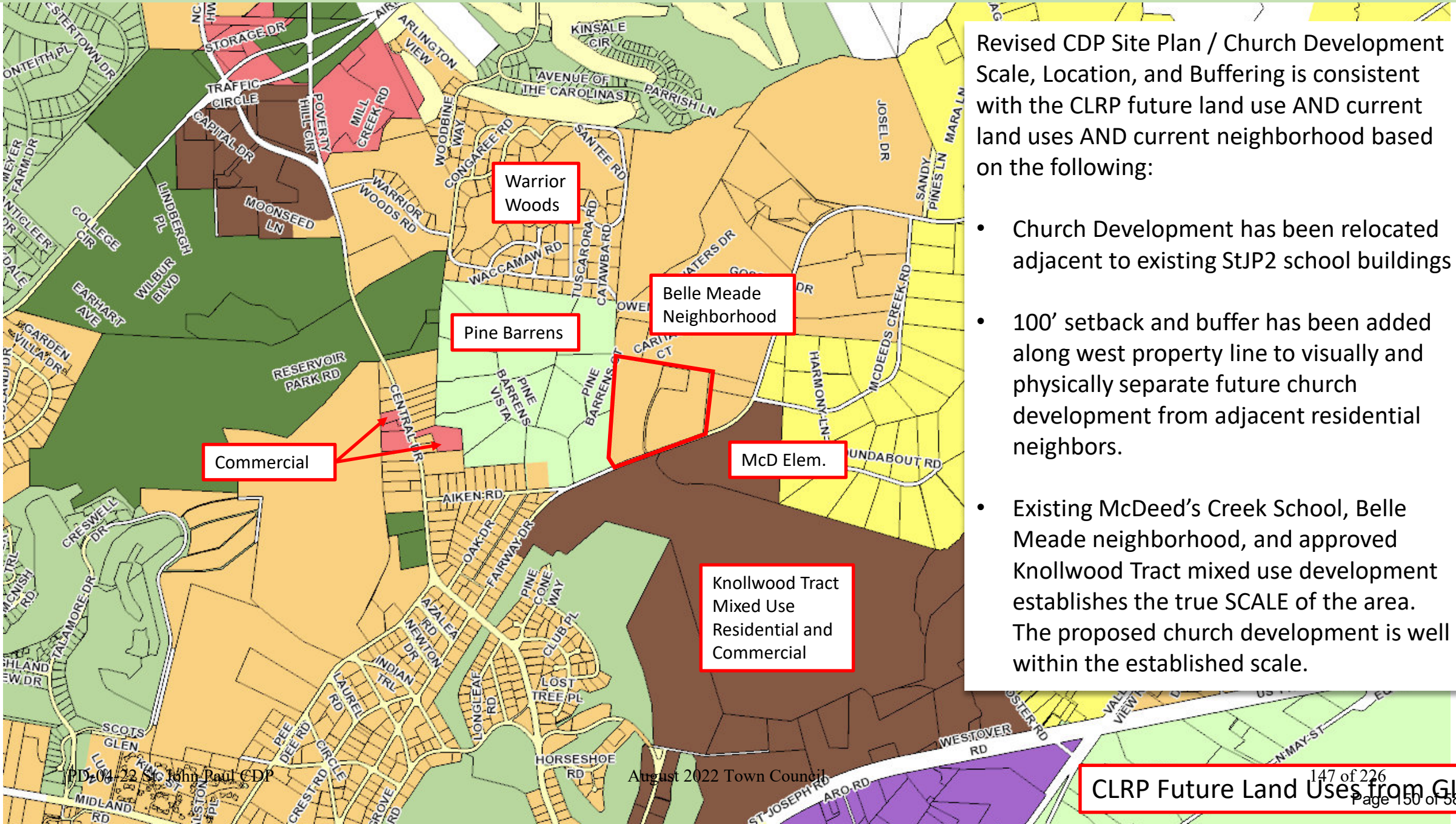
Zoning from Southern Pines GIS

Adjacent and Neighboring Zoning includes PD, RS-3, FRR-CD, NB, I

Nearby Zoning includes large areas of RR. Large Religious Institutions are allowed in RR

Current UDO ZONING from GIS

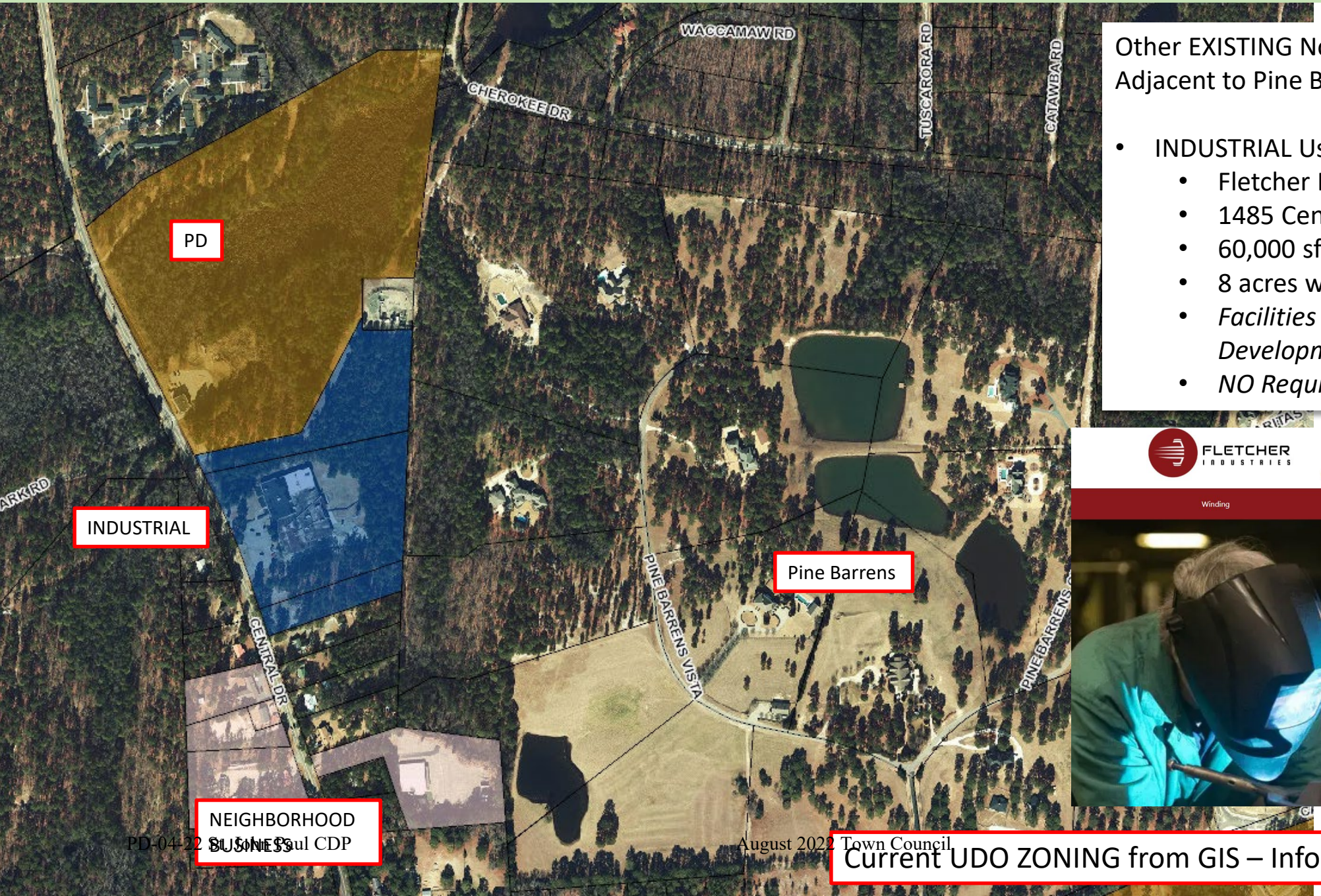
Is the Church Development **Scale**, Location, and Buffering inconsistent with the CLRP residential future land use designation?



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

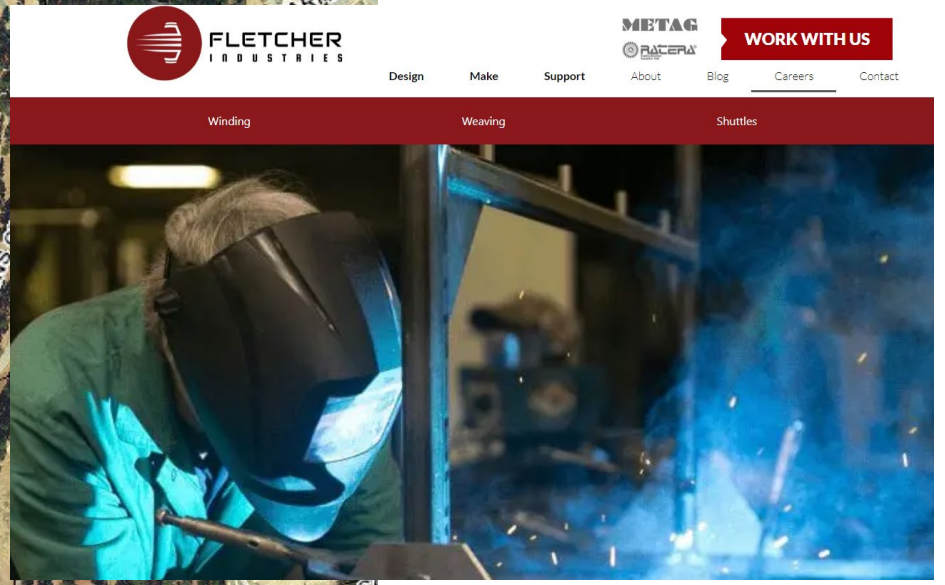
- Church Development has been relocated adjacent to existing StJP2 school buildings
- 100’ setback and buffer has been added along west property line to visually and physically separate future church development from adjacent residential neighbors.
- Existing McDeed’s Creek School, Belle Meade neighborhood,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

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



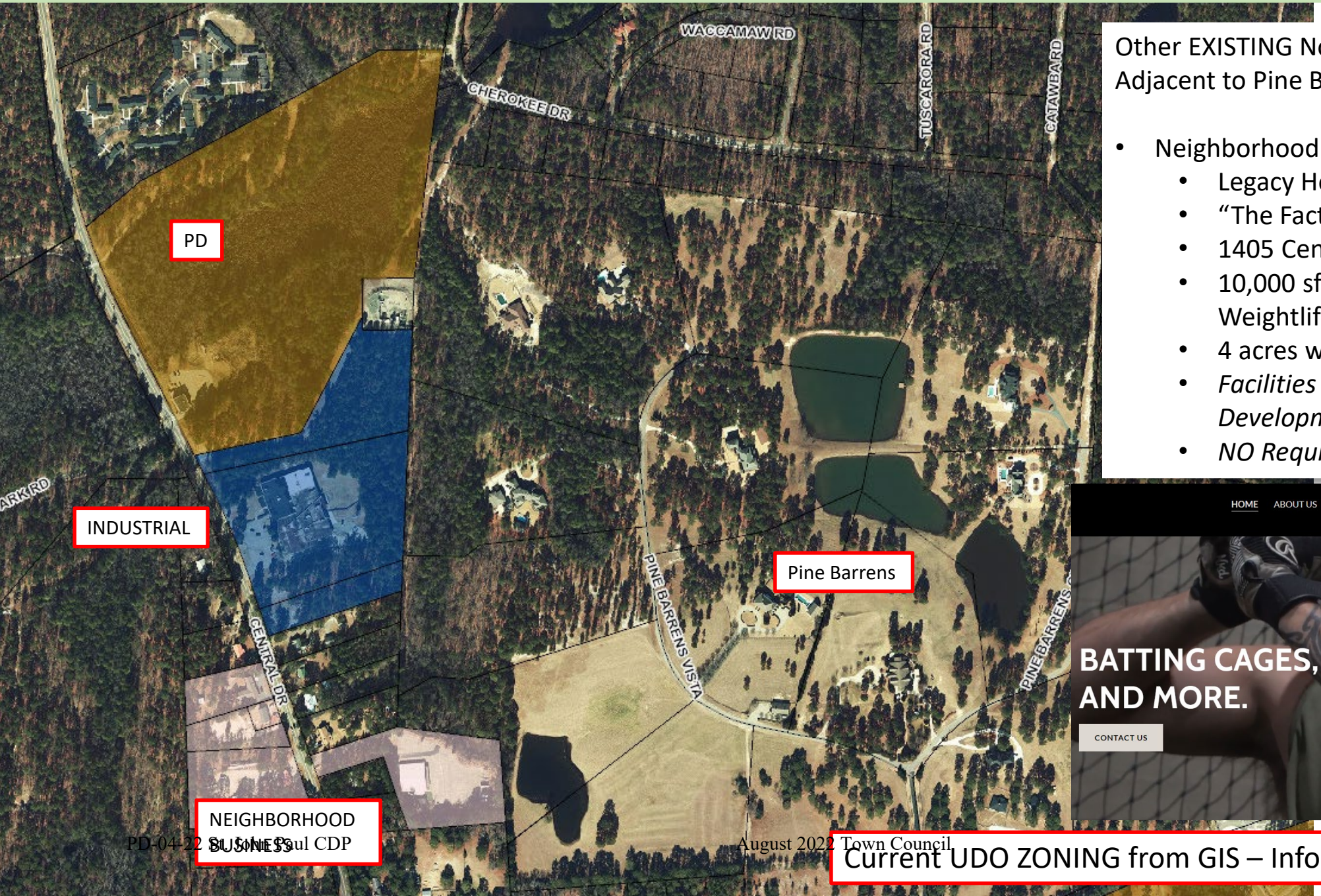
Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens

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



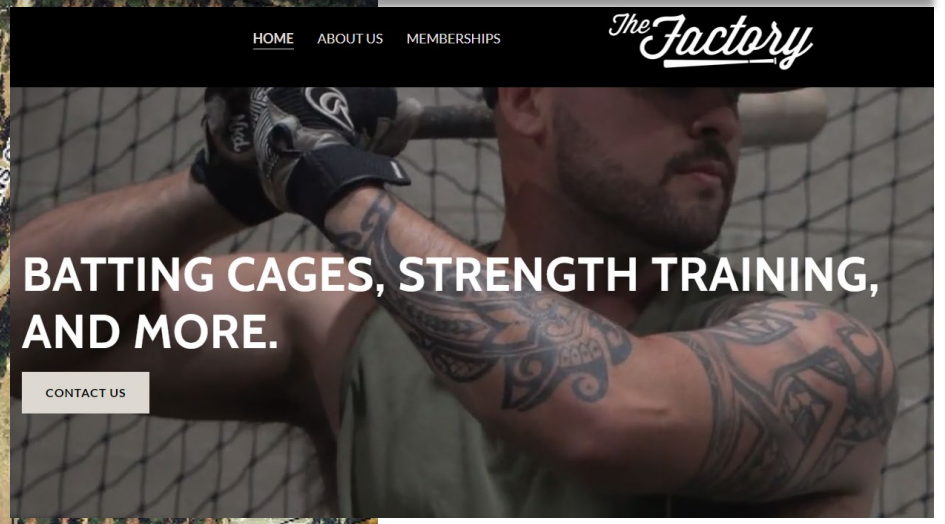
Current UDO ZONING from GIS – Info from Moore County Tax

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



Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens

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



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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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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)

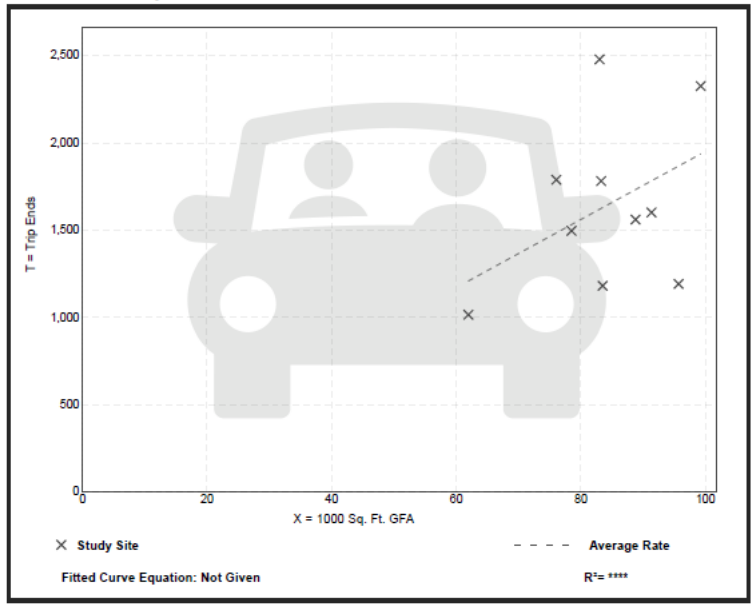
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

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

https://www.itetripgen.org/PrintGraph.htm?code=520&ivlabel=QFQAF&timeperiod=AWDVTE&x=&edition=544&locationCode=General Urban/Suburba

Church
(560)

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

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

Vehicle Trip Generation per 1000 Sq. Ft. GFA

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

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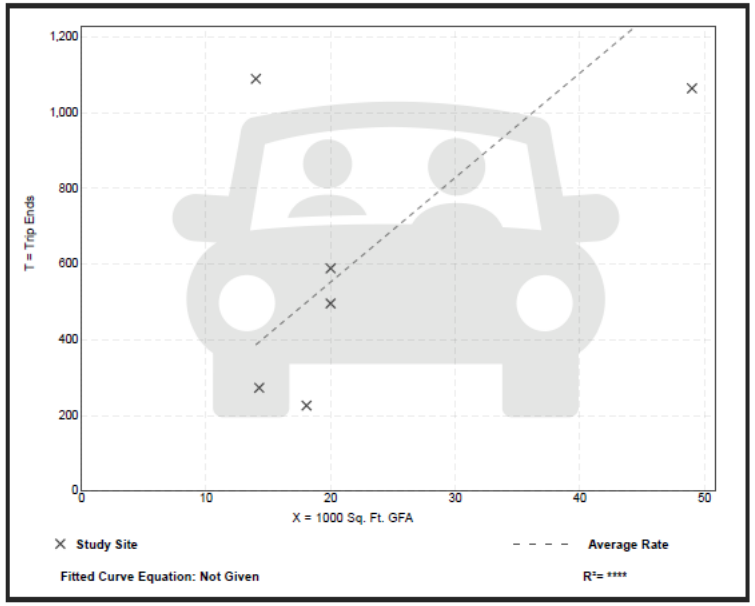

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- Current ITE Standard Trip Generation Rates
- Elementary School Weekday
  - Average Rate is 19.52 trips per 1,000 sf
  - McDeeds is 118,600 sf / 1000 sf x 19.52 = **2,315 trips per day**
- Church, Sunday
  - Average Rate is 27.63 trips per 1,000 sf
  - 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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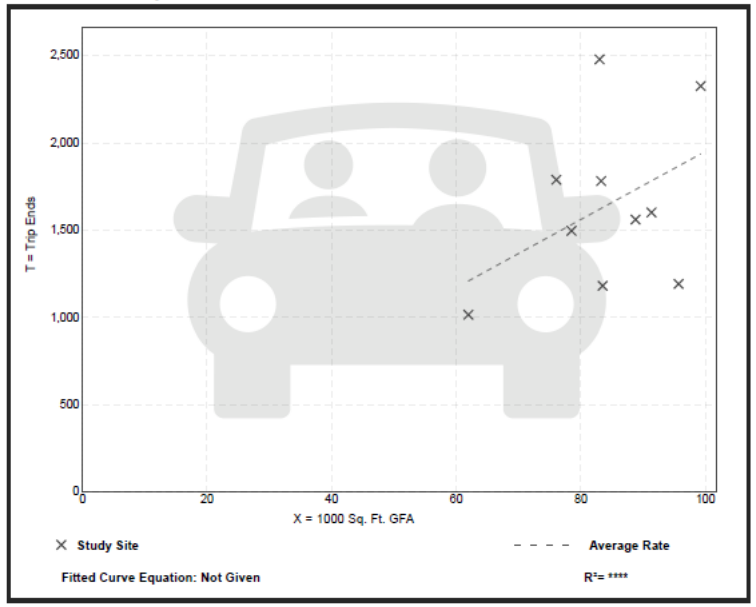

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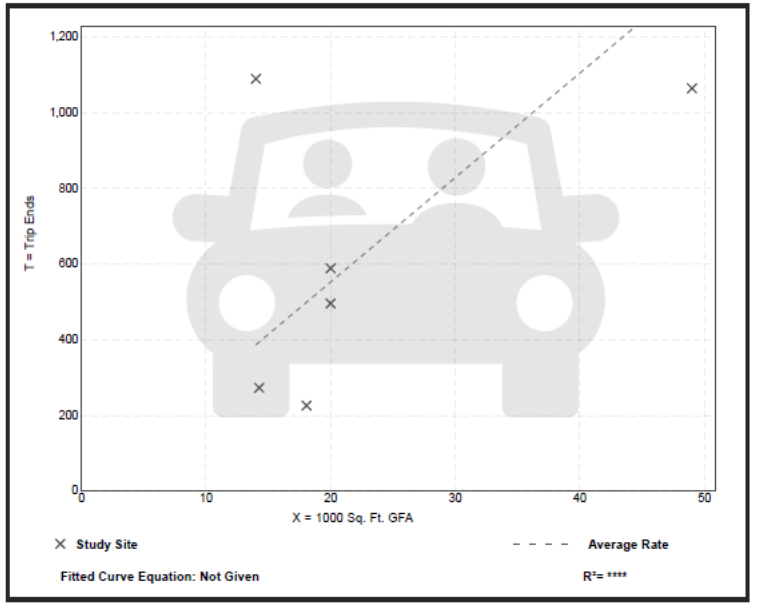

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- McDeeds is 800 students and lists 89 employees
  - 89 employees generation 178 trips per day
  - If 1/4 of the students are Parent Drop Off = 200 students x 4 trips = 800 trips per day
  - 600 students on buses (60 per bus) = 10 x 4 trips = 40 trips
    - (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**

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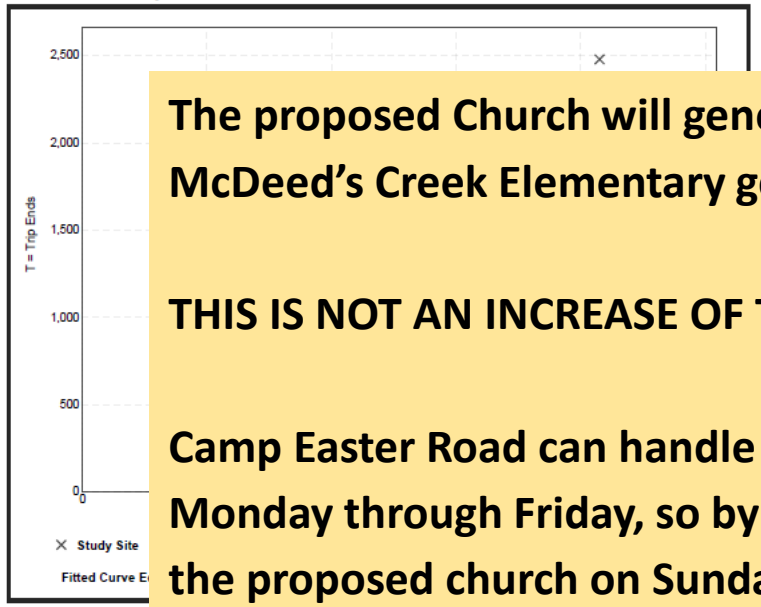

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The proposed Church will generate LESS TRIPS on Sundays than McDeed's Creek Elementary generates every Weekday.

THIS IS NOT AN INCREASE OF TRAFFIC.

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

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Town of Southern Pines
Chartered 1887
North Carolina

ATTACHMENT A

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

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

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

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

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

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

Findings from Planning Board:

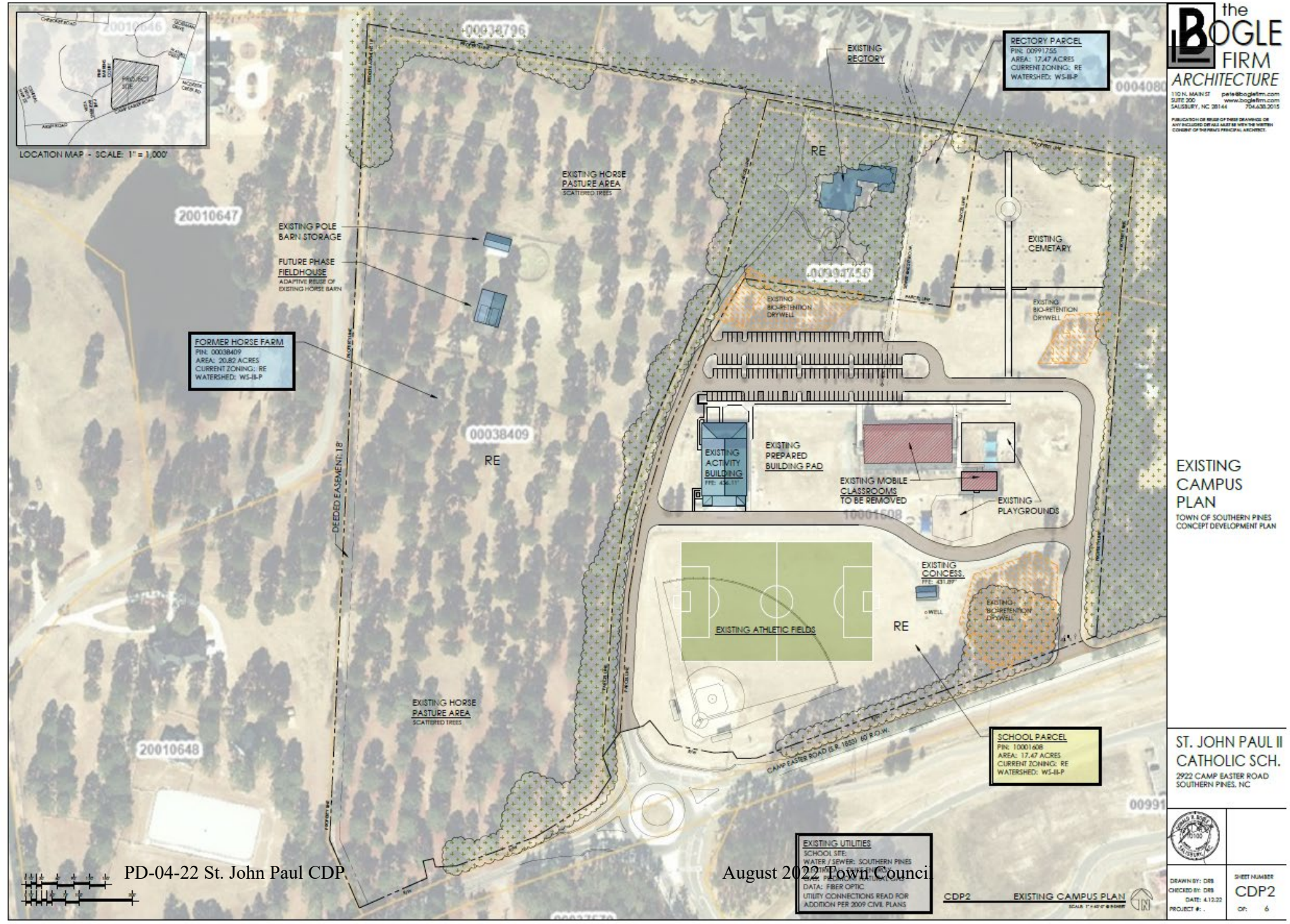
1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
3) "Church Development" on west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

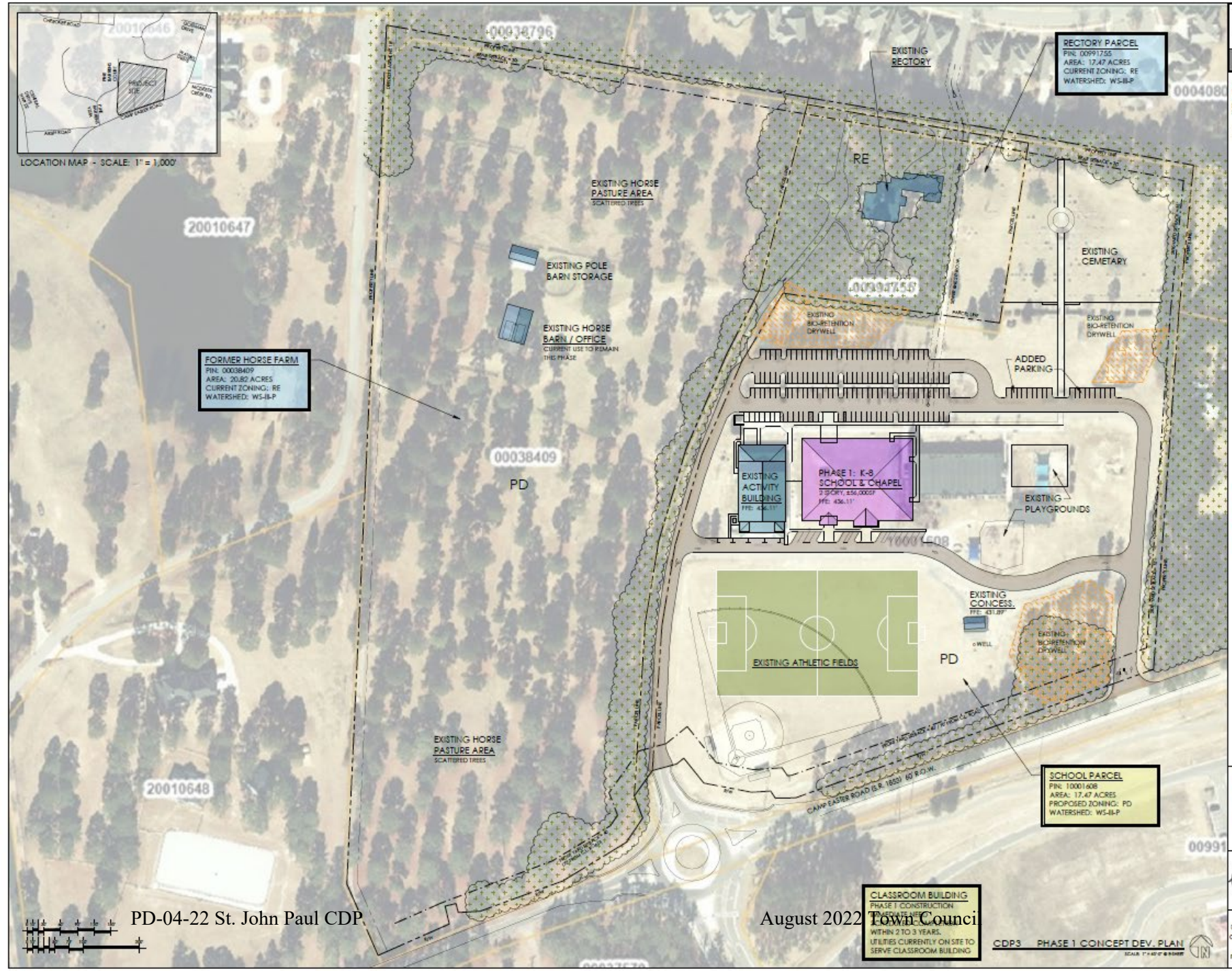
<u>Answering Planning Board's Identified Findings:</u>

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

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

REVISED CDP SITE PLAN


LOCATION MAP - SCALE: 1" = 1,000'
PROJECT SITE
00038796
EXISTING RECTORY
RECTORY PARCEL
PIN: 00991755
AREA: 17.47 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
RE
EXISTING HORSE PASTURE AREA
SCATTERED TREES
20010647
EXISTING POLE BARN STORAGE
FUTURE PHASE FIELDHOUSE
ADAPTIVE REUSE OF EXISTING HORSE BARN
EXISTING CEMETARY
00991755
EXISTING BIO-RETENTION DRYWELL
EXISTING BIO-RETENTION DRYWELL
FORMER HORSE FARM
PIN: 00038409
AREA: 20.82 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
00038409
RE
DEEDED EASEMENT: 18'
EXISTING ACTIVITY BUILDING
FFE: 436.11'
EXISTING PREPARED BUILDING PAD
EXISTING MOBILE CLASSROOMS TO BE REMOVED
EXISTING PLAYGROUNDS
10001608
EXISTING CONCESS.
FFE: 431.89'
EXISTING BIO-RETENTION DRYWELL
EXISTING ATHLETIC FIELDS
RE
EXISTING HORSE PASTURE AREA
SCATTERED TREES
20010648
CAMP EASTER ROAD (S.R. 1852) 60' R.O.W.
SCHOOL PARCEL
PIN: 10001608
AREA: 17.47 ACRES
CURRENT ZONING: RE
WATERSHED: WS-III-P
00991
EXISTING UTILITIES
SCHOOL SITE:
WATER / SEWER: SOUTHERN PINES
DATA: FIBER OPTIC
UTILITY CONNECTIONS READ FOR ADDITION PER 2009 CIVIL PLANS
CDP2 EXISTING CAMPUS PLAN
the BOGLE FIRM ARCHITECTURE
110 N. MAIN ST SUITE 200 SALISBURY, NC 28144
pete@boglefirm.com
www.boglefirm.com
704.630.2015
EXISTING CAMPUS PLAN
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN
ST. JOHN PAUL II CATHOLIC SCH.
2922 CAMP EASTER ROAD
SOUTHERN PINES, NC
DRAWN BY: DRB
CHECKED BY: DRB
DATE: 4.12.22
PROJECT #: .
SHEET NUMBER
CDP2
OF: 6



the BOGLE FIRM ARCHITECTURE

110 N. MAIN ST SUITE 200 SALISBURY, NC 28144
pete@boglefirm.com www.boglefirm.com 704.630.2015

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

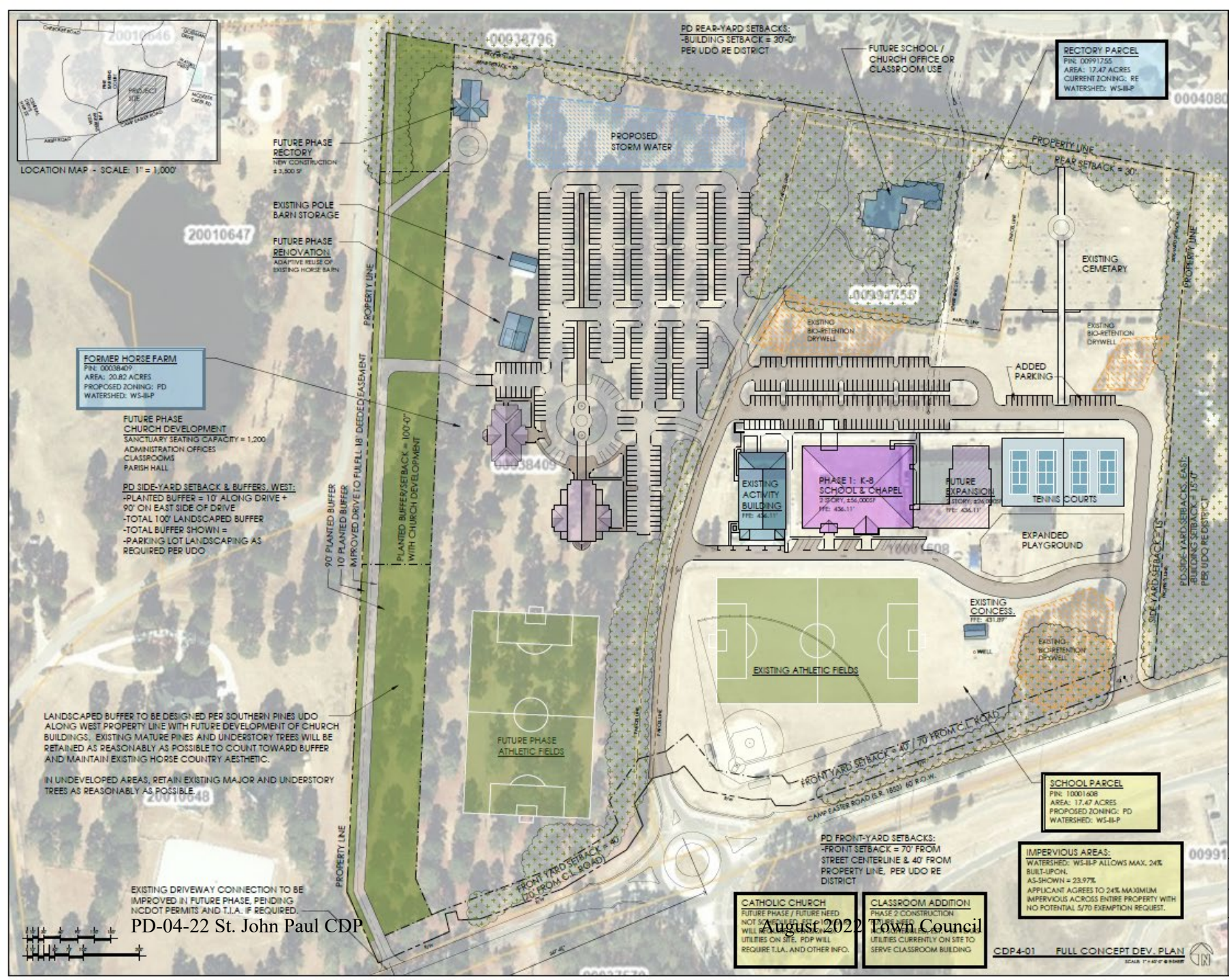
PHASE 1 CAMPUS PLAN

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: 4.12.22
PROJECT #: .

SHEET NUMBER CDP3
OF: 6



the BOGLE FIRM ARCHITECTURE

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FUTURE PHASE CAMPUS PLAN

TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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OVERVIEW CONCEPT PLAN

TOWN OF SOUTHERN PINES
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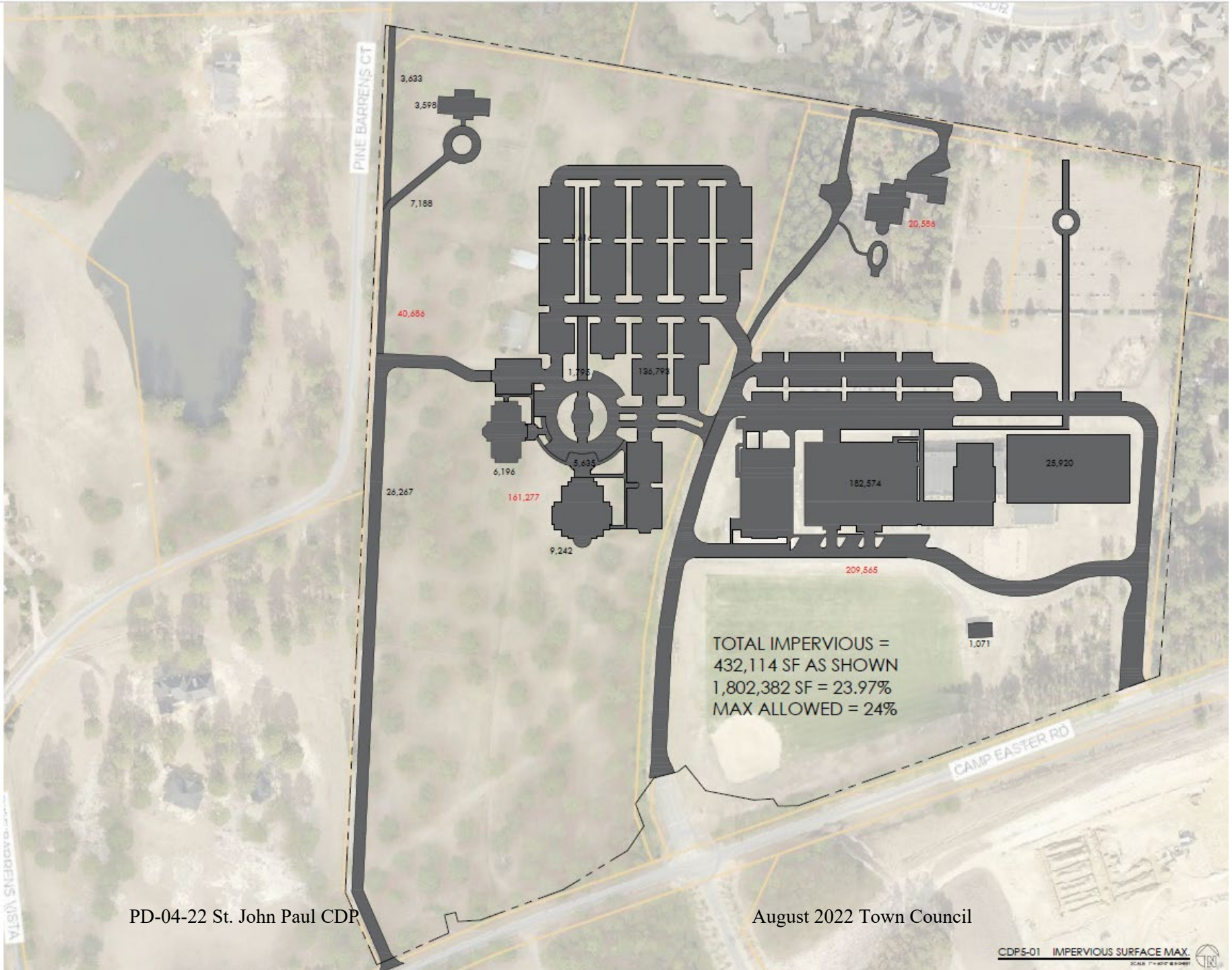


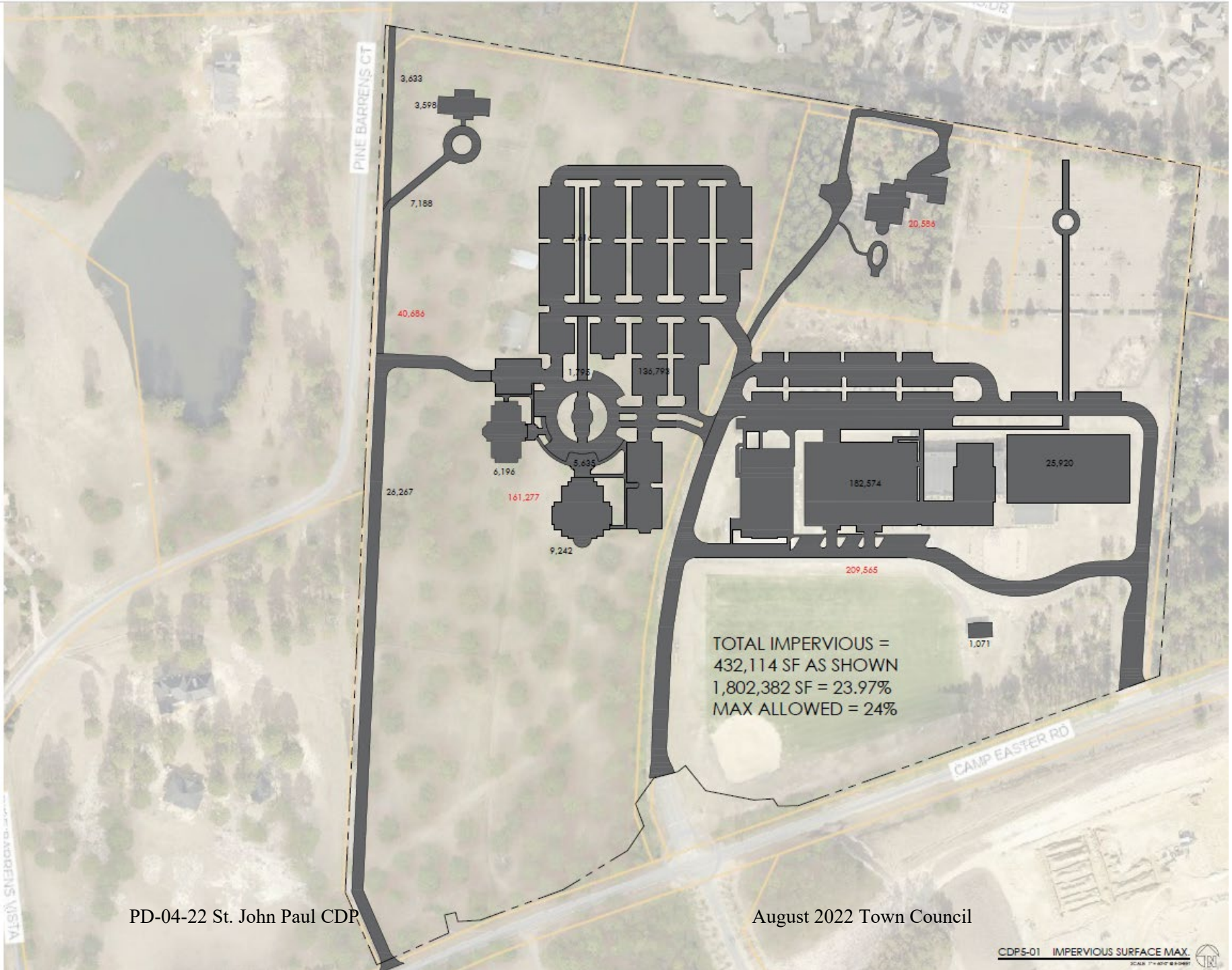
IMPERVIOUS SURFACES AND
STORMWATER MANAGEMENT

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

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

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.***
  - ***By EVERY reference in the CLRP, a Church Use is identified as and grouped with Civic and Institutional USE.***

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

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

- 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			
Civic, social, or fraternal organization	6830											Z	Z	Z			
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the															

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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													
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Hospital	6530										C				
Health care facility	6540	Maximum of 25 beds for overnight care									Z	Z			
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters													
child and youth services	6561	Offer services such as adoption, foster care, drug prevention services									Z	Z	Z		
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs									ZS	ZS	ZS		
community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens									Z	Z			
emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims									Z	Z			
other family services	6565	Hotline centers, suicide crisis centers, self-help organizations, etc.									Z	Z			
services for elderly and disabled	6566	Does not include housing for the elderly									Z	Z			
veterans affairs	6567										Z	Z			
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services									Z	Z			
homeless shelters	6569	Provide temporary residential or accommodation services									C				
Religious Institutions	6600	Churches, temples, synagogues, mosques													
small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
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small institution		Up to 250 seats in largest seating area		ZS							ZS	ZS			
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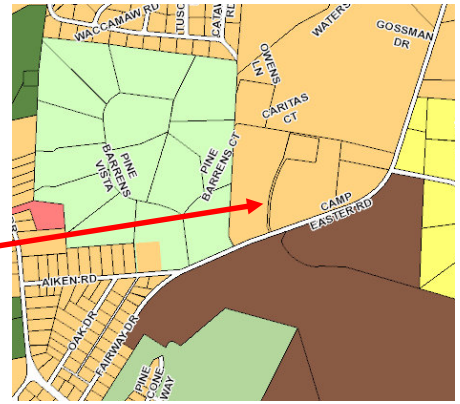
Both CLRP and UDO consistently refer to Churches / Religious Institutions as Civic / Institutional Uses.

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

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

CLRP 4 Future Land Use Categories

- Chapter defines NINE Land Use Categories
  - Parks/Open Space/Public Facilities
  - Residential/Golf
  - Rural/Equestrian
  - Urban Reserve
  - Low-Density Residential
  - Residential
  - Commercial
  - Traditional Mixed Use
  - Industrial



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

- ***Is there another more clear definition of where Churches / Religious Institutions should be located within these 9 defined areas?***
  - Parks/Open Space/Public Facilities: “publicly owned institutions”
  - Low-Density Residential: “small scale institutional uses supporting low density residential neighborhoods”
  - “Church” and “Religious” are not listed anywhere ELSE within the nine CLRP Future Land Uses

Southern Pines Comprehensive Long-Range Plan

Future Land Use Categories

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

Parks/Open Space/Public Facilities

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

Residential/Golf

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

Rural/Equestrian

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

8, 2016 4-2

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

Urban Reserve

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

Low-Density Residential

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

Residential

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

Commercial

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

Traditional Mixed Use

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

Industrial

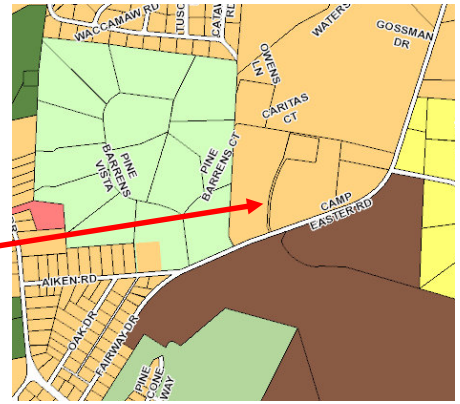
The Industrial designation applies to the Southern Pines Corporate Park, allowing for manufacturing, light industrial and other similar uses. It focuses on providing land for the location of jobs in Southern Pines and draws access from US-1 and the railroad.

Adopted March 8, 2016 4-3

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

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.

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

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

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

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

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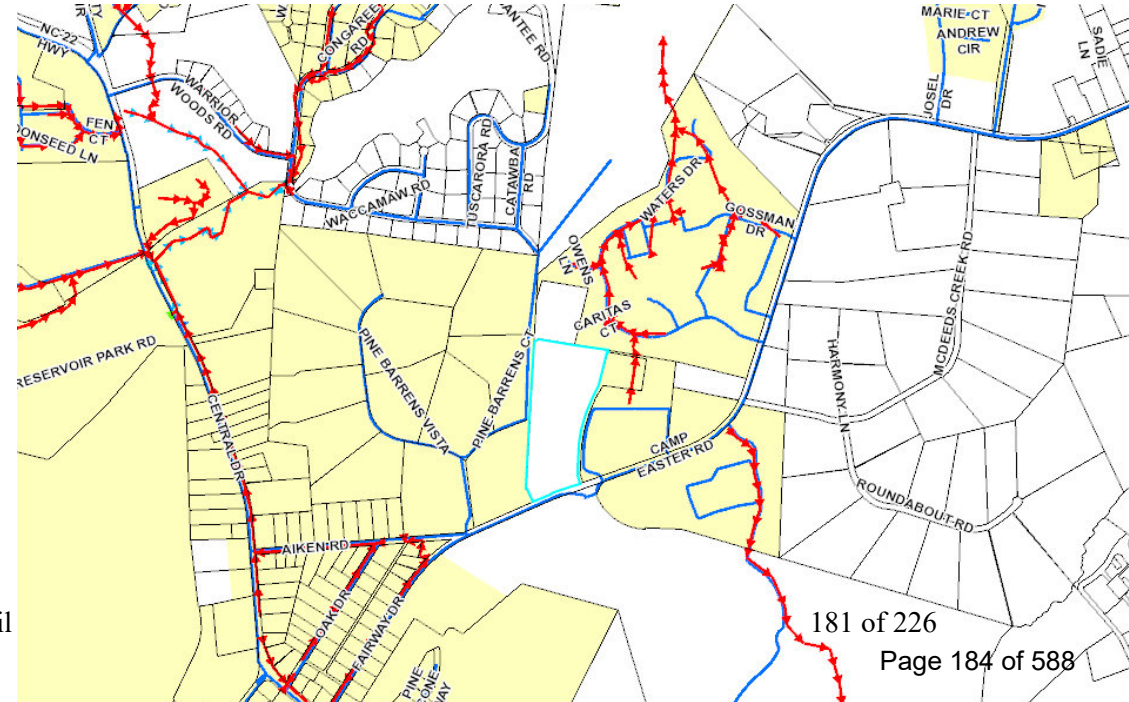
- “**Compatibility depends on the neighborhood and access to the site.** Small institutions (up to 250 seats) may be compatible in outlying areas of the Central Business and Neighborhood Business districts, but **larger religious institutions** and accessory uses, such as schools should be directed to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



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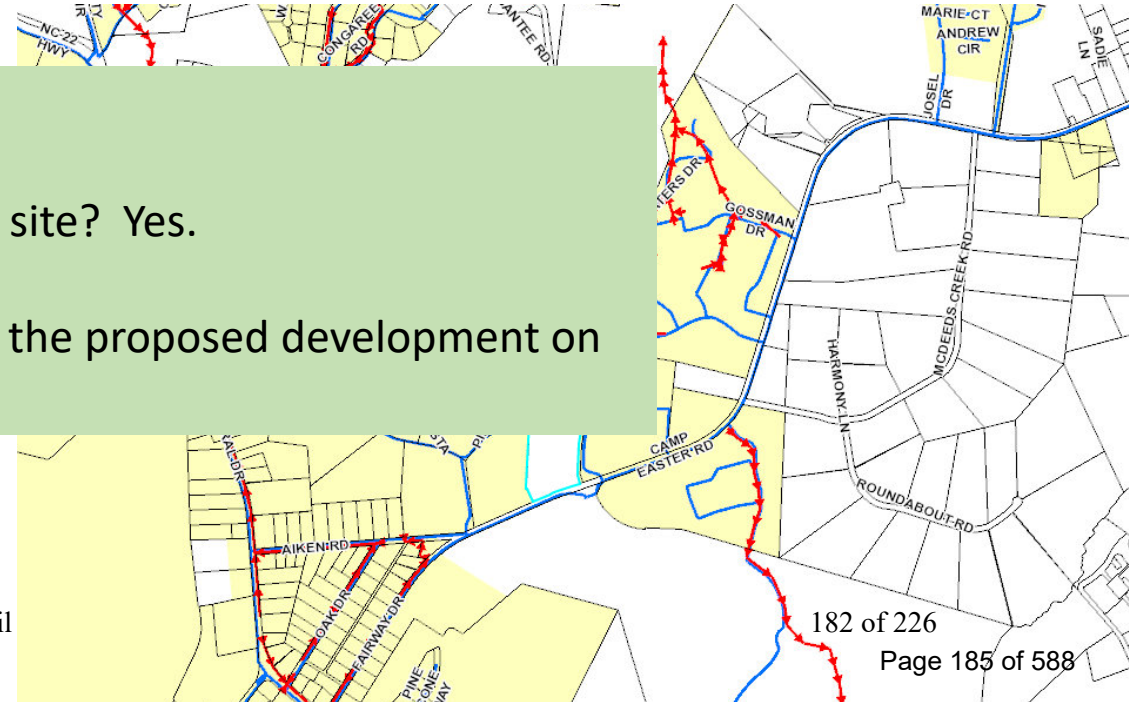
Is the StJP2 site listed as Residential in the CLRP? Yes.

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

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



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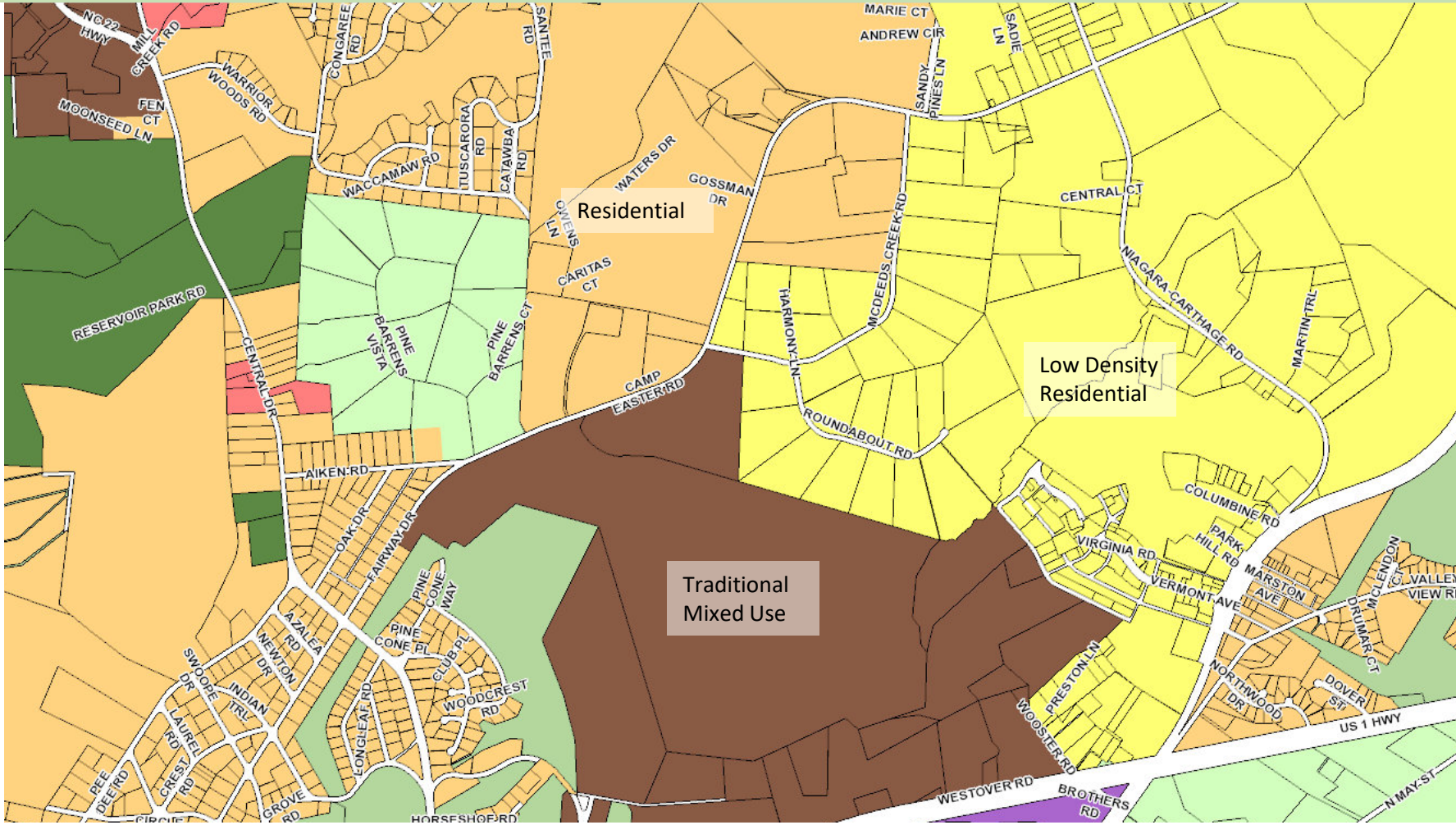
CLRP says large churches SHOULD BE located in rural residential areas (term)

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

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



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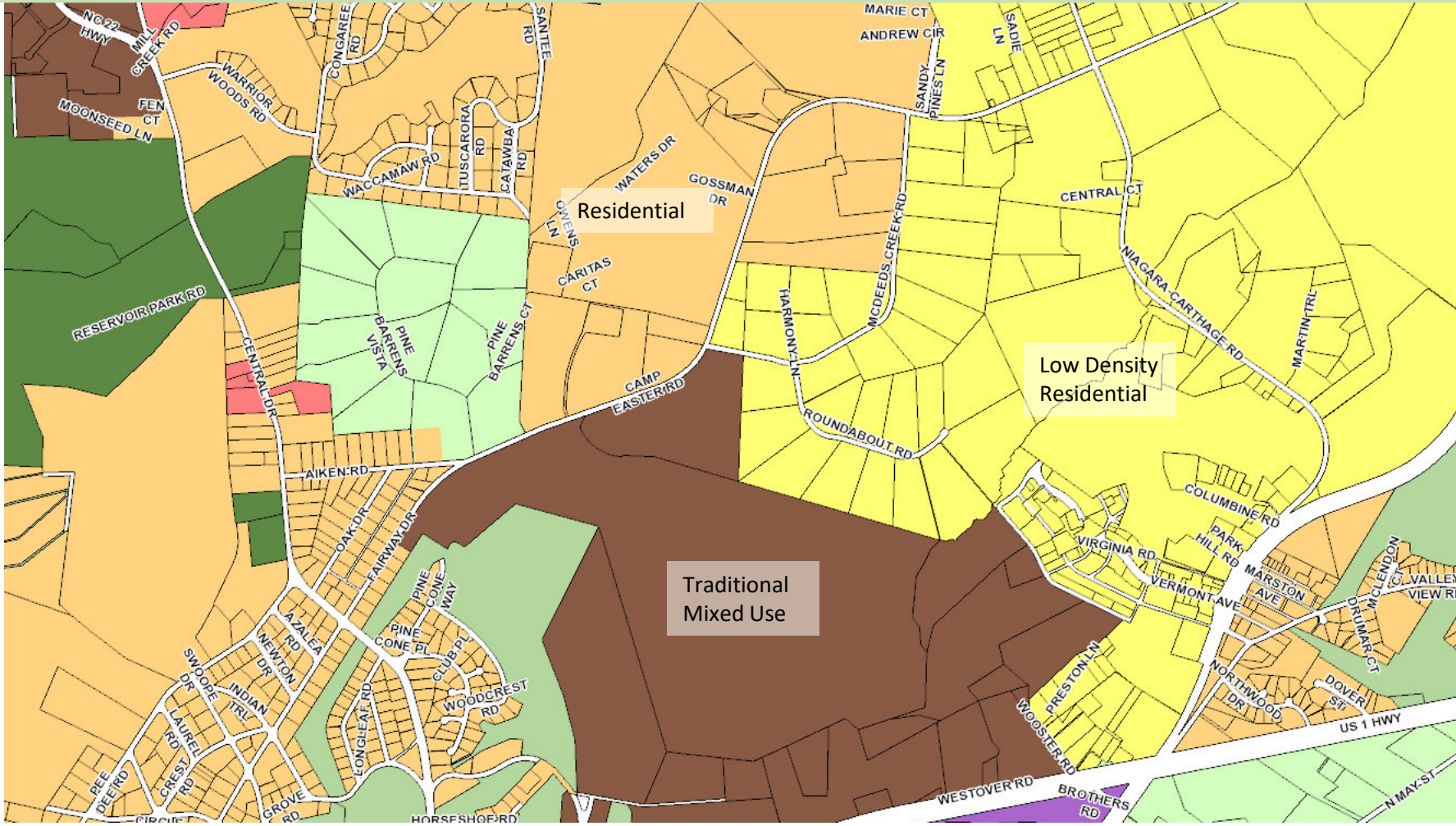
CLRP says large churches SHOULD BE located in rural residential areas (term)

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”



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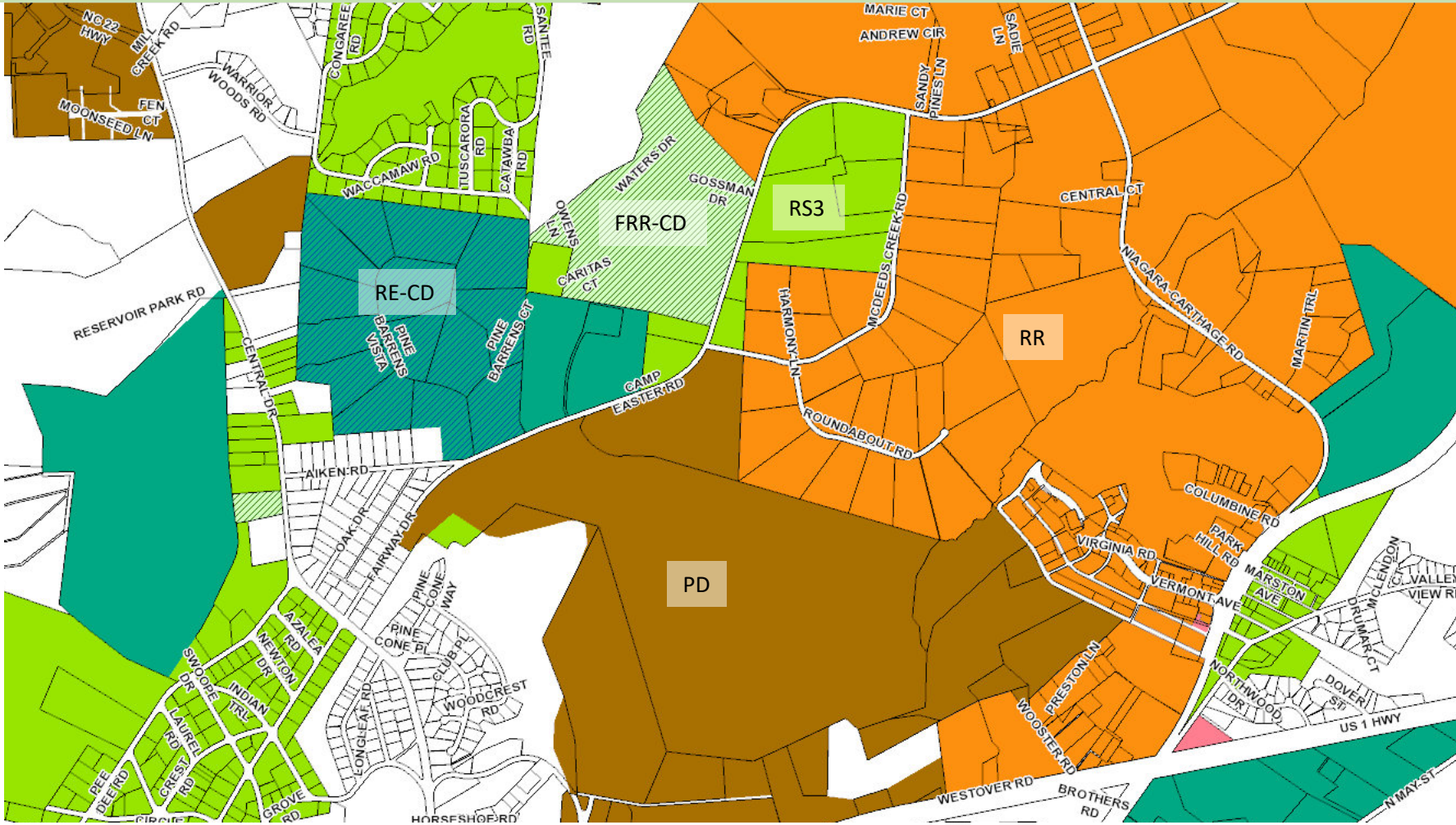
UDO Zoning Map



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
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				

...or PD

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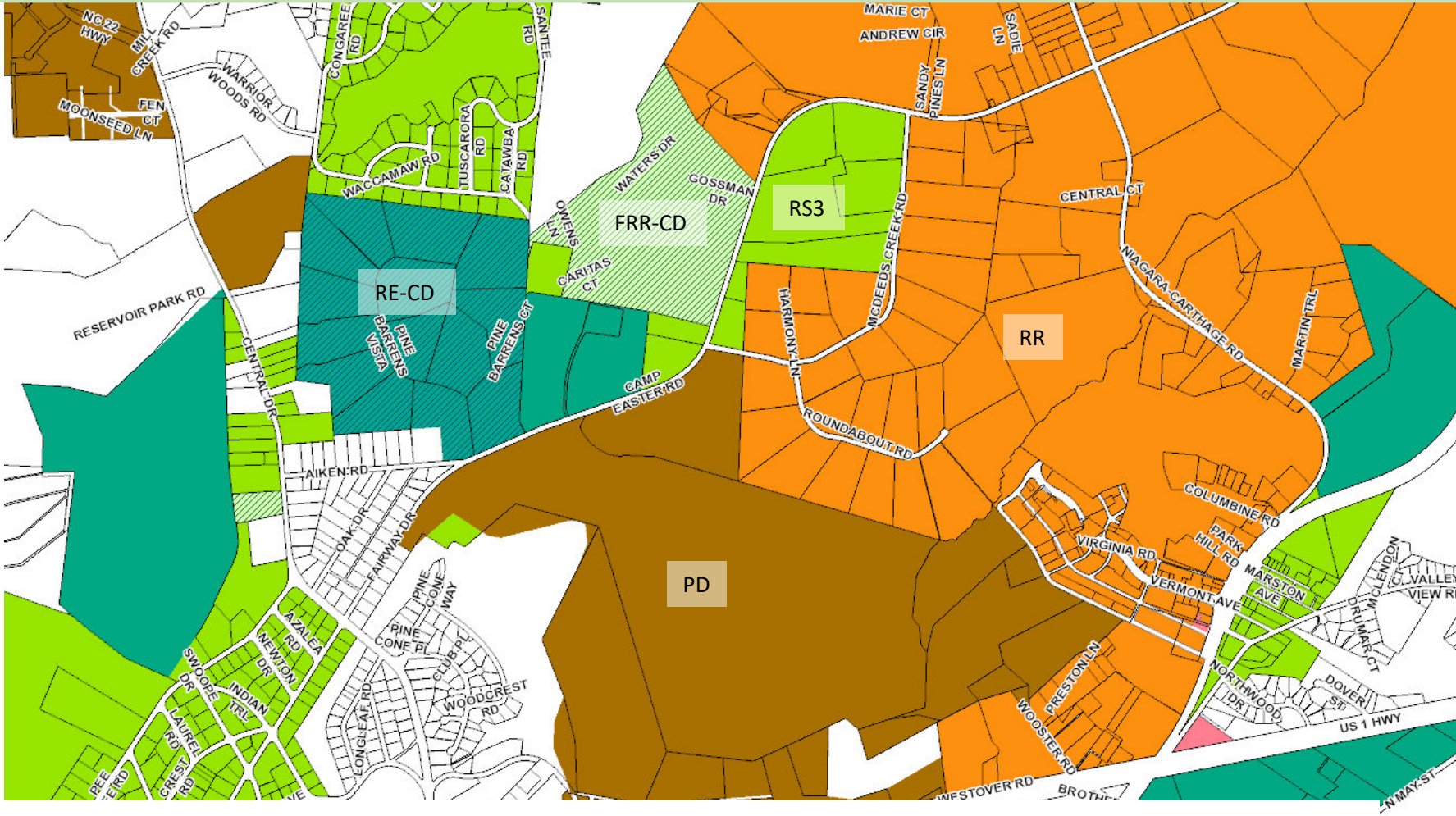

UDO: Large Religious Institutions are only allowed within Rural Residential (RR) or General Business (GB)

- General Business = Pink
- Rural Residential = Orange

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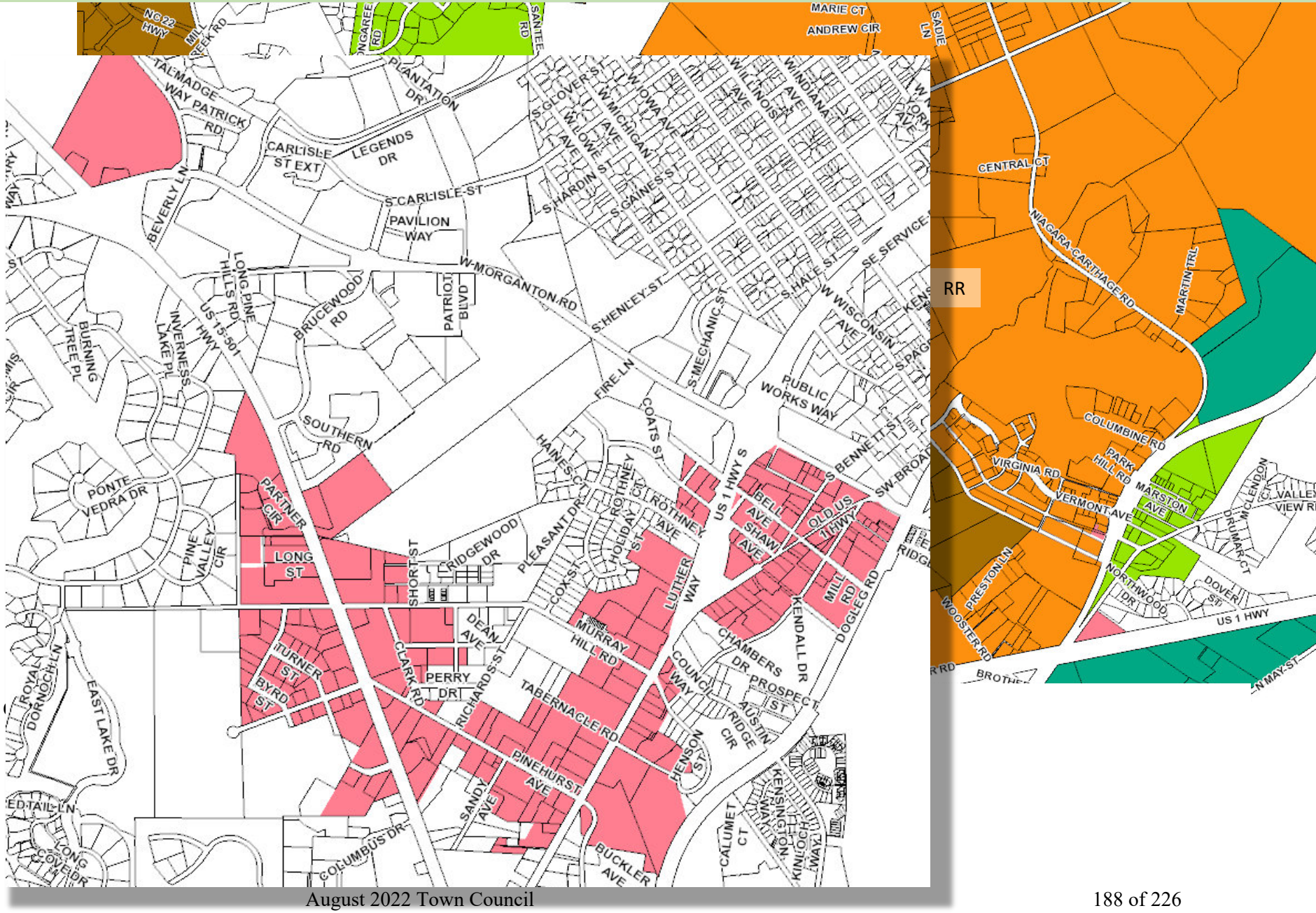

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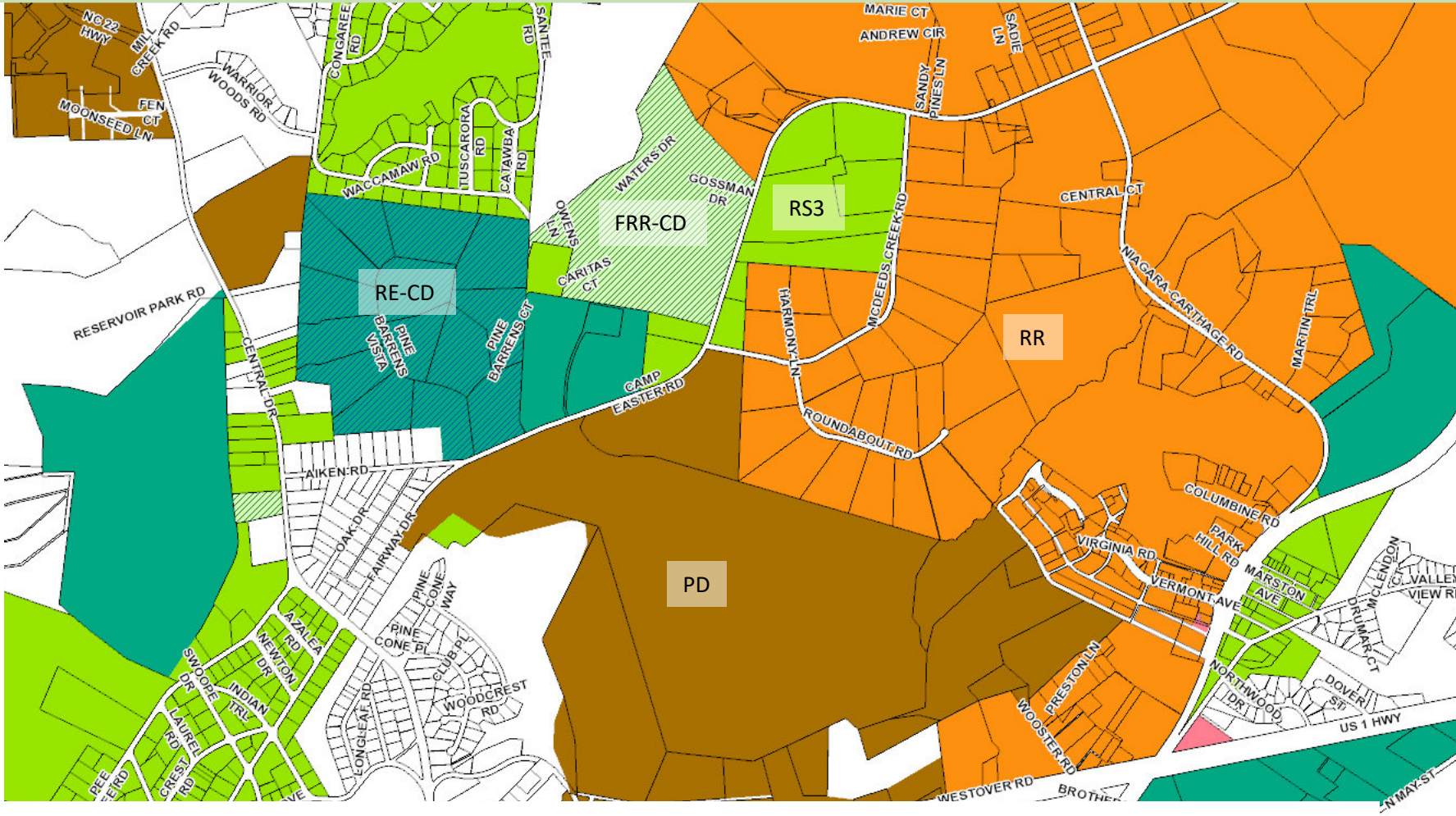

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UDO also allows Large Religious Institutions to be part of a PD site plan

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

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

UDO – How to make a Large Religious Institution FIT

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

We address these in the submitted CDP Narrative and Design Guidelines

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

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

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

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

Southern Pines Unified Development Ordinance

5.15. Religious Institutions

5.15.1. Authorized Locations

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

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

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

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

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

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

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

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

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

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2.24. VESTED RIGHTS DETERMINATION

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

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

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

Would we meet the requirements of Vested Rights?

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

Would we meet the requirements of Vested Rights?

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

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

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

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

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

IF NOT A CHURCH, THEN WHAT…?

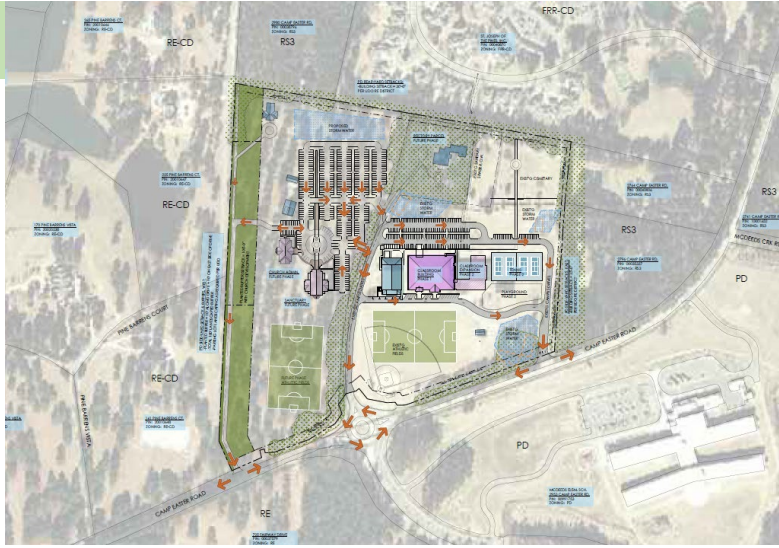
(C = Special Use ; S = Supplemental Conditions)

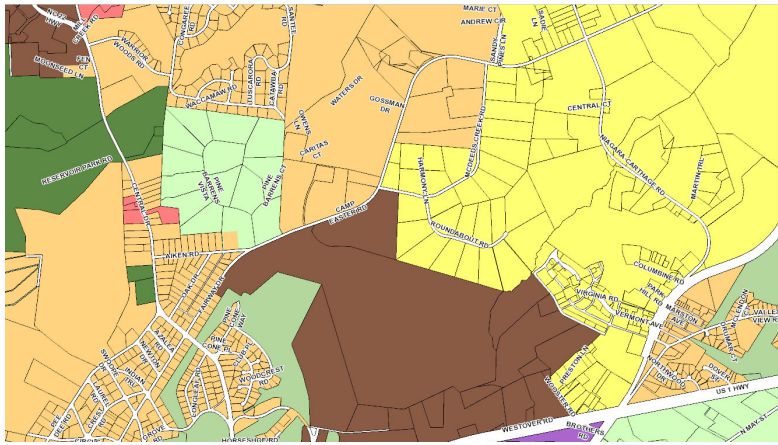
These are uses that are ALLOWED By-Right
<u>within the Current RE Zoning District (No C/S)</u>

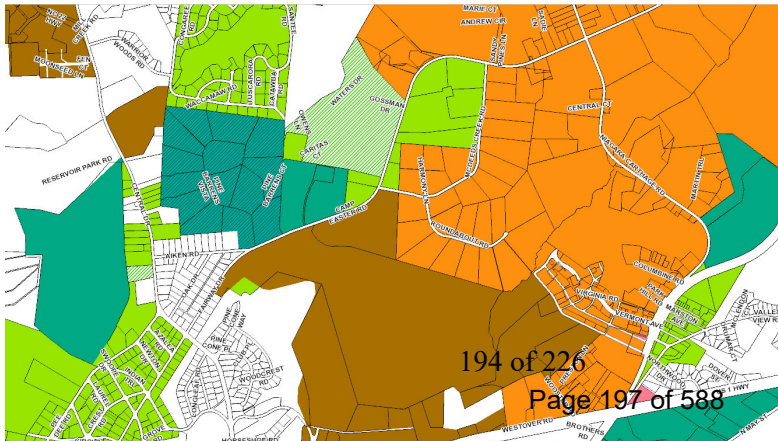
1. Single Family Homes
2. Modular Homes
3. Bed & Breakfast Inn
4. Animal Services – Grooming, Training, Boarding
5. Horse Track (with spectators)
6. Horse Stables (public)
7. Golf Course (public)
8. Fire Station
9. Police Station
10. EMS Station
11. Cattle Ranch
12. Dairy Ranch
13. Hog Farm
14. Poultry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

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

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







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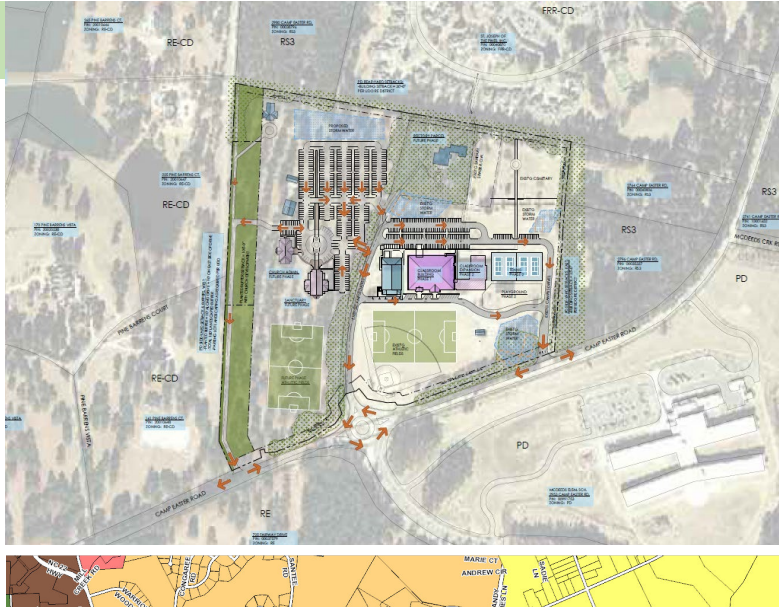
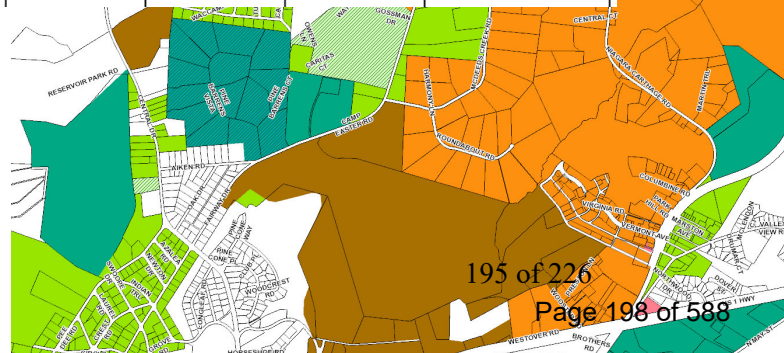


Exhibit 4-1: Building Height, Setbacks and Lot Dimensions

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

Exhibit 4-2: Minimum Buffer Widths

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



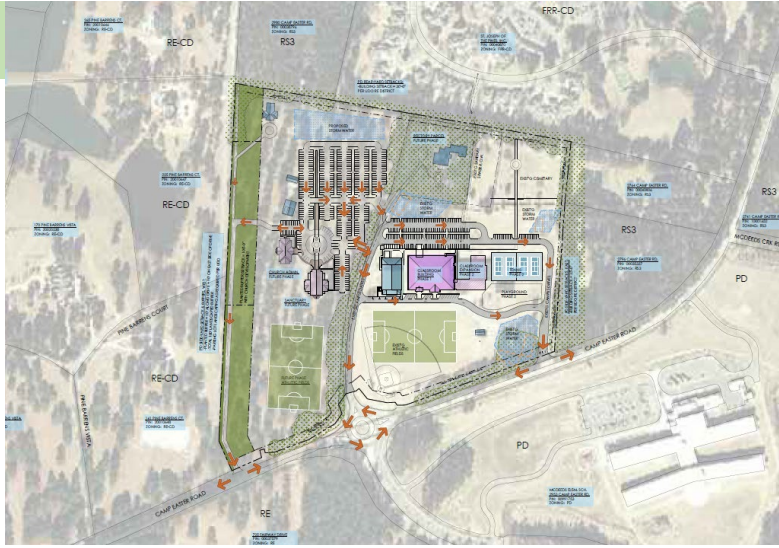
<u>Buffering / Setbacks required for any BY-RIGHT use listed above</u>

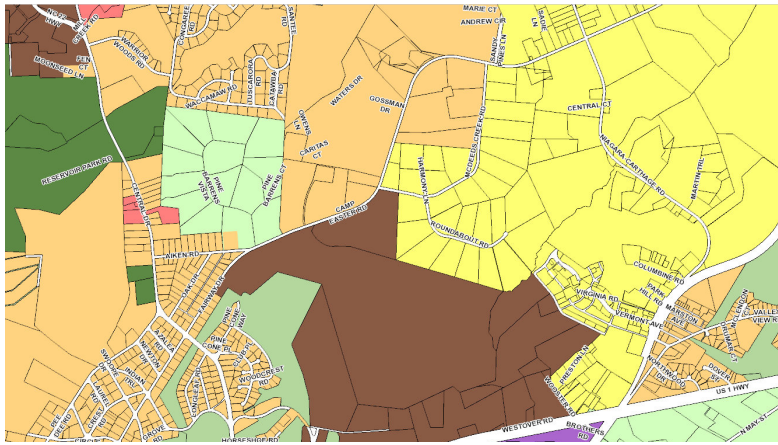
- BUILDING Setback: RE, Interior Side Setback = 15′
- Buffer: RE to RE = NONE
- **Thus ANY of the uses listed above could be established on site, BY RIGHT without ANY planted buffers.**
  - No public hearing, no rezoning – just apply for and pick up a permit.

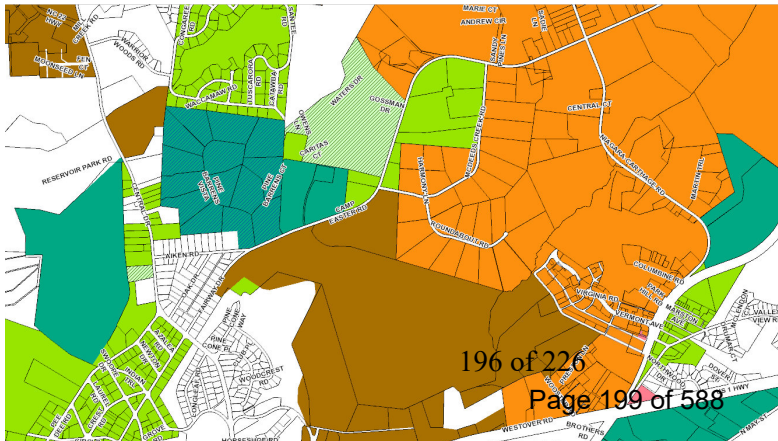
CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

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



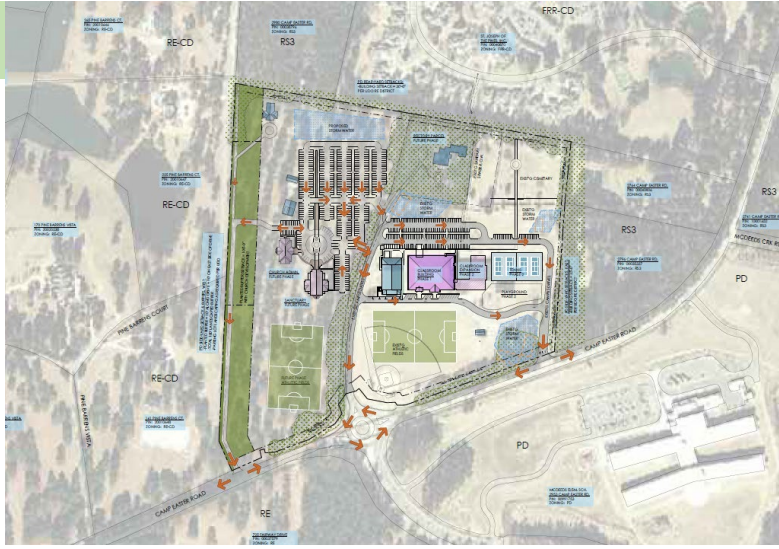


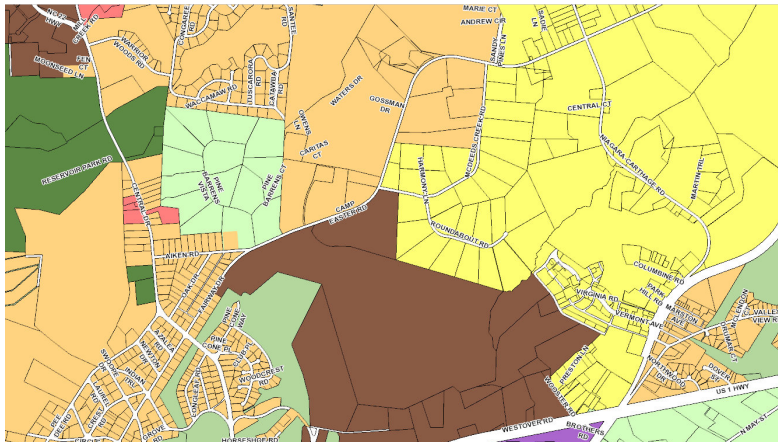


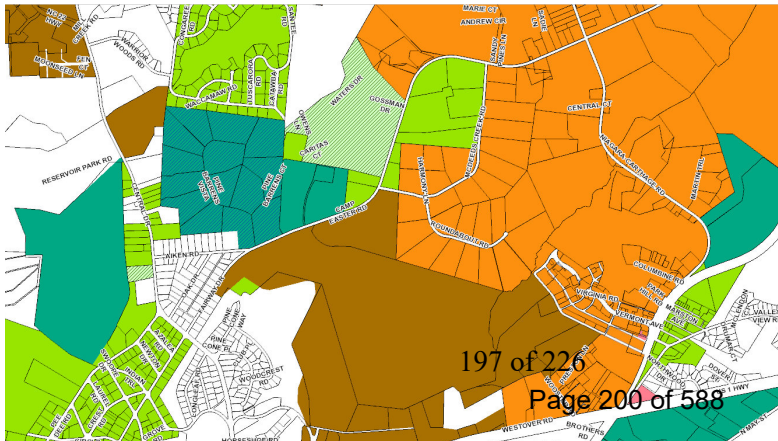
CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

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



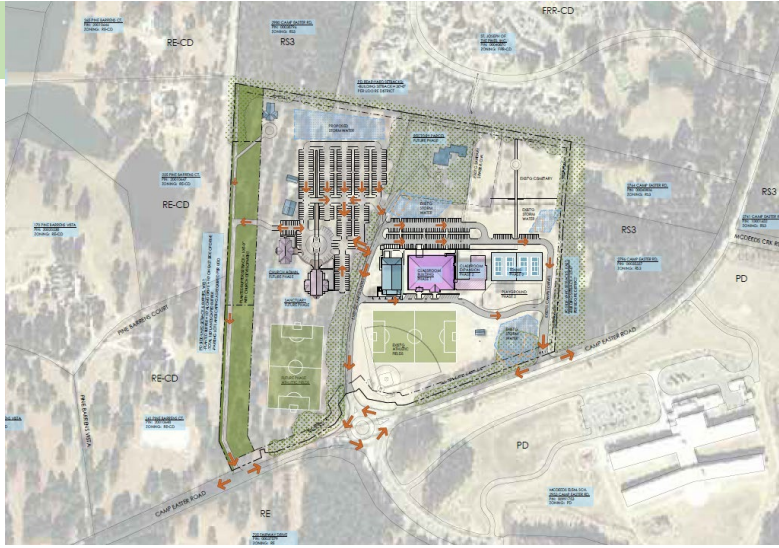


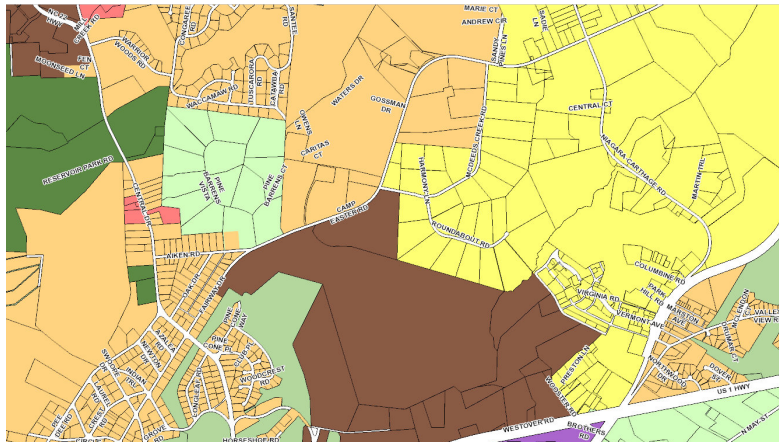


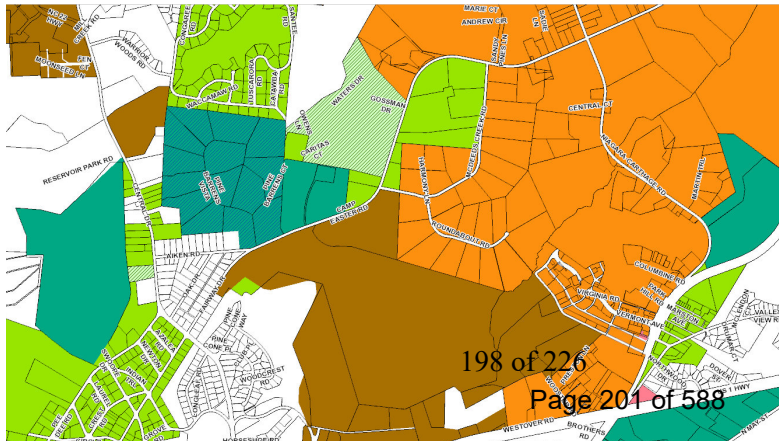
CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

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.



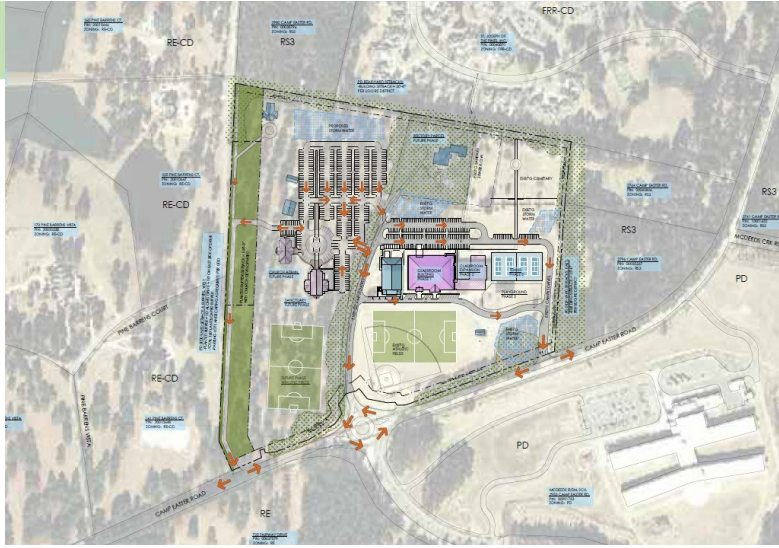


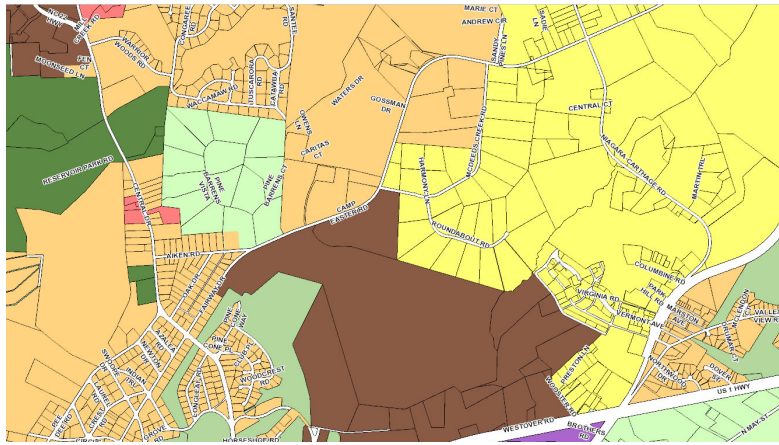


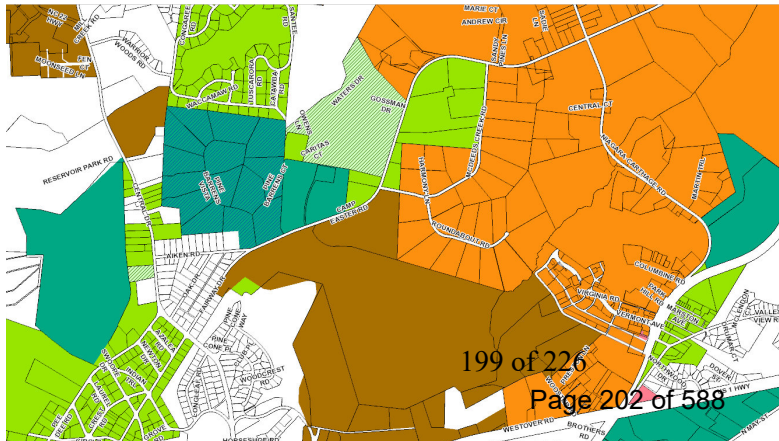
CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

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.



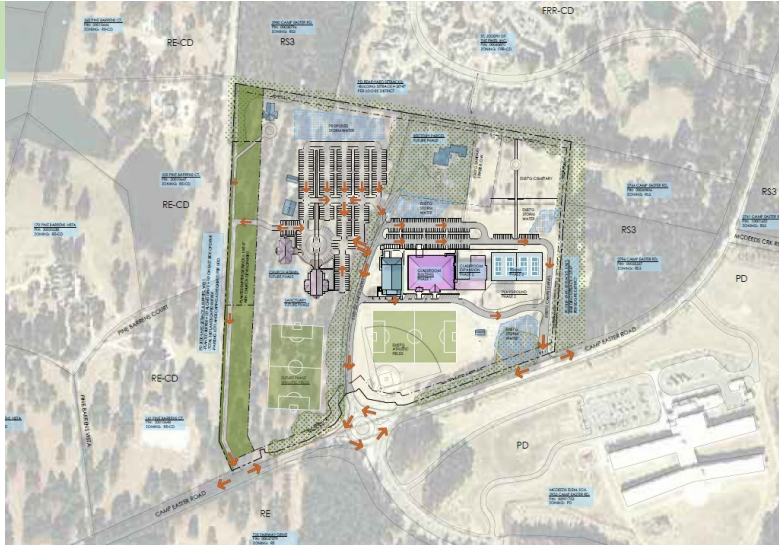


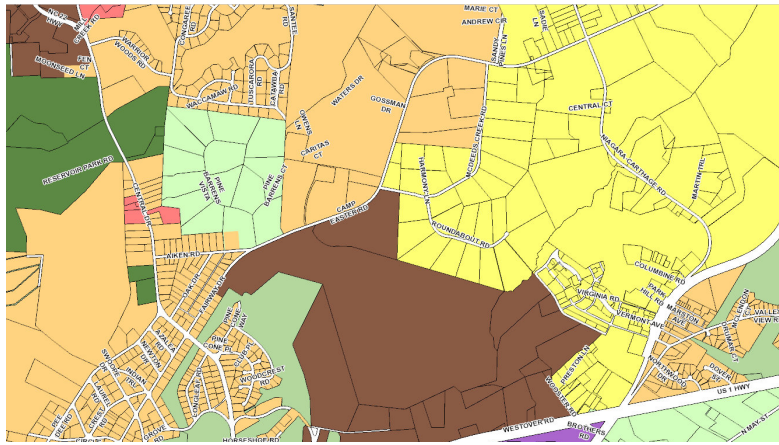


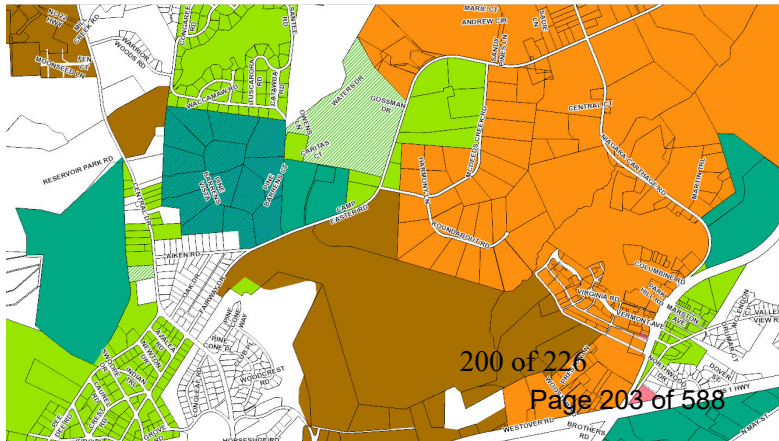
CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

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.*

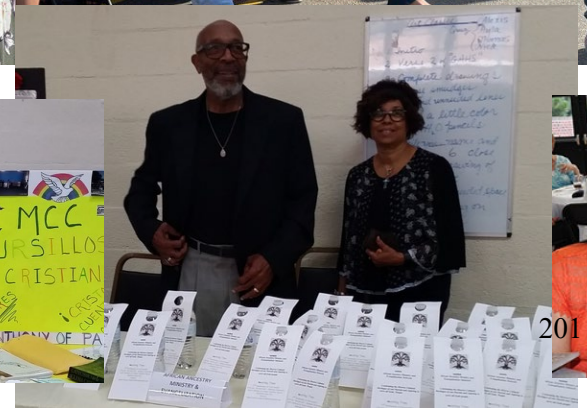


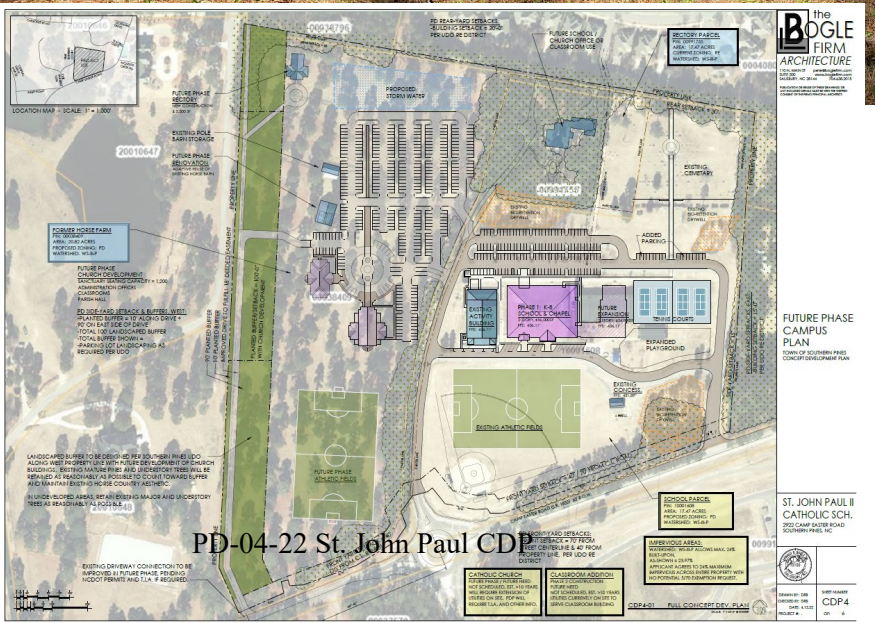




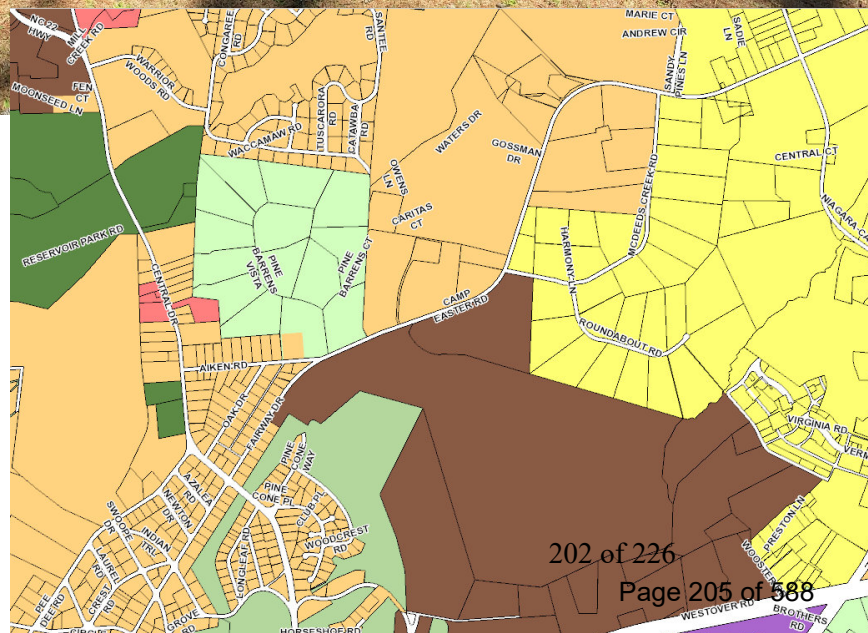
SOUTHERN PINES CATHOLIC HERITAGE:

- 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.




the BOGLE FIRM ARCHITECTURE
FUTURE PHASE CAMPUS PLAN
TOWN OF SOUTHERN PINES CONCEPT DEVELOPMENT PLAN
ST. JOHN PAUL II CATHOLIC SCH.
2955 CAMP EASTER ROAD SOUTHERN PINES, NC
CDP4
PHASE I: K-5, SCHOOL & CHAPEL
FUTURE PHASE: MIDDLE SCHOOL
EXISTING ATHLETIC FIELDS
EXPANDED PLAYGROUND
TENNIS COURTS
EXISTING CEMETERY
PROPOSED STORM WATER
FUTURE SCHOOL / CHURCH OFFICE OR CLASSROOM USE
RECTORY PARCEL
FORMER HORSE FARM
EXISTING BARN STORAGE
ADDED PARKING
EXISTING DRIVEWAY CONNECTION TO BE IMPROVED IN FUTURE PHASE. PENDING NCDOT PERMITS AND T.I.A. IF REQUIRED.
CATHOLIC CHURCH
CLASSROOM ADDITION
SUPERVISOR AREAS
20010647
20010648

20010646
00038796
20010647
00991758
10001608
20010648
+/- 400 MATURE PINES ON ENTIRE SITE
+/- 65 MATURE PINES IN 100' BUFFER AREA
50-60 MATURE PINES TO BE REMOVED
BUILT AS SHOWN.


NC 22 HWY
MOONSEED LN
WARRIOR WOODS RD
CONGAREE RD
SANTEE RD
TUSCARORA RD
CATAWBA RD
WACCAMAW RD
MARIE CT
ANDREW CIR
SADIE LN
SANDY PINES LN
WATERS DR
GOSSMAN DR
OWENS LN
CARITAS CT
PINE BARRENS VISTA
PINE BARRENS CT
MCDEEDS CREEK RD
CENTRAL CT
RESERVOIR PARK RD
CENTRAL DR
CAMP EASTER RD
HARMONY LN
ROUNDABOUT RD
AIKEN RD
VIRGINIA RD
JACOB FAIRWAY DR
PINE CONE TRL
PINE KNOLL WAY
AZALEA RD
WEWOKA DR
SWOOPE DR
INDIAN TRL
LAUREL RD
LOCUST RD
WOODCREST RD
PRESTON LN
WESTOVER RD
BROTHERS RD

Southern Pines Town Council

May 10, 2022 Meeting
Public Hearing

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

St. John Paul II School and Church
Conceptual Development Plan

Neighbor Opposition to CDP Application & Analysis of UDO and CLRP

Prepared on behalf of:

Jim and Fran Currey
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Southern Pines, North Carolina

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T: 919-747-8611
E: andy@peteschlaw.com

LEGEND

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

I. Unified Development Ordinance

Ch. 2 Development Processes

2.18. Planned Development

2.18.4. Conceptual Development Plan 2-25

(H) Criteria[1]

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

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

2.17.9. *Criteria for Zoning Map Amendments* [2]

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

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

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

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

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

[1] Applicant's verbatim responses taken from Application Appendix 2 (Town Council's April 2022 Agenda Packet p. 30).
[2] Applicant's verbatim responses taken from Application Appendix 3 (Town Council's April 2022 Agenda Packet pp. 31-33).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- None submitted.

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

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

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

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

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

  2. a comparison proposed PD uses to existing RE uses.

2-22, 2-23

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

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

a) The CDP district supports the existing St. John Paul II Catholic School and provides UDO compliant means for expansions through master planned and phased growth.

b) The CDP limits the potential uses of the site to only those listed within the PD documents and establishes land areas where these uses may be expected to occur within the Concept Development master plans.

c) The CDP establishes setbacks and buffers to minimize impact to adjacent residential properties.

d) This CDP establishes these regulations and proposed development patterns in general and requires a PDP process for each of the development phases.

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

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

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

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

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

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

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

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

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

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

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

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

2-27

Ch. 3 Zoning

3.5. *Conventional Zoning Districts*

3.5.1. RE – Rural Estate

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

(1) Preserve the existing scale of the low-density residential and agricultural character of Development in the area referred to as "Horse Country";

(2) Discourage the conventional subdivision of existing large Tracts into small building Lots;

(3) Preserve existing horse farms and agricultural uses; and

(4) Discourage traditional urban Development uses that require major utility extensions and street improvements.

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

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

3-4

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.

Town of Southern Pines
Chartered 1887
North Carolina

Planned Development District
Conceptual Development Plan Application

Fee: $1,800.00	Date Received: _____	Case No.: PD-____-____

Project Information:

Project Name: St. John Paul II Catholic School& Future Church

Physical address: 2878, 2952, & 2978 Camp Easter Road, Southern Pines

PIN: 858315538280, 858315635655, & 858315635197 Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres Zoning: RE

Applicant:

Name(s): Very Reverend John J. Forbes, VF

Email: fr.john.forbes@raldioc.org Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

Name(s): Pete Bogle, AIA - Principal/Owner - Bogle Firm Architecture, PLLC

Email: pete@boglefirm.com Phone: 704.638.2015

Mailing Address: 110 N Main St., Suite 200, Salisbury, NC 28144

Legal Property Owner(s), if different from Applicant:

Name(s): Luis Rafael Zarama, Bishop of the Roman Catholic Diocese of Raleigh, NC

Email: Michael.Wengenroth@raldioc.org Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

Owner's Contact: Michael Wengenroth, AIA
Dir. of Property, Construction and Risk Management
The Catholic Diocese of Raleigh

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – Conceptual Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NORTH side of CAMP EASTER RD. (St./Ave.), between PINE BARRENS VISTA (St./Ave.) and MCDEEDS CREEK (St./Ave.). The property has a frontage of ± 1,435 feet and a depth of ± 925 TO 1,630 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance.**
The proposed use of the property is as follows:
Private Catholic School PreK-8th (existing use), Rectory (existing use), Cemetary (existing use),
Athletic Fields (as part of 6120 current use), Religious Institution (existing use - chapel in Rectory and School)
Religious Institution, large curch (proposed future use). See below for LBCS.

Date: 5.15.22

Applicant

Proposed Property Uses:

PRIMARY USES:
Private Catholic School PreK-8th Grades (LBCS 6110, 6121, 6122, 6125)
Religious Institution (large church) LBCS 6600
Residential, single family home (Rectory) LBCS 1111

ACCESSORY USES:
Administrative Services (associated with the school / Church) LBCS 2421
Athletic Fields / Tennis Courts / Playgrounds (associated with school / church
Cemetery (accessory to religious institution LBCS 6720
Temporary Uses (subject to UDO 5.18 and 5.22 with permitting)
Accessory Uses (subject to UDO 5.3)

Other uses not listed here are excluded from this PD.

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner

The undersigned owner(s), Luis Rafael Zarama, Bishop, hereby appoint(s) Bogle Firm Architecture as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:
Russell C Elmay

Property Owner

Property Owner

Agent

8-27-21

APPOINTMENT OF AGENT

The undersigned owner(s), Luis Rafael Zarama, Bishop, hereby appoint(s) Tony Bornhorst Rhetson Companies, Inc. as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Conceptual Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the approval of a Planned Development District – Conceptual Development Plan; and

4. to act on behalf of the property owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Planned Development District -Conceptual Development Plan under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 31ST day of January, 2022.

FOR LUIS RAFAEL ZARAMA, BISHOP
BY ATTORNEY-IN-FACT:
Russell C Elvaya
Property Owner

Property Owner

Agent

8-27-21

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **B.J. Grieve, Planning Director**
Cindy Williams, Planning Technician

Subject: **AX-02-22: 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: **August 9, 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 COUNCIIL 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.*

During the July 12, 2022 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended.*

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.

- During 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.

- During the July 12, 2022 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended.*

- The purpose of this agenda item is to hold a public hearing to consider the annexation request.

- **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 Properties (Areas to be Annexed Outlined in Red)

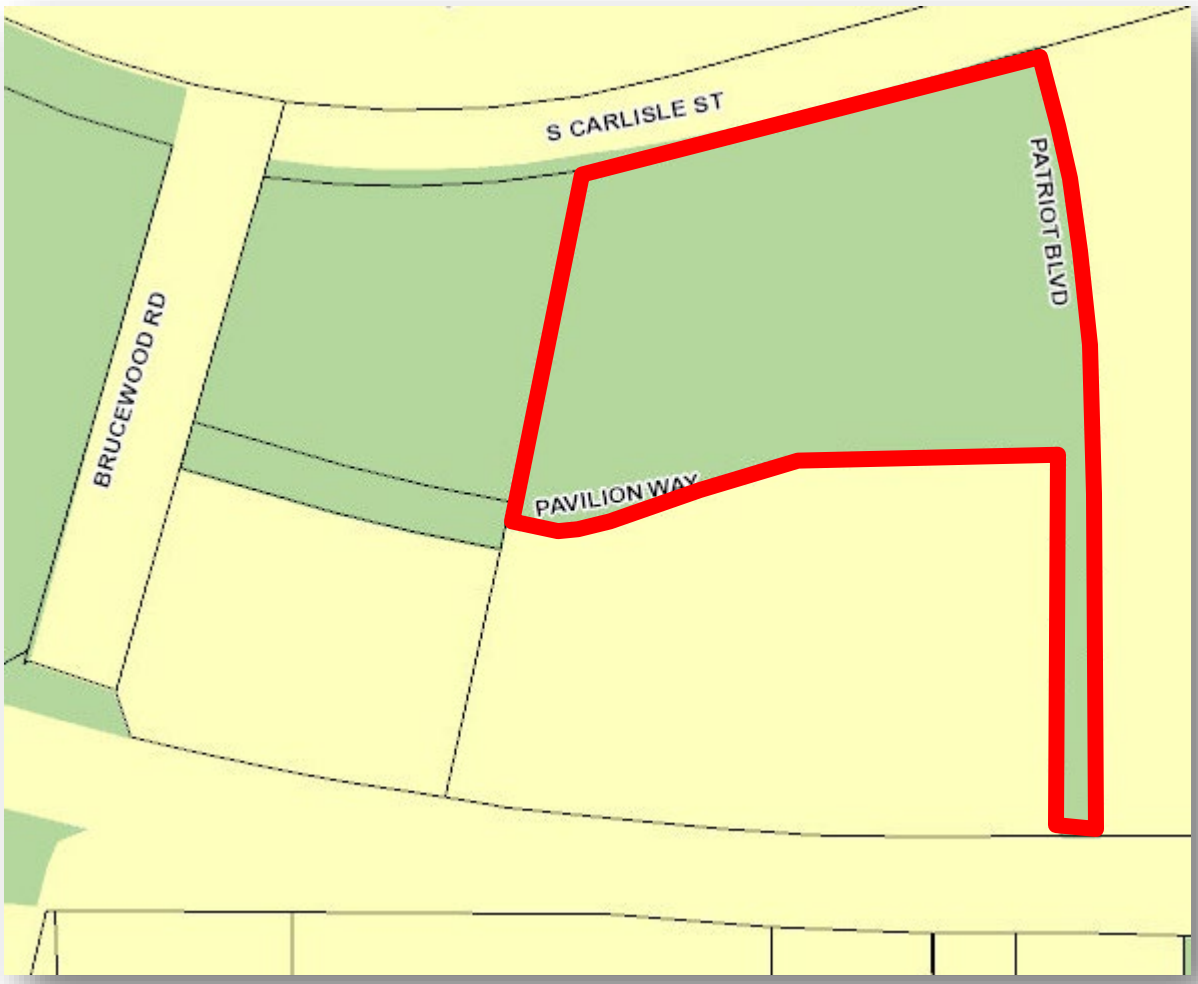
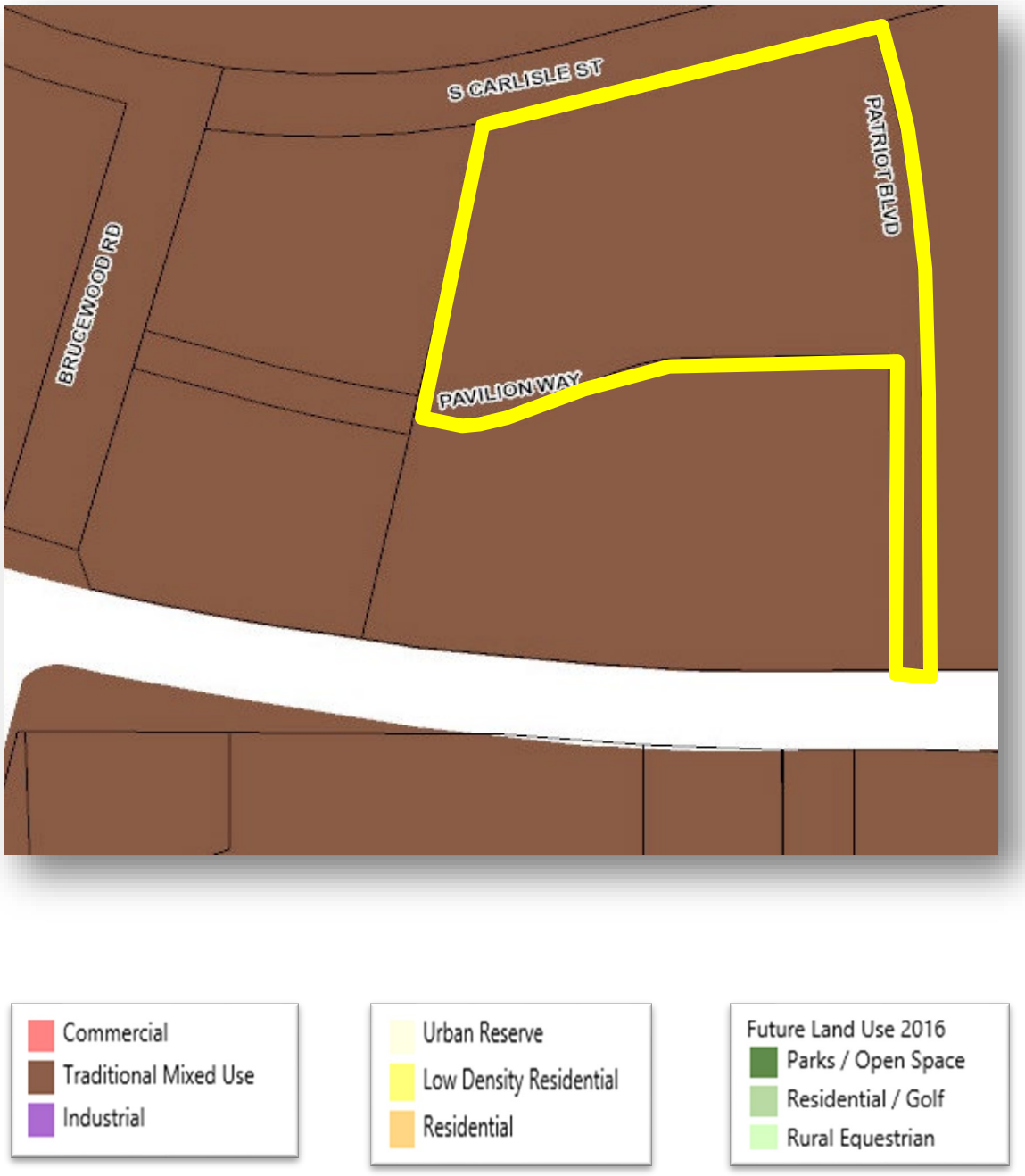


Figure 2: Zoning Map (Area to be Annexed Outlined in Blue)

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:

To either approve or deny the Voluntary Annexation, the Town Council may choose one of the following motions or any alternative they wish:

1) I move to adopt an Ordinance approving the Voluntary Annexation request in application AX-02-22 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately.

-or-

2) I move to deny the Voluntary Annexation in application AX-02-22 for the property as defined in the submitted metes and bounds description.

RECEIVED
MAY 25 2022
By

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	Address of Owner
Charles Gregg	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 ORGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 13TH DAY OF MARCH, A.D., 2020

PROFESSIONAL LAND SURVEYOR

L - 3972
LICENSE NUMBER

NORTH CAROLINA PROFESSIONAL SEAL L-3972 LAND SURVEYOR JEFFREY L. GREEN 3/13/2020

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 COMMISION EXPIRES: 10-20-23

Sharon McDuffie NOTARY PUBLIC Exp. 10/20/2023 Moore County, NC

I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR, L-3972, CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30(f)(11):

a. THAT THE SURVEY CREATES A SUBDIVSION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

SURVEYOR

3/13/2020
DATE

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.

Review Officer — Date: 3/17/2020

NOTICE: THIS PROPERTY IS LOCATED WITHIN A PUBLIC WATER SUPPLY WATERSHED. DEVELOPMENT RESTRICTIONS MAY APPLY.

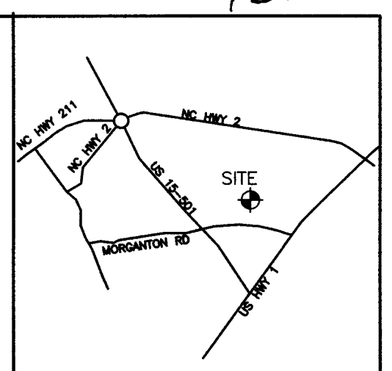
I CERTIFY THAT THE PLAT SHOWN HEREON COMPLIES WITH THE SOUTHERN PINES WATERSHED PROTECTION ORDINANCE AND IS APPROVED BY MYSELF, AS AGENT FOR THE TOWN OF SOUTHERN PINES FOR RECORDING IN THE MOORE COUNTY REGISTER OF DEEDS OFFICE.

WATERSHED ADMINISTRATOR — DATE: 3/17/20

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

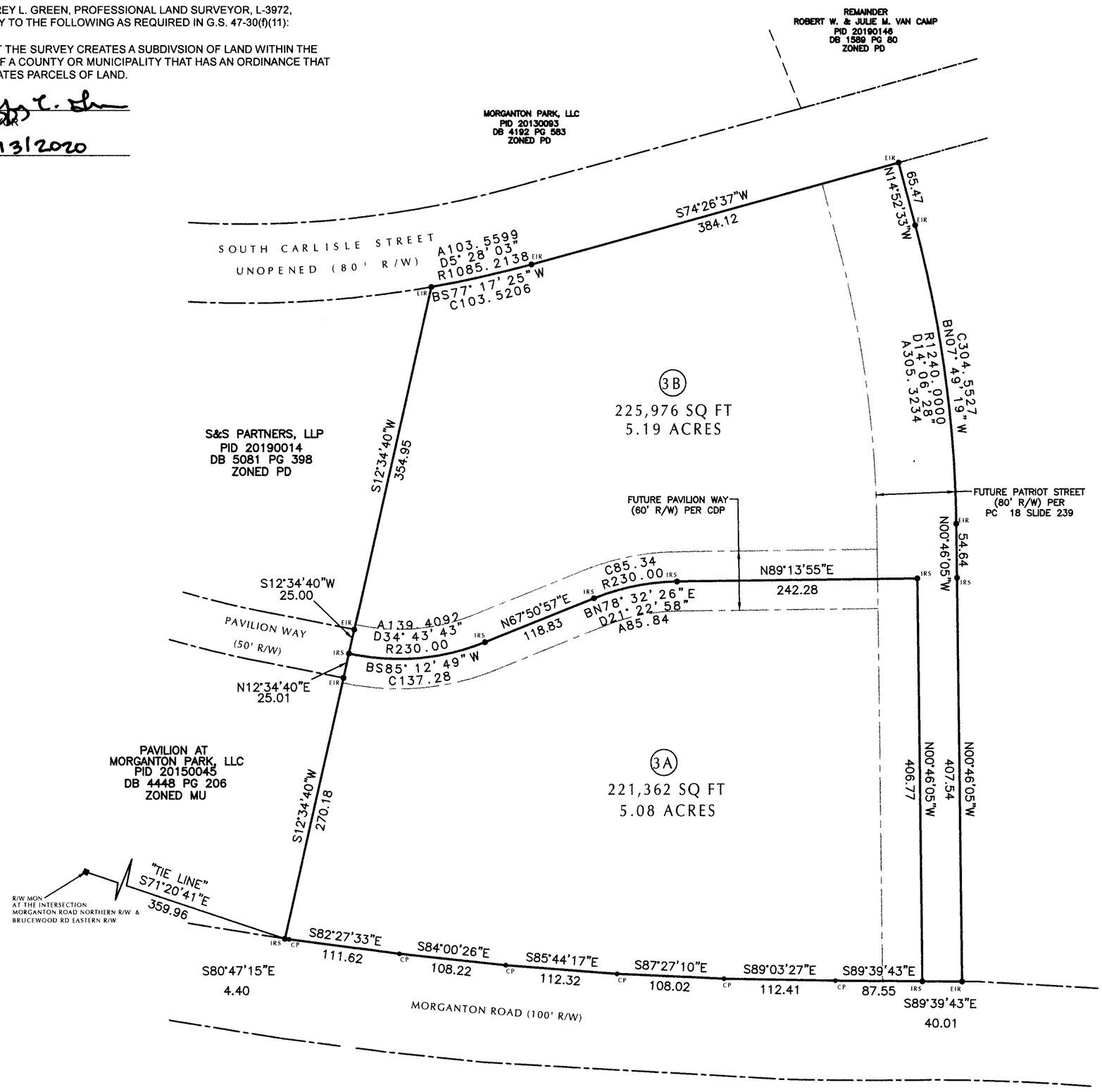
PLAT CABINET 18 SLIDE 450



VICINITY MAP – NOT TO SCALE

CERTIFICATE OF MINOR SUBDIVISION PLAT APPROVAL
I HEREBY CERTIFY THAT THE MINOR SUBDIVSION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS OR CHANGE IN EXISTING UTILITIES, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF SOUTHERN PINES, CAROLINA AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY THE SUBDIVISION ADMINISTRATOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN 60 DAYS OF THE BELOW DATE.

SUBDIVISION ADMINISTRATOR — DATE: 3/17/20



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 SUBDIVISON 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 — DATE: 3/11/2020

CPGKRE PINEHURST LOWES, LLC
PID 98000750
DB 4484 PG 354
ZONED PD

NOTARIZED
State of NORTH CAROLINA
County of MOORE
Commission Expires 03/02/2022

Mary R. McDonough NOTARY PUBLIC Moore County, NC

LEGEND
UNLESS OTHERWISE DENOTED
● = EIR = .5" EIR-FLUSH WITH GROUND
● = IRS = .5" IRON ROD SET FLUSH WITH GROUND
⊡ = ECM = EXISTING CONCRETE MONUMENT
○ = EIP = EXISTING IRON PIPE
= SANITARY SEWER MANHOLE
"CC" = CONTROL CORNER
= UTILITY POLE
= SEWER CLENOUT
— — ADJOINING BOUNDARY LINE
——— RIGHT-OF-WAY

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 GROUND.
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. 3710857100J WITH AN EFFECTIVE DATE OF 10/17/2006.
7. ZONING INFORMATION-- ZONED PD (PLANNED DEVELOPMENT). FOR SETBACK INFORMATION CONTACT THE TOWN OF SOUTHERN PINES PLANNING DEPARTMENT 910.692.4003

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

GRAPHIC SCALE
0 100 200 300
1" = 100'

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 ORDINANCE #2018
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA AX-02-22: PSC Site 3B

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-02-22, was scheduled to be held in regular session of the Town Council at the Douglass Community Center at 6:00 P.M. on the 9th day of August, 2022 after due notice by publication on July 24, 2022; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

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.

A map of the area herein described has been recorded at the Moore County Registry of Deeds Plat Cabinet 18 Side 450 and is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 9th day of August, 2022:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 9th day of August, 2022.

Section 2. Upon and after the 9th day of August, 2022 the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 9th day of August, 2022.

ATTEST: TOWN OF SOUTHERN PINES

_____ _____

Elizabeth Robertson, Town Clerk Carol R. Haney, Mayor

APPROVED AS TO FORM:

_____

Douglas R. Gill, Town Attorney

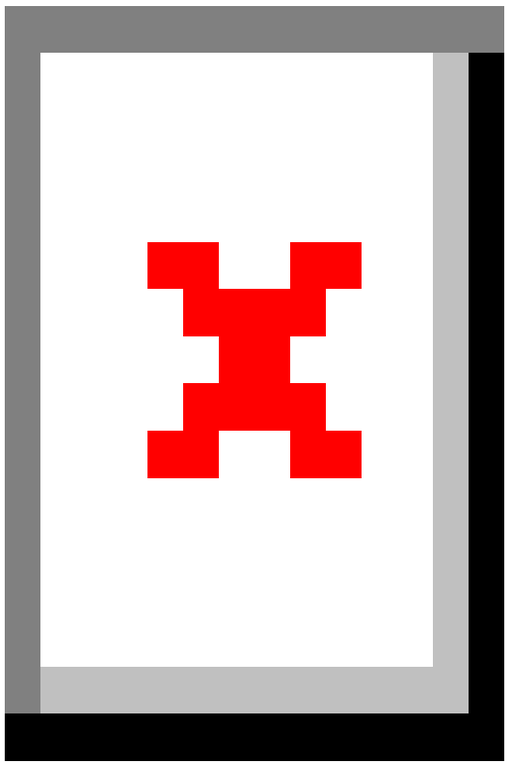
I certify that Ordinance #2018 was adopted by the Town Council of the Town of Southern Pines at its meeting on August 9, 2022 as shown in the Minutes of the Town Council for that date.

_____

Elizabeth Robertson, Town Clerk

DRAFT

ATTACHMENT "A"



COUNTY OF MOORE
STATE OF NORTH CAROLINA

I swear that this is a true and accurate copy of Ordinance #2018 amending the Zoning Map of the Town of Southern Pines adopted on August 9, 2022 (AX-02-22).

_____
Elizabeth Robertson, Town Clerk

_____
Date

DRAFT

Agenda Item

To: **Reagan Parsons**

From: **Pamela Graham, Principal Planner**

Subject: **SU-04-22 Special Use Permit; New Building Addition to the Existing Boles Funeral Home Located at 425 W. Pennsylvania Avenue.**

Date: **August 9, 2022**

I. SUMMARY OF APPLICATION REQUEST:

On behalf of Boles Family LLC, Mr. John Heckethorn with Heckethorn Architecture, PLLC, has submitted an application for a Special Use Permit for the construction of a 340 square foot addition to the existing structure serving the funeral home business. A special use permit is required due to the use being a legal nonconforming use in the Central Business (CB) District where the proposed project is located. The subject property is identified as PIN: 858100199938 (PARID: 00037428).

II. PLANNING BOARD REVIEW:

On July 21, 2022, the Planning Board held a Preliminary Forum regarding SU-04-22 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 the project, the Planning Board adopted a recommendation that the request move forward to Town Council, with no issues noted. The motion was approved by a 4-0 vote.

III. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

i. Property Owner:
Boles Family, LLC
425 W. Pennsylvania Avenue
Southern Pines, NC 28387

ii. Applicant:
Boles Family, LLC
Marsha Southers
425 W. Pennsylvania Ave.
Southern Pines, NC 28387

iii. Authorized Agent:
John Heckethorn
Heckethorn Architecture, PLLC

108 E Connecticut Ave.
Southern Pines, NC 28387

B. Project History and Site Information:

i. Location:
The subject property is located at 425 W. Pennsylvania Avenue, at the corner of W. Pennsylvania and N. Saylor Street. (See Figure 1).

ii. Zoning:
The majority of the property is currently zoned Central Business (CB), with a small portion being zoned RM-2. (See Figure 2).

iii. Future Land Use Map Designation:
The CB-zoned portion of the property is designated as Commercial on the Future Land Use Map, with the RM-2 portion designated as Residential. The proposed building addition is located entirely within the CB-zoned portion. *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.*

Figure 1: Vicinity Map (Subject Property Outlined in Red*)*:

Figure 2: Zoning Map (Subject Properties (CB and RM-2) Outlined in Black*)*:

IV. STAFF REVIEW:

A. Application Review Dates:

- Special Use Permit SU-04-22 Application Submitted: June 8, 2022
- Application Deemed Complete: June 16, 2022
- Notice of Planning Board Public Hearing:
  - Posted On-site: July 7, 2022
  - Mailed: June 30, 2022
  - Internet: June 29, 2022
  - Published: July 6, 2022 and July 13, 2022
- TRC Review: July 12, 2022
- Planning Board Preliminary Forum: July 21, 2022
- Notice of August 9, 2022 Town Council Public Hearing:
  - Posted On-site: June 30, 2022
  - Mailed: July 22, 2022
  - Published: July 27 and August 3, 2022
- Town Council Agenda Meeting: August 3, 2022
- Town Council Regular Meeting: August 9, 2022

B. Process of Review:

The procedures for review and approval of a Special Use Permit, per UDO §2.21, establishes a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right.

C. Standards for Review:

The following UDO standards apply to the review of this special use permit:

- **i.** Special Use Permit UDO §2.21.6 (A-F)
- **ii.** Central Business Zoning District Standards UDO §3.5.8
- **iii.** Expansion of Non-Conformity Standards UDO §7.1.8
- **iv.** Watershed Protection Overlay District Standards UDO §3.6.8
- **v.** Development Design Standards UDO §4.10
- **vi.** Various Standards UDO Chapter 4

D. Criteria for Review:

Compliance with the UDO:

i. Compliance with Special Use Permit Criteria – UDO §2.21.6 (A-F):

A Special Use is permitted only if the applicant demonstrates that:

A. The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The applicant's narrative states the following: "The existing zoning district is Central Business (CB), which permits professional services. The existing development currently complies with all regulations of the CB district. The proposed addition will also comply".

The Central Business District is described in the UDO §3.5.8 as being "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. The regulations of this district are intended to:

(1) Preserve the general character and integrity of the current Development in the central business district;
(2) Encourage land uses that provide for a multi-purpose central business district including retail, offices, services, entertainment and living space;'
(3) Encourage land uses that do not require large amounts of outdoor use areas; and
(4) Encourage common or shared off-street parking."

UDO §3.5.8 also includes specific District Use Standards and District Development Standards. Of these requirements, the conditions of the subject property, including the existing building

and site as well as the proposed addition, are compliant with all but two, as described below:

- Lot widths in the CB District may not be more than 50';
- The maximum front setback from the right-of-way is limited to 5'.

  Prior to the development of the site in 2005, several parcels were combined to create the current 1.81 acre tract and the current lot width of +/- 285'. The 2005 site plan for the existing building indicates a setback from the Pennsylvania Avenue right-of-way of +/- 32'. While neither of these conditions are compliant with the current regulations, the UDO in place in 2005 did not contain a maximum lot width nor a maximum street setback requirement as the current UDO does. Therefore, the property, being compliant with the regulations in place at the time of development, is considered to be legally nonconforming with regard to these conditions.

  Also of note is that the uses of Funeral Home and Crematorium are both listed as uses by right in the Central Business District in the ordinance that was in place in 2005, but are now permitted uses only in the General Business and Neighborhood Business Districts. Thus, the current uses on the property are also considered to be legally nonconforming. UDO §7.1.8 allows for expansion of non-conformities if a Special Use Permit is granted.

B. *The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;*

The applicant's narrative states the following: "The existing development currently complies with this criteria. The proposed addition will match the character of the existing development."

Pertinent dimensional requirements that contribute to the character of the neighborhood are found in the table below. These requirements are, in part, intended to define the urban form of the Central Business District, which includes the majority of the properties that front Broad Street between Vermont Avenue and Morganton Road, as well as properties fronting West Pennsylvania Avenue to the US1 access ramps. However, the existing development pattern changes as you progress from the downtown core along West Pennsylvania, with the average street-side building setback ranging from +/-3.7' in the first block west of Broad to over 55' in the last block before reaching US1. This is due, in part, to the

Town's Fire and Police Stations anchoring the last portion of the corridor before reaching US1, and creating a character in that area that is substantially different from areas of Pennsylvania nearest Broad Street. These two buildings are directly across from the Boles site and are zoned Facilities, Resources, and Recreation (FRR), therefore not being required to meet the CB standards. It is to be expected that the development patterns would change along this 5-block section of the corridor, and the increased front setbacks and larger lots that exist in the vicinity of the Boles site bear out that expectation.

District	Max Height	Front SB	Exterior Side SB	Interior Side SB	Min Lot Size	Lot Width
CB	45'	5' Max	5' Max	No Min	No Min	50' Max

Additional character-defining features include building materials, which are primarily painted or unpainted brick along West Pennsylvania's commercial buildings, but also include some evidence of wood siding and alternative trim materials. A range of building heights exist in the area, with stories ranging from one to three, and with slope on some lots that contribute to higher structure heights. Roof designs include flat, gabled, and hipped roofs. Though not consistent throughout, on-street parking is prevalent along the corridor and a limited number of sites contain parking between the building and the street. Sidewalks are consistently present along West Pennsylvania from Broad Street to the US1 interchange, and most sites include landscaping that contributes to the neighborhood character.

The proposed building addition is designed with a brick exterior, is slightly offset from the existing front building façade, and will include a roofline that is consistent with the existing building.

Planning staff finds that the application appears to be generally consistent with this criterion.

C. *Adequate public facilities shall be provided as set forth herein;*

The applicant has provided the following information regarding this item:

- "All public utilities (water, sewer, gas and electric) are existing and will not be required to be altered or expanded for the proposed addition.
- All vehicle entrances, driveways and parking spaces are existing and will not be required to be altered or expanded for the new addition.
- New sidewalks will be provided at the new addition only. All other sidewalks are existing."

D. *The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;*

The proposed use for the new additional square footage is to provide an employee lounge, office space, and a UPS delivery closet. The application narrative states: "The existing development currently complies with this criteria. The maintenance and use of the proposed addition will match that of the existing development."

E. *The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;*

The narrative responds to this criterion as follows: "The existing development currently complies with this criteria. The maintenance and use of the proposed addition will match that of the existing development."

F. *The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use*

The narrative provides the following response: "Due to the nature of the proposed project, no individual interests are anticipated to (be) adversely affected."

ii. Central Business (CB) District Zoning Standards, UDO 3.5.8

The special use permit proposal shall be required to comply with the standards of the CB District, with the exception of the identified existing non-conformities.

iii. Expansion of Non-Conformity Standards, UDO §7.1.8:

A. UDO §7.1.8 specifies that no non-conformity may expand unless a Special Use Permit has been granted.
B. In addition to the criteria required to be met for a Special Use Permit, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-conformity:
    a. The termination of such non-conformity will result in unnecessary hardship;
    b. The continuation of the non-conformity will not be contrary to the public interest;
    c. The continuation of the non-conformity will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district;

d. The use will be in harmony with the spirit and purpose of these regulations and the Comprehensive Plan goals, objectives, and policies;
e. The plight of the Applicant for which the continuation of the non-conformity is sought is due to unique circumstances existing on the property and/or within the surrounding district;
f. The continuation of the non-conformity will not substantially weaken the general purposes of this UDO or the regulations established for the applicable zoning district;
g. The continuation of the non-conformity will not adversely affect the public health, safety, and welfare; and
h. Mere financial hardship caused by the cost of meeting the requirements of the UDO does not constitute grounds for finding that compliance is not reasonably possible.

C. In addition, the following criteria shall apply to the issuance of a Special Use Permit for the expansion of a non-residential non-conformity:
a. The change or expansion is compatible with the surrounding uses of land and is beneficial to the health, welfare and safety of the community;
b. All Non-Conforming Signs shall be brought into compliance with the requirements of this UDO;
c. Unsightly or unsafe conditions on the site have been or will be mitigated pursuant to the Special Use Permit;
d. Outdoor storage, displays or operations shall comply with the terms of this UDO;
e. The expansion does not increase the degree of non-conformity of the property due to the setback, height, parking, or landscaping requirements of the UDO.

iv. Watershed Protection Overlay District Standards, UDO §3.6.8

The subject property is within the High-Quality Watershed and has received exemption allocation to accommodate the building addition. The total built-upon area for the parcel will not exceed the 70% maximum allowed. The project is required to comply with all provisions of UDO §3.6.8 as they apply to properties located in the WS-III Watershed area.

v. Development Design and Other Standards from UDO Chapter 4

The proposal for the building addition will require Site Plan Review and approval by the TRC and Architectural Review and approval by the Town Council. These two processes will insure compliance with all development design standards, except where deviations may be granted by the Town Council. No new streets, parking, signage, lighting, fences or walls are proposed, and the development does not require transportation or traffic analyses.

E. General Staff Comments

1. Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.
2. The project shall be required to meet all standards of the Central Business (CB) Zoning District, with the exception of the non-conformities identified in this report, which are limited to the Funeral Home and Crematorium use, the lot width, and the front setback.
3. The project shall be required to comply with all provisions of UDO §3.6.8 as they apply to properties located in the WS-III Watershed area.
4. The project shall be required to meet all applicable development design requirements found in Chapter 4 of the UDO.
5. This development will be subject to permitting through the Inspections Department and will be required to submit for site plan and architectural review. All state level development regulation and the applicable development regulations in the Unified Development Ordinance (UDO) must be met prior to site plan approval.

F. Outside Agency Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission. Any comments received after the publishing of this report will be forwarded to the Planning Board at the public hearing as an exhibit.

- A response from the Department of Transportation was received on June 29, 2022, stating that the agency had no comments on this proposal.
- A response from the Regional Land Use Advisory Commission was also received on June 29, 2022, stating that the agency did not have any comments on this case.
- The Technical Review Committee discussed SU-04-22 at its July 12, 2022 meeting and noted no issues with the proposal.

V. ATTACHMENTS:

The following materials are provided as attachments to this staff memorandum:

1. Attachment “A” Town Council Findings of Fact Draft
2. Special Use Permit Application
3. Applicant’s Special Use Permit Narrative

4. Proposed Site Plan
5. Applicant's Project Description, including exhibits
6. Building Elevations
7. Property Deed
8. Appointment of Agent

VI. TOWN COUNCIL ACTION:

To either approve or deny a Special Use Permit application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.21.6(A-F) Criteria for a Special Use Permit. The Town Council may choose among the following motions or any alternative at their discretion.

Staff has provided a draft for the findings, included as **Attachment A**, with the potential for Council to make modifications to the draft findings at their discretion.

I move to:

1. Adopt **Attachment A** of the staff report as our Findings of Fact regarding the proposed Special Use Permit SU-04-22.

-OR-

2. Adopt **Attachment A** of the staff report as our Findings of Fact regarding the proposed Special Use Permit SU-04-22, with the following changes:

_____

_____.

Next, the Town Council may vote on whether to approve, deny, or approve with conditions the proposed Special Use Permit. The Town Council may choose one of the following motions, or any alternative at their discretion.

I move to:

1. Approve Special Use Permit SU-04-22.

2. Deny Special Use Permit SU-04-22.

3. Approve Special Use Permit SU-04-22 with the following conditions. Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.

1. The project shall be required to meet all standards of the Central Business (CB) Zoning District, with the exception of the non-conformities identified in this report, which are limited to the Funeral Home and Crematorium use, the lot width, and the front setback.
2. The proposed expansion shall not increase the degree of any existing non-conformity of the property with regard to the setback, height, parking, or landscaping requirements of the UDO.
3. The project shall be required to comply with all provisions of UDO §3.6.8 as they apply to properties located in the WS-III Watershed area.
4. The project shall be required to meet all applicable development design requirements found in Chapter 4 of the UDO.
5. This development will be subject to permitting through the Inspections Department and will be required to submit for site plan and architectural review. All state level development regulation and the applicable development regulations in the Unified Development Ordinance (UDO) must be met prior to site plan approval.

ATTACHMENT "A"
Draft Town Council Findings of Fact
Special Use Permit Application SU-04-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Special Use Permit approval has fully met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Special Use Permit, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

A. **The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**
The Town Council finds that the Special Use Permit application SU-04-22 generally complies with the regulations of the Central Business (CB) Zoning District. While the existing building and site are considered legally non-conforming with regards to the front setback exceeding the five foot maximum and the lot being greater than fifty feet in width, the proposed addition that would be allowed by the special use permit does not increase these non-conformities. The proposal complies with all other regulations of the CB District. Compliance with applicable development design standards will be required and verified by town staff during site plan review.

B. **The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;**
The Town Council finds that the proposed special use is consistent with the character of the neighborhood in which it is located and that the addition of a 340 square foot employee lounge, office, and delivery closet designed in the manner proposed does not alter the character of the neighborhood. The addition adheres to building setbacks that are present on other sites in the immediate vicinity, and will include a brick exterior and roofline that is consistent with the existing building.

C. **Adequate public facilities shall be provided as set forth herein;**
Town Council finds that the proposed special use does not require alteration or expansion of public facilities that are already present at the site. All public utilities are currently provided, and the special use will not necessitate additional accommodations in parking or ingress/egress at the site. The proposed project includes additional onsite sidewalks to allow entry into the building addition from the adjacent parking lot.

D. **The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;**
Town Council finds that, due to the relatively small scale of the proposed building addition and the uses on the site not being altered, the proposed special use is expected to have no detrimental impact to surrounding properties or property values in the vicinity.

E. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;**
Town Council finds that, due to the uses on the site not being altered by the special use, and there being no evidence of negative impacts resulting from the existing use, there is no expected detrimental impact to the public health, safety, comfort or general welfare.

F. **The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;**
Town Council finds that the establishment of the special use will not result in adverse impacts to individual interests and that the special use advances the public interest and welfare provided by the services currently offered at the facility.

Finding of Fact #3:

The Town Council finds that with the conditions applied to the project and all the applicant's evidence in the record, including the August 9, 2022 Town Council Business Meeting, the application meets Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).

Special Use Permit

REQUIRED APPLICATION MATERIALS:

_X_ **Application fee** in the amount of **$1,500.00 + $25.00 per lot for a Major Subdivision**

_X_ **Completed Application** for a Special Use Permit signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.

_X_ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.

_X_ **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.

_X_ **Deed** copy to provide proof of ownership and property boundaries.

_X_ **Project description**: Please tell us what currently exists and what changes you are proposing. Please attach written descriptions, maps, illustrations/renderings, photographs, material samples, etc. as necessary.

_X_ **Written narrative**: It is the responsibility of the applicant to demonstrate compliance with all applicable criteria. Please address all criteria listed in **UDO §2.21.7**. The list of criteria is attached.

_X_ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional 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 Special Use Permit.
3. **Issuance of a Special Use Permit**: If the request is approved by the Town Council, a Special Use Permit setting forth any conditions of approval will be issued to the applicant.

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

Special Use Permit Application

Fee: $_____ Date Paid: _____ Case No.: SU-_____-_____

Project Information:

Street Address: 425 W. Pennsylvania Ave., Southern Pines, NC 28387

PIN: 858100199938 Parcel ID: 00037428

Site Size: 1.81 acres Zoning: CB

Applicant:

Name(s): Boles Family LLC - Attention: Marsha Southers

Email: msouthers@bolesfuneralhome.com Phone: 910-690-9401

Mailing Address: 425 W. Pennsylvania Ave., Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): John Heckethorn - Heckethorn Architecture, PLLC

Email: jdhaia@earthlink.net Phone: 910-695-1441

Mailing Address: 108 E. Connecticut Ave., Southern Pines, NC 28387

Legal Property Owner(s), if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a Special Use Permit as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NE side of Pennsylvania (St./Ave.), between N. Saylor (St./Ave.) and N. Leak (St./Ave.). The property has a frontage of 286.72 feet and a depth of 299.93 feet.

The special use sought is based upon Section(s) 7.2 of the **Town of Southern Pines Unified Development Ordinance.** The proposed use of the property is as follows:

The existing use of the property is a funeral home. The proposed use will remain the same.

Date: 6/9/22

Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net **(910) 692-4003** www.southernpines.net

8-27-21

NARRATIVE

COMPLIANCE WITH SECTION 2.21.6 – CRITERIA FOR A SPECIAL USE PERMIT

(A): The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations.

- The existing zoning district is Central Business (CB), which permits professional services. The existing development currently complies with all regulations of the CB district. The proposed addition will also comply.

(B): The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted.

- The existing development currently complies with this criteria. The proposed addition will match the character of the existing development.

(C): Adequate public facilities shall be provided as set forth herein.

- All public utilities (water, sewer, gas and electric) are existing and will not be required to be altered or expanded for the proposed addition.

- All vehicle entrances,driveways and parking spaces are existing and will not be required to be altered or expanded for the new addition.

- New sidewalks will provided at the new addition only. All other sidewalks are existing.

(D): The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood

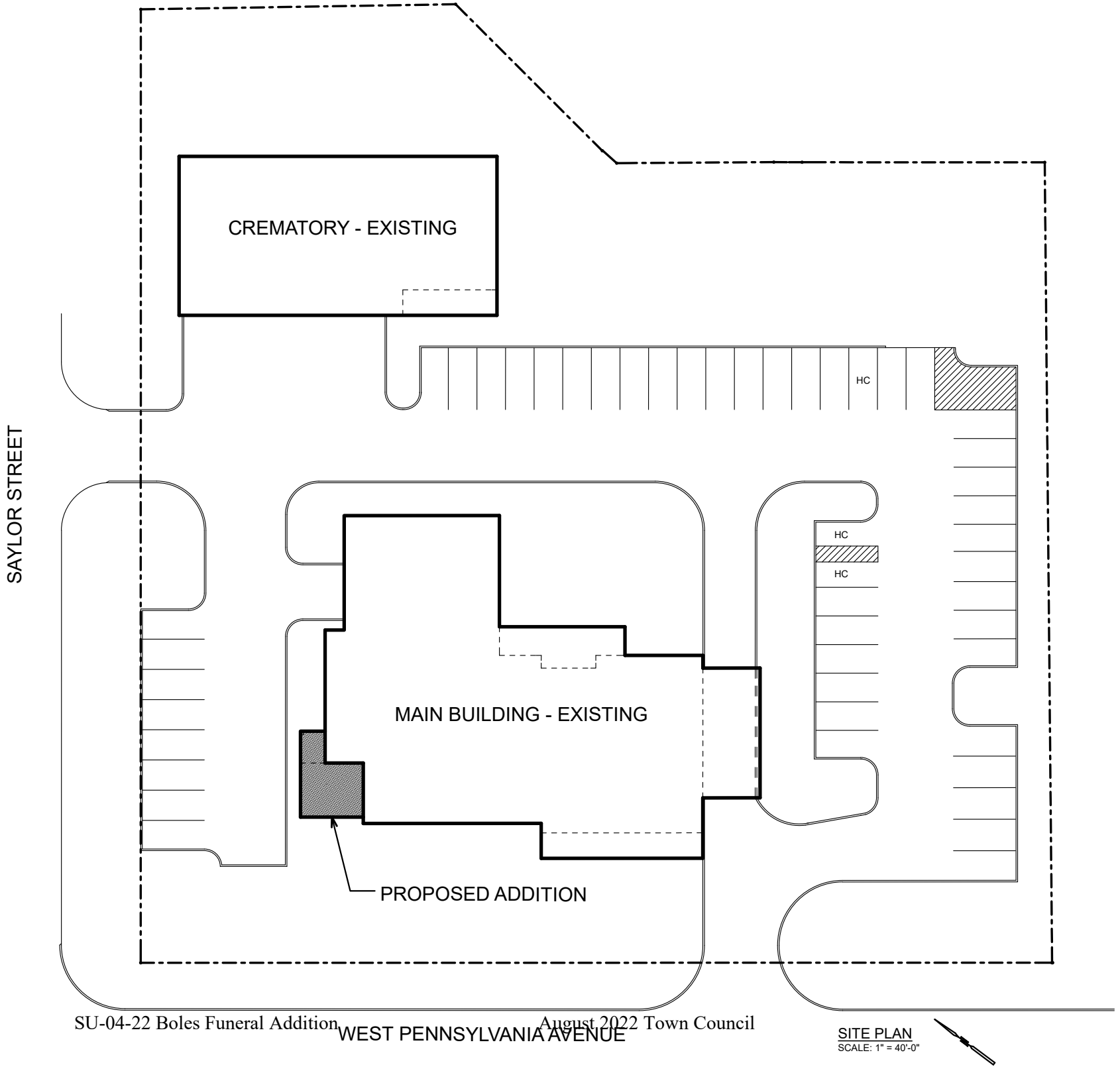
- The existing development currently complies with this criteria. The proposed addition will match the character of the existing development.

(E): The establishment, maintenance, or operating of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.

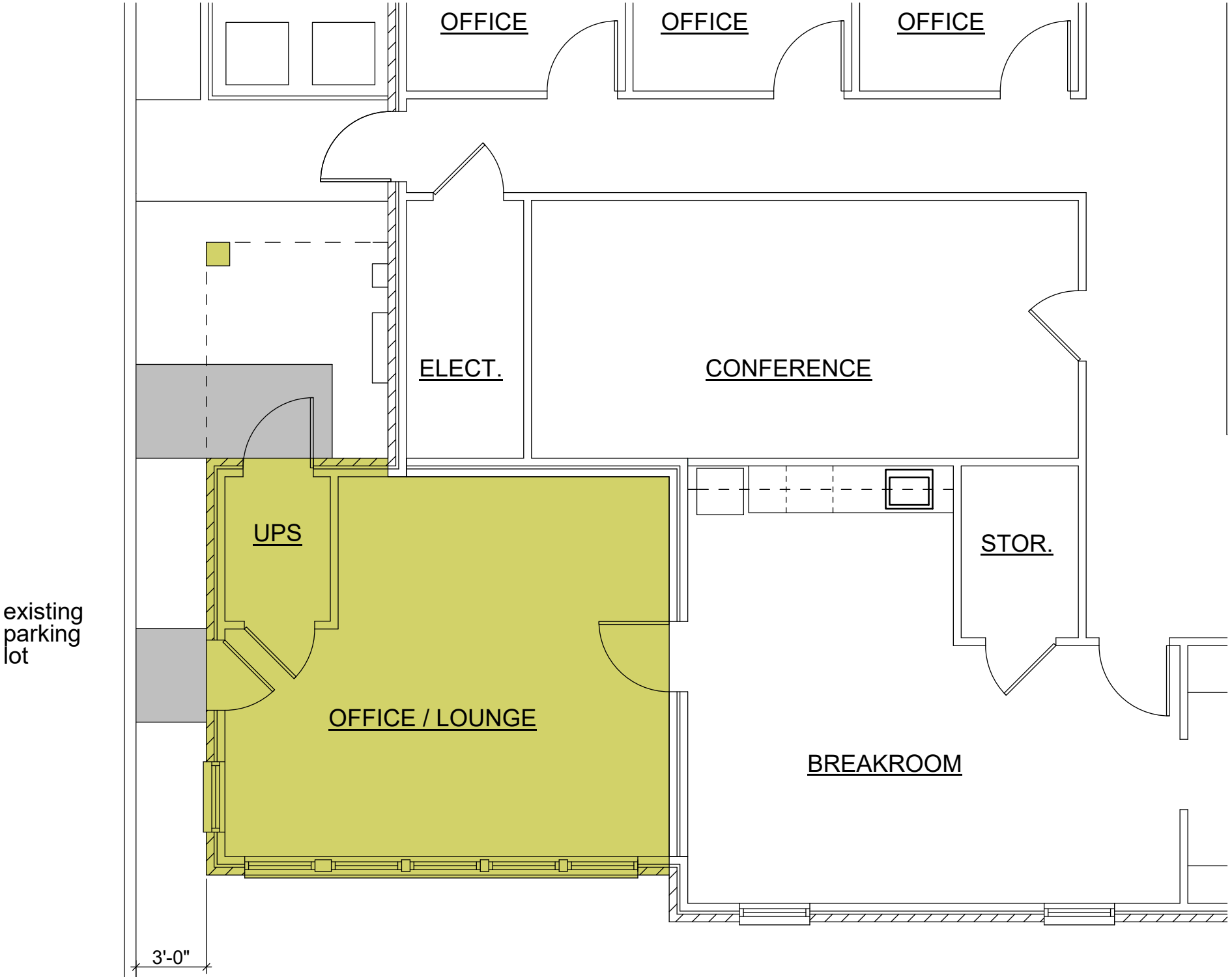
- The existing development currently complies with this criteria. The maintenance and use of the proposed addition will match that of the existing development.

(F): The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use

- Due to the nature of the proposed project, no individual interests are anticipated to adversely affected.



SITE PLAN
SCALE: 1" = 40'-0"



FLOOR PLAN - PROPOSED

3/16" = 1'-0"

PROJECT DESCRIPTION

The existing Boles Funeral Home property contains two existing buildings (a main building and a crematorium) and associated parking, sidewalks and porte cochere. Existing brick low walls and wood fencing are used to screen mechanical equipment and dumpsters. There is extensive existing landscaping around the building and at parking lots.

The purposed project is a one-story addition to the main building. The addition, approximately 350 sf in area, will house a new employee lounge in addition to office space and a UPS delivery closet. The project will include some new sidewalk but no additional parking. The addition will be located at the northwest corner of the building, with one side of the addition facing Pennsylvania Avenue and the other side facing Saylor St.. An existing fabric walkway cover at the location of the new addition will be removed.

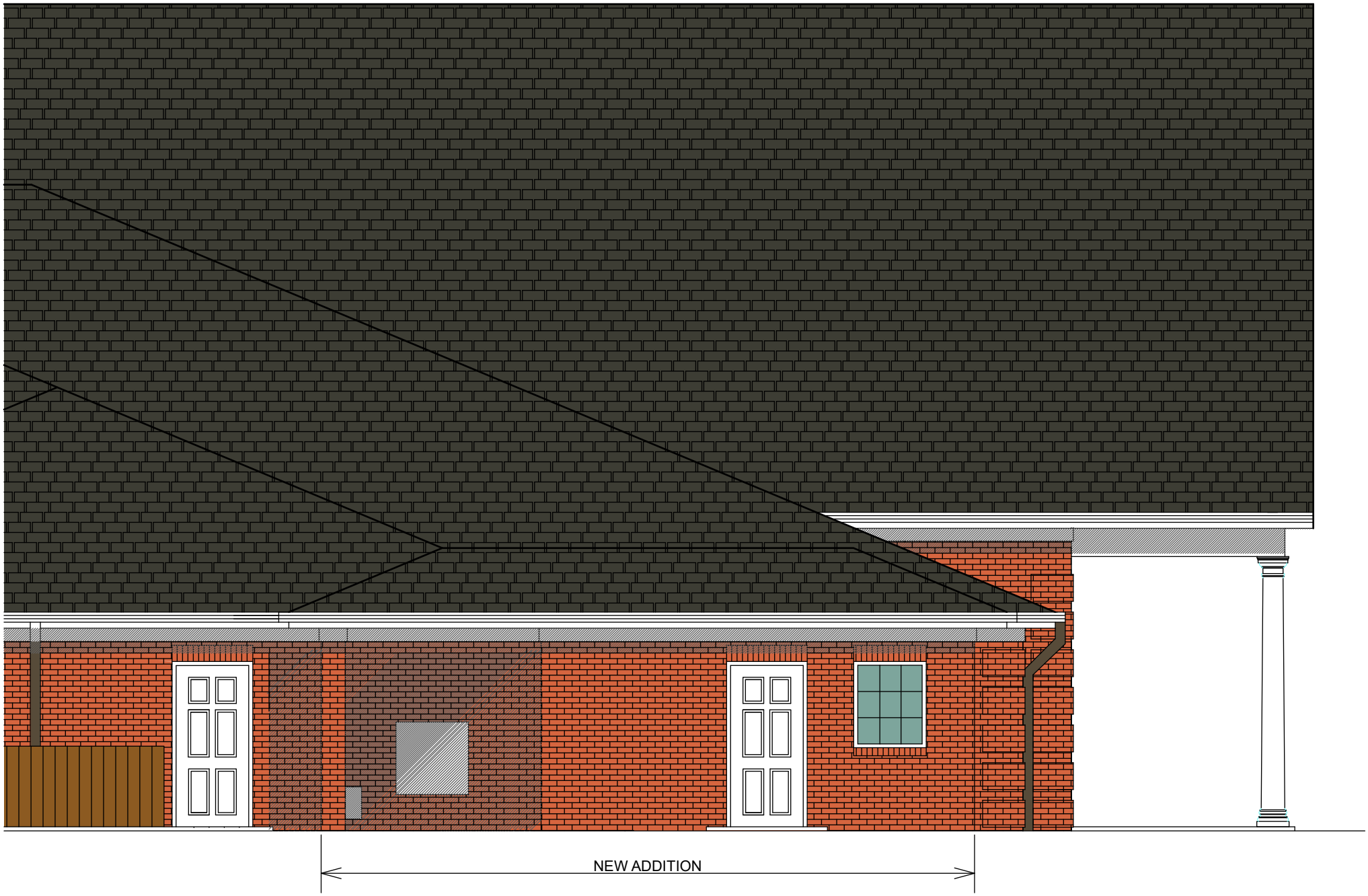
The exterior materials and colors will match the existing main building – red brick veneer, black asphalt shingles and white clad-wood windows.

BOLES
BOLES

BOLES
MILLER BOLES
FUNERAL HOME

PROPOSED PENNSYLVANIA AVE. ELEVATION

3/16" = 1'-0"



PROPOSED SAYLOR STREET ELEVATION

3/16" = 1'-0"

Bob Thompson

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
December 11, 2015 02:10:50 PM
Book 4582 Page 254-255
FEE: $26.00
INSTRUMENT # 2015016809

HM

INSTRUMENT # 2015016809

Drafted by: Robert S. Thompson, Attorney at Law
ROBERT S. THOMPSON, P.A.
325 West Pennsylvania Avenue, Suite E
Southern Pines, North Carolina 28387

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 10 day of December, 2015, by **Boles Family LLC** a North Carolina limited liability company of 425 West Pennsylvania Avenue, Southern Pines, NC 28387 GRANTOR, to **Boles Family LLC** a North Carolina limited liability company of 425 West Pennsylvania Avenue, Southern Pines, NC 28387, GRANTEE;

W I T N E S S E T H:

That said 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 situate in the Mc Neill Township, Moore County, North Carolina, and more particularly described as follows:

Being the two parcels of real property described as Parcel "A" and Parcel "B" on the Recombination Survey of the property for Boles Family Limited Partnership dated July 7, 2007 by American Surveying and Mapping and filed for record in Plat Cabinet 14, Slide 32 of the Moore County Registry.

This conveyance is made subject to: (i) the lien of the County of Moore for taxes or other assessments for the current year, which taxes or other assessments shall be pro rated as of the date of closing; (ii) utility easements and other easements and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

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 Grantor will warrant and defend the title against the lawful claims of all persons whomsoever; subject, however, to the exceptions, reservations and conditions hereinabove referred to.

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 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, the day and year first above written.

Boles Family LLC

BY: James L. Boles Jr., Manager

MOORE COUNTY
NORTH CAROLINA

I certify that the following person(s) personally appeared before me this day and (✓) I have personal knowledge of the identity of the principal(s); (—) I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license; (—) a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated:
Name of Principal(s): **James L. Boles Jr., Manager**

Date: 12/10/15

Notary Public

ROBERT S. THOMPSON
NOTARY PUBLIC
Moore County
North Carolina
My Commission Expires January 27, 2020

Printed or typed name of Notary Public

My commission expires: _____

The subject property ☐ includes ☒ does not include the primary residence of a Grantor.

2007 NOV -7 P 12:59

PLAT CABINET 14 SLIDE 32

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327

I, H.D. GILHOUSEN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1 7,500 +; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 9TH DAY OF JULY, A.D., 2007.

H.D. Gilhousen
PROFESSIONAL LAND SURVEYOR P.L.S.L. 2508

NORTH CAROLINA PROFESSIONAL SEAL L-2508 LAND SURVEYOR H.D. GILHOUSEN

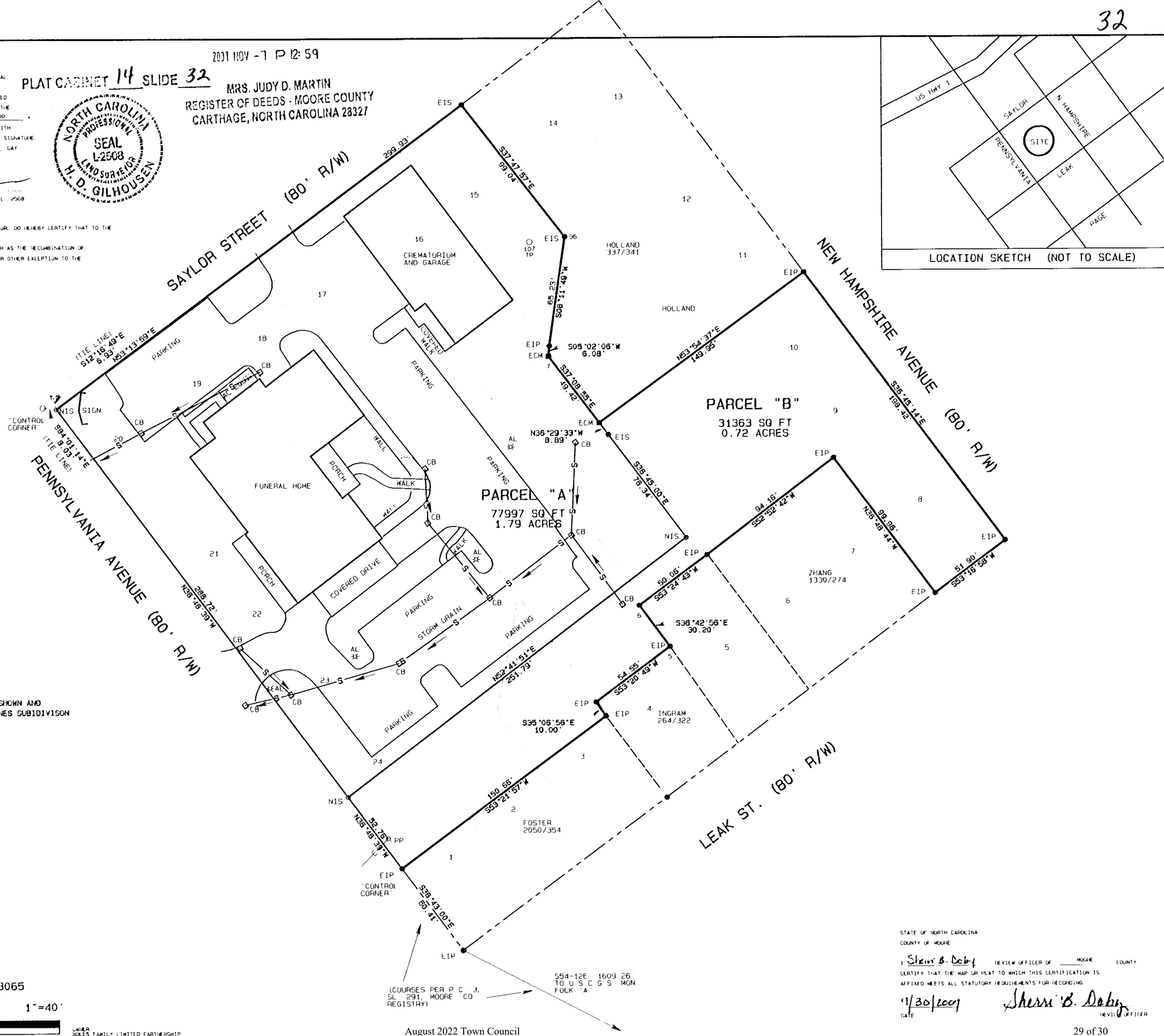
I, H.D. GILHOUSEN, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION

TRUE NORTH PER P.C. 3, SL. 291, MOORE COUNTY REGISTRY

LEGEND
EIS = EXISTING IRON STAKE
NIS = NEW IRON STAKE
ECM = EXISTING CONCRETE MONUMENT
NRRS = NEW RAILROAD SPIKE
ERRS = EXISTING RAILROAD SPIKE
EPK = EXISTING P.K. NAIL
NPK = NEW P.K. NAIL
C/L = CENTERLINE
R/W = RIGHT OF WAY
PP = POWER POLE
CP = CALCULATED POINT
NCM = NEW CONCRETE MONUMENT
EIP = EXISTING IRON PIPE
AL = AREA LIGHT
CB = CATCH BASIN

REFERENCE:
DEED BOOK 2523, PAGE 545,
DEED BOOK 2504, PAGE 527,
DEED BOOK 2501, PAGE 242,
DEED BOOK 2656, PAGE 217
MOORE COUNTY REGISTRY.
PLAT CABINET 3, SLIDE 291,
MAP BOOK 1, SECTION 2,
PAGE 70
MOORE COUNTY REGISTRY.

ACREAGE COMPUTED BY COORDINATE METHOD.



LOCATION SKETCH (NOT TO SCALE)

I HEREBY CERTIFY THAT THE DIVISION OF PROPERTY SHOWN AND DESCRIBED HEREON IS EXEMPT FROM THE SOUTHERN PINES SUBIDIVISON ORDINANCE BY DEFINITION AND OR OR ORDINANCE.

12/13/07 B.A.B. Nichols
DATE SUBDIVISION ADMINISTRATOR

RECOMBINATION SURVEY FOR
BOLES FAMILY LIMITED PARTNERSHIP
BLOCK K & 7, TOWN OF SOUTHERN PINES, MCNEILLS TOWNSHIP, MOORE COUNTY NORTH CAROLINA
SURVEYED JULY 7, 2007
AMERICAN SURVEYING & MAPPING
1147 DOUBS CHAPEL ROAD
WEST END, N.C. 27376 (910) 947-3065

GRAPHIC SCALE 1"=40'
0 40 80 120

E04 Boles Funeral

OWNER
BOLES FAMILY LIMITED PARTNERSHIP
1345 OLD US HWY 1 SOUTH
SOUTHERN PINES, N.C. 28387

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Sherri B. Debo REVIEW OFFICER OF MOORE COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

11/30/2007 Sherri B. Debo
DATE REVIEW OFFICER

BOLES, K&7-2 SMT

APPOINTMENT OF AGENT

The undersigned owner(s), James L. Boles, Jr., hereby appoint(s) John Heckethorn as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Special Use Permit on the subject property; and

4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Special Use Permit under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 9th day of MAY, 2022.

BOLES FAMILY, LLC
Property Owner

Property Owner

James L Boles Jr
Agent

8-27-21

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Jennifer Hunt, Planner I**

Subject: **AR-10-22 600 SW Broad St. Addition**

Date: **August 9, 2022**

I. SUMMARY OF APPLICATION REQUEST:

PTAH, LLC is requesting approval of an Architectural Compliance Permit for "600 SW Broad Street Addition," a 2,172 square feet retail café and restaurant located in the Central Business zoning district within the Downtown Transition Overlay (DTO). This is an increase from the 1,954 square feet that was presented last month, due to the previous omission of a walk-in cooler that was not included in the plans. 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.

This AR is a continuance from the July 12, 2022 Town Council meeting. The applicant addressed the comments received from the July 12, 2022 Town Council meeting via an email which is attached to this memo.

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:

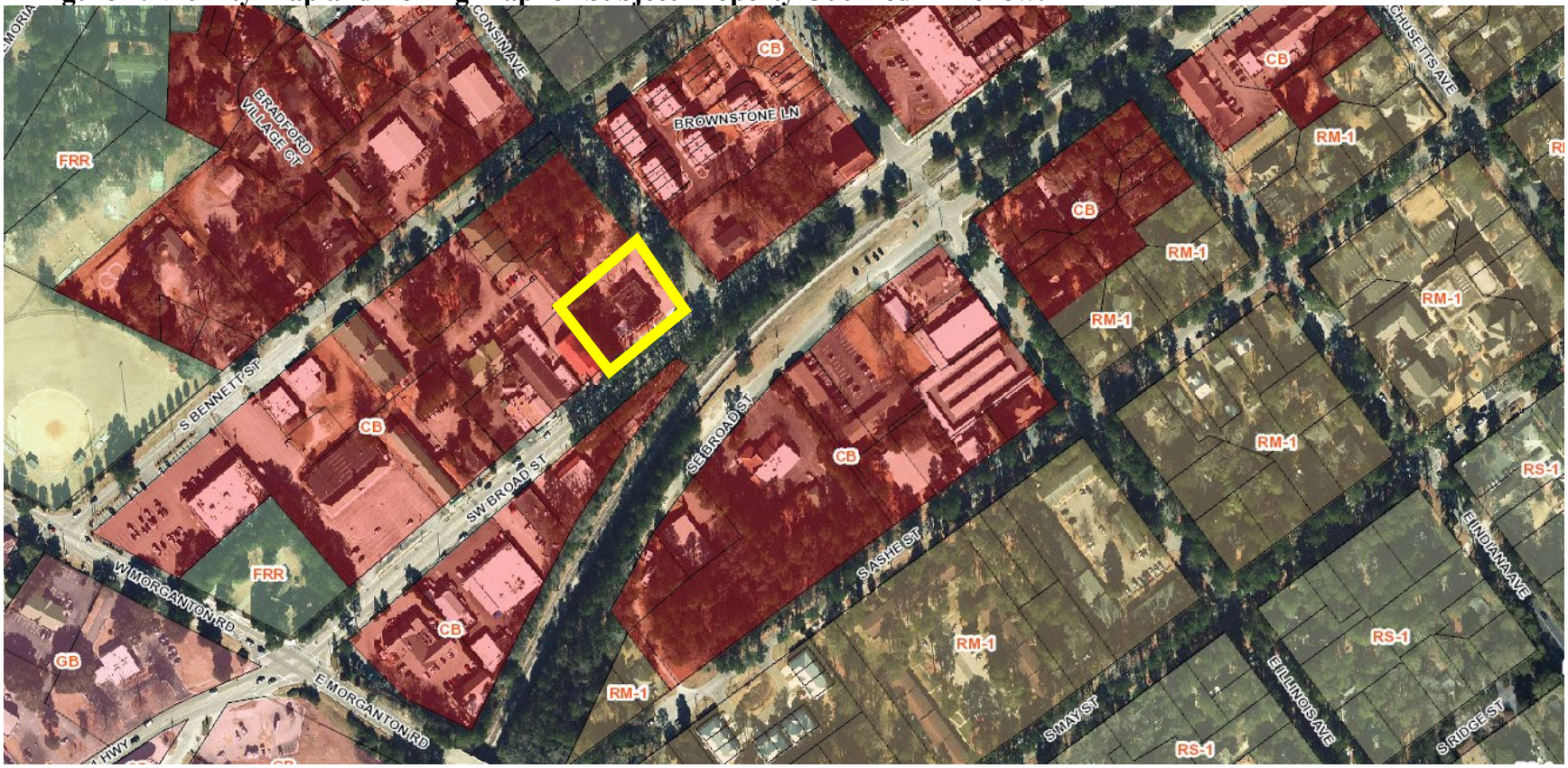
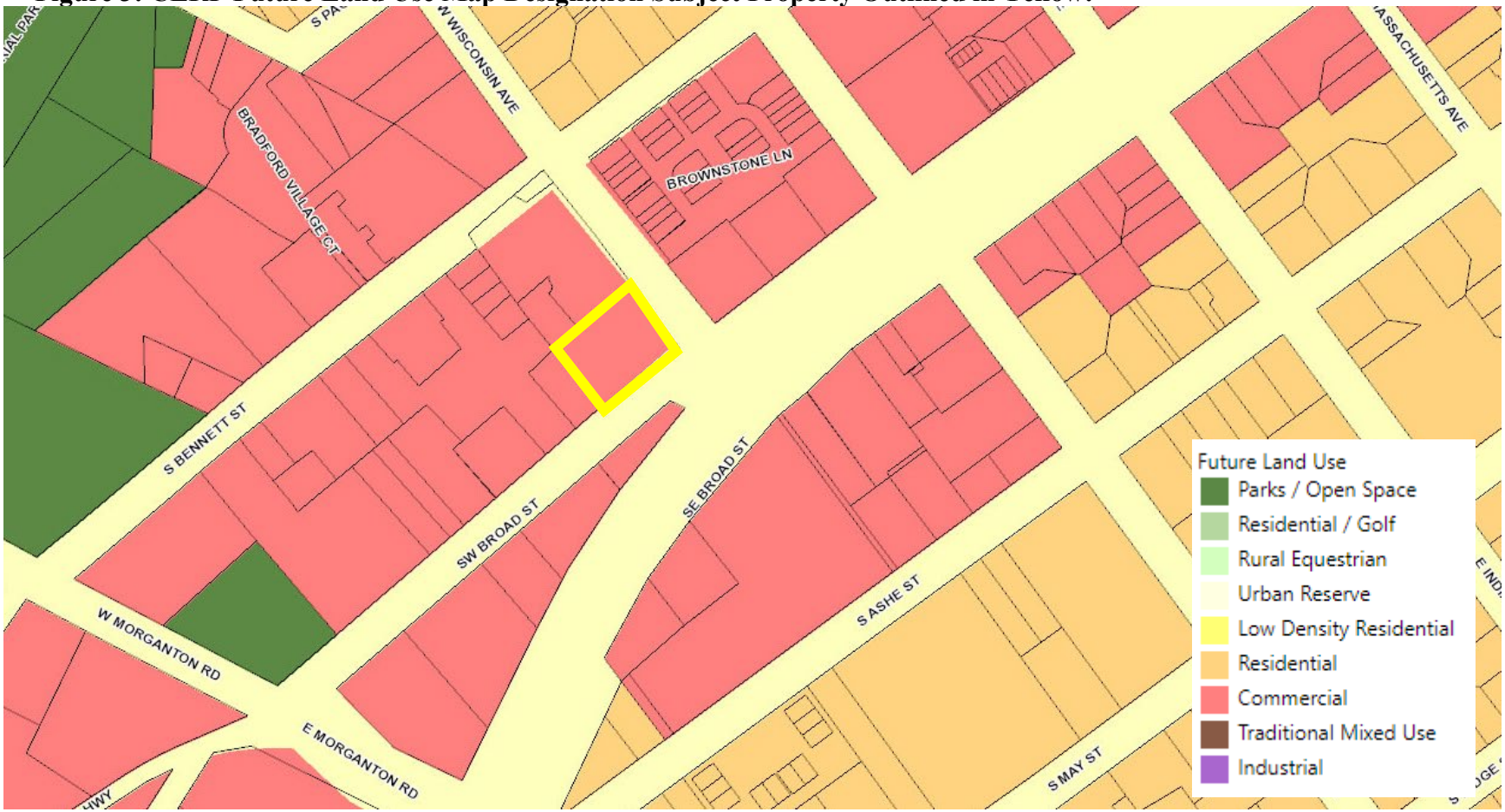


Figure 2: Downtown Transition Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Yellow:

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 – applicant requested a continuance
   Town Council Agenda Meeting: August 3, 2022
   Town Council Meeting: August 9, 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.*
     Generally Compliant:
     - The higher order street is SW Broad Street. The facility has an official entrance on SW Broad Street. The primary customer entry is facing that street. There are no changes being made to the northeast elevation, where W Wisconsin Avenue is located, which is a street facing portion of the building as well.

   - 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:
     - This the re-use of an existing building. 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. The applicant also states that they are filling in the space beneath the existing drive through awning of the previous teller windows. Therefore, the building length will increase. 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.*
     Deviation Requested:
     - The applicant states that the percentage of brick is as follows, see below.

- Front Elevation (facing southeast, SW Broad Street) = 37.94%
- Rear Elevation (facing northwest view) = 69.19%
- Side Elevation (facing southwest view) = 46.54%
- Side Elevation (facing northeast view, W Wisconsin Ave.) = 98.63%

- 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.*

  Generally Compliant:
  - 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 W Wisconsin Avenue side is not being renovated nor changed from its original condition. This is re-use of an existing building.

    Front Elevation (facing southeast, **SW Broad Street**):
    - 70.6% windows and doors
    - 80% transparency

- 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.*

  Requesting a Deviation:
  - The applicant states the awnings will be metal. Currently on the elevation plans there is one awning on the front elevation (southeast view) and one awning on the left side elevation (southwest view) over the "pick-up" window. There is a clearance of 8 feet from the ground. These are the only two awnings that will have approval per this Architectural Compliance Permit.

- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*
  Generally Compliant:
  - The applicant states there will be no galleries or arcades provided.

- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider that 100'.*
  Generally Compliant:
  - The applicant states that the proposed parapet will match the existing parapet of the existing building. Signage will be applied on the parapet with a separate signage application. The proposed building is approximately 35 feet wide facing SW Broad Street and approximately 60 feet long on the side elevation (southwest view).

- 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 the roof and screened accordingly.

- 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 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.

I. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Revised Color Renderings
5. Email Comment Responses

II. 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;

Town of Southern Pines
Chartered 1887
North Carolina

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

Town of Southern Pines North Carolina — Chartered 1887

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 S W Broad St Addition

Street Address: 600 S W Broad St. Southern Pines, NC 28387

PIN: 8581000770 13 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 S W 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 S.W Broad St. Southern Pines, NC 28387

Date: 3-17-2022

Applicant

8-27-21

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), 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, NC

THIS 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.

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.

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

I, 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 as 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 Notarial stamp or seal, this 12 day of April 2021.

JOHN D. SIMMONS NOTARY PUBLIC FORSYTH COUNTY, NC

My Commission Expires: 11-06-2024

(Affix Notarial Seal)

_____
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 ft^2 of ~340 ft^2) 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

CAFE / GROCERY
600 S.W. BROAD ST.
SOUTHERN PINES, NC 28387

SITE PLAN NOTES	S1 of 6
EXISITING SITE PLAN	S2 of 6
PROPOSED SITE PLAN	S3 of 6
STORM DRAIN PLAN	S4 of 6
STORM DRAIN DETAIL	S5 of 6
STORM DRAIN NOTES	S6 of 6
APPENDIX "B"	A1
EXISTING FLOOR PLAN	O1 of 2
EXISTING ELEVATIONS	O2 of 2
FOUNDATION PLAN/ROOF SYS	ST1 of 3
CONSTRUCTION DRAWINGS	ST2 of 3
MAIN FLOOR PLAN/ELEVATIONS	ST3 of 3
ELECTRICAL PLAN	E1 of 2
LIFE SAFETY PLAN	E2 of 2
HOT& COLD WATER PLAN	P1 of 2
SANITATION PLAN	P2 of 2
MECHANICAL PLAN	M1 of 1

SEVEN LAKES ENGINEERING SERVICES, INC.
2223 Seven Lakes South
Seven Lakes, NC 27376
Telephone: 910.673.0978
Email: 7lakesengrg@gmail.com

NORTH CAROLINA REGISTERED PROFESSIONAL SEAL 10163 ENGINEER CHARLES THOMAS FARWELL JR.
7/13/22

ARTIGA DESIGN EST.2003
Enrique J. Artiga
(910)-637-0350

REVISIONS

By:	DATE/DESCRIPTION
THS	03/03/2021
THS	06/23/2021
EJA	11/17/2021
EJA	12/03/2021

Client: Andy Blegg
600 SW Broad St.
Southern Pines, NC 28387

PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: COVER SHEET
Sheet Number: C--1

2018 APPENDIX B
BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS
(EXCEPT 1 AND 2-FAMILY DWELLINGS AND TOWNHOUSES)
(Reproduce the following data on the building plans sheet 1 or 2)

Name of Project: 600 S.W. DINER
Address: 600 S.W. BROAD ST. SOUTHERN PINES, NC Zip Code 28374
Owner/Authorized Agent: ANDY BLEGGI Phone # (910) 639 - 1985 E-Mail ANDTBLEGGI@GMAIL.COM
Owned By: ANDY BLEGGI ☐ City/County ☒ Private ☐ State
Code Enforcement Jurisdiction: ☒ City ☐ County ☐ State

CONTACT: SEVEN LAKES ENGRG CHARLES FARWELL 10163 (910) 638-9110

DESIGNER	FIRM	NAME	LICENSE #	TELEPHONE #
Architectural			( )	
Civil	SEVEN LAKES ENGRG	CHARLES FARWELL	10163	(910) 638-9110
Electrical	SEVEN LAKES ENGRG	CHARLES FARWELL	10163	(910) 638-9110
Fire Alarm	SEVEN LAKES ENGRG	CHARLES FARWELL	10163	(910) 638-9110
Plumbing	SEVEN LAKES ENGRG	CHARLES FARWELL	10163	(910) 638-9110
Mechanical	SEVEN LAKES ENGRG	CHARLES FARWELL	10163	(910) 638-9110
Sprinkler-Standpipe	SEVEN LAKES ENGRG.	CHARLES FARWELL	10163	(910) 638-9110
Structural	SEVEN LAKES ENGRG	CHARLES FARWELL	10163	(910) 638-9110
Retaining Walls >			( )	
Other			( )	

("Other" should include firms and individuals such as truss, precast, pre-engineered, interior designers, etc.)

2018 NC BUILDING CODE: ☐ New Building ☐ Addition ☒ Renovation
☐ First Time Interior Completion
☐ First Time Interior Completion
☐ Shell/Core - Contact the local inspection jurisdiction for possible additional procedures and requirements
☐ Phase Construction - Shell/Core - Contact the local inspection jurisdiction for possible additional procedures and requirements

2018 NC EXISTING BUILDING CODE: ☒ Prescriptive ☐ Repair ☐ Chapter 14
Alternatives ☒ Level 1 ☐ Level 2 ☐ Level 3
☐ Historic Property Change of Use ☐

CONSTRUCTED: (date) _____ CURRENT OCCUPANCY(S) (Ch. 3): B
RENOVATED: (date) 08/05/2021 PROPOSED OCCUPANCY(S) (Ch. 3): A-2

RISK CATEGORY (Table 1604.5): Current: ☐ I ☐ II ☐ III ☐ IV
Proposed: ☒ I ☐ II ☐ III ☐ IV

BASIC BUILDING DATA
Construction Type: (check all that apply) ☒ I-A ☐ II-A ☐ III-A ☐ IV ☐ V-A ☐ I-B ☐ II-B ☐ III-B ☐ V-B
Sprinklers: ☐ No ☐ Partial ☒ Yes ☐ NFPA 13 ☐ NFPA 13R ☐ NFPA 13D
Standpipes: ☐ No ☒ Yes Class ☐ I ☐ II ☐ III ☐ Wet ☐ Dry
Primary Fire District: ☒ No ☐ Yes **Flood Hazard Area:** ☒ No ☐ Yes
Special Inspections Required: ☒ No ☐ Yes **(Contact the local inspection jurisdiction for additional procedures and requirements)**

Gross Building Area Table

FLOOR	NEW (SQ FT)	EXISTING (SQ FT)	SUB-TOTAL
3rd Floor			
2nd Floor			
1st Floor	1,044 SF.	1,128 SF.	
Basement			
TOTAL	1,044 SF.	1,128 SF.	2,172 SF.

ALLOWABLE AREA

Primary Occupancy Classification(s):
Assembly ☐ A-1 ☒ A-2 ☐ A-3 ☐ A-4 ☐ A-5
Buisiness ☐
Educational ☐
Factory ☐ F-1 Moderate ☐ F-2 Low
Hazardous ☐ H-1 Detonate ☐ H-2 Deflagrate ☐ H-3 Combust ☐ H-4 Health ☐ H-5 HPM
Institutional ☐ I-1 Condition ☐ 1 ☐ 2
☐ I-2 Condition ☐ 1 ☐ 2
☐ I-3 Condition ☐ 1 ☐ 2 ☐ 3 ☐ 4
☐ I-4
Mercantile ☐
Residential ☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4
Storage ☐ S-1 Moderate ☐ S-2 Low ☐ High-piled
☐ Parking Garage ☐ Open ☐ Enclosed ☐ Repair Garage
Utility and Miscellaneous ☐

Accessory Occupancy Classification(s): _____
Incidental Uses (Table 509): _____
Special Uses (Chapter 4 – List Code Sections): _____
Special Provisions: (Chapter 5 – List Code Sections): _____
Mixed Occupancy: Select one Separation: Select one Exception: _____

Select one
Actual Area of Occupancy A / Allowable Area of Occupancy A + Actual Area of Occupancy B / Allowable Area of Occupancy B ≤ 1
_____ + _____ + ... = _____ ≤ 1.00

STORY NO.	DESCRIPTION AND USE	(A) BLDG AREA PER STORY (ACTUAL)	(B) TABLE 506.24 AREA	(C) AREA FOR FRONTAGE INCREASE[1,5]	(D) ALLOWABLE AREA PER STORY OR UNLIMITED[2,3]
1	DINER ADDITION	2,172 SF.	UL	N/A	UL

1 Frontage area increases from Section 506.3 are computed thus:
a. Perimeter which fronts a public way or open space having 20 feet minimum width = _____ (F)
b. Total Building Perimeter = _____ (P)
c. Ratio (F/P) = _____ (F/P)
d. W = Minimum width of public way = _____ (W)
e. Percent of frontage increase If = 100[F/P – 0.25] x W/30 = _____ (%)
2 Unlimited area applicable under conditions ofSection 507.
3 Maximum Building Area = total number of stories in the building x D (maximum 3 stories) (506.2).
4 The maximum area of open parking garages must comply with Table 406.5.4.
5 Frontage increase is based on the unsprinklered area value in Table 506.2.

ALLOWABLE HEIGHT

	ALLOWABLE	SHOWN ON PLANS	CODE REFERENCE[1]
Building Height in Feet (Table 504.3) 2	UL	14'-1"	
Building Height in Stories (Table 504.4) 3	UL	1	

1 Provide code reference if the "Shown on Plans" quantity is not based on Table 504.3 or 504.4.
2 The maximum height of air traffic control towers must comply with Table 412.3.1.
3 The maximum height of open parking garages must comply with Table 406.5.4.

APPENDIX B

FIRE PROTECTION REQUIREMENTS

BUILDING ELEMENT	FIRE SEPARATION DISTANCE (FEET)	REQ'D	RATING PROVIDED (W/_____* REDUCTION)	DETAIL # AND SHEET #	DESIGN # FOR RATED ASSEMBLY	SHEET # FOR RATED PENETRATION	SHEET # FOR RATED JOINTS
Structural Frame, including columns, girders, trusses							
Bearing Walls							
Exterior							
North	>9'	2 HRS					
East	>9'	2 HRS					
West	>9'	2 HRS					
South	>9'	2 HRS					
Interior							
Nonbearing Walls and Partitions							
Exterior walls							
North							
East							
West							
South							
Interior walls and partitions							
Floor Construction Including supporting beams and joists		0 hrs					
Floor Ceiling Assembly		2 hrs					
Columns Supporting Floors		0 hrs					
Roof/Construction, including supporting beams and joists							
Roof/Ceiling Assembly							
Columns Supporting Roof							
Shaft Enclosures - Exit							
Shaft Enclosures - Other							
Corridor Separation							
Occupancy/Fire Barrier Separation							
Party/Fire Wall Separation							
Smoke Barrier Separation							
Smoke Partition							
Tenant/Dwelling Unit/ Sleeping Unit Separation							
Incidental Use Separation							

* Indicate section number permitting reduction

PERCENTAGE OF WALL OPENING CALCULATIONS

FIRE SEPARATION DISTANCE (FEET) FROM PROPERTY LINES	DEGREE OF OPENINGS PROTECTION (TABLE 705.8)	ALLOWABLE AREA (%)	ACTUAL SHOWN ON PLANS (%)
0 to less than 3	Protected	Not Permitted	

LIFE SAFETY SYSTEM REQUIREMENTS

Emergency Lighting: ☐ No ☒ Yes
Exit Signs: ☐ No ☒ Yes
Fire Alarm: ☐ No ☒ Yes
Smoke Detection Systems: ☐ No ☒ Yes ☐ Partial _____
Carbon Monoxide Detection: ☐ No ☒ Yes

LIFE SAFETY PLAN REQUIREMENTS

Life Safety Plan Sheet #: **E2 OF 2**

☒ Fire and/or smoke rated wall locations (Chapter 7)
☒ Assumed and real property line locations (if not on the site plan)
☒ Exterior wall opening area with respect to distance to assumed property lines (705.8)
☒ Occupancy Use for each area as it relates to occupant load calculation (Table 1004.1.2)
☒ Occupant loads for each area
☒ Exit access travel distances (1017)
☒ Common path of travel distances (Tables 1006.2.1 & 1006.3.2(1))
☒ Dead end lengths (1020.4)
☒ Clear exit widths for each exit door
☒ Maximum calculated occupant load capacity each exit door can accommodate based on egress width (1005.3)
☒ Actual occupant load for each exit door
☒ A separate schematic plan indicating where fire rated floor/ceiling and/or roof structure is provided for purposes of occupancy separation
☐ Location of doors with panic hardware (1010.1.10)
☐ Location of doors with delayed egress locks and the amount of delay (1010.1.9.7)
☐ Location of doors with electromagnetic egress locks (1010.1.9.9)
☐ Location of doors equipped with hold-open devices
☐ Location of emergency escape windows (1030)
☐ The square footage of each fire area (202)
☐ The square footage of each smoke compartment for Occupancy Classification I-2 (407.5)
☐ Note any code exceptions or table notes that may have been utilized regarding the items above

ACCESSIBLE DWELLING UNITS
(SECTION 1107)

TOTAL UNITS	ACCESSIBLE UNITS REQUIRED	ACCESSIBLE UNITS PROVIDED	TYPE A UNITS REQUIRED	TYPE A UNITS PROVIDED	TYPE B UNITS REQUIRED	TYPE B UNITS PROVIDED	TOTAL ACCESSIBLE UNITS PROVIDED

ACCESSIBLE PARKING
(SECTION 1106)

LOT OR PARKING AREA 1 PER 100 SF OF GROSS FLOOR AREA	TOTAL # OF PARKING SPACES REQUIRED	TOTAL # OF PARKING SPACES PROVIDED	# OF ACCESSIBLE SPACES PROVIDED REGULAR WITH 5' ACCESS AISLE	# OF ACCESSIBLE SPACES PROVIDED VAN SPACES WITH 132" ACCESS AISLE	# OF ACCESSIBLE SPACES PROVIDED VAN SPACES WITH 8' ACCESS AISLE	TOTAL # ACCESSIBLE PROVIDED
2,172 SF./100 SF.	22	27	1			
TOTAL	22	27	1			

PLUMBING FIXTURE REQUIREMENTS
(TABLE 2902.1)

USE		WATERCLOSETS MALE	WATERCLOSETS FEMALE	WATERCLOSETS UNISEX	URINALS	LAVATORIES MALE	LAVATORIES FEMALE	LAVATORIES UNISEX	SHOWERS /TUBS	DRINKING FOUNTAINS REGULAR	DRINKING FOUNTAINS ACCESSIBLE
SPACE	EXIST'G										
	NEW			1				1			
	REQ'D			1				1			

SPECIAL APPROVALS

Special approval: (Local Jurisdiction, Department of Insurance, OSC, DPI, DHHS, etc., describe below)

ENERGY SUMMARY

ENERGY REQUIREMENTS:
The following data shall be considered minimum and any special attribute required to meet the energy code shall also be provided. Each Designer shall furnish the required portions of the project information for the plan data sheet. If performance method, state the annual energy cost for the standard reference design vs annual energy cost for the proposed design.

Existing building envelope complies with code: ☐ No ☒ Yes (The rfemainderof this section is not applicable)

Exempt Building: ☒ No ☐ Yes(Provide code or statutory reference):

Climate Zone: ☒ 3-A ☐ 4A ☐ 5A

Method of Compliance: Energy Code ☐ Performance ☒ Prescriptive
ASHRAE 90.1 ☐ Performance ☒ Prescriptive

Exempt Building:
THERMAL ENVELOPE (Prescriptive method only)

Roof/ceiling Assembly (each assembly)
Description of assembly: WOOD
U-Value of total assembly: 0.033
R-Value of insulation: R-38
Skylights in each assembly: NOT APPLICABLE
U-Value of skylight: NOT APPLICABLE
total square footage of skylights in each assembly: NOT APPLICABLE

Exterior Walls (each assembly)
Description of assembly: BRICK
U-Value of total assembly: 0.032
R-Value of insulation: R-20
Openings (windows or doors with glazing)
U-Value of assembly: 0.5
Solar heat gain coefficient: 0.5
projection factor: NONE
Door R-Values: R-4

Walls below grade (each assembly)
Description of assembly: BRICK
U-Value of total assembly: 0.032
R-Value of insulation: R-20

Floors over unconditioned space (each assembly) NOT APPLICABLE
Description of assembly: NOT APPLICABLE
U-Value of total assembly: NOT APPLICABLE
R-Value of insulation: NOT APPLICABLE

Floors slab on grade
Description of assembly: 6" SLAB ON GRADE
U-Value of total assembly: 0.520
R-Value of insulation: R-15
Horizontal/vertical requirement: #5 REBAR
slab heated: NO

2018 APPENDIX B
BUILDING CODE SUMMARY FOR ALL COMMERCIAL PROJECTS
STRUCTURAL DESIGN
(PROVIDE ON THE STRUCTURAL SHEETS IF APPLICABLE)

DESIGN LOADS:

Importance Factors: Snow (IS) 1.0
Seismic (IE) 1.0
Wind (IW) 1.0

Live Loads: Roof 20 psf
Mezzanine NA psf
Floor 76 psf

Ground Snow Load: 15.0 psf

Wind Load: Ultimate Wind Speed 120 mph (ASCE-7)
Exposure Category B

SEISMIC DESIGN CATEGORY: ☐ A ☒ B ☐ C ☐ D
Provide the following Seismic Design Parameters:
Risk Category (Table 1604.5) ☐ I ☒ II ☐ III ☐ IV
Spectral Response Acceleration SS 24.0 **%g** S1 10.2 %g
Site Classification (ASCE 7) ☐ A ☐ B ☐ C ☒ D ☐ E ☐ F
Data Source: ☐ Field Test ☒ Presumptive ☐ Historical Data
Basic structural system ☒ Bearing Wall ☐ Dual w/Special Moment Frame
☐ Building Frame ☐ Dual w/Intermediate R/C or Special Steel
☐ Moment Frame ☐ Inverted Pendulum
Analysis Procedure: ☐ Simplified ☐ Equivalent Lateral Force ☐ Dynamic
Architectural, Mechanical, Components anchored? ☒ Yes ☐ No
LATERAL DESIGN CONTROL: ☐ Earthquake ☒ Wind
SOIL BEARING CAPACITIES:
Field Test (provide copy of test report) _____ psf
Presumptive Bearing capacity 2000 psf
Pile size, type, and capacity _____

MECHANICAL SUMMARY
MECHANICAL SYSTEMS, SERVICE SYSTEMS AND EQUIPMENT

Thermal Zone 3A
winter dry bulb: 22 F
summer dry bulb: 97 F

Interior design conditions
winter dry bulb: 22 F
summer dry bulb: 97 F
relative humidity: 50%

Building heating load: NOT APPLICABLE NOT APPLICABLE

Building cooling load: NOT APPLICABLE NOT APPLICABLE

Mechanical Spacing Conditioning System
Unitary
description of unit:
heating efficiency:
cooling efficiency: NOT APPLICABLE
size category of unit:
Boiler
Size category. If oversized, state reason.: NOT APPLICABLE
Chiller
Size category. If oversized, state reason.: NOT APPLICABLE

List equipment efficiencies: NOT APPLICABLE

ELECTRICAL SUMMARY

ELECTRICAL SYSTEM AND EQUIPMENT

Method of Compliance: Energy Code ☒ Performance ☐ Prescriptive
ASHRAE 90.1 ☐ Performance ☐ Prescriptive

Lighting schedule (each fixture type)
lamp type required in fixture SEE DRAWING & SCHEDULES FOR DETAILS
number of lamps in fixture SEE DRAWING & SCHEDULES FOR DETAILS
ballast type used in the fixture SEE DRAWING & SCHEDULES FOR DETAILS
number of ballasts in fixture SEE DRAWING & SCHEDULES FOR DETAILS
total wattage per fixture SEE DRAWING & SCHEDULES FOR DETAILS
total interior wattage specified vs. allowed 2257.290 ACTUAL vs. 324.480 ALLOWED
total exterior wattage specified vs. allowed SOURCE EFFICACY > 45 LUMENS/WATT

Additional Efficiency Package Options
(When using the 2018 NCECC; not required for ASHRAE 90.1)
☐ C406.2 More Efficient HVAC Equipment Performance
☐ C406.3 Reduced Lighting Power Density
☐ C406.4 Enhanced Digital Lighting Controls
☐ C406.5 On-Site Renewable Energy
☐ C406.6 Dedicated Outdoor Air System
☐ C406.7 Reduced Energy Use in Service Water Heating

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Enrique J. Artiga
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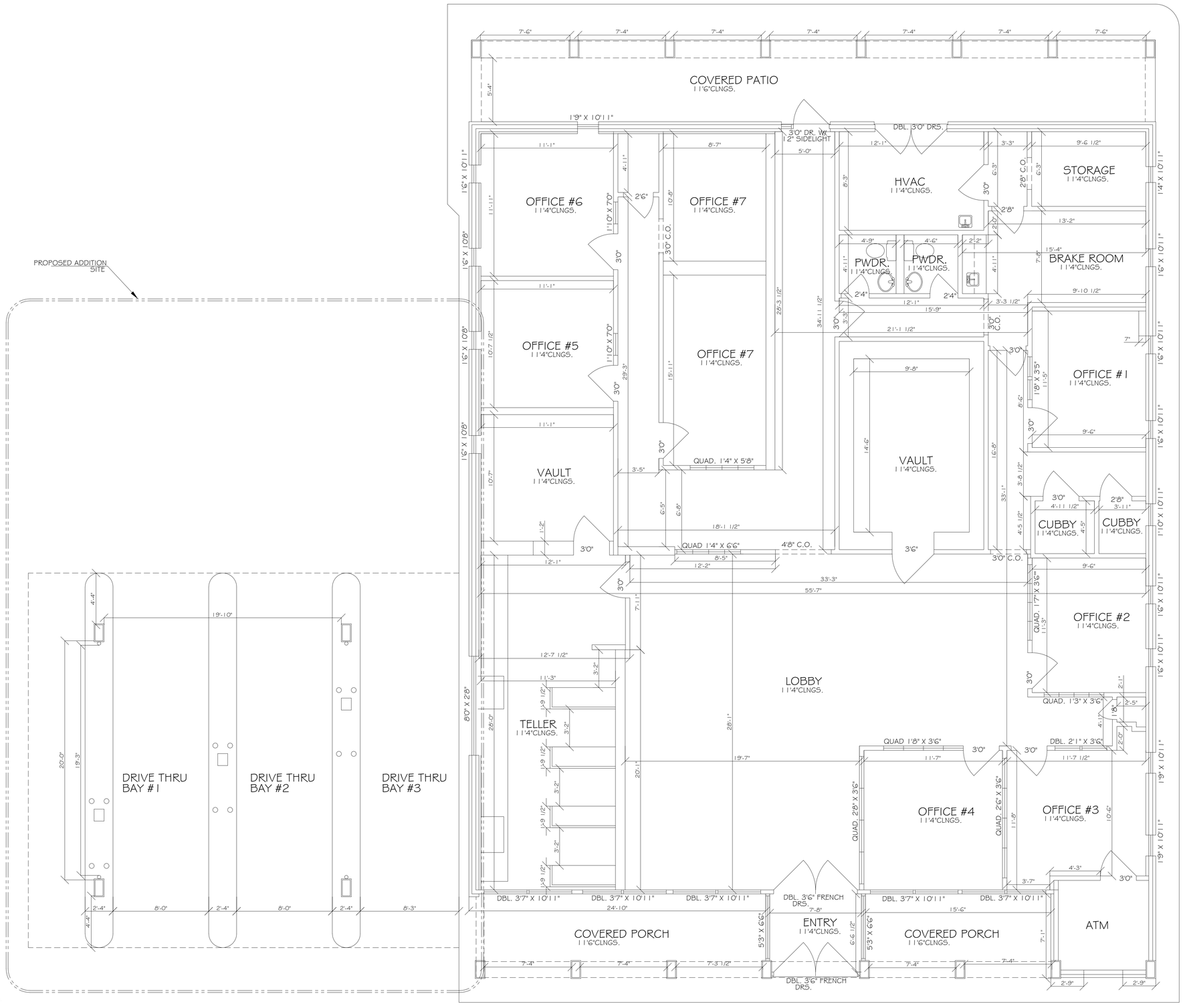
REVISIONS

By:	DATE/DESCRIPTION
THS	03/03/2021
THS	06/23/2021
EJA	11/17/2021

Client: Andy Bleggi 600 SW Broad St. Southern Pines, NC 28387

PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: APPENDIX B
Sheet Number: A-- 1



EXISTING FLOOR 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 CONFIRM 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

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EJA	11/17/2021

Client: Andy Blegg
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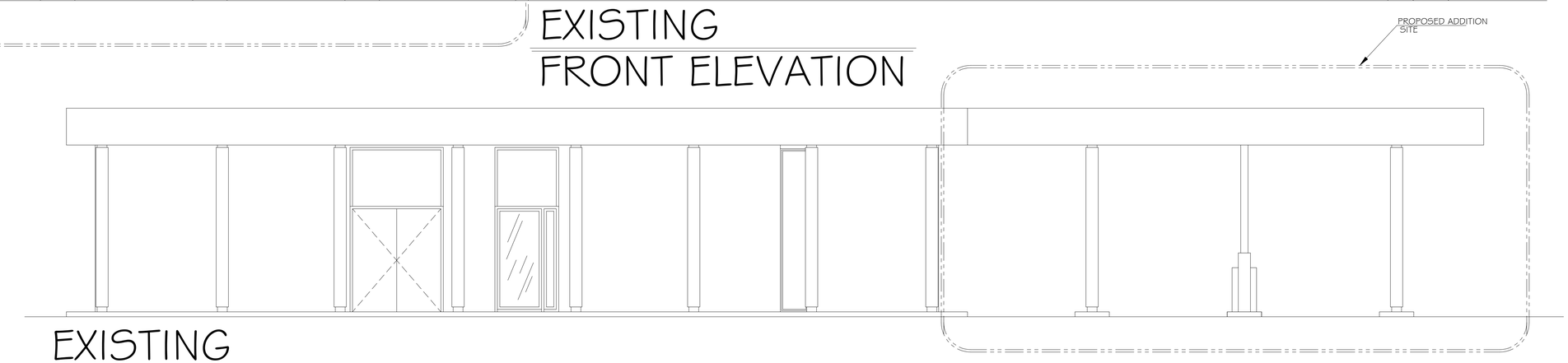
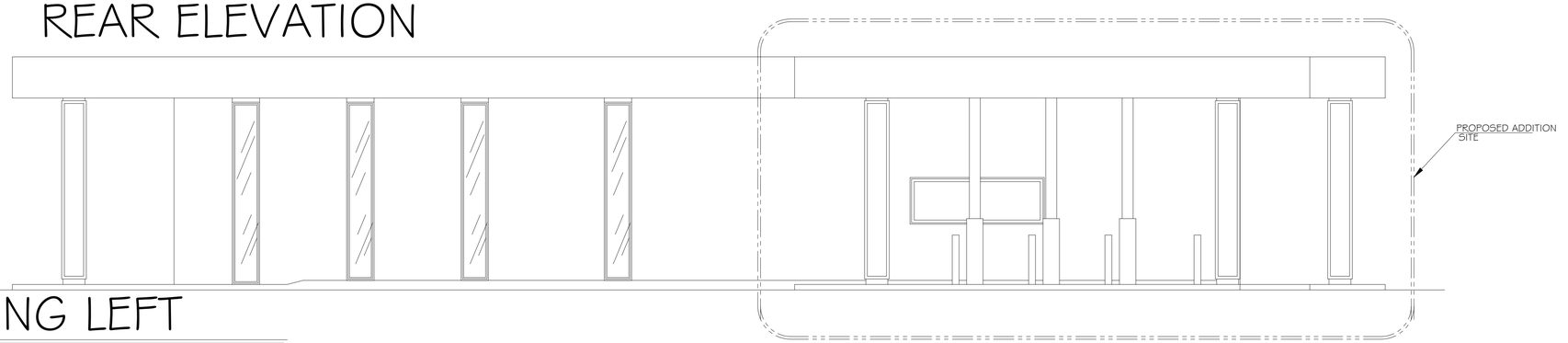
Southern Pines, NC 28387

PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: EXISTING FLOOR PLAN
Sheet Number: 01 of 2

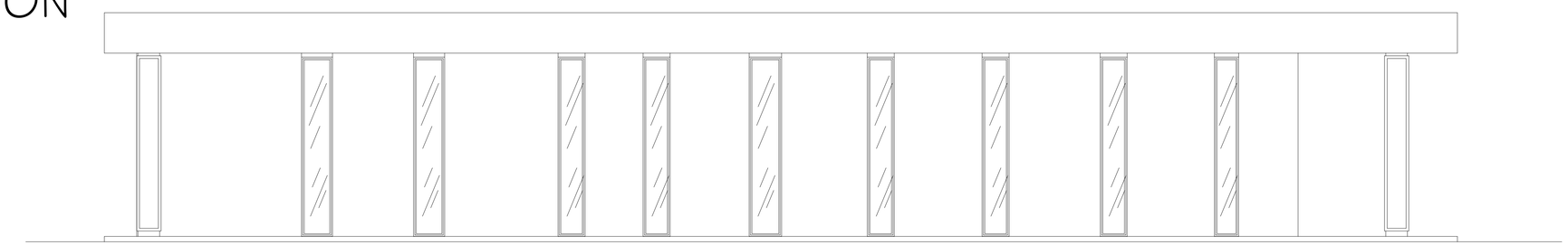
EXISTING FRONT ELEVATION



EXISTING REAR ELEVATION



EXISTING LEFT SIDE ELEVATION



EXISTING RIGHT SIDE ELEVATION

NOTE:
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THS	06/23/2021
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Client:
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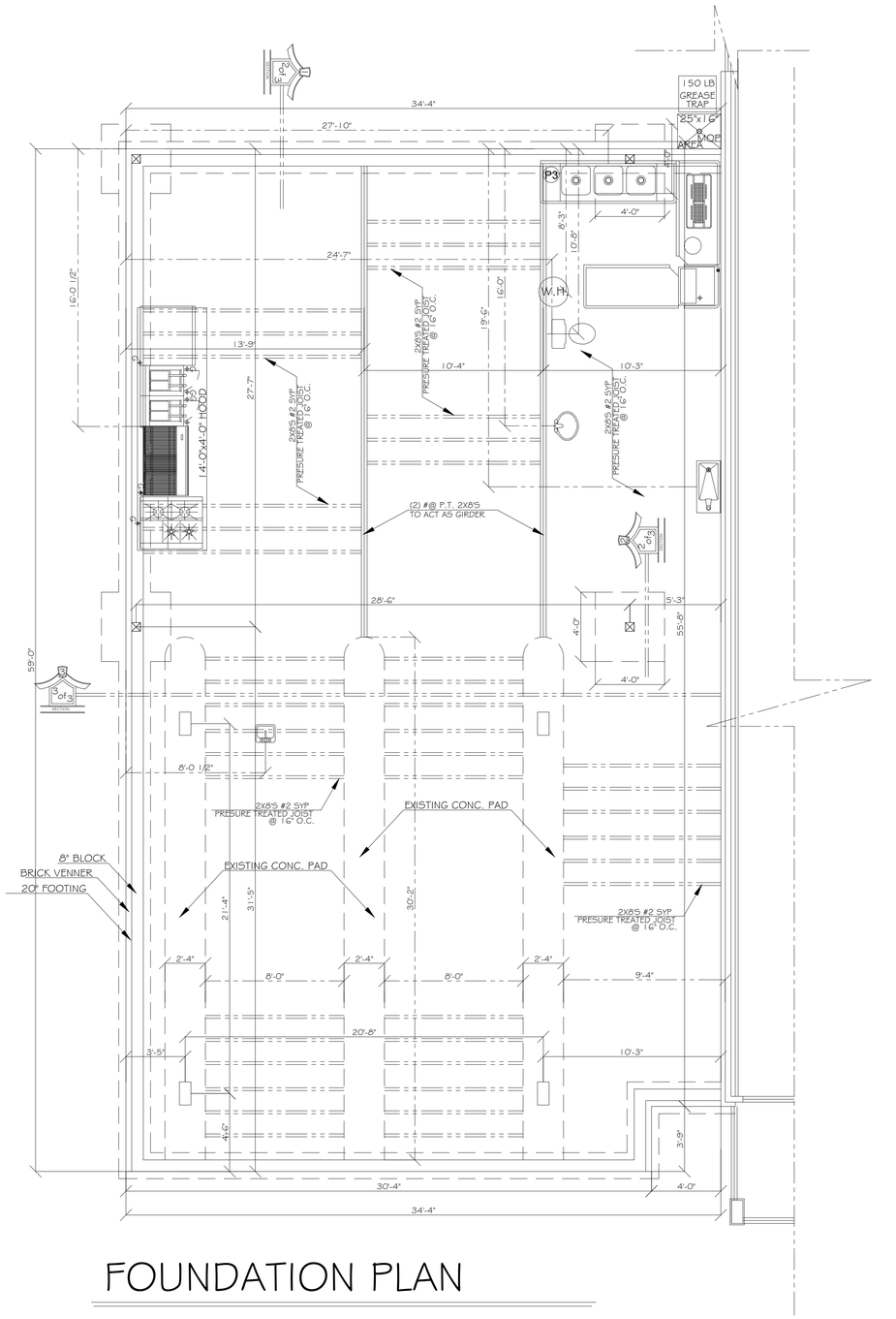
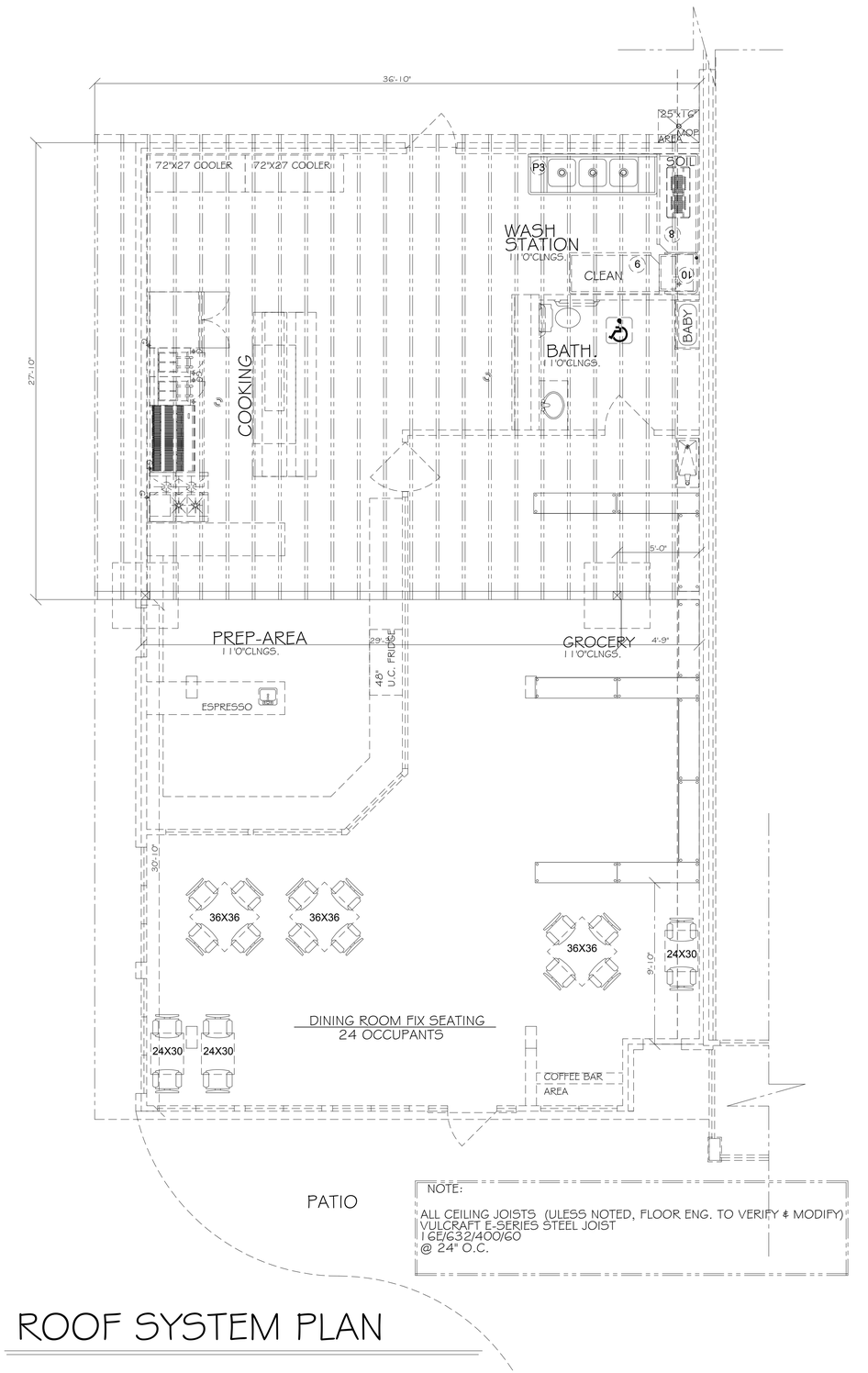
600 SW Broad St.
Southern Pines, NC 28387

PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: EXISTING ELEVATIONS
Sheet Number: 02of 2



FOUNDATION PLAN



NOTE:

ALL CEILING JOISTS (ULESS NOTED, FLOOR ENG. TO VERIFY & MODIFY)
VULCRAFT E-SERIES STEEL JOIST
16E/G32/400/60
@ 24" O.C.

ROOF SYSTEM PLAN

NOTE:
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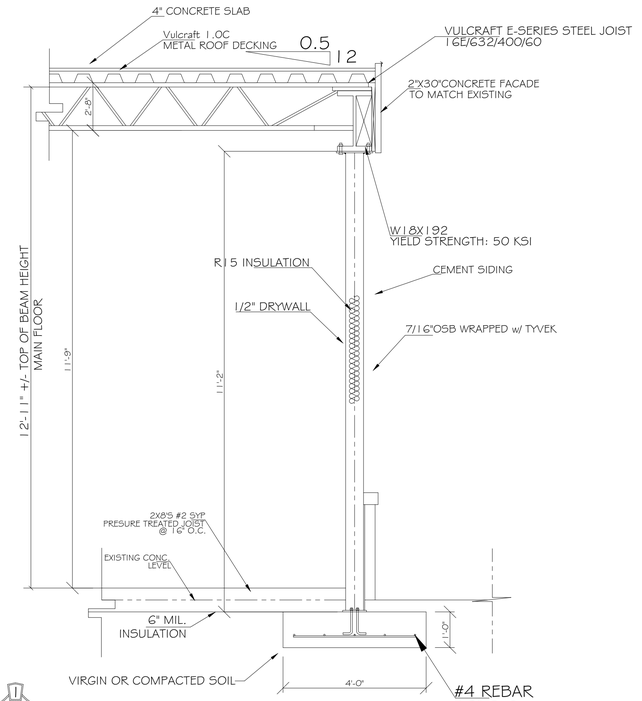
PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: 1/4" = 1'0"
TITLE: FOUNDATION PLAN
Sheet Number: ST1 of 4



1 ST2 of 3 SECTION

TYPICAL ONE STORY WALL SECTION
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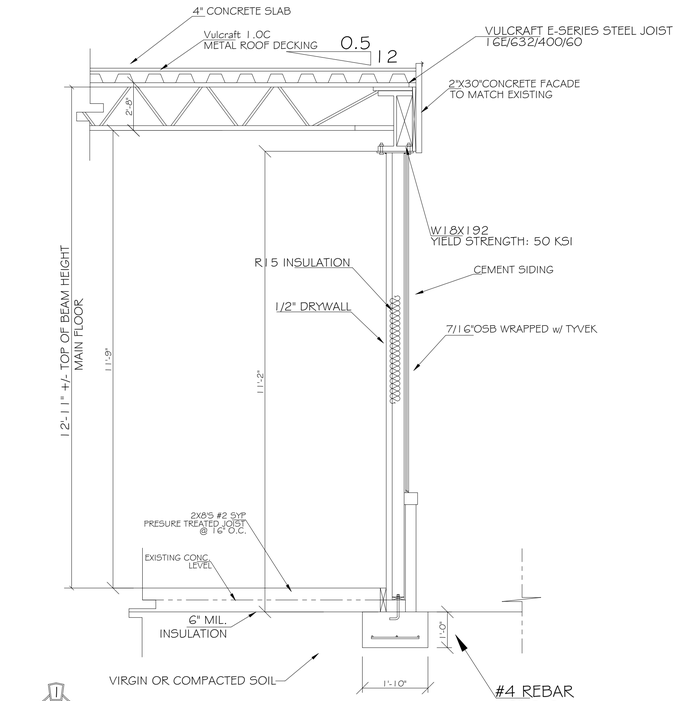

1 ST2 of 3 SECTION

TYPICAL ONE STORY WALL SECTION
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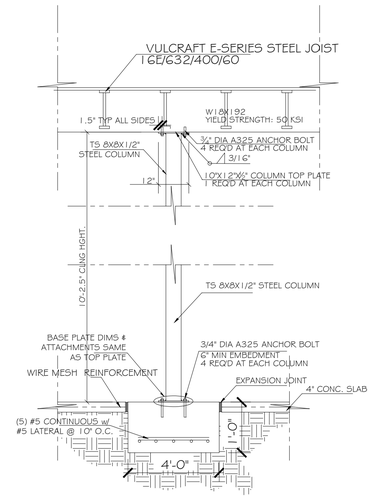

2 ST2 of 3 SECTION

TYPICAL LOAD BEARING COLUMN AND GIRDER SECTION

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 CONFIRM 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.

OWNER
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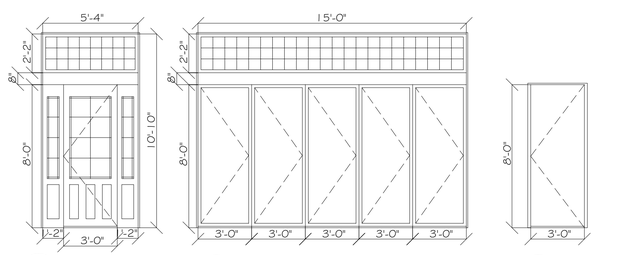
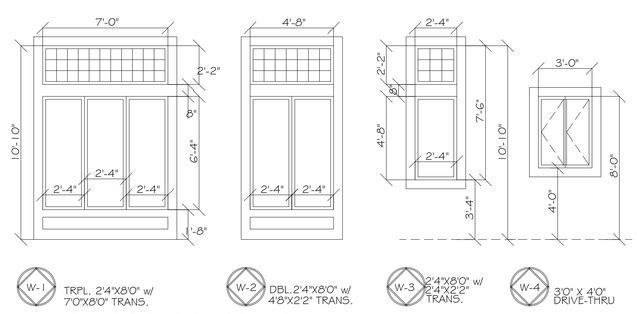
THS	03/03/2021
THS	06/23/2021

Client:
Andy Blegg
600 SW Broad St.
Southern Pines, NC 28387

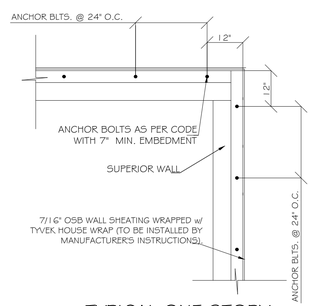
PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: ELEVATIONS
Sheet Number: ST2of4



DOOR SCHEDULE



WINDOW SCHEDULE



TYPICAL ONE STORY ACHOR BOLTS DETAIL
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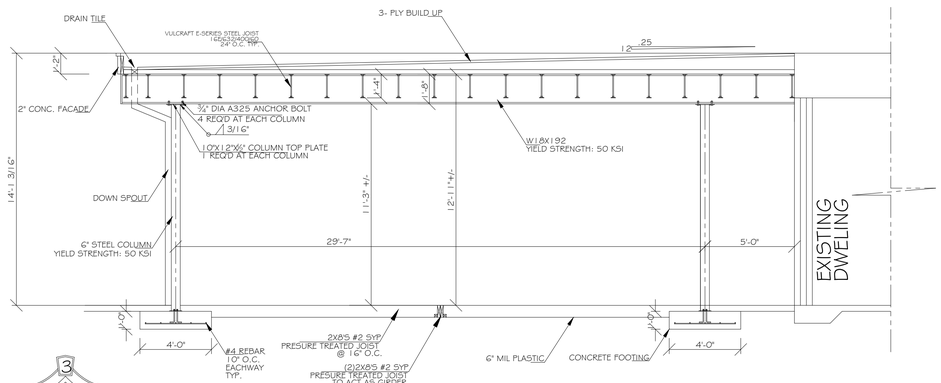

3 ST2 of 3 SECTION

TYPICAL LOAD BEARING COLUMN AND GIRDER
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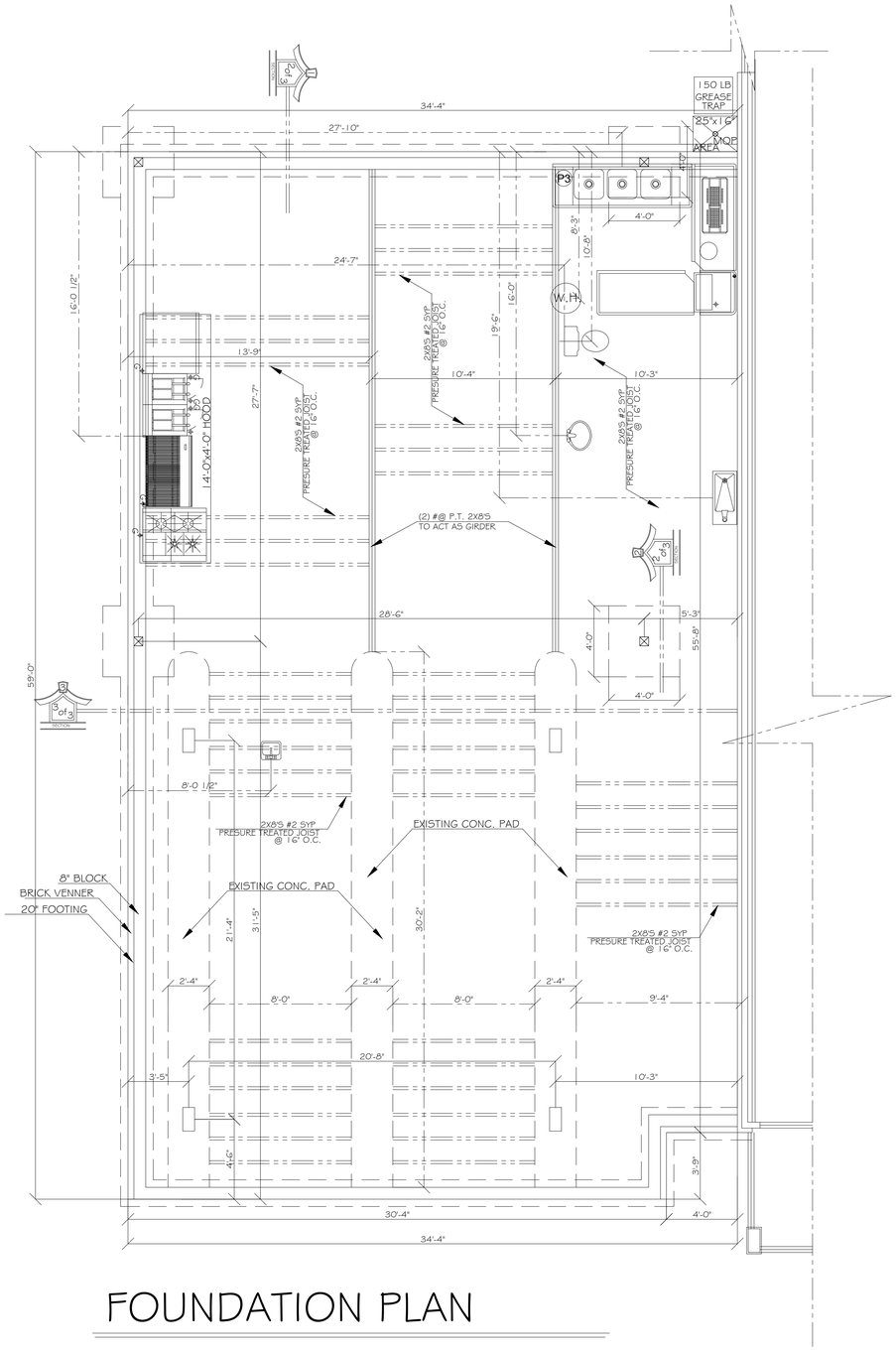
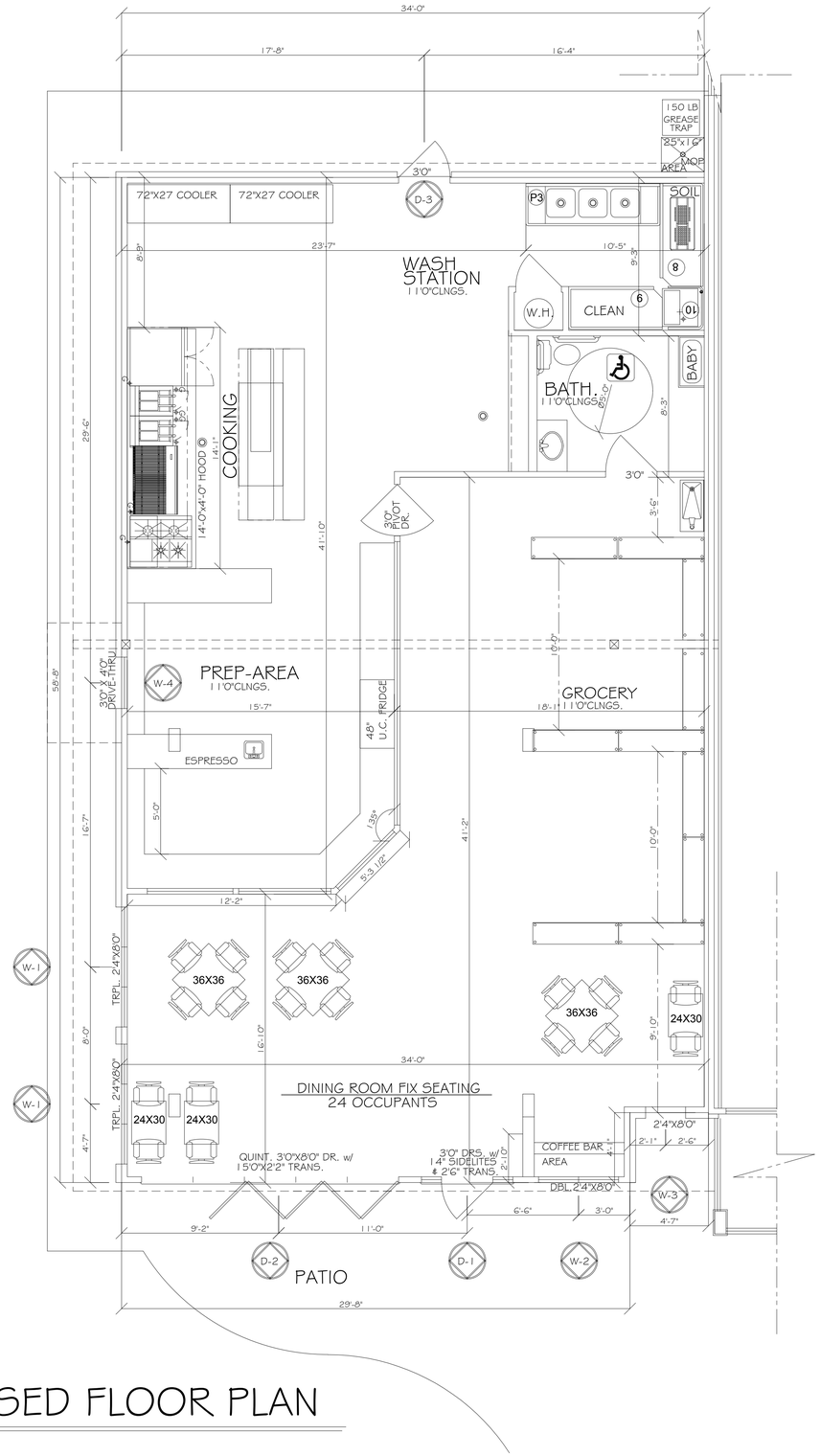


FOUNDATION PLAN



PROPOSED FLOOR PLAN

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NORTH CAROLINA PROFESSIONAL SEAL 10183 ENGINEER CHARLES R. FARMER, JR.
7/13/22

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REVISIONS

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THS	06/23/2021

Client: Andy Blegg
600 SW Broad St.
Southern Pines, NC 28387

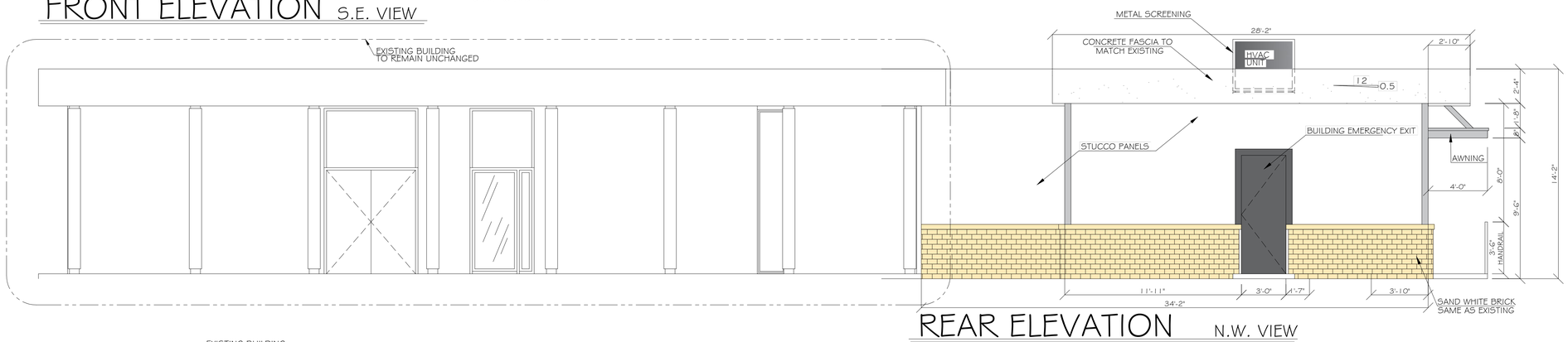
PROJECT NO: 21-126-557
DATE: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: FOUNDATION PLAN
PROPOSED FLOOR PLAN

Sheet Number: ST3of4

FRONT ELEVATION S.E. VIEW

MATERIAL LIST
BRICK: SAND WHITE SAME AS EXISTING
STUCCO:
PANELING:

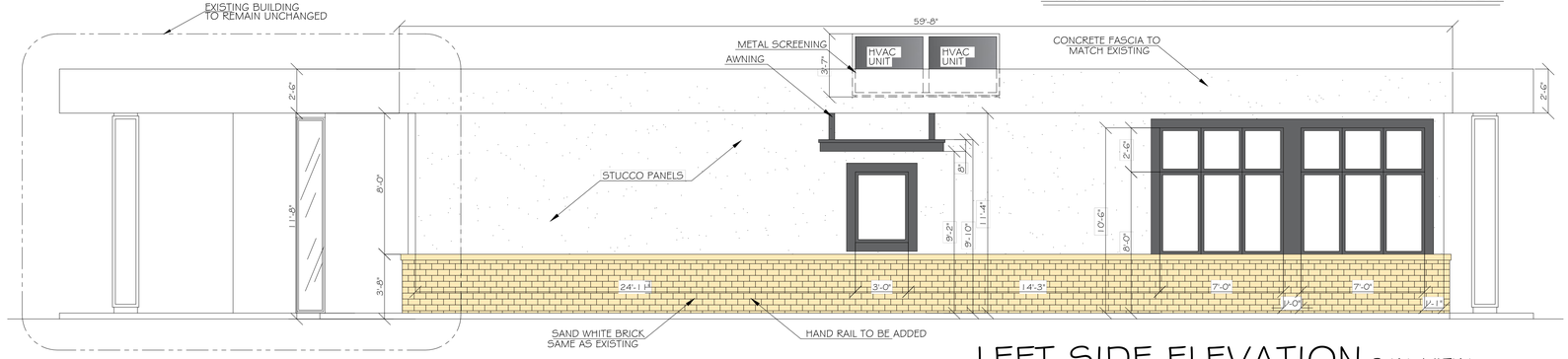
FRONT ELEVATION
SURFACE AREA CALCULATIONS:
TOTAL WALL AREA (SQ. FT.)
1,036.06 SQ. FT.
WINDOWS: 648.80 SQ. FT.
DOORS: 82.67 SQ. FT.
WINDOWS/ DOORS: 731.47/1,036.06 = 70.60%
1,036.06 - 731.47 = 304.59 SQ. FT.
BRICK: 115.58 SQ. FT.
BRICK: 115.58/ 304.59= 37.94%



REAR ELEVATION N.W. VIEW

MATERIAL LIST
BRICK: SAND WHITE SAME AS EXISTING
STUCCO:
PANELING:

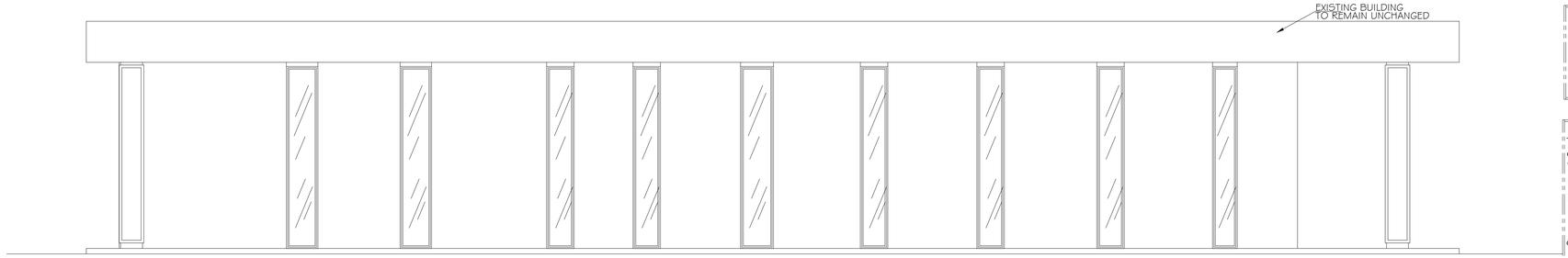
REAR ELEVATION
SURFACE AREA CALCULATIONS:
TOTAL WALL AREA (SQ. FT.)
1,056.69 SQ. FT.
WINDOWS: 78.90 SQ. FT.
DOORS: 92.09 SQ. FT.
1,056.69 - 170.99 = 885.70 SQ. FT.
BRICK: 612.82 SQ. FT.
BRICK: 612.82/ 885.70= 69.19%



LEFT SIDE ELEVATION S.W. VIEW

MATERIAL LIST
BRICK: SAND WHITE SAME AS EXISTING
STUCCO:
PANELING:

LEFT SIDE ELEVATION
SURFACE AREA CALCULATIONS:
TOTAL WALL AREA (SQ. FT.)
777.28 SQUR. FT.
WINDOWS: 161.56 SQ. FT.
DOORS: 0 SQ. FT.
777.28 - 161.56 = 615.72 SQ. FT.
BRICK: 286.55 SQ. FT.
BRICK: 286.55/ 615.72= 46.54%



RIGHT SIDE ELEVATION N.E. VIEW

MATERIAL LIST
BRICK: SAND WHITE SAME AS EXISTING
STUCCO:
PANELING:

RIGHT SIDE ELEVATION
SURFACE AREA CALCULATIONS:
TOTAL WALL AREA (SQ. FT.)
812.22 SQUR. FT.
WINDOWS: 260.67 SQ. FT.
DOORS: 0 SQ. FT.
WINDOWS/ DOORS: 260.67/812.22=32.09%
812.22 - 260.67 = 551.55 SQ. FT.
BRICK: 544.01 SQ. FT.
BRICK: 544.01/ 551.55= 98.63%

SEVEN LAKES ENGINEERING SERVICES, INC.
2223 Seven Lakes South
Seven Lakes, NC 27376
Telephone: 910.673.0978
Email: 7lakesengrg@gmail.com

NORTH CAROLINA PROFESSIONAL SEAL 10167 ENGINEER CHARLES R. FARMER
7/13/22

ARTIGA DESIGN EST. 2005
Enrique J. Artiga
(910)-637-0350

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: 7/13/2022
DRAWN BY:
SCALE: NTS
TITLE: ELEVATIONS
Sheet Number: ST4of4

From: Seven Lakes Engineering Services Inc.
To: Andy Bleggi
Cc: Enrique Artiga; Jennifer Hunt; Melhorn
Subject: Re: 600 SW Broad St. Comment Responses
Date: Monday, July 25, 2022 4:59:12 PM
Attachments: image004.png
image005.png

Hey Jennifer,

Existing Rear Elevation:

I am gonna adjust the drawings and remove the “proposed addition site” note and the dashed lines. We were just highlighting the section of the building that will be altered.

Existing Left Side Elevation:

I am gonna adjust the drawings and remove the “proposed addition site” note and the dashed lines. We were just highlighting the section of the building that will be altered.

Allowable Area:

When we first did the application, the Walk-in cooler was not included in the square footage. The proposed Square Footage is 2,172 sq. ft

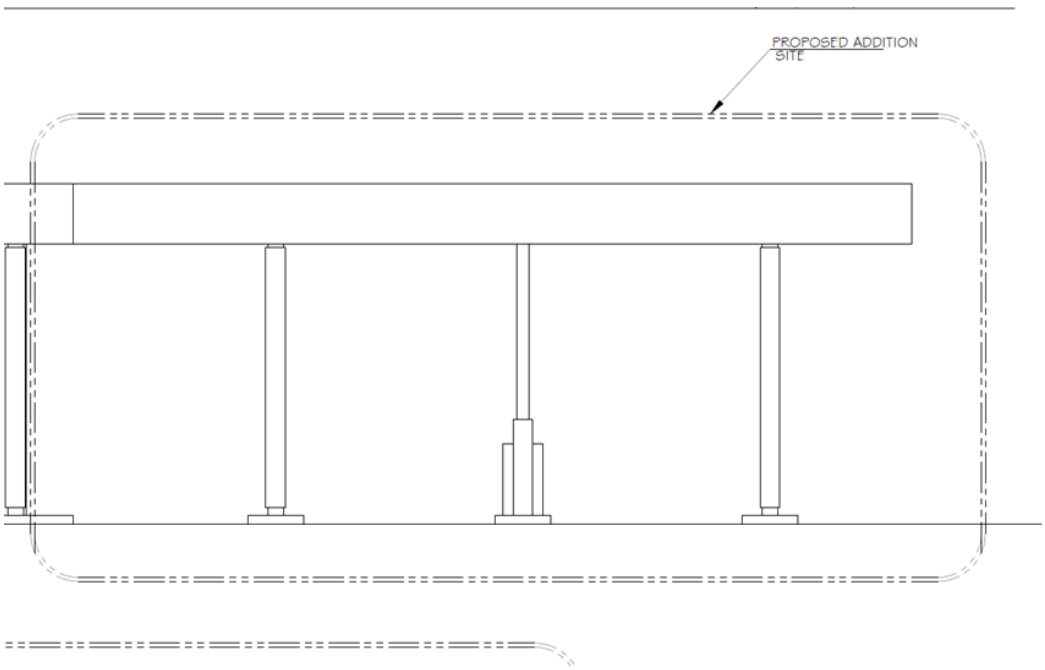
Thank you so much for your time Jennifer and I hope my comments cleared things up for you.

If you have any questions please feel free to call me.

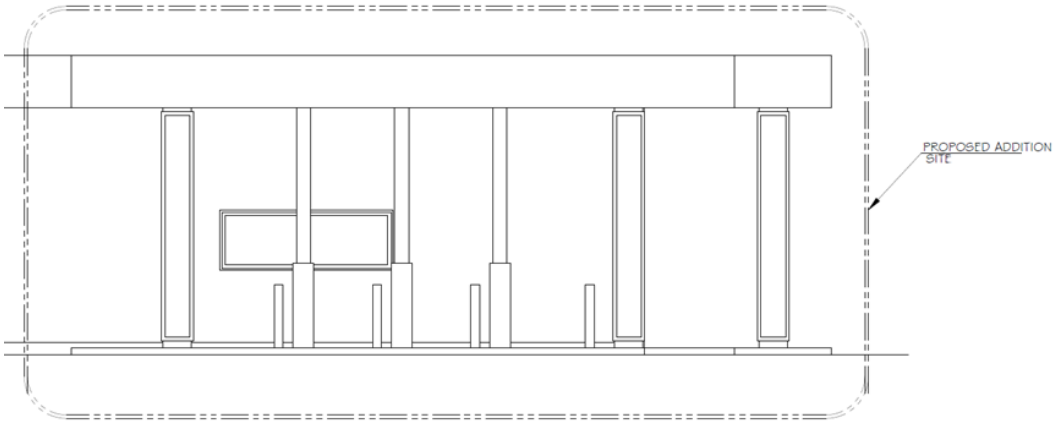
Thank you,

On Mon, Jul 25, 2022 at 4:36 PM Andy Bleggi <andybleggi@gmail.com> wrote:

> 2,172 Sq feet, back of building is white, same as existing.
>
> Sent from my iPhone
>
> > On Jul 25, 2022, at 10:50 AM, Melhorn <cwmelhorn@aol.com> wrote:
> >
> > -----Original Message-----
> > From: Jennifer Hunt <jhunt@southernpines.net>
> > To: Seven Lakes Engineering Services Inc. <7lakesengrg@gmail.com>
> > Cc: Melhorn <cwmelhorn@aol.com>; BJ Grieve <BJGrieve@southernpines.net>
> > Sent: Mon, Jul 25, 2022 7:27 am
> > Subject: RE: 600 SW Broad St. Comment Responses
> >
> > On the Existing Rear Elevation: this “proposed addition site” is difficult to understand for me, being in black in white. Will you please explain what this addition is?



On the Existing Left Side Elevation: There is also the “proposed addition site” will you please explain exactly what the proposed addition is? Is this the filling in of the bank drive through tellers?



In your most recent submittal for the site plan/elevations, on sheet 2 in the “Allowable Area” you show a diner addition of 2,172 square feet addition, however in your application you said that it was 1,954. Which is correct?

Do we need to schedule another phone call for today or tomorrow? I need to finish my report by Wednesday for August Town Council. Thank you.

Sincerely,

Jennifer Hunt

Planner I

Town of Southern Pines

801 SE Service Road

Southern Pines, NC 28387

Office: (910) 692-4003

Planning Dept. - Ext. 3

From: Seven Lakes Engineering Services Inc. <7lakesengrg@gmail.com>
Sent: Thursday, July 21, 2022 10:05 AM
To: Jennifer Hunt <jhunt@southernpines.net>
Subject: Re: 600 SW Broad St. Comment Responses

Good morning Jennifer,

1. What is the percentage of transparency? For :

   Front Elevation (facing southeast, **SW Broad Street**):

   i. 70.6%

   windows and doors

   80% transparency

   Side Elevation (facing northeast view, **W Wisconsin Avenue**):

   80%

   transparency

   ii. 32.09% windows and doors

2. I see that you state that you put the awnings on ST4 of 4, but I do not see them. Will you please point it out? I don't see it labeled

   Labels have been added to the S.E, N.W. and S.W. elevation of the drawing which points out the awning which will be above the pick up window on the S.W. elevation. Please refer to Sheet ST4 of 4 on the attached drawing.

3. Please confirm the HVAC located on the roof will not be visible from the street.

HVAC will have metal screening will not be visible from SW Broad St. or W. Wisconsin Ave.

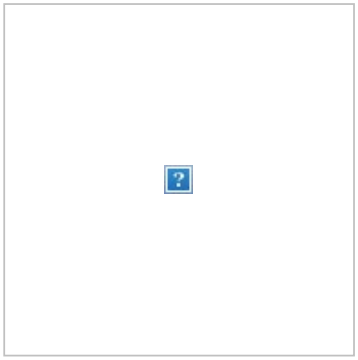
Shawn Rodriguez

910-638-0965

Project Manager

Seven Lakes Engineering Services Inc.

7lakeseng.com



On Wed, Jul 20, 2022 at 3:55 PM Jennifer Hunt <jhunt@southernpines.net> wrote:

> Hello,
>
> I have a few comments/questions.
>
> 1. What is the percentage of transparency? For :
>
> Front Elevation (facing southeast, **SW Broad Street**):
>
> i. 70.6% windows and doors
>
> Side Elevation (facing northeast view, **W Wisconsin Avenue**):
>
> ii. 32.09% windows and doors
>
> 2. I see that you state that you put the awnings on ST4 of 4, but I do not see them. Will you please point it out? I don't see it labeled.
>
> 3. Please confirm the HVAC located on the roof will not be visible from the street.

Sincerely,

Jennifer Hunt

Planner I

Town of Southern Pines

801 SE Service Road

Southern Pines, NC 28387

Office: (910) 692-4003

Planning Dept. - Ext. 3

From: Seven Lakes Engineering Services Inc. <7lakesengrg@gmail.com>
Sent: Tuesday, July 19, 2022 3:42 PM
To: Jennifer Hunt <jhunt@southernpines.net>
Subject: Re: 600 SW Broad St. Comment Responses

Good afternoon Jennifer,

Attached are the revised plans for 600 SW Broad St. and the comment responses from your most recent ARB meeting.

Discrepancies:

HVAC Located on the roof in the back as stated by unauthorized agent:

The HVAC system will be located on the roof of the building as shown on sheet ST4 of 4.

Renderings shown do not match narrative and statement to provide parapet with cornices:

Parapetes will be utilized on this design without the addition of cornices. The new parapets will match the existing parapets of the existing building.

"Right side mirrored":

An additional elevation has been included on sheet ST4 of 4 which shows the elevation of the building facing W. Wisconsin. The elevation is labled Right Side Elevation N.E. View. There will not be a pick up window on the right side.

There is no elevation or mention of the W Wisconsin Ave. side. Does this mean there will be no renovation of this taking place? :

An additional elevation has been included on sheet ST4 of 4 which shows the elevation of the building facing W. Wisconsin. Ave. The right side elevation facing W. Wisconsin Ave. will not change.

UDO4.10.4(A) - Building Facing Street

An additional elevation has been included on sheet ST4 of 4 which shows the elevation of the building facing W. Wisconsin. The elevation is labled Right Side Elevation N.E. View. No changes are to be made to the Right Side facing W. Wisconsin Ave.

UDO4.10.4(B) - Building Segments

There not going to be any changes made to the original building. We are filling in the space beneath the existing drive through awning of the previous teller windows. The buidling heights will not change and the length of the building will increase.

UDO4.10.4(C) - Exterior Finish of Walls 80%

The percentage of brick has been corrected on Sheet ST4 of 4.

Front Elevation (Facing southeast, SW Broad St.) = 37.94%

Rear Elevation (Facing northwest View.) = 69.19%

Side Elevation (Facing southwest View) =46.54%

Side Elevation (Facing northeast, W Wisconsin Ave.) = 98.63%

UDO4.10.4(D) - Windows 70% between 2 to 20 feet with 80% transparency

The percentage of windows and doors has been added to Sheet ST4 of 4.

Front Elevation (Facing southeast, SW Broad St.) = 70.60%

Side Elevation (Facing northeast, W Wisconsin Ave.) = 32.09%

UDO4.10.4(E) - Awnings

The proposed awning has been added to the revised plans and are shown on Sheet ST4 of 4 and the Cover Sheet.

UDO4.10.4(G) - Roofline, Parapets, Changes in Parapet Height or Design.

The proposed parapet will match the existing parapet of the existing building. Signage is to be applied on the parapet, however the signage application will be separate.

UDO4.10.4(H) - Mechanical Equipment

The HVAC systems will be placed on the roof top of the building along with metal fencing. The elevations on Sheet ST4 of 4 and the Cover Sheet illustrate the location of the HVAC equipment.

UDO4.10.4(I) - Garage Door

No garage door is to be added nor is it proposed.

On Tue, Jul 19, 2022 at 3:26 PM Jennifer Hunt <jhunt@southernpines.net> wrote:

> Hello,
>
> I need the responses sent back please without being highlighted in red. It is extremely difficult to read. Once you send them back I will be able to print them and review. Thank you.
>
> Sincerely,
>
> **Jennifer Hunt**
>
> *Planner I*
>
> Town of Southern Pines
>
> 801 SE Service Road

Southern Pines, NC 28387

Office: (910) 692-4003

Planning Dept. - Ext. 3

From: Seven Lakes Engineering Services Inc. <7lakesengrg@gmail.com>
Sent: Friday, July 15, 2022 3:18 PM
To: Andy Bleggi <andybleggi@gmail.com>; Melhorn <cwmelhorn@aol.com>; Jennifer Hunt <jhunt@southernpines.net>
Subject: 600 SW Broad St. Comment Responses

Good afternoon Jennifer,

Attached are the revised plans for 600 SW Broad St. and the comment responses from your most recent ARB meeting.

Discrepancies:

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UDO4.10.4(E) - Awnings

The proposed awnings have been added to the revised plans and are shown on Sheet St4 of 4 and the Cover Sheet.

UDO4.10.4(G) - Roofline, Parapets, Changes in Parapet Height or Design

The proposed parapet will match the existing parapet of the existing building. Sinage is to be applied on to the parapet, however the signage application will be seperate.

UDO4.10.4(H) - Mechanical Equipment

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UDO4.10.4(I) - Garage Door

No garage door is to be added nor is it proposed.

Shawn Rodriguez

910-638-0965

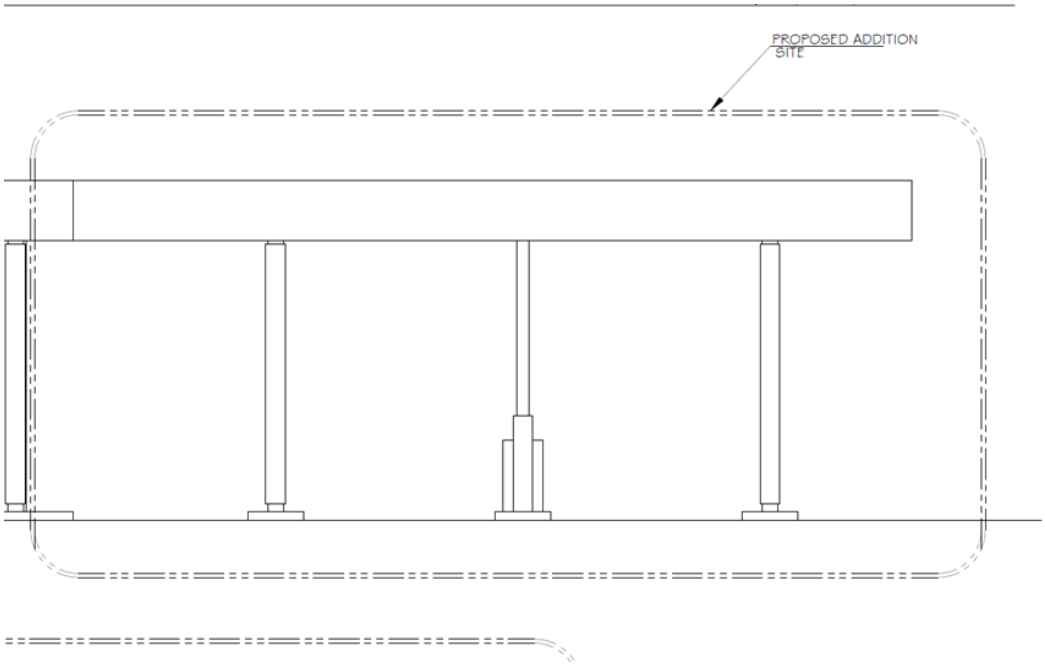
Project Manager

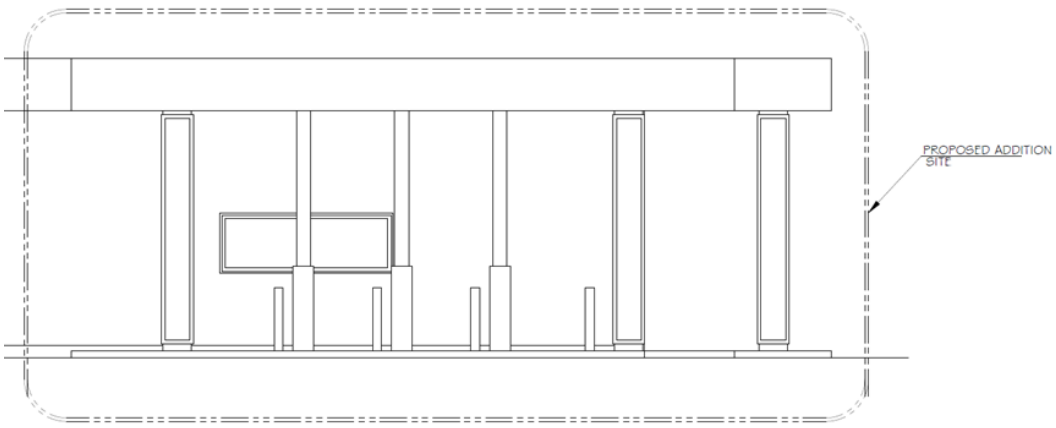
Seven Lakes Engineering Services Inc.

7lakeseng.com

--

Shawn Rodriguez
910-638-0965
Project Manager
Seven Lakes Engineering Services Inc.
7lakeseng.com





--
Shawn Rodriguez
910-638-0965
Project Manager
Seven Lakes Engineering Services Inc.
7lakeseng.com

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Pamela Graham, Principal Planner**

Subject: **AR-13-22 Waterworks SNC**

Date: **August 9, 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)

The proposal, originally scheduled for the July 12, 2022 Town Council meeting, was continued to August 9, 2022. The majority of this report was produced for the July meeting; new information is included in red bold type within the report.

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

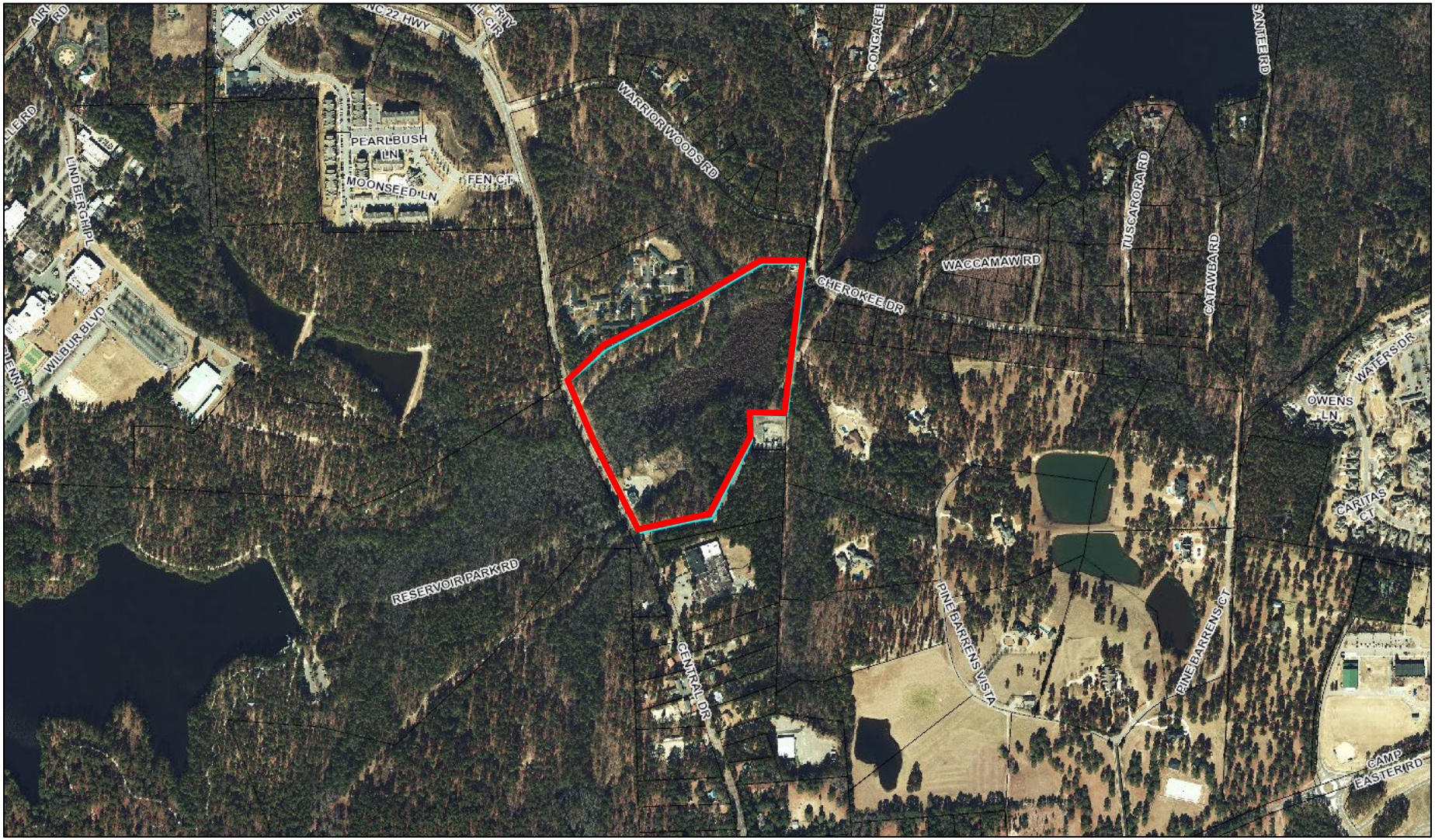
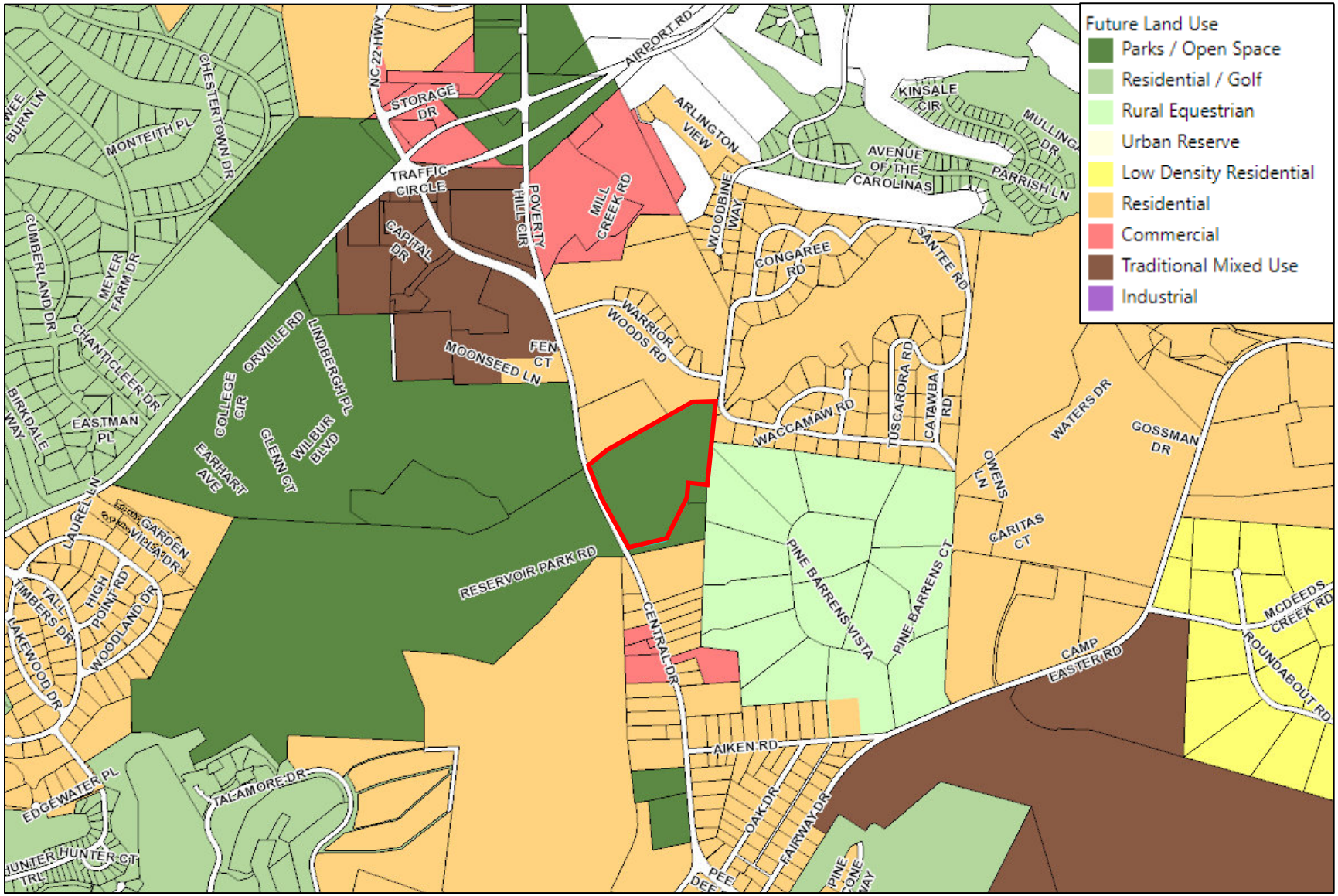


Figure 2: Zoning Map for Subject Property Outlined in Red

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 with 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
Resubmittal: July 18, 2022
Town Council Agenda Meeting: August 3, 2022
Town Council Regular Meeting: August 9, 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: The resubmittal does not address this standard in a new way; however, the design includes customer entries on both the street-facing façade and the parking lot side (rear) of the building. While it is reasonable to assume that most customers will utilize the entry that faces the parking lot, they are provided a front entry option. Due to its relatively remote location, this site is far less likely to be accessed by pedestrians, compared to some other areas of town where a street-facing entry is the primary or only customer entry. Though the applicant has referred to the parking lot-facing entry as the "main entrance", staff's opinion is that the building does face the street, and the designer has provided a street-facing entry, usable at the customer's discretion, making it reasonable to determine that the project is compliant with this standard.

✓ 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 resubmittal does not address this standard in a new way. The width of the new addition is 2.75 times the height, and no building segmentation has been created in the design. 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: The resubmittal does not address this standard in a new way; the standard for the building appearing to be building segments has not been achieved. More information on this item can be found later in this report, in item #2 of the section detailing staff's additional concerns.

☒ **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:

- 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."

The resubmittal includes two options with regard to exterior building materials, referred to as "Waterworks SNC" and "Waterworks2". Both options include brick as the primary exterior building material, exclusive of windows and doors, but vary in the percentage of metal used as a subordinate building material. Each option will be reviewed separately for compliance with standards. Elevation drawings, material calculations, and architectural renderings for each option are enclosed with this report for reference.

Staff note: 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.

Waterworks SNC Option:

- **Front Elevation = 95.27% brick**
- **Rear Elevation = 3.04% brick**
- **Left Side Elevation = 77.51% brick**
- **Right Side Elevation = 73.35% brick**

Only the front elevation complies with the 80% brick standard

Waterworks2 Option:

- **Front Elevation = 78.87% brick**
- **Rear Elevation = 3.04% brick**
- **Left Side Elevation = 68.30% brick**
- **Right Side Elevation = 67.58% brick**

None of the elevations comply with the 80% brick standard

✓ **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.

✓/✗ **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: The resubmittal does not address this standard in a new way. The awnings comply with this standard with the exception of the awning material. 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.

✓ **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: The resubmittal does not address this standard in a new way; however, staff has determined that the design complies with the roofing material and color standard, as well as the standard that changes in the roofline are used to avoid uninterrupted planes of longer than 200 feet, as viewed from the public street. 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 appliable 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. **Revised Elevation Drawings with Exterior Building Material Calculations - Waterworks SNC (Option 1)**
5. **Waterworks SNC Architectural Renderings (Option 1)**
6. **Revised Elevation Drawings with Exterior Building Material Calculations - Waterworks2 (Option 2)**
7. **Waterworks2 Architectural Renderings (Option 2)**
8. Site Plan
9. Developer's Covenants and Restrictions
10. Email correspondence between staff and applicant

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.

Town of Southern Pines
Chartered 1887
North Carolina

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

Town of Southern Pines
Chartered 1887
North Carolina

Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: 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

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

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.

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.

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

By: _____ (Seal)
W. David McNeill, Mayor

ATTEST:

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.

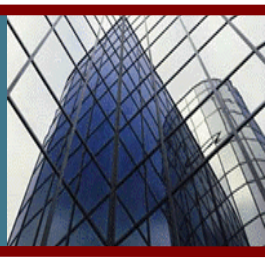
Witness my hand and official stamp or seal, this 12 day of March, 2019.

Elizabeth F Robertson
Notary Public

My commission expires:
May 10 2020

ELIZABETH F ROBERTSON
Notary Public, North Carolina
Moore County
My Commission Expires
May 10, 2020

Neal Smith Engineering, Inc.
139 Pinehurst Ave. – Suite C
Southern Pines, NC 28387
Phone: (910) 695-8825 | Fax: (910) 695-8832
www.nsengineering.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 the 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 locate 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 demeaned acceptable by the **PDARC**.*

The building height is 35.08ft to the top of the finished parapet.
35.08ft x 5.5 = 192.94ft > 173.66ft (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:

1,673sq.ft. (door/glass surface) / 6,093sq.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

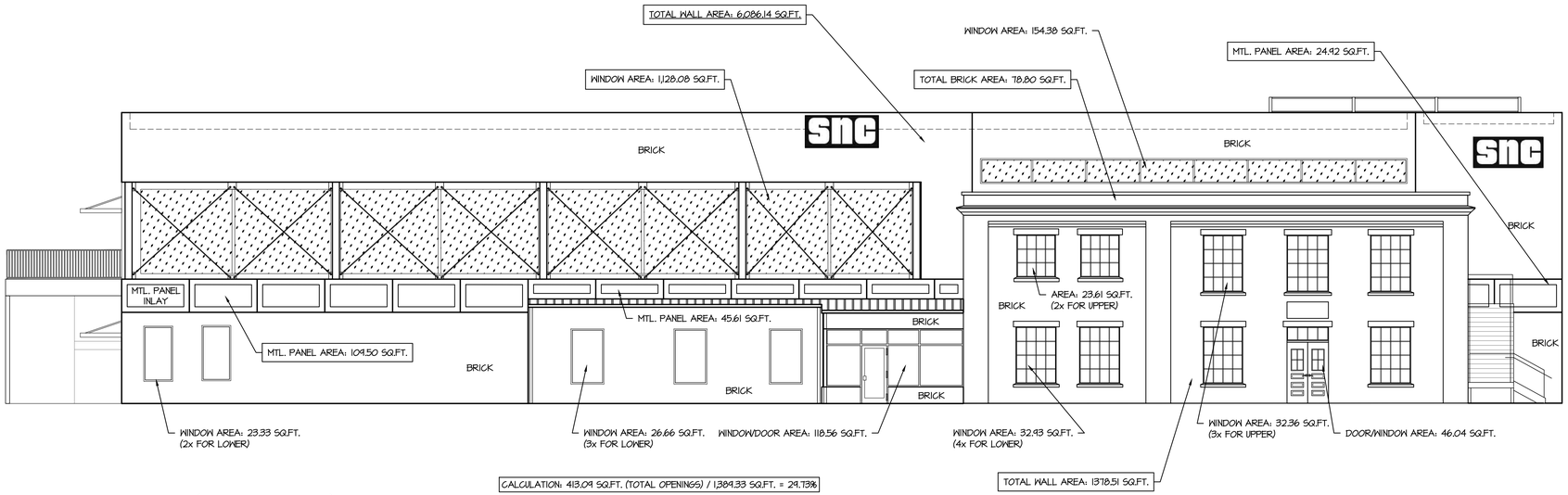
This building, once constructed, will meet the requirements of this section.

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.

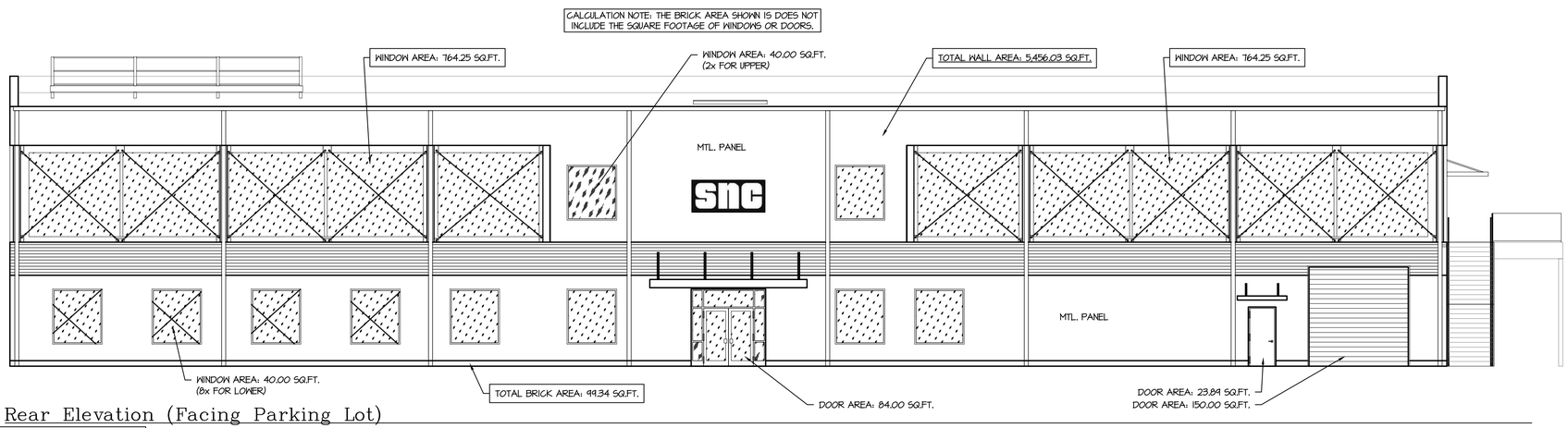
Parapets on this building will meet the requirement set forth in the covenants.

If you any additional questions or concerns, please feel free to contact us at any time.

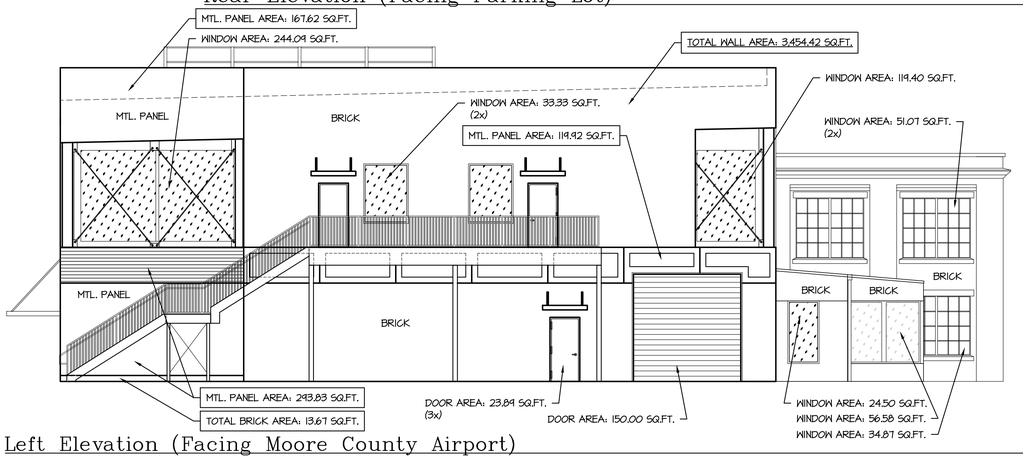
Sincerely,
NEAL SMITH ENGINEERING, INC.



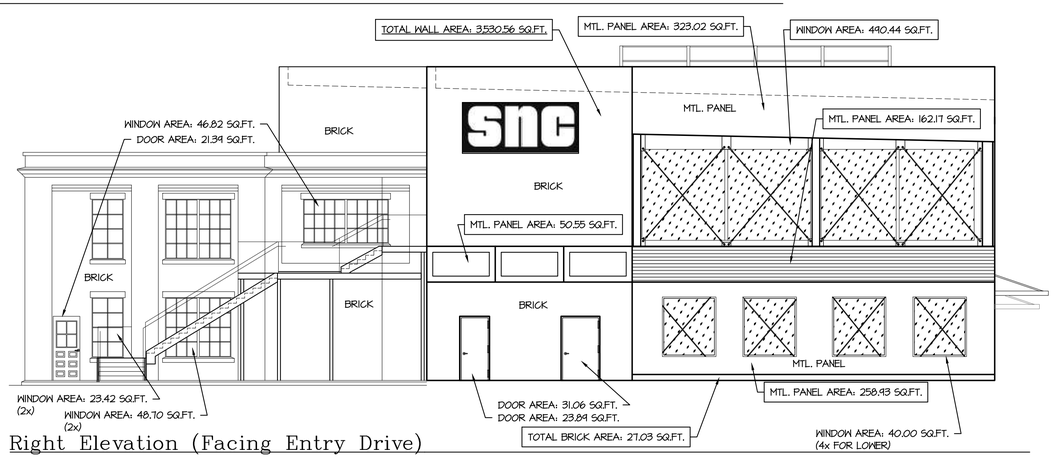
Front Elevation (Facing Road)



Rear Elevation (Facing Parking Lot)



Left Elevation (Facing Moore County Airport)



Right Elevation (Facing Entry Drive)

Brick Calculations - Per PDF Titled "Waterworks SNC to ToSP AR"

Front Elevation

Total Wall Surface Area:

Wall:	6086.14	s.f.

Total Wall Metal Surface Area:

Panel:	109.5	s.f.
Panel:	45.61	s.f.
Panel:	45.34	s.f.
Total:	200.45	s.f.

Total Window/Door Surface Area:

Window:	46.66	s.f.
Window:	1128.08	s.f.
Window:	154.38	s.f.
Window:	79.98	s.f.
Window:	118.56	s.f.
Window:	131.72	s.f.
Window:	47.22	s.f.
Window:	97.08	s.f.
Door:	46.04	s.f.
Total	1,849.72	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	4,035.97	s.f.

Percentage of Brick Area:

4,035.97 Brick	/	4,236.42 Wall	=	0.95

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	95.27	%

This wall is in compiance to ToSP UDO

Rear Elevation

Total Wall Surface Area:

Wall:	5456.03	s.f.

Total Window/Door Surface Area:

Window:	320.00	s.f.
Window:	764.25	s.f.
Window:	80.00	s.f.
Door/Window:	84.00	s.f.
Window:	764.25	s.f.
Door:	23.89	s.f.
Door:	150.00	s.f.
Total	2,186.39	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	99.34	s.f.

Percentage of Brick Area:

99.34	/	3,269.64	=	0.03
Brick		Wall		

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	3.04 %

This wall is NOT in compiance to ToSP UDO (< 80%)

Left Elevation

Total Wall Surface Area:

Wall:	3454.42	s.f.

Total Wall Metal Surface Area:

Panel:	167.62	s.f.
Panel:	293.83	s.f.
Panel:	119.92	s.f.
Total:	581.37	s.f.

Total Window/Door Surface Area:

Window:	244.09	s.f.
Window:	66.66	s.f.
Door:	71.67	s.f.
Window:	119.40	s.f.
Window:	102.14	s.f.
Door:	150.00	s.f.
Window:	24.50	s.f.
Window:	56.58	s.f.
Window:	34.87	s.f.
Total	869.91	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	2,003.14	s.f.

Percentage of Brick Area:

2,003.14 Brick	/	2,584.51 Wall	=	0.78

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	77.51 %

This wall is NOT in compiance to ToSP UDO (< 80%)

Right Elevation

Total Wall Surface Area:

Wall:	3530.56	s.f.

Total Wall Metal Surface Area:

Panel:	323.02	s.f.
Panel:	162.17	s.f.
Panel:	25.93	s.f.
Panel:	50.55	s.f.
Total:	729.29	s.f.

Total Window/Door Surface Area:

Window:	46.82	s.f.
Window:	46.84	s.f.
Window:	97.40	s.f.
Door:	21.39	s.f.
Door:	23.89	s.f.
Door:	31.06	s.f.
Window:	36.00	s.f.
Window:	490.44	s.f.
Total	793.84	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	2,007.43	s.f.

Percentage of Brick Area:

2,007.43	/	2,736.72	=	0.73
Brick		Wall		

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	73.35	%

This wall is NOT in compiance to ToSP UDO (< 80%)

SNC
SOUTHERN PINES WATER WORKS
SNC

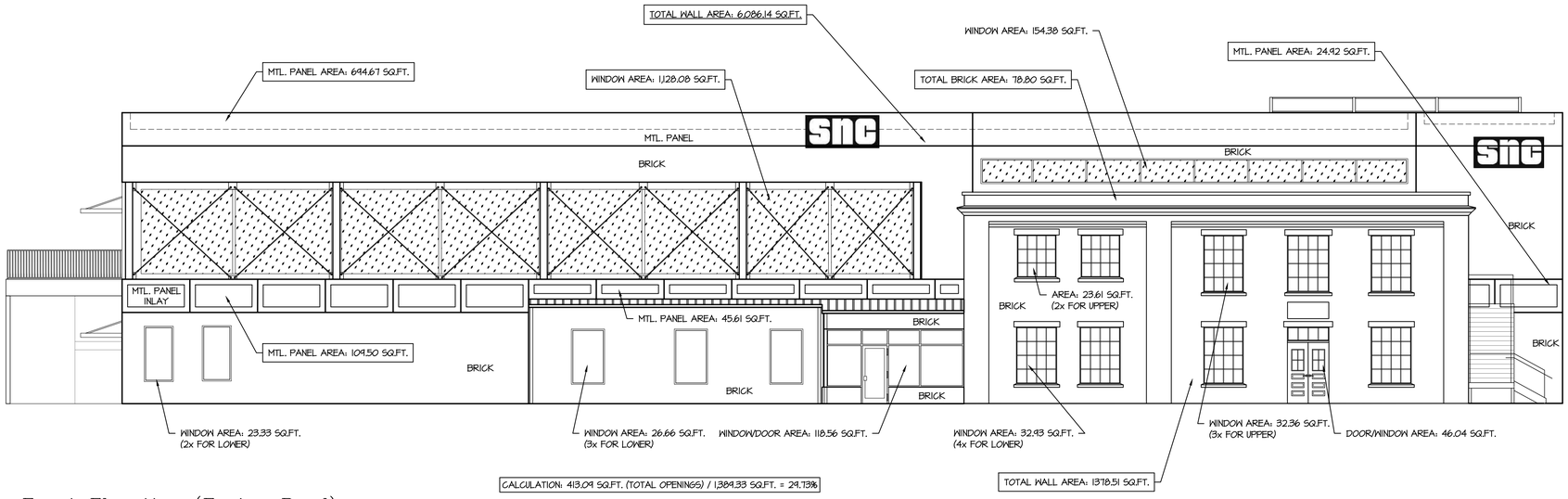
SNC

SNC

SNC
snc

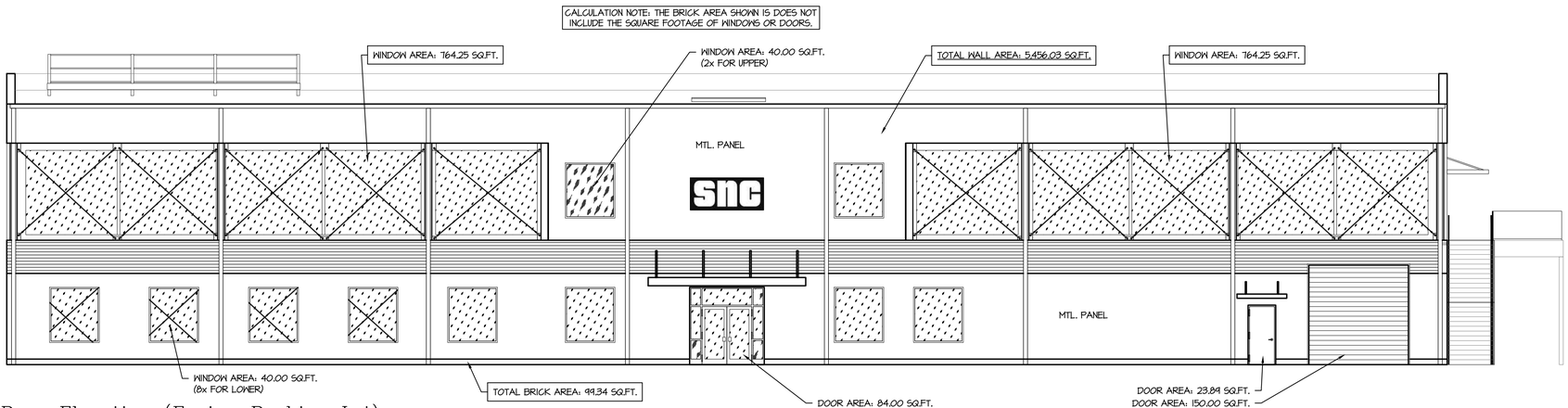
SNC

SNC

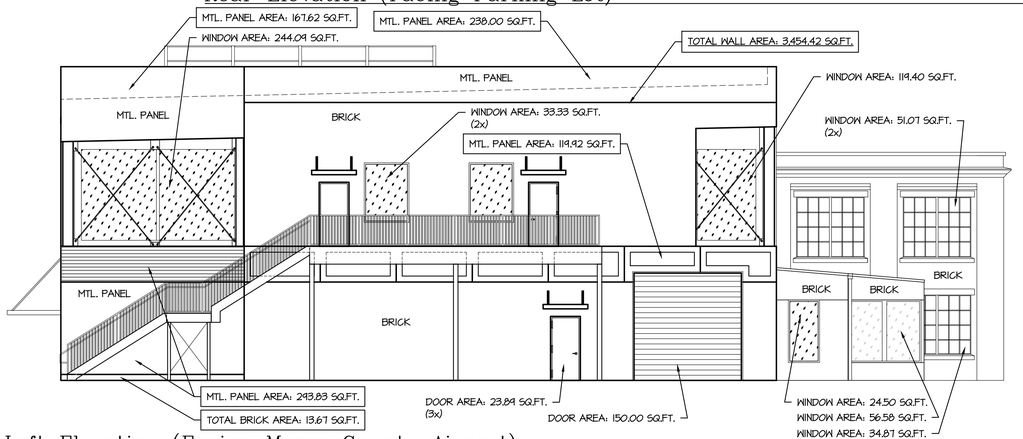


CALCULATION: 413.09 SQ.FT. (TOTAL OPENINGS) / 1,384.33 SQ.FT. = 29.73%

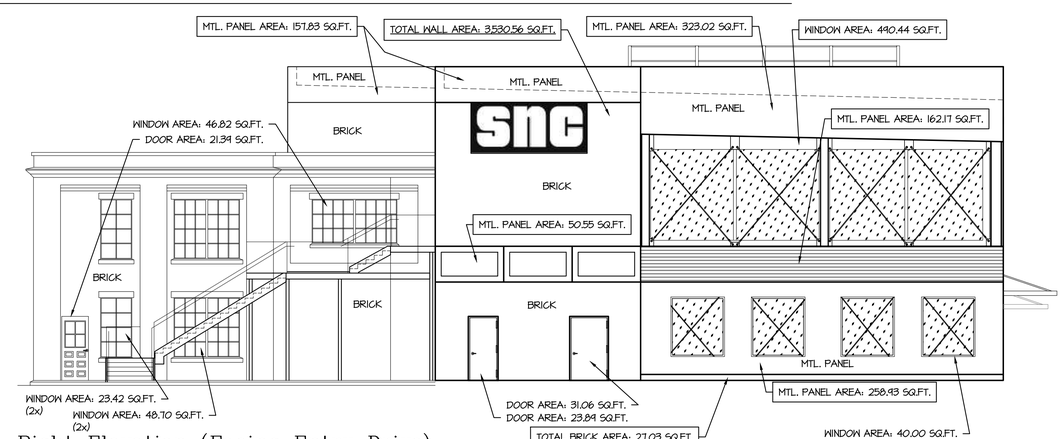
Front Elevation (Facing Road)



Rear Elevation (Facing Parking Lot)



Left Elevation (Facing Moore County Airport)



Right Elevation (Facing Entry Drive)

Brick Calculations - Per PDF Titled "Waterworks2"

Front Elevation

Total Wall Surface Area:

Wall:	6086.14	s.f.

Total Wall Metal Surface Area:

Panel:	109.5	s.f.
Panel:	694.67	s.f.
Panel:	45.61	s.f.
Panel:	45.34	s.f.
Total:	895.12	s.f.

Total Window/Door Surface Area:

Window:	46.66	s.f.
Window:	1128.08	s.f.
Window:	154.38	s.f.
Window:	79.98	s.f.
Window:	118.56	s.f.
Window:	131.72	s.f.
Window:	47.22	s.f.
Window:	97.08	s.f.
Door:	46.04	s.f.
Total	1,849.72	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	3,341.30	s.f.

Percentage of Brick Area:

3,341.30	/	4,236.42	=	0.79
Brick		Wall		

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	78.87 %

This wall is NOT in compiance to ToSP UDO (< 80%)

Rear Elevation

Total Wall Surface Area:

Wall:	5456.03	s.f.

Total Window/Door Surface Area:

Window:	320.00	s.f.
Window:	764.25	s.f.
Window:	80.00	s.f.
Door/Window:	84.00	s.f.
Window:	764.25	s.f.
Door:	23.89	s.f.
Door:	150.00	s.f.
Total	2,186.39	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	99.34	s.f.

Percentage of Brick Area:

99.34	/	3,269.64	=	0.03
Brick		Wall		

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	3.04 %

This wall is NOT in compiance to ToSP UDO (< 80%)

Left Elevation

Total Wall Surface Area:

Wall:	3454.42	s.f.

Total Wall Metal Surface Area:

Panel:	167.62	s.f.
Panel:	238.00	s.f.
Panel:	293.83	s.f.
Panel:	119.92	s.f.
Total:	819.37	s.f.

Total Window/Door Surface Area:

Window:	244.09	s.f.
Window:	66.66	s.f.
Door:	71.67	s.f.
Window:	119.40	s.f.
Window:	102.14	s.f.
Door:	150.00	s.f.
Window:	24.50	s.f.
Window:	56.58	s.f.
Window:	34.87	s.f.
Total	869.91	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	1,765.14	s.f.

Percentage of Brick Area:

1,765.14 Brick	/	2,584.51 Wall	=	0.68

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	68.30	%

This wall is NOT in compiance to ToSP UDO (< 80%)

Right Elevation

Total Wall Surface Area:

Wall:	3530.56	s.f.

Total Wall Metal Surface Area:

Panel:	323.02	s.f.
Panel:	157.83	s.f.
Panel:	162.17	s.f.
Panel:	25.93	s.f.
Panel:	50.55	s.f.
Total:	887.12	s.f.

Total Window/Door Surface Area:

Window:	46.82	s.f.
Window:	46.84	s.f.
Window:	97.40	s.f.
Door:	21.39	s.f.
Door:	23.89	s.f.
Door:	31.06	s.f.
Window:	36.00	s.f.
Window:	490.44	s.f.
Total	793.84	s.f.

Total Brick Surface Area: (Exclusive of Door/Win/Mtl)

Brick:	1,849.60	s.f.

Percentage of Brick Area:

1,849.60 Brick	/	2,736.72 Wall	=	0.68

UDO Requirement per Section 4.10.4(C) Check

Total Brick Percentage	67.58	%

This wall is NOT in compiance to ToSP UDO (< 80%)

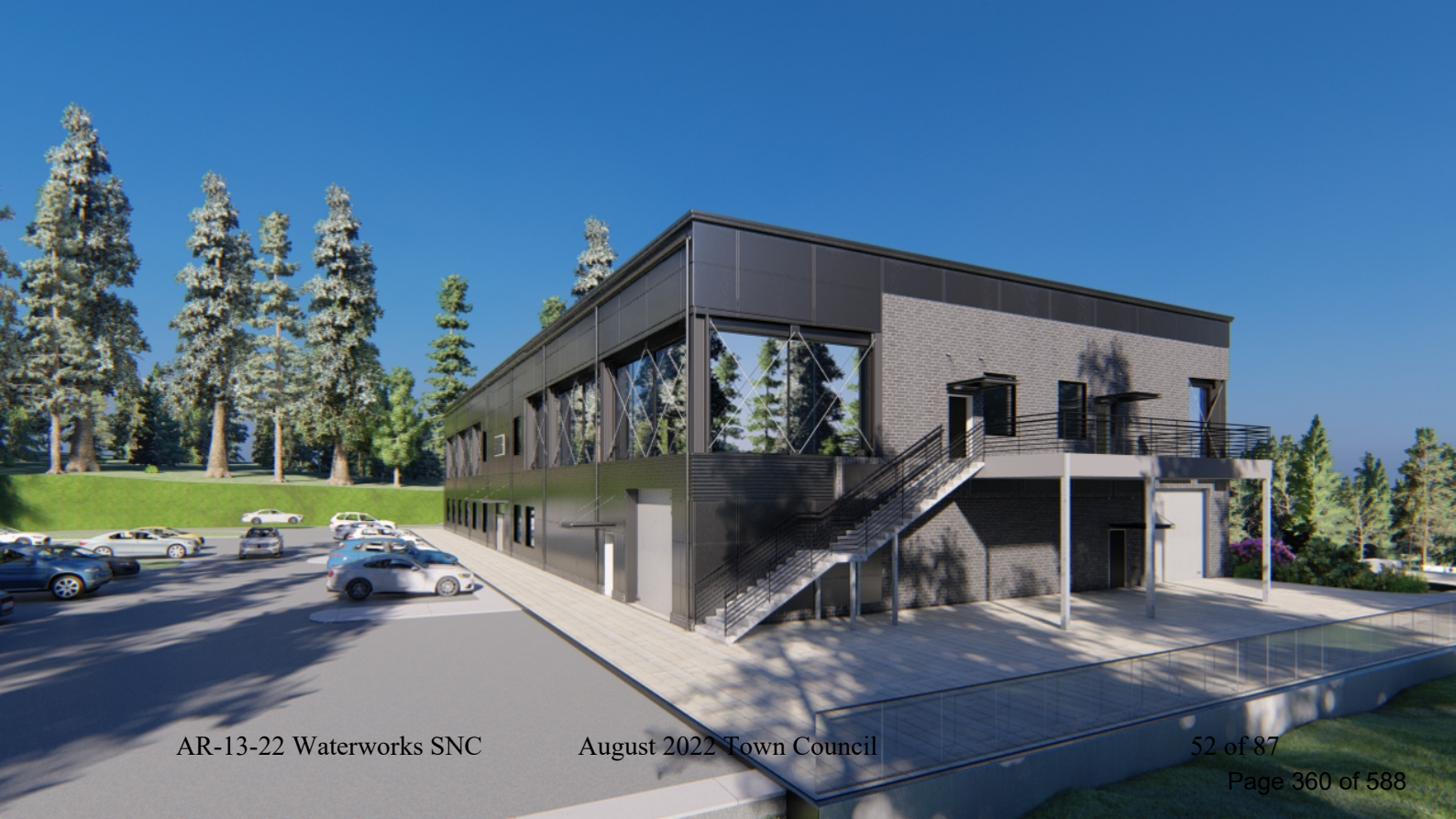
snc
snc
WATERWORKS
snc

snc

SNC

SNC

SNC



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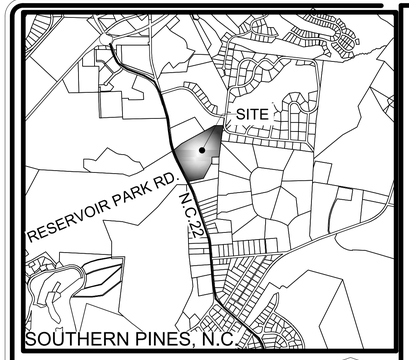
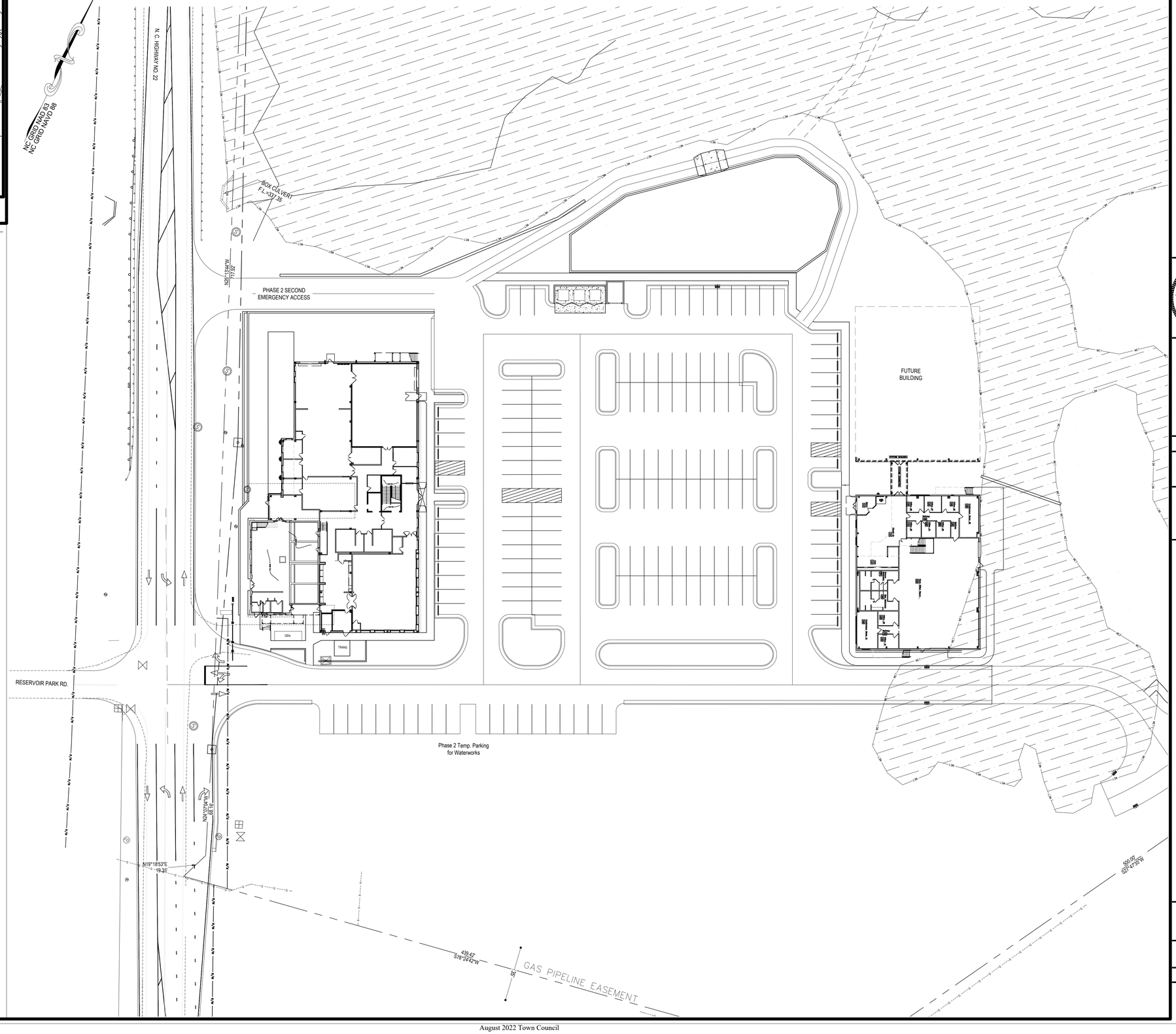


VICINITY MAP (1" = 2000')

SITE NOTES



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Landscape Architecture ♦ Fayetteville, NC
Civil Engineering ♦ Southern Pines, NC
230C W. Pennsylvania Ave. ♦ Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

CRAWFORD DESIGN COMPANY LANDSCAPE ARCHITECTURAL CORPORATION NORTH CAROLINA CERT. No. C-136 FAYETTEVILLE, N.C.

CRAWFORD DESIGN COMPANY ENGINEERING CORPORATION SOUTH CAROLINA CERT. No. C-2097 FAYETTEVILLE, N.C.

SEALS

NORTH CAROLINA PROFESSIONAL SEAL 027502 ENGINEER KEVIN S. LINDSAY 3-25-22

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

J:\Bieggi, Andy\17028 Waterworks Development\CAD\17028\DWG\Plan Set_Current Plan Set\PHASE 2\17028s_C2.0_P2.dwg, Site Plan, May. 02, 2022 - 9:01:24 AM

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 tricots, 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 leased 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 Lote, 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 maybe 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 summit their original ideas to the Architectural Review Board for initial comments as the board wants to encourage original idea rather that 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 demeaned 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 ether 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 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.

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 the 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

(O) 910-695-8825 ext. 304
(F) 910-695-8832
(M) 910-783-4745 [Voice, Email & Text]

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Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Jennifer Hunt, Planner I**

Subject: **AR-14-22 The Luxe at Morganton Park**

Date: **August 9, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Morganton Park II, LLC is requesting approval of an Architectural Compliance Permit for "The Luxe at Morganton Park," a 90-unit apartment community consisting of three 30-unit buildings and six 5-bay garages located in the Planned Development known as Morganton Park North. The property to be developed is located north of South Carlisle Street, between Legends Apartments and Southern Pines Elementary. The subject property is owned by Morganton Park II, LLC.

This AR is continued from the June 14, 2022 Town Council meeting. The applicant has revised and updated their plans to address comments made at the June 14, 2022 Town Council meeting.

II. PROJECT INFORMATION:

1. **PARID** 20190146; **PIN** 857200502304

2. **Applicant:**
   Morganton Park II, LLC
   639 Executive Place
   Suite 400
   Fayetteville, NC 28305

Figure 1: Vicinity Map and Zoning Map for Subject Property Outlined in Red:

Figure 2: Morganton Road Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Red:

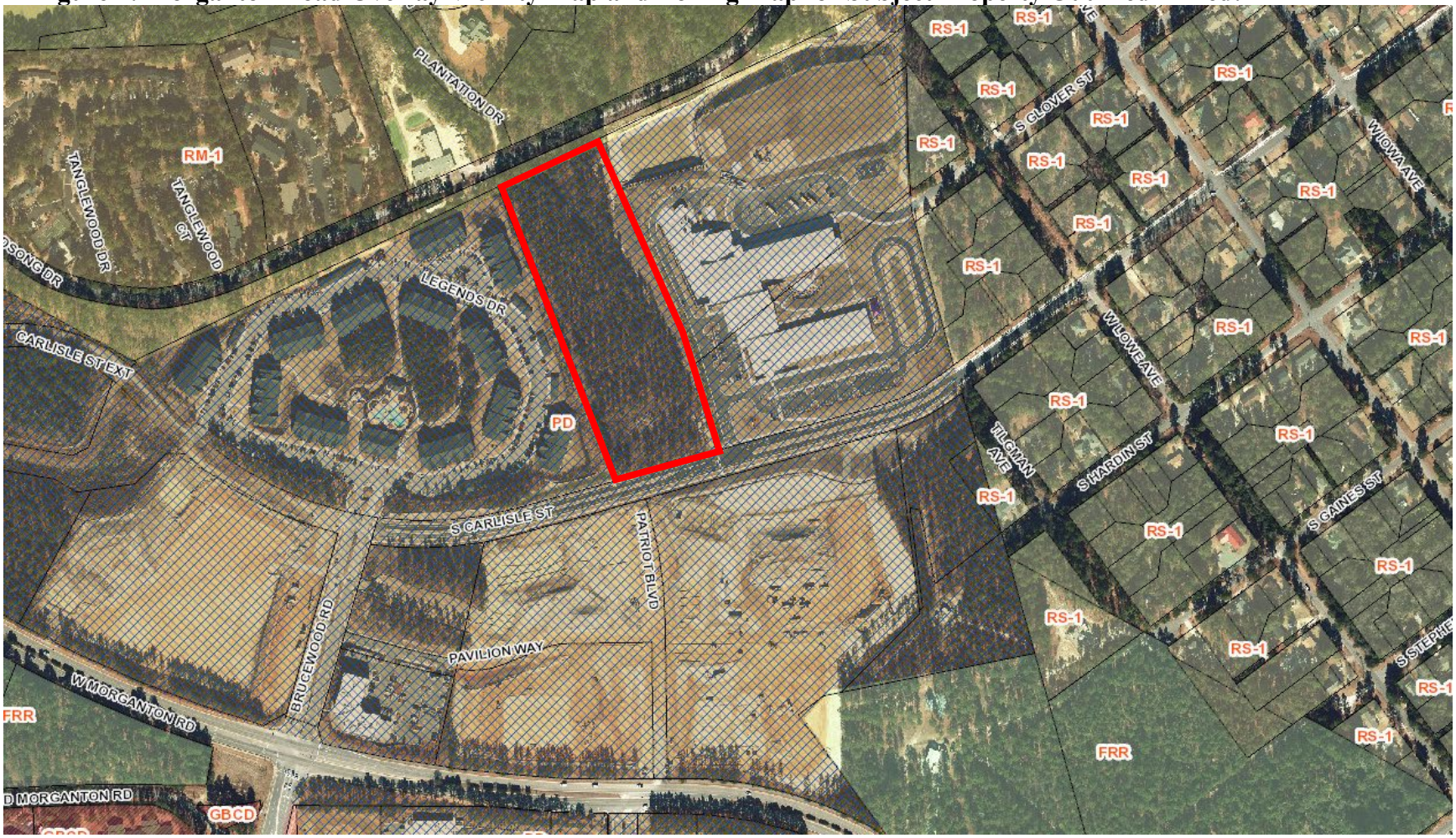
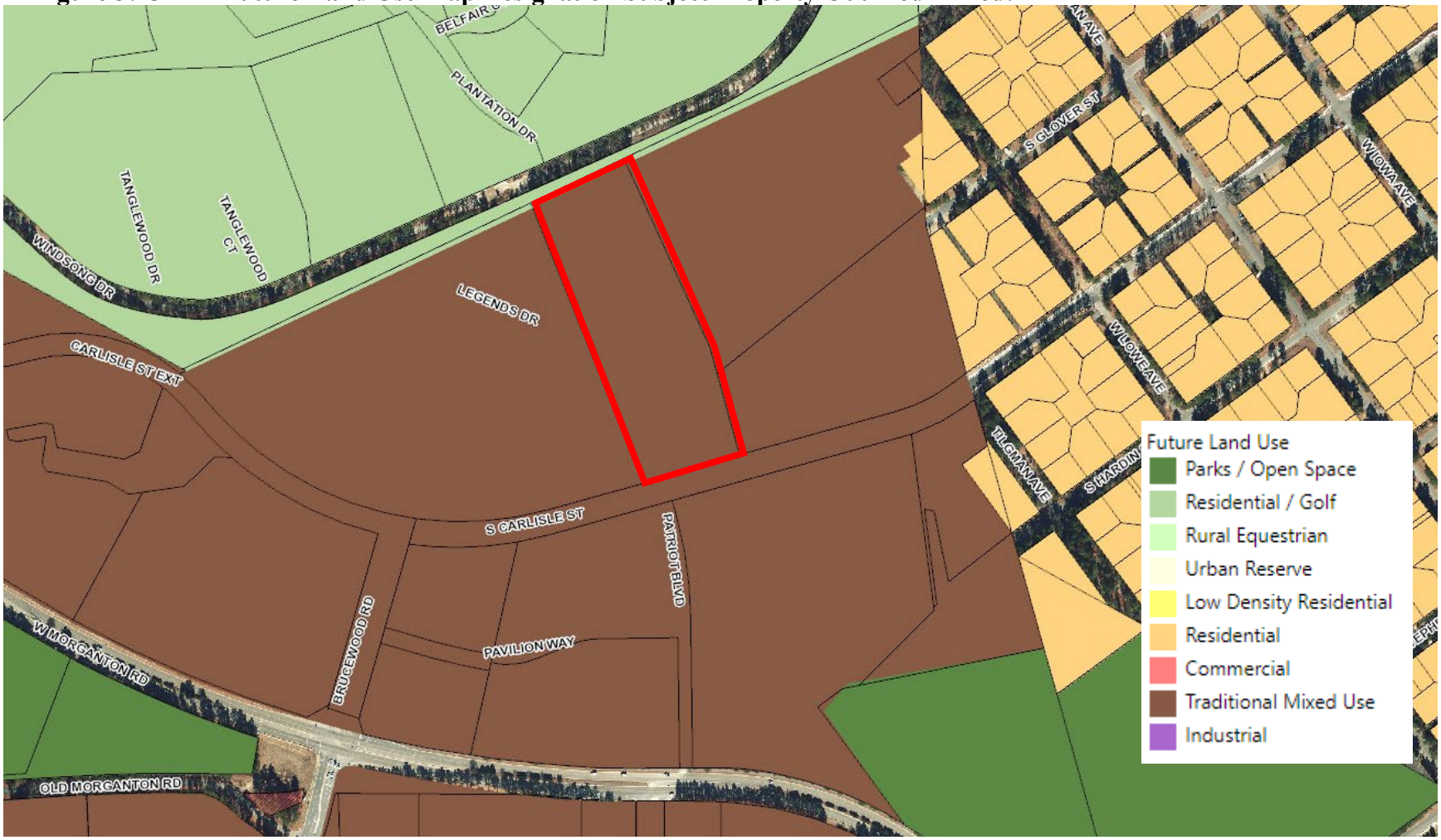


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red:



1. **Comprehensive Long-Range Plan Designation:**
   The area is designated as Traditional Mixed Use on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP). *The Traditional Mixed Use category applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines. This designation applies to the Morganton Road area and to the Pine Needles area, identifying these as likely spots for mixed-use including an interconnected street network as found in traditional town development. No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.*

2. **Zoning:**
   The parcel is currently zoned Planned Development (PD) (See Figure 1). The approved CDP from May 15, 2018 (internal file PD-01-18) defers to the Town of Southern Pines UDO for commercial architectural standards, which in the case of a multi-family development includes standards set forth in UDO 4.10.4 and portions of UDO 4.10.8 that are applicable to commercial architecture. The PD district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development.

III. STAFF REVIEW:

1. **Review Process:**
   Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. **Application Review Dates:**
   Application Submitted: May 2, 2022
   Application Complete: May 9, 2022
   Town Council Agenda Meeting: June 8, 2022
   Town Council Meeting: June 14, 2022 – applicant asked for a continuance
   Town Council Agenda Meeting: August 3, 2022
   Town Council Meeting: August 9, 2022

3. **Criteria for Review:**
   When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve or deny the application based on the following criteria, as set forth in **UDO §2.26.7**:

   1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
   2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*

3. *The application is consistent with applicable conditions of prior Development approvals; and*
4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. Staff Comments based on Multi-Family Development Building Design Requirements per UDO §4.10.8:

The proposed development consists of three new apartment buildings, each consisting of 30 dwelling units, and six 5-bay garage buildings. Staff has reviewed the project for compliance with applicable portions of UDO §4.10.8 *Multi-Family Development Standards*.

UDO §4.10.8 (C) *states that Multi-Family Developments shall:*

1. *Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.*
   - The apartment buildings will vary in exterior material colors. Two of the three buildings will have a Type 1 color scheme of darker brick and a lighter vinyl color. The third building will have a Type 2 color scheme which includes a lighter brick color paired with darker vinyl. The buildings will also vary in setbacks and orientation within the site. The garage buildings are also 1-story buildings while the apartment buildings are 3-stories.
     Deviation required.

2. *Group buildings in clusters.*
   - This standard is applicable to site design.

3. *Articulate facades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.*
   - The buildings are articulated by balcony insets along all facades of each building. Balconies step back 6 to 7 feet, in intervals less than 50' wall on center. The largest continuous wall without a step back relief is 35'.

4. *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.*
   - Each of the three buildings appear to have windows facing parking areas and open areas.

5. *Units above grade level shall have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.*
   - Each apartment unit within the building has access to a private balcony. Each balcony meets the required minimum of ten feet by six feet.
     - Unit Type 1.1 (1 bedroom): 6'-1" x 11'-1"
     - Unit Type 2.1 (2 bedroom): 6'-11" x 10'

- Unit Type 2.2 (2 bedroom): 6'-0" x 10'
- Unit Type 2.3 (2 bedroom): 7' x 10'
- Unit Type 3.2 (3 bedroom): 6'-7" x 11"-4"

6. *Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.*
   - Each of the three buildings provide four entrances at grade level with 10 units adjacent to private open space. There are not more than four dwelling units that share a common entrance.

7. *Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.*
   - Each of the three buildings appear to have entrances visible from sidewalks and parking area.

8. *Provide porches or roofed overhangs over building entrances.*
   - Each of the three buildings appear to have roofed overhangs over entrances, per side elevation drawings.

9. *Set back buildings or entries so that the entry paths extend at least ten (10) feet from the sidewalk or public circulation walkway. Do not provide access to apartments via long-shared access galleries.*
   - This standard is applicable to site design.

5. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4:

The proposed development consists of three new apartment buildings, each consisting of 30 dwelling units, and six 5-bay garage buildings. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*.

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.*

  Generally Compliant:
  - The higher order street is South Carlisle Street, a paved town street. The facility does not have an official entrance located along S Carlisle Street. The three buildings face the internal roadway that goes through the site.

- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*
  Generally Compliant:
  - Each apartment building has a mean building height of 38'-2 ¾" and an overall width of 95'-5". The overall width of the building is segmented into two sections by a projection creating building segments of 42'- 3 1/2" and 45' 6 1/2". The width of each building segment is not twice the building height. The building segment is created by the change in roofline and a projection of 4'8."

- 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 shows that the apartment buildings are comprised 80.66% brick material.

- UDO §4.10.4 (D) *states that windows shall be glazed in non-reflective clear glass. Windows and doors shall comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.*
  Generally Compliant:
  - The applicant's windows and doors comprise of approximately 31% of street facing building facades between two (2) and ten (10) feet above the grade of the building entry, which in in compliance. The applicant states the windows will be glazed in non-reflective clear glass.

- UDO §4.10.4 (E) *states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.*
  Generally Compliant:
  - The applicant states there are no awnings.

- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*
  Generally Compliant:

- The applicant states there will be no galleries or arcades provided.

- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider that 100'.*
  Generally Compliant:
  - The applicant states the apartment building is segmented into three sections separated by two breezeway entrances. The segments are as follows 33'-2", 9'-9", 89'-8", 9'-9", 33'-2" which follows this standard.

- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*
  Generally Compliant:
  - The applicant has stated that all HVAC mechanical units will be screened by landscaping. They are placed in groups of 3 or 6 around the perimeter of the building. They are represented by the small boxes seen around the perimeter on the site plan and are not located between the building and the street.

- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*
  Generally Compliant:
  - The garage doors and loading bays face an interior lot line service drive. The 5-bay garage is a one-story structure with a mean roof height of 12'-11-1/2". The building dimensions of the garage is 65' width by 21' length. The structure will include four 11'-10" garage bays and one 15'-11" center garage bay. The exterior building materials will include brick and a mixture of horizontal and shake siding with a black architectural shingled roof. The structure will include five white garage doors and black exterior light fixtures. The building material colors will match the apartment building colors.

- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*
  Generally Compliant:
  - The applicant states that each building will have a sign with the street numbers on the building on the front of the elevation. All signs will be black with white numbering. The applicant states there is not a unified sign plan where the site is located but will follow the guidelines set forth in the Town of Southern Pines UDO Section 4.6 for signage.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Color Elevations
5. Building Material Specs
6. Site Plan

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 as well as the planned development zoning district purpose and development standards per UDO §3.5.14.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-14-22;

2. Approve AR-14-22 with the following conditions…

3. Deny AR-14-22;

Town of Southern Pines
Chartered 1887
North Carolina

Architectural Compliance Permit Application

Date Received: _____	Fee Paid: _____	Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: The Luxe at Morganton Park

Street Address: TBD - Connects to Legends Drive, Southern Pines

PIN: 8572005023.04 Parcel ID: 20190146 Zoning: PD

Type of building (retail, office, etc.): Apartment building Total square footage: 46,744

Applicant:

Name: Morganton Park II, LLC

Email: casey@cavinessandcates.com Phone: 910-481-0503

Mailing Address: 639 Executive Place Suite 400
Fayetteville, NC 28305

Legal Property Owner(s), if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

Date: 5/2/22

Applicant
Watson Caviness

1/12/22

Excise Tax: $0.00

PIN: 857200502304

Return after recording to: Grantee

This instrument was prepared by: B. Zachary Taylor of Manning, Fulton & Skinner, P.A.
[NO TITLE EXAMINATION PERFORMED BY PREPARER]

Brief description for the Index: 1.08 Ac. & 7.48 Ac., McNeill TP

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED is made as of the 31st day of March, 2022, by and between

GRANTOR	GRANTEE
ITAC 483, LLC, a North Carolina limited liability company 639 Executive Place, Suite 400 Fayetteville, NC 28305	**Morganton Park II, LLC,** a North Carolina limited liability company 639 Executive Place, Suite 400 Fayetteville, NC 28305

The property conveyed by this instrument **does not** include the primary residence of Grantor.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine, or neuter as required by context.

WITNESSETH, that Grantor, for valuable consideration paid by Grantee, the receipt of which is hereby acknowledged has given, granted, bargained, sold, and conveyed, and by these presents does hereby give, grant, bargain, sell, and convey unto Grantee in fee simple, all those certain lots or parcels of land situated in Moore County, North Carolina, and more particularly described as follows (the "Property"):

See Exhibit A attached hereto and incorporated herein by reference.

The Property was acquired by Grantor by that certain deed recorded in Book 5758, Page 287, Moore County Registry.

TO HAVE AND TO HOLD the aforesaid lots or parcels of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under, or through Grantor, other than the following exceptions: (i) ad valorem taxes for the year 2022 and subsequent years; (ii) enforceable easements, restrictions, covenants, rights of way and other matters of record; and (iii) matters which would be revealed by a current and accurate survey of the Property.

[signature and notary acknowledgment follows]

IN WITNESS WHEREOF, Grantor has duly executed the foregoing as of the day and year first above written.

GRANTOR:

ITAC 483, LLC,
a North Carolina limited liability company

By: Hidden Lake Apartments, LLC,
a North Carolina limited liability company, its sole Member

By: _____(SEAL)
Watson G. Caviness, Member-Manager

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Watson G. Caviness

Date: March 3, 2022

Notary Public: _____

Printed Name: Shannon C McNeill

My Commission Expires: 6/9/2025

(NOTARY SEAL)
SHANNON C. MCNEILL NOTARY PUBLIC CUMBERLAND COUNTY, N.C.

EXHIBIT A

Legal Description of Property

Tract One:

Being all of Tract 2B, consisting of 1.08 acres, more or less, as shown on plat entitled "Subdivision Plat of Lot 2B-Morganton Park and Lot 2A" duly recorded in Plat Cabinet 19, Slide 169, of the Moore County, NC, Registry.

Tract Two:

Being all of Tract 5B, consisting of 7.48 acres, more or less, as shown on plat entitled "Subdivision Plat of Lot 5A and 5B Morganton Park" duly recorded in Plat Cabinet 19, Slide 170 of the Moore County, NC, Registry.

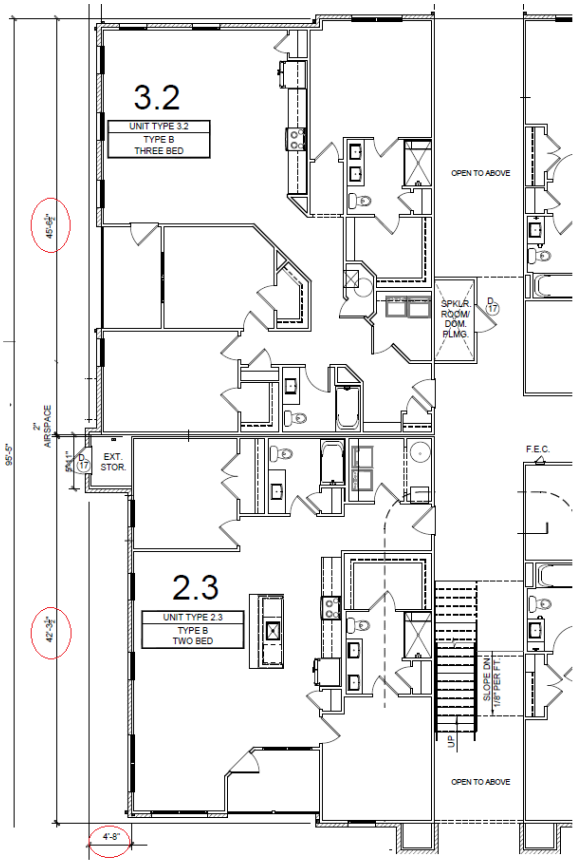
To: Town of Southern Pines Planning Department
From: Morganton Park II, LLC
Date: 07/05/22 - Updated
RE: The Luxe at Morganton Park – Architectural Compliance Permit Application

The Luxe at Morganton Park is an apartment community owned by Morganton Park II, LLC. The community will include three (3) 30-unit apartment buildings and six (6) 5-bay detached garage structures. The Luxe at Morganton Park will be located off South Carlisle Street neighboring The Legends at Morganton Park and Southern Pines Elementary.

Town of Southern Pines UDO 4.10.4 – Building Design Requirements:

(A) Building Orientation & Entries: The front of each apartment building and garage are orientated to face the internal street of the community.

(B) 2-3 Building Dimensions: Each apartment building has a mean building height of 38'-2 ¾" and an overall width of 95'-5". The overall width of the building is segmented into two sections by a projection creating building segments of 42'- 3 1/2" and 45' 6 1/2". The width of each building segment is not twice the building height. The building segment is created by the change in roofline and a projection of 4'8", see below.



(C) Building Materials: The apartment buildings are comprised of a total of 80.66% brick material on the front, rear, & sides facades. The remaining 19.34 % of the exterior material is a mixture of horizontal and shake vinyl siding. The building will have a black architectural shingled roof along with two black metal roof breezeway entrances. The apartment building will include white exterior doors, windows, and balcony railings. The apartment building will include black exterior light fixtures throughout.

BRICK FAÇADE PERCENTAGE		
FACADE	**BRICK AMOUNTS**	**NON-BRICK AMOUNTS**
FRONT	1,819	1,663
LEFT SIDE	1,930	126
RIGHT SIDE	1,930	126
REAR	3,562	301
TOTALS	**9,241**	**2,216**
PERCENTAGES	**80.66%**	**19.34%**

1. The use of vinyl siding as an alternative building material (UDO 4.10.4 C 1) has been selected to correspond with The Legends at Morganton Park, which includes brick and vinyl siding three story apartment buildings. The vinyl siding will give the equivalent appearance of cementitious siding and will have equal durability.

(D) Windows:

1. All windows on the apartment buildings will be glazed in non-reflective, clear glass.

3. The windows & doors on the apartment buildings will comprise of approximately 31% of the street facing building façade between 2 and 10 feet above the grade of the building entry.

(E) Awnings: Not applicable – not located in the CB district.

(F) Galleries and Arcades: The buildings will not have galleries or arcades.

(G) Roofs: The apartment buildings are segmented into three sections separated by two breezeway entrances. The segments are as follows 33’-2”, 9’-9”, 89’-8”, 9’9”, 33’2”.

(H) Mechanical Equipment: All HVAC mechanical units will be screened by landscaping. The units are placed in groups of 3 or 6 around the perimeter of the building. The units are represented by the small boxes seen around the building perimeter on the site plan and not located between the building and the street.

(I) Loading Zones & Garage Bays: All garage doors and loading bays face an interior lot line service drive. The 5-bay garage is a one-story structure with a mean roof height of 12'-11-1/2". The building dimensions of the garage is 65' width by 21' length. The structure will include four 11'-10" garage bays and one 15'-11" center garage bay. The exterior building materials will include brick and a mixture of horizontal and shake siding with a black architectural shingled roof. The structure will include five white garage doors and black exterior light fixtures.

(J) Signage: Each apartment building will have street number sign located on the building front. All signage will be black with white numbering. All signage will follow the guidelines of the Town of Southern Pines UDO Section 4.6 and any guidelines set by the PUD.

Town of Southern Pines UDO 4.10.8 – Building Design Requirements

(C) Building Design, Multi-family Development:

1. The apartment buildings will vary in exterior material colors. Two of the three buildings will have a Type 1 color scheme of darker brick and a lighter vinyl color. The third building will have a Type 2 color scheme which includes a lighter brick color paired with darker vinyl. The buildings will also vary in setbacks and orientation within the site. The garage buildings are also 1-story buildings while the apartment buildings are 3-stories.

2. The buildings are grouped in clusters where applicable.

3. The building are articulated by balcony insets along all facades of each building. Balconies step back 6 to 7 feet, in intervals less than 50' wall on center. The largest continuous wall without a step back relief is 35'.

4. The apartment buildings all have windows that face parking and open areas. Windows do not directly align with windows of adjacent structures.

5. Each apartment unit within the building has access to a private balcony. Each balcony meets the required minimum of ten feet by six feet.

-Unit Type 1.1 (1 bedroom): 6'-1" x 11'-1"
-Unit Type 2.1 (2 bedroom): 6'-11" x 10'
-Unit Type 2.2 (2 bedroom): 6'-0" x 10'
-Unit Type 2.3 (2 bedroom): 7' x 10'
-Unit Type 3.2 (3 bedroom): 6'-7" x 11"-4"

6. The perimeter of each building will have foundation planting.

7 (a). The first floor contains ten dwelling units with four grade level breezeway entrances to the units. The second and third floor contains ten dwelling units with two stairwell entrances to the units. Based on state building code, two stairs are appropriate for our per floor occupancy of 78 people. The two stairs, by code, can accommodate 360 occupants.

(b). Each of the three buildings have entrances visible from sidewalks and parking areas

(c). Each apartment building has two roofed porch entrances to the building breezeways.

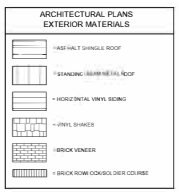
(d). This UDO is met on the site plan design.

THE LUXE AT MORGANTON PARK

Southern Pines, North Carolina

PLANWORX
ARCHITECTURE

Type 1 Building Colors



TO SCALE ON 24x36

SHEET NUMBER:

A1.5

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THE LUXE AT MORGANTON PARK

Southern Pines, North Carolina

PLANWORX
ARCHITECTURE

ARCHITECTURAL PLANS
EXTERIOR MATERIALS

- ASPHALT SHINGLE ROOF
- STANDING SEAM METAL ROOF
- HORIZONTAL VINYL SIDING
- VINYL SHAKES
- BRICK VENEER
- BRICK ROWLOCK SOLDIER COURSE

TO SCALE ON 24x36

SHEET NUMBER:

A110

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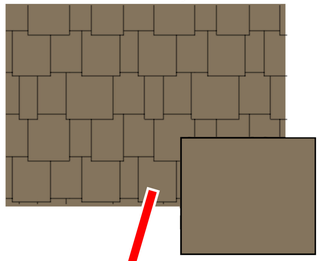
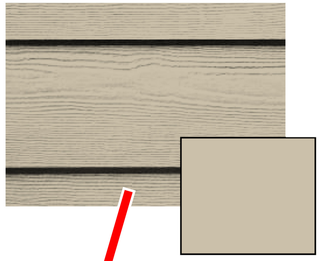
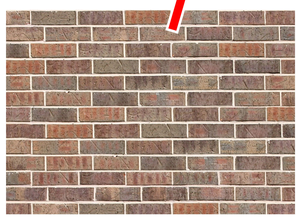
Vertical Vinyl Shake Siding
Alside, Canyon Drift



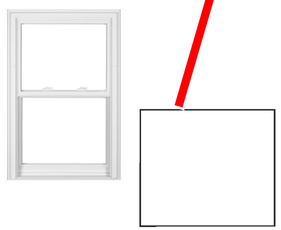
Horizontal Vinyl Lap Siding
Alside, Monterey Sand



Asphalt Shingles
CertainTeed, Landmark, Moire Black



Brick
Triangle Brick, Northampton



Windows
White

Balcony Railing
White

The Luxe at Morganton Park [material legend]

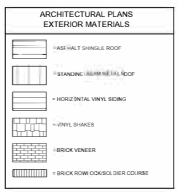
PLANWORX
ARCHITECTURE

THE LUXE AT MORGANTON PARK

Southern Pines, North Carolina

PLANWORX
ARCHITECTURE

Type 2 Building Colors



TO SCALE ON 24x36
SHEET NUMBER:
A1.5

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THE LUXE AT MORGANTON PARK

Southern Pines, North Carolina

PLANWORX
ARCHITECTURE

ARCHITECTURAL PLANS
EXTERIOR MATERIALS

- ASPHALT SHINGLE ROOF
- STANDING SEAM METAL ROOF
- HORIZONTAL VINYL SIDING
- VINYL SHAKES
- BRICK VENEER
- BRICK ROWLOCK SOLDIER COURSE

TO SCALE ON 24x36
SHEET NUMBER:
A110

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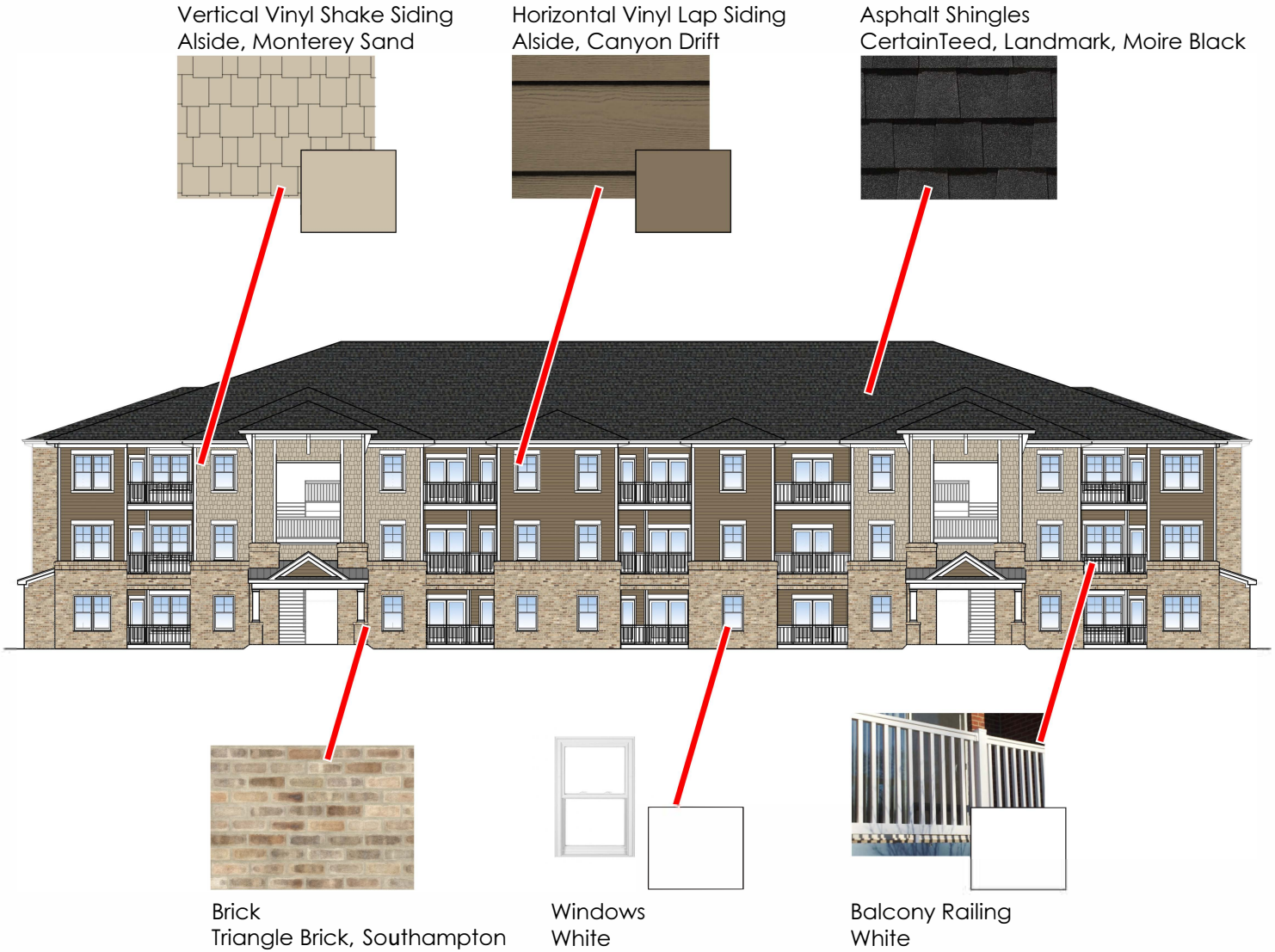


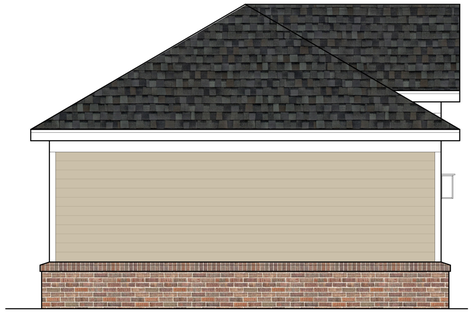
The Luxe at Morganton Park [material legend]

PLANWORX ARCHITECTURE

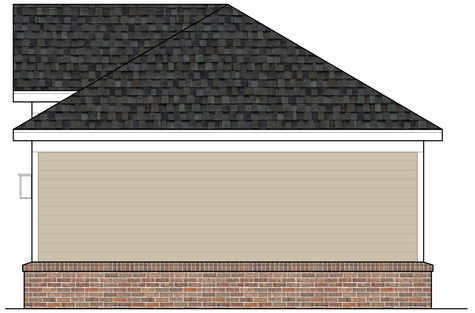
The Luxe at Morganton Park Apartments

Southern Pines, North Carolina

GARAGE - FRONT ELEVATION



GARAGE - LEFT ELEVATION



GARAGE - RIGHT ELEVATION

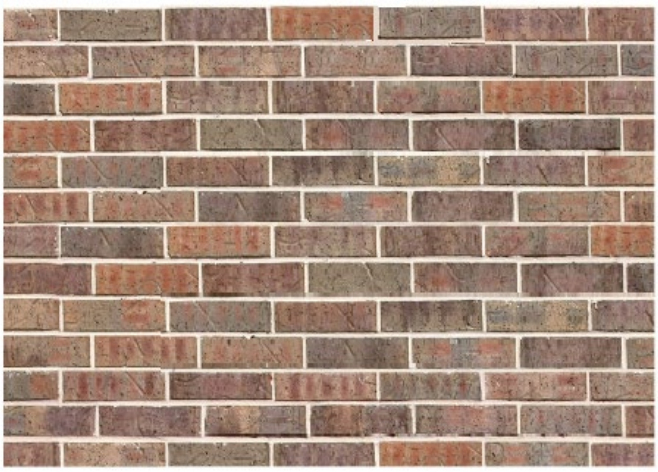
GARAGE - REAR ELEVATION

PLANWORX ARCHITECTURE

The Luxe at Morganton Park

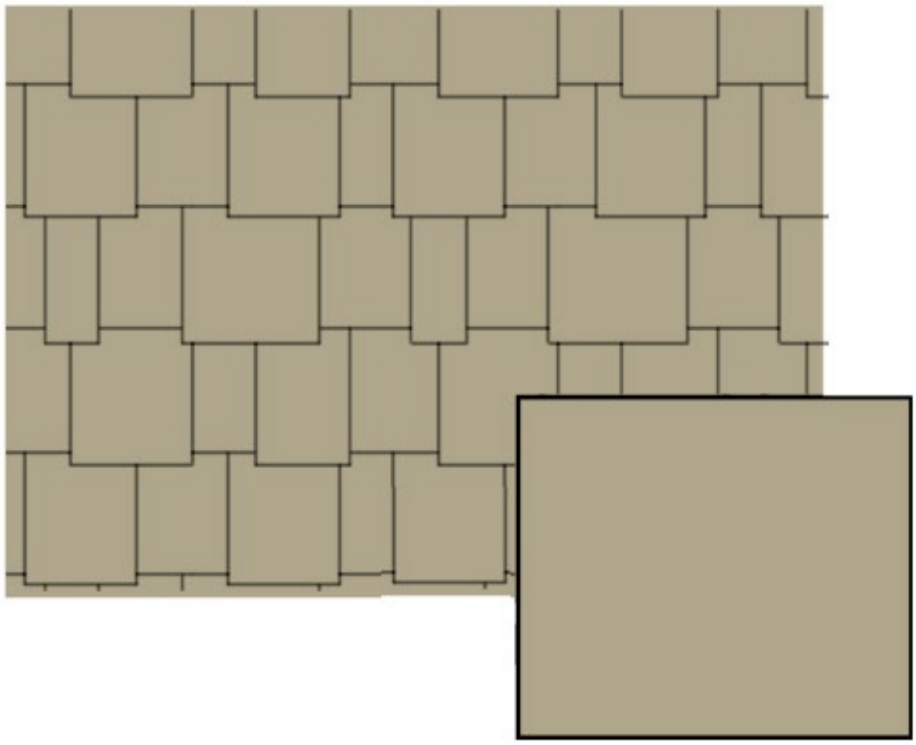
Exterior Building Materials

Brick: Triangle Brick, Northampton



Horizontal Vinyl Lap Siding: Alside, Monterey Sand

Vertical Vinyl Shake Siding: Alside, Canyon Drift



Asphalt Shingles: CertainTeed, Landmark, Moire Black

Metal Roof: Atas Internationa, Black

Window: White

Railing: White

GENERAL NOTES:

1. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH TOWN OF SOUTHERN PINES, MOORE COUNTY, AND NCDOT STANDARDS AND SPECIFICATIONS IF APPLICABLE.
2. THE CONTRACTOR SHALL OBTAIN A RIGHT-OF-WAY PERMIT FOR ANY WORK WHICH REQUIRES THE CLOSURE OF A TRAVEL LANE(S), PARKING SPACE, OR SIDEWALK FROM RIGHT-OF-WAY SERVICES AT LEAST 48 HOURS IN ADVANCE.
3. IF CONSTRUCTION PLANS FOR PUBLIC AND PRIVATE STREETS OR UTILITIES SHOWN ON THIS PLAN ARE REQUIRED, THEY MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT AND PUBLIC UTILITIES DEPARTMENT PRIOR TO ISSUANCE OF PERMITS OR RECORDING OF ANY PLAT FOR THIS DEVELOPMENT.
4. FIELD ADJUSTMENTS TO THIS PLAN MAY BE REQUIRED BY TOWN OF SOUTHERN PINES INSPECTOR AS NEEDED DURING CONSTRUCTION.
5. ALL SURVEY INFORMATION PROVIDED TO WITHERSRAVENEL, RALEIGH, NORTH CAROLINA OFFICE BY WITHERSRAVENEL, CARY, NORTH CAROLINA OFFICE IN DIGITAL FORMAT IN JULY 2021 & NOVEMBER 2021, AND SUPPLEMENTAL INFORMATION WAS OBTAINED FROM MOORE COUNTY AND TOWN OF SOUTHERN PINES GIS.
6. ALL PROPOSED CURB AND GUTTER TO BE 24" CONCRETE CURB AND GUTTER UNLESS OTHERWISE STATED ON PLANS.
7. ALL DIMENSIONS SHOWN ARE TO BACK OF CURB, UNLESS OTHERWISE STATED ON PLANS.
8. WITHIN THE SIGHT TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN 2 FEET AND 8 FEET IN HEIGHT ABOVE THE CURB LINE ELEVATION SHALL BE LOCATED IN WHOLE OR PART. OBSTRUCTIONS INCLUDE BUT ARE NOT LIMITED TO ANY BERM, FOLIAGE, FENCE, WALL, SIGN, OR PARKED VEHICLE.
9. TRASH AND CARDBOARD DUMPSTER(S) ENCLOSURE SHALL COMPATIBLE WITH MATERIAL AND/OR COLOR OF THE PRINCIPAL BUILDING.
10. CONTRACTOR TO FIELD LOCATE AND VERIFY ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION AND REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT PRIOR TO ANY CONSTRUCTION ACTIVITIES. CONTACT NC ONE AT 811 FOR FIELD LOCATION OF UNDERGROUND UTILITIES.
11. HANDICAP PARKING SPACE(S) AND HC ACCESS AISLE(S) SHALL BE NO GREATER THAN TWO PERCENT (2%) PITCH IN ANY DIRECTION(S) AS PER ADA STANDARDS.
12. PROVIDE SIGNAGE AND STRIPING OF HANDICAP SPACES AS PER ADA STANDARDS.
13. WC ACCESS RAMPS WILL BE PROVIDED IN ACCORDANCE WITH PROWAG STANDARDS AND ADAAG SPECIFICATIONS
14. ALL RAMPS AND HANDRAILS SHALL BE CONFORM TO ANSI STANDARDS.
15. ALL SIDEWALKS MUST BE ACCESSIBLE TO PERSONS WHO ARE BLIND, HAVE LOW VISION AND PEOPLE WITH MOBILITY DISABILITIES. PEDESTRIAN EXISTING ROUTES AND ALTERNATE PEDESTRIAN ROUTES DURING CONSTRUCTION WILL BE REQUIRED TO BE COMPLIANT WITH THE PUBLIC RIGHTS OF WAY ACCESSIBILITY GUIDELINES (PPOWAG), 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN AND THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
16. IF UNFORESEEN CONDITIONS DEVELOP DURING CONSTRUCTION, CONTACT PUBLIC WORKS DEPARTMENT FOR FURTHER GUIDANCE.
17. THE CONTRACTOR SHALL CONDUCT THE WORK IN A SAFE MANNER AND WITH A MINIMUM AMOUNT OF INCONVENIENCE TO TRAFFIC.
18. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TRAFFIC CONTROL AND SHALL ADHERE TO THE PROVISIONS OF THE MUTCD (MOST CURRENT EDITION).
19. ANY TEMPORARY STREET CLOSURE MUST BE SUBMITTED A MINIMUM OF 2 WEEKS PRIOR TO THE START OF WORK. PRIOR TO CONSTRUCTION BEGINNING, ALL SIGNAGE AND TRAFFIC CONTROL SHALL BE IN PLACE.
20. ALL WALLS WITH HEIGHTS IN EXCESS OF 28" REQUIRE A SAFETY FENCE TO BE INSTALLED ALONG THE TOP OF WALL.
21. ALL HANDICAP RAMPS AND STAIRS REQUIRE A HANDRAIL TO BE INSTALLED ALONG THE LENGTH OF IT.

DUMPSTER NOTE:

SOLID WASTE VALET SERVICE TO BE PROVIDED BY LEGENDS PHASE 1 PROPERTY. NO ON-SITE DUMPSTERS REQUIRED OR PROVIDED

PAVEMENT SECTION NOTE:

LIGHT DUTY PAVEMENT SECTIONS WILL BE DESIGNED WITH MINIMUM MATERIALS AND DEPTHS AS FOLLOWS:

- 2" SURFACE COURSE TYPE SF9.5 (A OR B)
- 8" AGGREGATE BASE COURSE

HEAVY DUTY PAVEMENT SECTIONS WILL BE DESIGNED WITH MINIMUM MATERIALS AND DEPTHS AS FOLLOWS:

- 1.5" SURFACE COURSE TYPE SF9.5 B
- 2.5" BINDER COURSE TYPE I19.0C
- 8" AGGREGATE BASE COURSE

(REFER TO GEOTECH REPORT DATED APRIL 21, 2021)

OPEN SPACE NOTE:

ON-SITE OPEN SPACE PROVIDED = 4.32 AC (188,300 SF)

SITE LEGEND:

RETAINING WALL

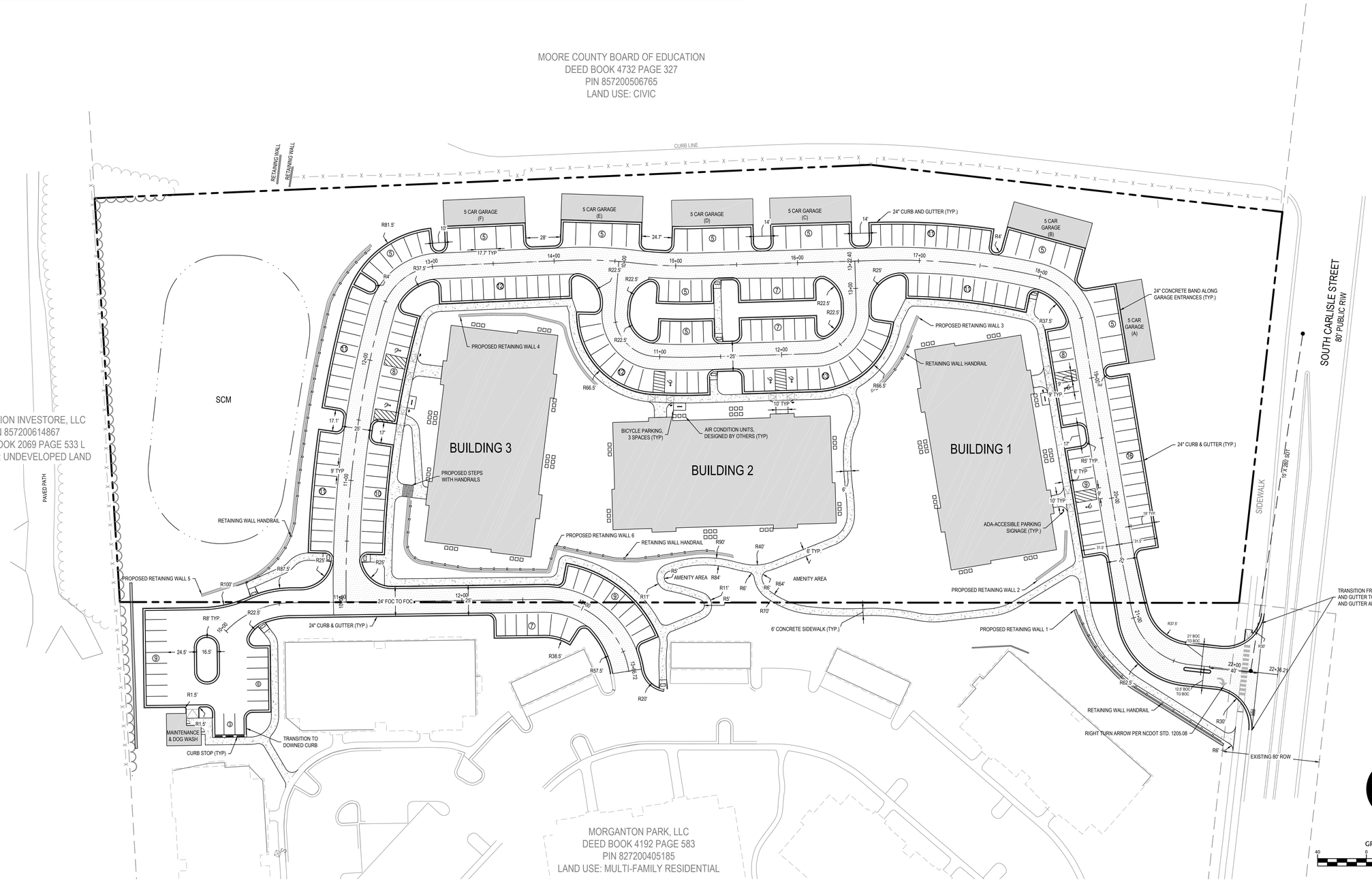
HANDRAIL

HEAVY DUTY PAVEMENT

MOORE COUNTY BOARD OF EDUCATION
DEED BOOK 4732 PAGE 327
PIN 857200506765
LAND USE: CIVIC

PLANTATION INVESTORE, LLC
PIN 857200614867
DEED BOOK 2069 PAGE 533 L
LAND USE: UNDEVELOPED LAND

MORGANTON PARK, LLC
DEED BOOK 4192 PAGE 583
PIN 827200405185
LAND USE: MULTI-FAMILY RESIDENTIAL



WithersRavenel
Engineers | Planners
137 S Wilmington Street | Suite 200 | Raleigh, NC 27601 | t: 919.469.3340 | license # C-0832
www.withersravenel.com

THE LUXE AT MORGANTON PARK

SITE PLAN

Job No.	09201342
Date	10/1/2021
Drawn By	WR
Checked By	WR
Designer	WR

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 042324 RYAN S. FISHER

PRELIMINARY
NOT APPROVED FOR CONSTRUCTION

Revisions		
1	SOUTHERN PINES COMMENTS	11/29/2021

Horizontal Datum	Vertical Datum
NAD 83	NAVD 88

Sheet No.
C2.0

I:\2020\20-13400\201342-the luxe at morganton park\CAD\drawing set\site plan\C2.0 SITE PLAN.dwg, Monday, November 29, 2021 1:19:48 PM, JSCASE

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **James Michel, Town Engineer**

Subject: **RA-02-22: Request for Abandonment of Town Rights-of-Way to Vacate Sections of Mechanic Street and West Rhode Island Avenue**

Date: **August 9, 2022**

I. SUMMARY OF REQUEST:

Mr. Robert Koontz, on behalf of VG Pines Residential LLC, has submitted a request for the abandonment of Mechanic Street from West Rhode Island Avenue to the right-of-way for US Highway 1 (see Figure 1) as well as the portion of Rhode Island Avenue that extends through the parcel currently owned by VG Pines Residential LLC and identified as PIN 858214321933 (PARID 00039174) (see Exhibit A).

II. STAFF COMMENTS:

Mechanic Street:
The sections of right-of way for which the petitioner is requesting abandonment are not included in the Town's street listing and the Town does not receive any state street aide allocations under the NCDOT Powell Bill Program for the sections of right-of-way. There is no public transportation infrastructure nor are there any public utilities located within the right-of-way. Pursuant to NCGS §160A-299 and UDO §2.29, in order for a public right-of-way to be abandoned, a Resolution of Intent to Vacate a Section of Town Right of Way must be adopted by the Town Council and a public hearing regarding the request must be held. A draft of the Resolution for the Council's consideration is attached to this report.

West Rhode Island Avenue:
This section of right-of-way is different from that of Mechanic Street in that a previous property owner had filed with Moore County a Revocation of Street Dedication in January of 2002. Staff reviewed this document with the Town Attorney and researched historical Town files and documents, and found the following.

1. That a private roadway existed along this stretch of Rhode Island at least as far back as 1939 based on aerial imagery from that year.

2. That an offer of dedication had been made based on the Map Book 3 Page 31 Knollwood Center plat and corresponding Deed Book 156 Page 269 Deed which refer to public rights-of-way.

3. That there are no records of the Town explicitly accepting the dedication via formal action of Council based on a review of old Council meeting Minutes.

4. That there are no records of the Town implicitly accepting the dedication based on knowledge and history of maintenance along the ROW, lack of utility installation, use of Town funds for improvements, or other typically recognized means of implicit acceptance for this area of Rhode Island Avenue.

5. That the Town Powell Bill records going back to 1952 never extended to this area of Rhode Island Avenue.

6. That in Owens v. Elliott :: 1962 :: North Carolina Supreme Court Decisions :: North Carolina Case Law :: North Carolina Law :: US Law :: Justia stated:

   Where lots are sold and conveyed by reference to a map which represents a division of a tract of land into subdivisions of streets and lots, such streets become dedicated to the public use, and a purchaser of a lot or lots located in the subdivision acquires the right to have all and each of the streets kept open; and it makes no difference whether the streets be in fact opened or accepted by the appropriate public authority. However, the dedication referred to in the preceding sentence, insofar as the general public is concerned, without reference to any claim or equity of the purchasers of lots in the subdivision, is but a revocable offer and is not complete until accepted, and neither burdens nor benefits with attendant duties may be imposed on the public unless in some proper way it has consented to assume them. Steadman v. Pinetops, 251 N.C. 509, 515, 112 S.E.2d 102; Blowing Rock v. Gregorie, 243 N.C. 364, 90 S.E.2d 898; Rowe v. Durham, 235 N.C. 158, 69 S.E.2d 171; Lee v. Walker, 234 N.C. 687, 68 S.E.2d 664.

7. **§ 160A-299. Procedure for permanently closing streets and alleys.** (d) This section shall apply to any street or public alley within a city or its extraterritorial jurisdiction that has been irrevocably dedicated to the public, without regard to whether it has actually been opened. This section also applies to unopened streets or public alleys that are shown on plats but that have not been accepted or maintained by the city, provided that this section shall not abrogate the rights of a dedicator, or those claiming under a dedicator, pursuant to G.S. 136-96.

Upon review and analysis of the facts, the Town Attorney is of the opinion that it would be neither legally appropriate nor prudent for the Town to purport to close, abandon, or vacate any portion of any area referred to on a plat or otherwise as Rhode Island Avenue.

Figure 1: Vicinity Map (approximate location of right-of-way outlined in red)

III. ATTACHMENTS:

1. Request to abandon the right-of-way
2. Draft Resolution
3. Materials added at Council's Request following August 3, 2022 Agenda Meeting:
   a. 1939 Southern Pines Image
   b. Knollwood Center Plat
   c. 2002 West Rhode Island right of way revocation
   d. 1952 Powell Bill Map

IV. TOWN COUNCIL ACTION:

The Town Council is being asked to consider a Resolution to call for a public hearing on a request to vacate sections of Town right-of-way for Mechanic Street based upon the provisions outlined in UDO §2.29. The Council may choose one of the following motions, or any alternative they wish:

1) I move to approve the Resolution calling for a public hearing on a request to vacate sections of Town right-of-way for Mechanic Street under application RA-02-22.

   OR

2) I move to deny approval of the Resolution calling for a public hearing on a request to vacate sections of Town right-of-way for Mechanic Street under application RA-02-22.

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

June 27 2022

Reagan Parsons
Town Manager
Town of Southern Pines
125 SE Broad Street
Southern Pines, NC 28374

Re: Revised Right-of-Way Abandonment Request
Mechanic Street and Rhode Island Avenue

Dear Mr. Parsons,

On behalf of VG Pines Residential, LLC ("VG Pines") we would like to request the abandonment of (a) the remainder of Mechanic Street from West Rhode Island Avenue to the right-of-way for US Highway 1 and (b) out of an abundance of caution, the previously revoked portion of Rhode Island Avenue that formerly extended through the VG Pines property .

Mechanic Street: The request includes two (2) remaining sections of the Mechanic Street right-of-way. The portion of Mechanic Street, from West Maine Avenue to West Rhode Island Avenue (shown in yellow on the enclosed Exhibit A, was abandoned in 2016. My client, is requesting the abandonment of the remaining portions of Mechanic Street as described in the approval of the Patrick's Pointe project on March 8, 2022

A sewer line currently crosses Parcel ID 00039174 from the end of West Maine Avenue to the US Highway 1 right-of-way. An easement for this utility line will be provided for the portion of Mechanic Street right-of-way which is proposed for abandonment. The total area of requested abandonment is 53,694 sf. As a result of the proposed right-of-way abandonment, Wolfbridge Holdings, LLC would receive +/- 3,116 sf, Silver Ridge Holdings, LLC would receive +/- 9,068 sf and VG Pines Residential would receive +/- 41,296 sf of the abandoned right-of-way area.

Rhode Island Avenue: The extent to which a right of way for Rhode Island Avenue across the VG Pines property ever existed is entirely unclear. Several recorded maps show a possible right of way extending a portion of Rhode Island Avenue across the VG Pines property, however, a formal offer of dedication for the same has not been located by VG Pines. Additionally, the Town of Southern Pines has also not been able to locate a formal offer of dedication of the possible right of way. Further, there is no evidence of an express or implied acceptance of the right of way as is required by North Carolina law (i.e., by a written ordinance or order from the Town Council accepting the right of way or the more informal acceptance by use of the road by the public, control and maintenance of the road by public authorities). Moreover, in 2002, the then owner of the VG Pines property recorded a Revocation of Street Right of Way at Book 1911, Page 93 (see attached Exhibit B) (the "Revocation"). That Revocation refers to any alleged streets shown on a map recorded in Book 1, Page 23 (recorded in 1924) and also "any other recorded maps or documents showing the property herein described"). The revocation language refers to a metes and bounds description that aligns closely with current day Town maps.

150 SOUTH PAGE STREET
SOUTHERN PINES, NC 28387
P: 910.684.8487

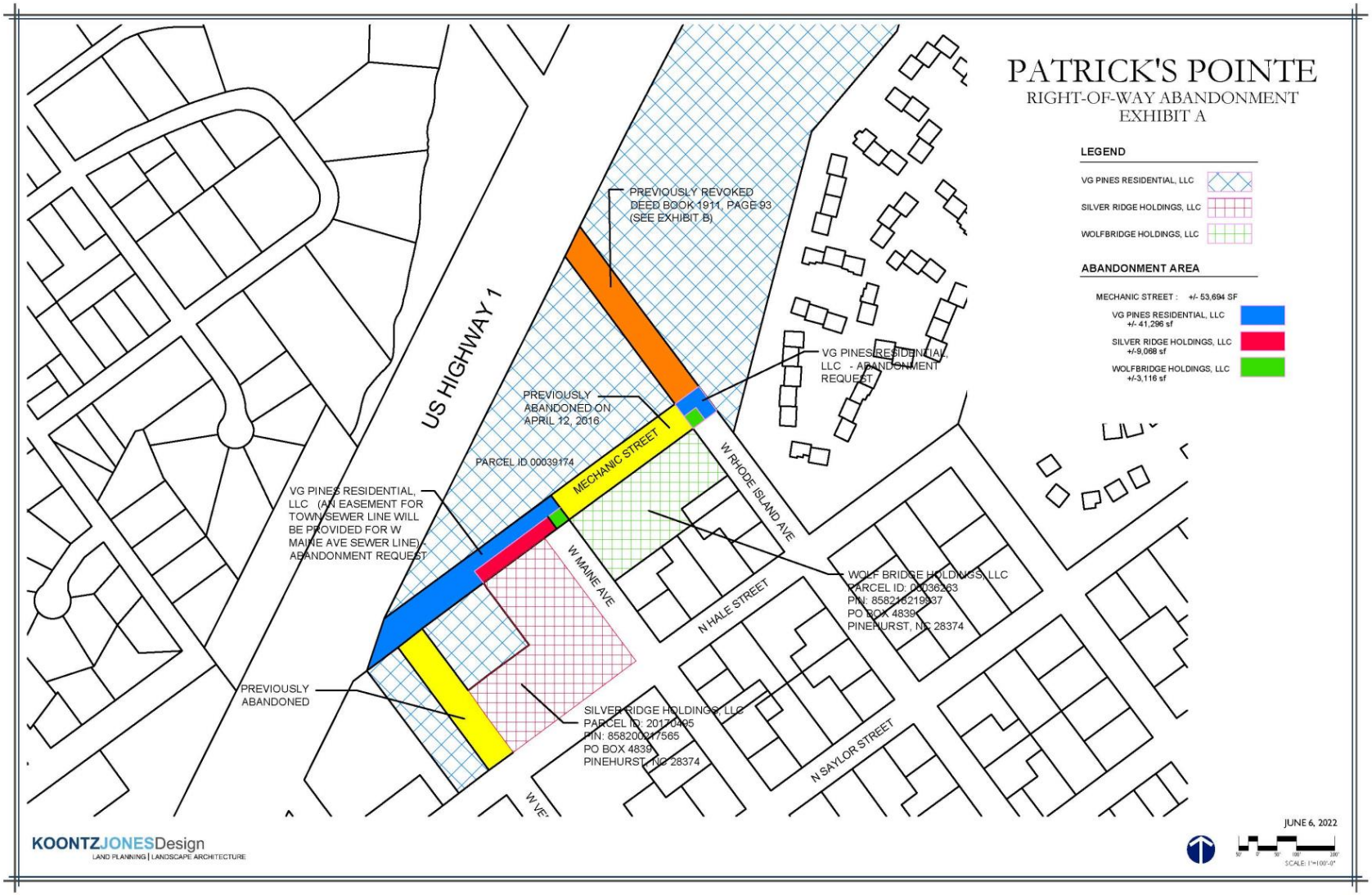
Based on (a) the failure of an actual offer to dedicate the right of way; (b) the lack of any express or implied acceptance of the right of way; and (c) the 2002 Revocation of any such right of way, it is evident that no such right of way exists. However, out of an abundance of caution, VG Pines hereby includes in this request for abandonment any and all such possible street right of way for any portion of Rhode Island Avenue on the VG Pines property. Such abandonment will include, without limitation, any such possible Rhode Island Avenue street dedications on the VG Pines property as shown on the following recorded or unrecorded maps: (i) Book of Maps 1, P. 23; (ii) Book of Maps 3, Page 31; (iii) The 1927 Town Map; (iv) 1955 Jas B Swet Map and (v) any other recorded Town maps or instruments.

VG Pines Residential, LLC requests the abandonment of the Mechanic Street right of way and the alleged Rhode Island right-of-way (as described above) be considered by the Town Council pursuant to Section 2.29.2 to advertise and conduct a public hearing at its next available business meeting.

Should any additional information need to be provided to execute the abandonment of the Mechanic Street, please advise and we will provide the additional documentation.

Best Regards,

Robert Koontz, PLA


PATRICK'S POINTE
RIGHT-OF-WAY ABANDONMENT
EXHIBIT A
LEGEND
VG PINES RESIDENTIAL, LLC
SILVER RIDGE HOLDINGS, LLC
WOLFBRIDGE HOLDINGS, LLC
ABANDONMENT AREA
MECHANIC STREET : +/- 53,694 SF
VG PINES RESIDENTIAL, LLC +/- 41,296 sf
SILVER RIDGE HOLDINGS, LLC +/-9,068 sf
WOLFBRIDGE HOLDINGS, LLC +/-3,116 sf
US HIGHWAY 1
PREVIOUSLY REVOKED DEED BOOK 1911, PAGE 93 (SEE EXHIBIT B)
VG PINES RESIDENTIAL, LLC - ABANDONMENT REQUEST
PREVIOUSLY ABANDONED ON APRIL 12, 2016
PARCEL ID 00039174
MECHANIC STREET
W RHODE ISLAND AVE
VG PINES RESIDENTIAL, LLC (AN EASEMENT FOR TOWN SEWER LINE WILL BE PROVIDED FOR W MAINE AVE SEWER LINE) ABANDONMENT REQUEST
W MAINE AVE
N HALE STREET
WOLF BRIDGE HOLDINGS, LLC
PARCEL ID: 00036283
PIN: 858218219937
PO BOX 4839
PINEHURST, NC 28374
PREVIOUSLY ABANDONED
SILVER RIDGE HOLDINGS, LLC
PARCEL ID: 20170495
PIN: 858200217565
PO BOX 4839
PINEHURST, NC 28374
N SAYLOR STREET
JUNE 6, 2022
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

TOWN COUNCIL RESOLUTION OF INTENT TO VACATE SECTIONS OF TOWN RIGHT-OF-WAY FOR MECHANIC STREET RA-02-22

WHEREAS, VG Pines Residential LLC has submitted a request for the vacation of right-of-way for Mechanic Street from West Rhode Island Avenue to the right-of-way for US Highway 1;

WHEREAS, G.S. 160A-299 authorizes the Town of Southern Pines Town Council to close any street or public alley within the Town;

WHEREAS, the Town of Southern Pines owns the aforementioned sections of right-of-way; and

WHEREAS, the sections of right-of-way for which the petitioner has requested vacation are not shown on any Town street listings or transportation maps and the Town has no current or future plans to improve the sections of right-of-way; and

WHEREAS, there is an existing Town sewer line along West Maine Avenue that extends through the Mechanic Street right-of-way; and

WHEREAS, VG Pines Residential LLC will be required to provide a utility easement for the West Maine Avenue sewer line; and

WHEREAS, pursuant to § 2.29.2 of the Unified Development Ordinance, in order for a street or alley to be vacated, the Town Council must adopt a Resolution of Intent to Vacate and hold a public hearing.

NOW THEREFORE, BE IT RESOLVED by the Town of Southern Pines Town Council at its regular business meeting held on August 9, 2022 that:

1. The Town of Southern Pines hereby intends to vacate the sections of right-of-way for Mechanic Street bounded by the rights-of-way for West Rhode Island Avenue and US Highway 1 as shown on the map attached hereto as Exhibit A.

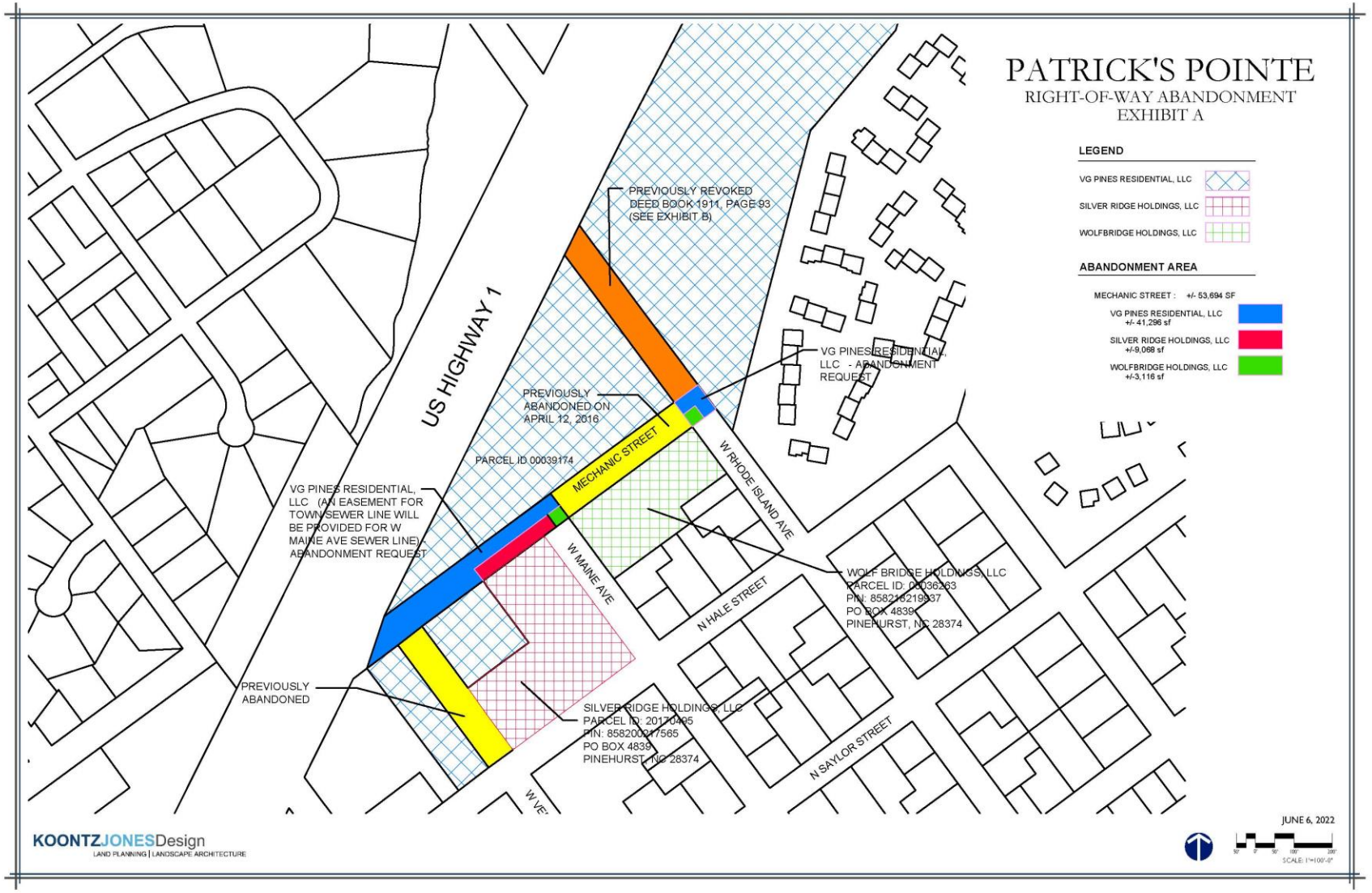
2. A public hearing will be held during the regular business meeting of the Town of Southern Pines Town Council on September 13, 2022 at 6:00 PM to consider adopting an Order to vacate the sections of Town right-of-way for Mechanic Street as shown on the map attached hereto as Exhibit A.

Adopted this the 9th day of August, 2022.

_____
Carol R. Haney, Mayor

_____
Elizabeth Robertson, Town Clerk

Exhibit A


PATRICK'S POINTE
RIGHT-OF-WAY ABANDONMENT
EXHIBIT A
LEGEND
VG PINES RESIDENTIAL, LLC
SILVER RIDGE HOLDINGS, LLC
WOLFBRIDGE HOLDINGS, LLC
ABANDONMENT AREA
MECHANIC STREET : +/- 53,694 SF
VG PINES RESIDENTIAL, LLC +/- 41,296 sf
SILVER RIDGE HOLDINGS, LLC +/-9,068 sf
WOLFBRIDGE HOLDINGS, LLC +/-3,116 sf
US HIGHWAY 1
PREVIOUSLY REVOKED DEED BOOK 1911, PAGE 93 (SEE EXHIBIT B)
VG PINES RESIDENTIAL, LLC - ABANDONMENT REQUEST
PREVIOUSLY ABANDONED ON APRIL 12, 2016
PARCEL ID 00039174
MECHANIC STREET
W RHODE ISLAND AVE
VG PINES RESIDENTIAL, LLC (AN EASEMENT FOR TOWN SEWER LINE WILL BE PROVIDED FOR W MAINE AVE SEWER LINE) ABANDONMENT REQUEST
W MAINE AVE
N HALE STREET
WOLF BRIDGE HOLDINGS, LLC PARCEL ID: 00036263 PIN: 858218219937 PO BOX 4839 PINEHURST, NC 28374
PREVIOUSLY ABANDONED
SILVER RIDGE HOLDINGS, LLC PARCEL ID: 20170495 PIN: 858200017565 PO BOX 4839 PINEHURST, NC 28374
N SAYLOR STREET
JUNE 6, 2022
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

JAN 2 - 1939

ACQ 28 219

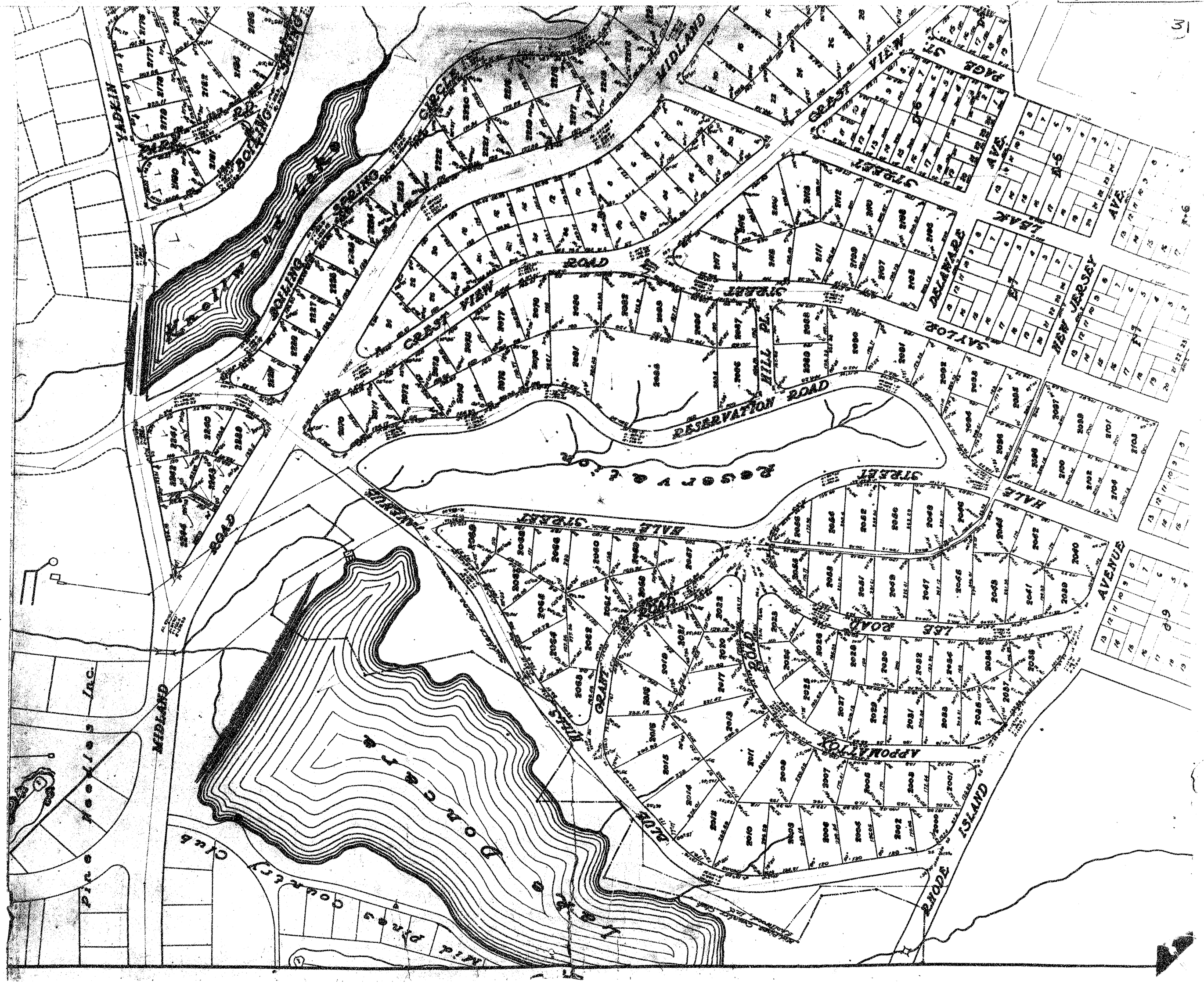
Knollwood Center

A Division of

KNOLLWOOD, INC.

SECTION 6

SECTION 2


31
CREST VIEW
MIDLAND
CIRCLE
ROLLING
ROAD
YADKIN
ROAD
BOLLING
ROAD
CREST VIEW ROAD
STREET
HILL
RD.
RESERVATION ROAD
PAGE ST.
LEAK AVE.
DELAWARE
NEW JERSEY
SAYLOR
HALE STREET
LEE ROAD
APPOMATTOX
ROAD
MIDLAND
ROAD
Pine Woods Inc.
Country Club
Pine
Pine Point
Donegal
Park
RHODE ISLAND
AVENUE
39

FOR REGISTRATION REGISTER OF DEEDS
JUDY D MARTIN
MOORE COUNTY, NC
2002 JAN 16 04:01:34 PM
BK.1911 PG:93-97 FEE:$23.00
INSTRUMENT # 2002000926

Mail

Prepared by and After Recording Return to:
Poyner & Spruill LLP (Dempster)
Post Office Box 10096
Raleigh, North Carolina 27605-0096

STATE OF NORTH CAROLINA

REVOCATION OF STREET DEDICATION

MOORE COUNTY

THIS REVOCATION OF STREET DEDICATION is made this 11 day of January, 2002 by **SOUTHERN PINES TWO LIMITED PARTNERSHIP**, a North Carolina limited partnership having an address of 2707 Fitzford Court, Durham, North Carolina, 27712;

WHEREAS, in January 1924, Knollwood, Inc recorded a map in Book 1, Page 23, Moore County Registry (such map and any other recorded maps or documents showing the property herein described, the "**Map**"). The Map delineates certain lots and streets in the Village of Southern Pines, a municipal corporation. The Map does not appear to be an offer of dedication of the streets located thereon However, to the extent that an offer of dedication could be inferred, the current owner, **SOUTHERN PINES TWO LIMITED PARTNERSHIP**, successor-in-interest to Knollwood, Inc., desires to withdraw that offer as to a portion of one of those streets, in particular, that portion indicated to be a part of Rhode Island Avenue and as described by metes and bounds in the attached **Exhibit A**

WHEREAS, the Village of Southern Pines has never accepted the property described in **Exhibit A** for maintenance and the same has not become a Village maintained Street within the Southern Pines Village limits. The property described in **Exhibit A** has never been opened and used by the public as a street and is not necessary for ingress or egress to any parcel of land.

NOW, THEREFORE, to the extent that an offer to dedicate the property described in **Exhibit A** was ever made to the Village of Southern Pines, it is hereby revoked and shall hereby become null and void and shall be of no further effect.

(Signatures Contained On Next Page)

IN WITNESS WHEREOF, **SOUTHERN PINES TWO LIMITED PARTNERSHIP** has executed this instrument as of the day and year first above written.

SOUTHERN PINES TWO LIMITED PARTNERSHIP, a North Carolina limited partnership

By: _____
Robert J. Howell, General Partner

By: _____
W. Wayne Jordan, General Partner

By: _____
J. Louis Liberty, Jr., General Partner

STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public for the County and State aforesaid, do hereby certify that **ROBERT J. HOWELL SR.** personally came before me this day and acknowledged that they are the General Partners of **SOUTHERN PINES TWO LIMITED PARTNERSHIP**, a North Carolina limited partnership, and that they, as General Partners, being authorized to do so, executed the foregoing on behalf of said limited partnership. Witness my hand and official seal, this the 11th day of January, 2002.

My Commission Expires:

March 29, 2003

Frederick C. Hine

Notary Public

(Affix Seal)

FREDERICK C. HINE NOTARY PUBLIC DURHAM COUNTY, N.C.

STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public for the County and State aforesaid, do hereby certify that **W. WAYNE JORDAN** personally came before me this day and acknowledged that they are the General Partners of **SOUTHERN PINES TWO LIMITED PARTNERSHIP**, a North Carolina limited partnership, and that they, as General Partners, being authorized to do so, executed the foregoing on behalf of said limited partnership. Witness my hand and official seal, this the 11th day of January, 2002.

My Commission Expires.

March 29, 2003

Frederick C. Hine

Notary Public

(Affix Seal)

FREDERICK C. HINE NOTARY PUBLIC DURHAM COUNTY, N.C.

STATE OF NORTH CAROLINA

COUNTY OF Durham

I, a Notary Public for the County and State aforesaid, do hereby certify that **J. LOUIS LIBERTY, JR.** personally came before me this day and acknowledged that they are the General Partners of **SOUTHERN PINES TWO LIMITED PARTNERSHIP**, a North Carolina limited partnership, and that they, as General Partners, being authorized to do so, executed the foregoing on behalf of said limited partnership. Witness my hand and official seal, this the 11th day of January, 2002.

My Commission Expires

March 29, 2003

Frederick C. Hine

Notary Public

(Affix Seal)

FREDERICK C. HINE NOTARY PUBLIC DURHAM COUNTY, N.C.

RALEIGH\1044\7.2

EXHIBIT A

LEGAL DESCRIPTION

Being all of that certain tract or parcel of land located in Moore County, Town of Southern Pines, North Carolina and being more particularly described as follows.

Commencing at an existing concrete monument located in the proposed right-of-way of W. Rhode Island Avenue (having a 80' R/W) and also being a corner of the property either now or formerly owned by Village Green, thence North 36 degrees 26 minutes 55 minutes West 149 83 feet to and existing iron pipe located in the proposed right-of-way of W Rhode Island Avenue (having a 80' R/W) and being the POINT AND PLACE OF BEGINNING; thence North 36 degrees 26 minutes 55 seconds West 524 95 feet to an existing concrete monument located in the edge of dirt service road; thence South 26 degrees 27 minutes 47 seconds 89.95 feet to a point in the edge of the right-of-way of dirt service road; thence leaving the edge of the right-of-way dirt service road S 36 degrees 26 minutes 55 seconds East 484.04 feet to an existing concrete monument located in the proposed right-of-way of Mechanic Street (having a 80' R/W); thence continuing with the proposed right-of-way of Mechanic Street (having a 80; R/W) N 53 degrees 33 minutes 03 seconds East 80 00 feet to and existing iron pin, THE POINT AND PLACE OF BEGINNING and being a portion of the area shown as Rhode Island Avenue on recorded Plat Book 1, Page 23, Moore County Registry

JUDY D. MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

****

Filed For Registration: 01/16/2002 04:01:34 PM

Book: RE 1911 Page: 93-97

Document No.: 2002000926

NTC 5 PGS $23.00

Recorder: JEANETTE CHISHOLM

****

State of North Carolina, County of Moore

The foregoing certificate of FREDERICK C HINE Notary is certified to be correct This 16TH of January 2002

JUDY D. MARTIN , REGISTER OF DEEDS

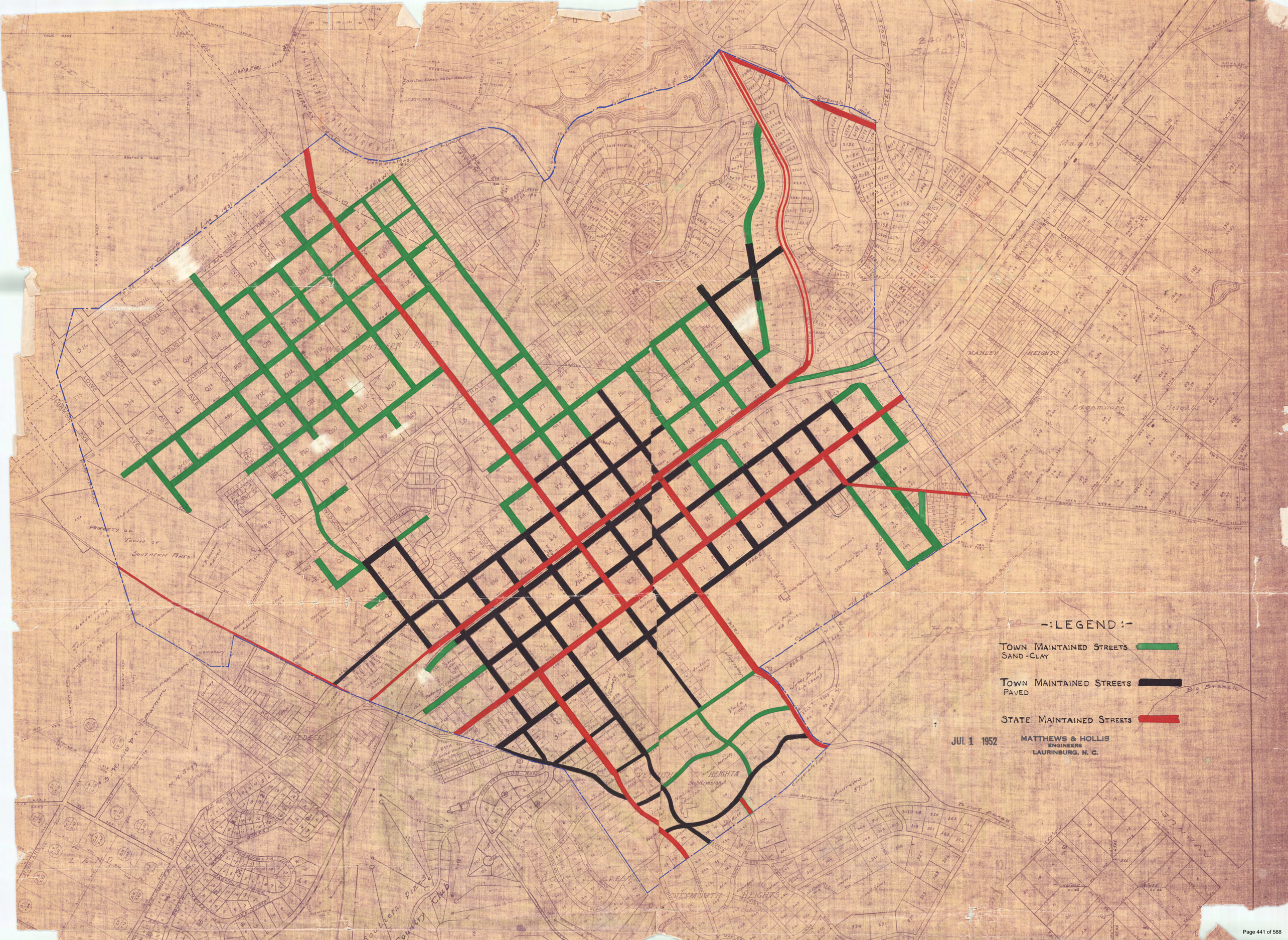
By: Jeanette B. Chisholm

Deputy/~~Assistant~~ Register of Deeds

****

2002000926

2002000926


-:LEGEND:-
TOWN MAINTAINED STREETS
SAND-CLAY
TOWN MAINTAINED STREETS
PAVED
STATE MAINTAINED STREETS
JUL 1 1952
MATTHEWS & HOLLIS
ENGINEERS
LAURINBURG, N. C.
Property of Town of Southern Pines
Cemetery
Southern Pines Country Club
Weymouth Heights Subdivision
Golf Course
Manley
Manley Heights
Edgemoore Heights
Fairway Road
Corporate limit line
New Corporate limit line 3-1951
Old Corporate limit line
Old Morganton Road
Big Branch
Mt. Ducan Creek
Property of Town of Southern Pines

TOWN OF SOUTHERN PINES ORDER 2022-02 TO VACATE SECTIONS OF TOWN RIGHT-OF-WAY FOR MECHANIC STREET (RA-02-22)

WHEREAS, VG Pines Residential LLC has submitted a request for the vacation of right-of-way for Mechanic Street from West Rhode Island Avenue to the right-of-way for US Highway 1;

WHEREAS, G.S. 160A-299 authorizes the Town of Southern Pines Town Council to close any street or public alley within the Town;

WHEREAS, the Town of Southern Pines owns the aforementioned sections of right-of-way; and

WHEREAS, the sections of right-of-way for which the petitioner has requested vacation are not shown on any Town street listings or transportation maps and the Town has no current or future plans to improve the sections of right-of-way; and

WHEREAS, there is an existing Town sewer line along West Maine Avenue that extends through the Mechanic Street right-of-way; and

WHEREAS, VG Pines Residential LLC will be required to provide a utility easement for the West Maine Avenue sewer line; and

WHEREAS, pursuant to § 2.29.2 of the Unified Development Ordinance, in order for a street or alley to be vacated, the Town Council must adopt a Resolution of Intent to Vacate and hold a public hearing.

NOW THEREFORE, BE IT RESOLVED by the Town of Southern Pines Town Council at its regular business meeting held on August 9, 2022 that:

1. The Town of Southern Pines hereby intends to vacate the sections of right-of-way for Mechanic Street bounded by the rights-of-way for West Rhode Island Avenue and US Highway 1 as shown on the map attached hereto as Exhibit A.
2. A public hearing will be held during the regular business meeting of the Town of Southern Pines Town Council on September 13, 2022 at 6:00 PM to consider adopting an Order to vacate the sections of Town right-of-way for Mechanic Street as shown on the map attached hereto as Exhibit A.

Adopted this the 9th day of August, 2022.

ATTEST: TOWN OF SOUTHERN PINES

_____ _____

Elizabeth Robertson, Town Clerk Carol R. Haney, Mayor

_____

Douglas R. Gill, Town Attorney

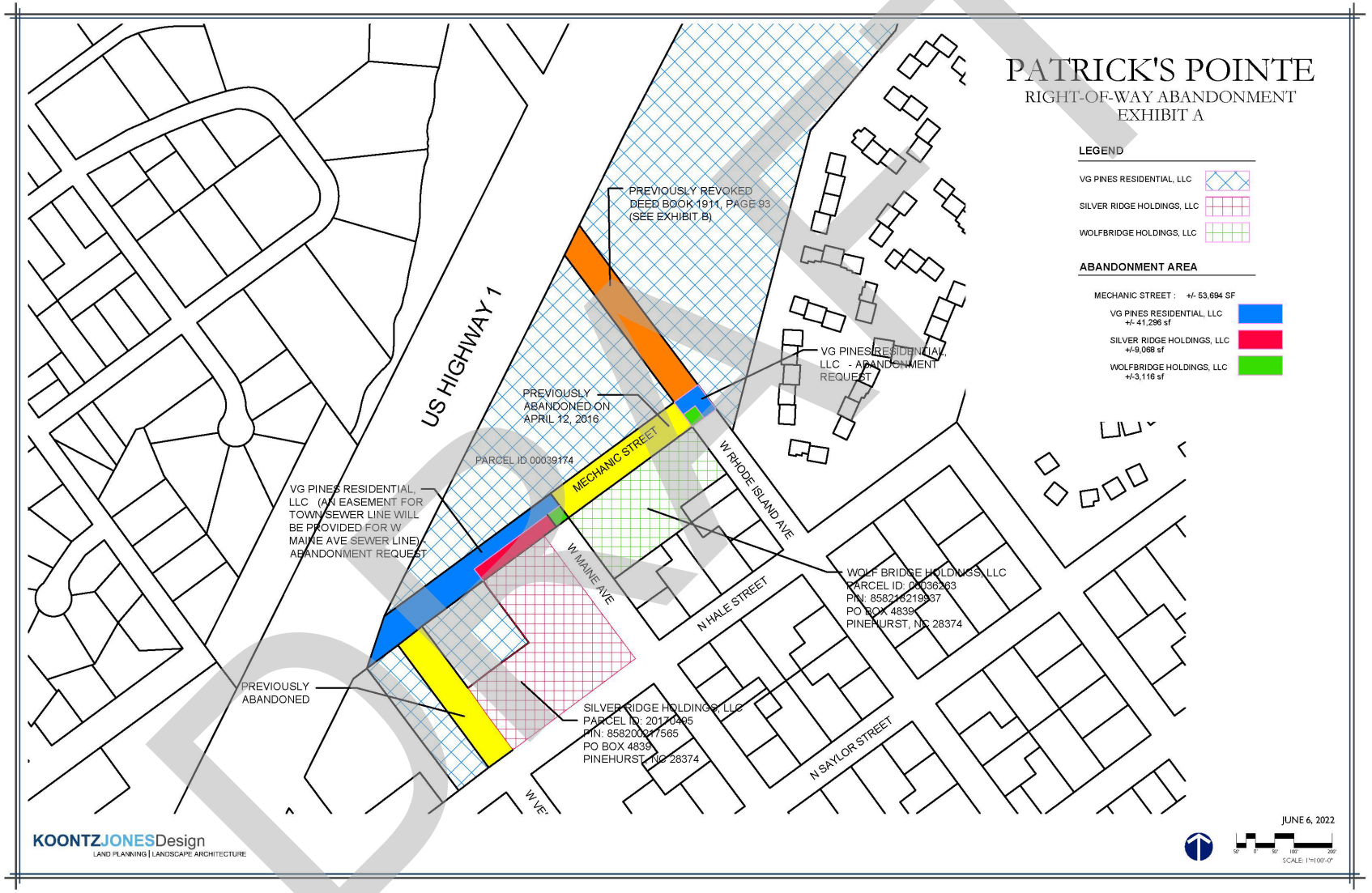
I certify that this Order was adopted by the Town Council of the Town of Southern Pines at its meeting on August 9, 2022 as shown in the Minutes of the Town Council meeting for that date.

_____

Elizabeth Robertson, Town Clerk

DRAFT

Exhibit A



DRAFT

COUNTY OF MOORE
STATE OF NORTH CAROLINA

I swear that this is a true and accurate copy of Order 2022-02 to Vacate Sections of Town Right-of Way for Mechanic Street adopted on August 9, 2022 (RA-02-22).

_____
Elizabeth Robertson Town Clerk

_____
Date

DRAFT

Agenda Item

To: **Reagan Parsons, Town Manager**

From: **Pamela Graham, Principal Planner**

Subject: **AR-15-22 Patrick's Pointe**

Date: **August 9, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Mr. Kerry Finley of Finley Design is requesting approval of an Architectural Compliance Permit on behalf of property owner VG Pines Residential, LLC for the Patrick's Pointe multi-family residential project approved as a special use permit in February of 2021. The property is located along US Highway 1 North between West Connecticut Avenue and Midland Road. (See Figure 1)

The proposal, originally scheduled for the June 14, 2022 Council Agenda Session, was continued to August 9, 2022. The majority of this report was produced for the June meeting; new information is included in red bold type within the report.

II. PROJECT INFORMATION:

1. **PARID** 00039174, 00032830, 00032829; **PIN** 858214321933, 858217214672, 858217213440

2. **Applicant:**
   Kerry Finley of Finley Design on behalf of VG Pines Residential, LLC
   7806 NC Highway 751
   Suite 110
   Durham, NC 27713

Figure 1: Vicinity Map for Subject Property Outlined in Red

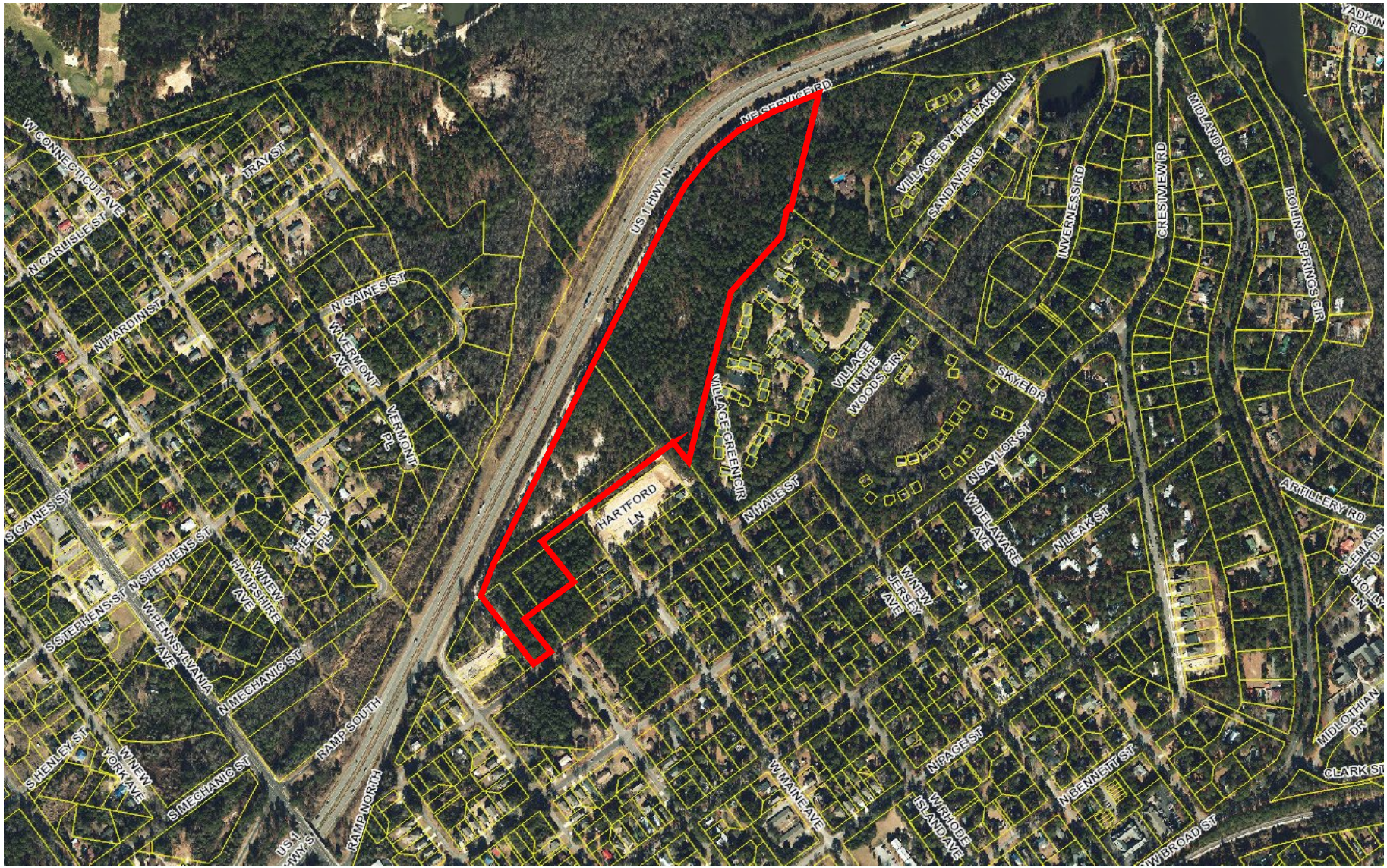


Figure 2: Zoning Map for Subject Property Outlined in Red

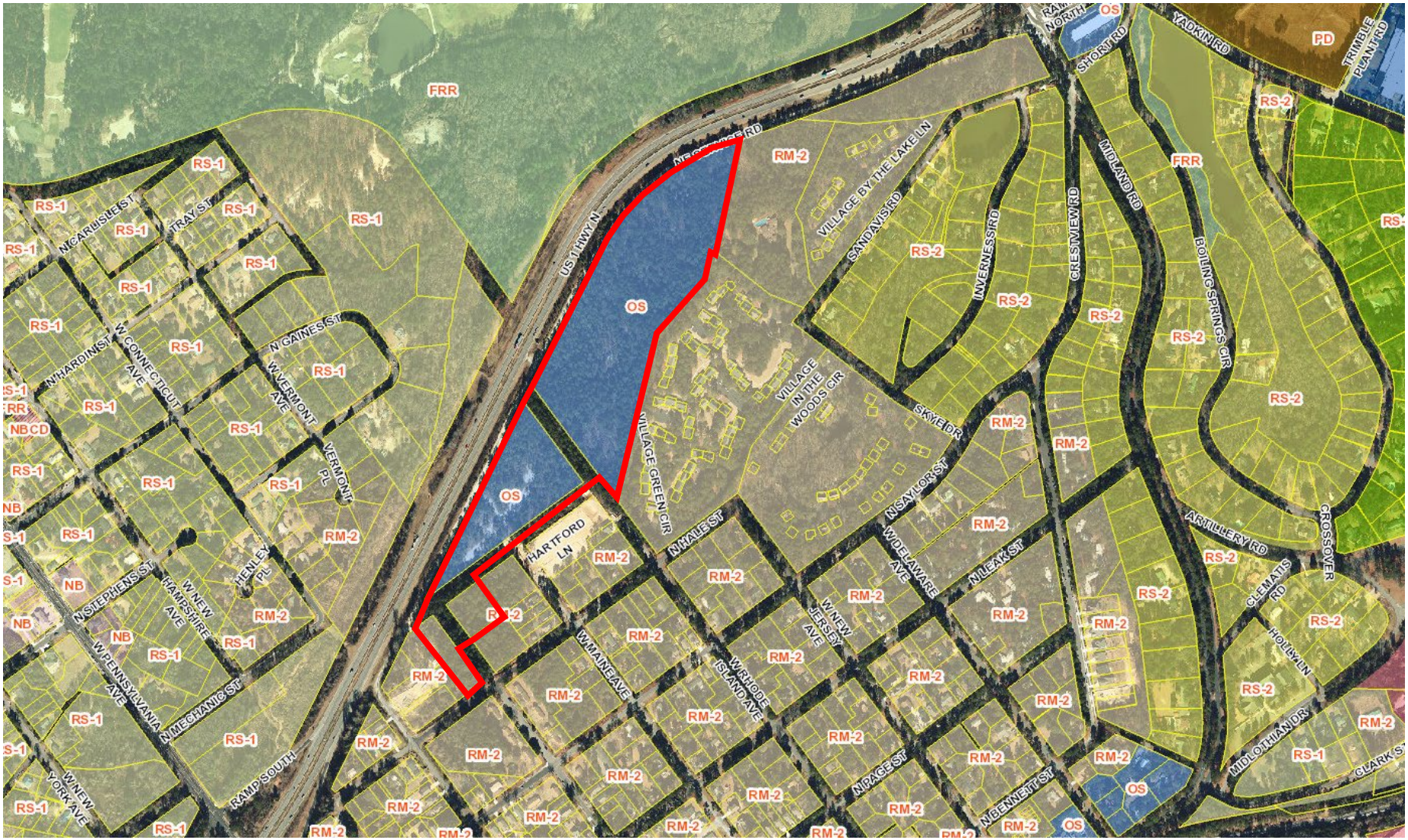


Figure 3: CLRP Future Land Use Map Designation Subject Property Outlined in Red

1. **Future Land Use Map Designation (see Figure 3):**
   The majority of the project area is designated as Commercial on the Future Land Use Map in the Comprehensive Long-Range Plan (CLRP), with two small parcels having a Residential designation. *The Commercial Use category is described in the CLRP as applying to all land dedicated to retail, professional office, or other primarily non-residential, commercial use. It includes Downtown portions along Broad Street and Pennsylvania Avenue, the regional commercial corridor on US 15/501, and all commercial land in between. Higher density residential may be incorporated into mixed-use developments within areas designated for this future land use category.*

   The two smaller parcels that make up the project area are designated as Residential on the Future Land Use Map. *This designation encompasses the majority of Southern Pines' residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed to up to twelve units per acre in places that are clearly more urban. Elementary schools, civic uses, parks and neighborhood scale commercial services may be authorized through the zoning process without amending the future land use map.*

2. **Zoning:**
   The project is currently zoned Office Service (OS) and Residential Mixed Housing (RM-2), with the property being almost entirely contained within the Urban Transition Highway Corridor Overlay District. The OS District is described in the UDO as being *designed to accommodate office and service uses as well as medium-density residential uses.*

   The RM-2 District is described in the UDO as being *established as a district in which to allow primarily Single-Family and Multi-Family Residences at a moderate-density (approximately 5-7 Dwelling Units per acre) in areas served by adequate public water and sewer systems.*

   The Highway Corridor Overlay Districts are described as being *established to place special land Development controls on land adjacent to major highway corridors to protect the natural and environmental features that constitute important physical, aesthetic, recreational and economic assets to the community.*

3. **Special Use Permit:**
   Due to the project's size exceeding the ten dwelling unit threshold for multi-family uses, the developer was required to apply for a special use permit, which was approved in February of this year. The special use permit provisions of the UDO are established to allow for a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right. The permit conditions addressed sidewalk placement and buffer requirements for the project, but no architecturally-related items.

III. STAFF REVIEW:

1. **Review Process:**
   Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. **Application Review Dates:**
   Application Submitted: May 13, 2022
   Application Complete: May 23, 2022
   Town Council Agenda Meeting: June 8, 2022
   Town Council Meeting: June 14, 2022
   Resubmittal: July 6, 2022
   Town Council Agenda Meeting: August 3, 2022
   Town Council Regular Meeting: August 9, 2022

3. **Criteria for Review:**
   When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve or deny the application based on the following criteria, as set forth in **UDO §2.26.7**:

   1. *The application is consistent with applicable Comprehensive Plan goals and policies;*
   2. *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*
   3. *The application is consistent with applicable conditions of prior Development approvals; and*
   4. *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

4. **Staff Comments based on Multi-Family Development Building Design Requirements per UDO §4.10.8:**
   ✓ = compliant ✗ = not compliant ? = compliance has not been determined
   The resubmittal has organized the building types by number, as listed below. Each building type will be reviewed separately for compliance with standards. Elevation drawings with material calculations, and architectural renderings for each type are enclosed with this report for reference. Proposed accessory buildings (mail kiosk, pool building, and garage) each measure less than 3,500 square feet and are therefore exempt from architectural permit review per UDO §2.26.2(A)(1).
   - **Building Type 1 (1 and 3 bedroom apartment building),**
   - **Building Type 2 (1 and 2 bedroom apartment building),**
   - **Building Type 3 (2 and 3 bedroom apartment building),**
   - **Townhome Building,**
   - **Clubhouse.**

- UDO §4.10.8 (C) *states that Multi-Family Developments shall:*
  - ✓ *Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.*
  - ✓ *Group buildings in clusters.*
  - ✗ *Articulate facades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.*
  - ✓ *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.*
  - ✓ *Units above grade level shall have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.*
  - ✓ *Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance.*
  - ✓ *Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical.*
  - ✓ *Provide porches or roofed overhangs over building entrances.*
  - ✓ *Set back buildings or entries so that the entry paths extend at least ten (10) feet from the sidewalk or public circulation walkway. Do not provide access to apartments via long-shared access galleries.*

- **Staff has confirmed that the proposal complies with the items above with one exception:**
  - **The Townhome buildings are designed with a length of front and rear façade that measures 58', and therefore is not compliant with the requirement;**
- **The balcony measurements which were previously not compliant with the dimensional requirements have been confirmed for compliance with the minimum 10 feet by 6 feet dimension in the new design.**

5. UDO §4.10.4 sets out building design requirements for commercial development, which includes Multi-Family Developments, as follows:

- UDO §4.10.4 (A) *states that the front of buildings shall face and have the primary customer entry facing that street. Corner lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, for PD is determined at the time*

of the Final Development Plan (FDP) approval. The FDP states that the UDO standards apply.

✓ Building entries face the interior, private street that provides access to the development. No alternative streets are available for compliance with this requirement, with the exception of US 1. The design of the development includes substantial screening of the buildings from the highway. **The proposal is compliant with this provision.**

- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.*

  ✓ The widths of the 3-story apartment buildings measure more than twice their height. Similarly, the widths of the 2-story, townhouse style buildings measure more than twice their height. However, the requirement provides for segmentation of the building façade in a manner that allows the measurement of individual segments to be used to create compliance. **The architectural segmentations of the facades bring the buildings into compliance with this requirement.**

- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

  ✗ The applicant states that the building facades are comprised of a sophisticated mix of cementitious siding, cementitious panels, and brick veneer, designed to a residential character. He also states that, while this UDO requirement works well for commercial buildings in the downtown area, it can create an institutional aesthetic when applied to residential buildings. The submitted building elevations indicate that, after deducting the window areas, the 3-story apartment building facades include non-brick materials at a range of 31-50%, which does not meet the standard of 20% maximum. The 2-story townhome-style buildings indicate a range of non-brick materials of 4-52% after deducting window areas**. Only the side elevations on the 2-story buildings are compliant with the materials**

requirement. The front and rear facades of the 2-story buildings and all facades of the 3-story buildings are not compliant with the requirement and constitute deviations.

- ✘ **The percentage of brick on the side elevations of the 2-story buildings has been reduced to 75%, and are no longer compliant as they were in the previous submittal. The brick percentages for each building type range as follows, indicating lack of compliance with the building material standards for all buildings:**
  - **Building Types 1 and 2 = 62-66% brick**
  - **Building Type 3 = 62-68% brick**
  - **Townhomes = 57-75% brick**
  - **Clubhouse = 51-61% 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.*

  ? The applicant states that windows include clear glazing that is non-reflective. Façade percentage calculations do not include doors and this component is needed to determine compliance with the 25% requirement. The information was requested from the applicant; however, had not been provided at the time of completion of this report.

- UDO §4.10.4 (E) *states awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council.*

  ✓ The applicant's narrative states that the buildings include a combination of elements that include shingle roof, trellis, and metal awnings. **Each of these elements are compliant with the above requirement for awning dimensions.**

- UDO §4.10.4 (F) *states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way.*

  ✓ Galleries and arcades have been provided only at the clubhouse and do not encroach into setbacks or rights-of way.

- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider that 100'.*

  ✓ The rooflines of the buildings do feature moderate changes in height and articulation. **The proposal is compliant with this provision.**

- UDO §4.10.4 (H) *states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*

  ✓ The applicant's narrative states that the mechanical equipment will be screened by landscaping. Location and screening will be confirmed during site plan review.

- UDO §4.10.4 (I) *states garage doors and loading bays shall face an interior lot line alley or service drive and shall not face a street unless buffered or screened per the landscaping code in UDO §4.3.*

  ✓ Only the 2-story townhome-style buildings include garages, and they are shown on the front elevation drawings. These doors will be screened from neighboring properties and from US 1, but are not screened from the interior private road that is used to access the garages. The landscaping code in UDO §4.3 only calls for screening of loading docks over 35' in length and does not apply to this proposal. **The proposal is compliant with this provision.**

- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

  The applicant states that all signage for the project will comply with the Town's sign ordinance. Sign permit applications will be reviewed by staff, upon submittal, and must be compliant with the requirements for signs in multi-family developments found in UDO §4.6.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Narrative Addressing Building Design Requirements per UDO §4.10.4
4. Building 1 Architectural Design Plans
5. Building 2 Architectural Design Plans
6. Building 3 Architectural Design Plans

7. Townhouse Building Architectural Design Plans
8. Clubhouse Architectural Design Plans

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the multi-family development building design requirements per UDO §4.10.8 as well as the commercial building design requirements per UDO §4.10.4.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-15-22;

2. Approve AR-15-22 with the following conditions:
   _____
   _____
   _____;

3. Deny AR-15-22.

Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

____ **Application fee** in the amount of **$100.00** (gross floor area of 3,499 sq. ft. or less); or **$300.00** (gross floor area of 3,500 sq. ft. or greater).

____ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.

____ **Appointment of Agent**, if applicable, signed by the property owner(s) and the agent.

____ **Deed** copy to provide proof of ownership and property boundaries.

____ **Written narrative:** It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.

____ **Renderings of elevations** (color).

____ **Site plan** if applicable.

____ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

PLEASE SUBMIT ONLY ONE (1) COMPLETE SET OF ALL MATERIALS.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval:** The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
801 SE Service Road, Southern Pines, NC 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

Town of Southern Pines
Chartered 1887
North Carolina

Architectural Compliance Permit Application

Date Received: _____	Fee Paid: _____	Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Patrick's Pointe

Street Address: US HIGHWAY 1 BETWEEN W VERMONT AVE & W RHODE ISLAND AVE

PIN: 858214321933; 858217214672 858217213440 Parcel ID: 0039174; 00032830; 00032829 Zoning: OS; RM-2

Type of building (retail, office, etc.): MULTI-FAMILY RESIDENTIAL Total square footage: TBD

Applicant:

Name: KERRY FINLEY - FINLEY DESIGN

Email: kerry@finleydesignarch.com Phone: 919-425-5467

Mailing Address: 7806 NC HWY 751 SUITE 110 DURHAM, NC 27713

Legal Property Owner(s), if different from Applicant:

Name(s): VG Pines Residential LLC (a subsidiary of 1700 LLC)

Email: jevans@voltaglobal.com Phone: 305-428-6500

Mailing Address: 1700 LLC, 2601 South Bayshore Drive, Suite 1700, Miami, FL 33133

Date: 5/2/2022

DocuSigned by: Jeffrey Evans
EDCE973314434A5...

Jeffrey Evans
Managing Director

Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), VG Pines Residential LLC, hereby appoint(s) KERRY FINLEY - FINLEY DESIGN as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;

2. to appear at public meetings and give representation and comments on behalf of the owner(s);

3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and

4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 2nd day of May, 2022.

DocuSigned by:
Jeffrey Evans
EDCE973314434A5...

Jeffrey Evans
Managing Director

Property Owner

Property Owner

Agent - KERRY FINLEY

For Registration Register of Deeds
Judy D. Martin

Moore County, NC
Electronically Recorded
March 21, 2022 1:19:02 PM
Book: 5816 Page: 479 - 482 #Pages: 4

Fee: $26.00 NC Rev Stamp: $8,064.00

Instrument # 2022004905

SPECIAL WARRANTY DEED

Excise Tax $ 8064.00

Drafted By:
Frank C. Thigpen, Attorney at Law
Thigpen & Jenkins, L.L.P.
300 Pinehurst Avenue
Southern Pines, NC 28387

Brief Description for Index
3 Tracts, McNeill Township
Parcel ID #s 00032829, 00032830 & 00039174

THIS SPECIAL WARRANTY DEED made this 18th day of March, 2022, by and between **Francis T Maser, Trustee of The Francis T Maser Revocable Trust u/a/d January 13, 2014,** (hereinafter "Grantor"), and VG Pines Residential, LLC, a Delaware Limited Liability Company of **108 West 13th Street, Wilmington, DE 19801** (hereinafter "Grantee"),

WITNESSETH

The Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all Grantor interest in that certain lot or parcel (referred to in the singular, whether one or more) of land situated in McNeill Township, Moore County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A

THE PROPERTY HEREIN WAS ACQUIRED BY GRANTOR BY DEEDS RECORDED IN BOOK 4772, PAGE 349 AND BOOK 4691, PAGE 545, MOORE COUNTY REGISTRY.

THE PARCEL HEREIN DOES NOT CONTAIN THE PRIMARY RESIDENCE OF THE GRANTOR.

Submitted electronically by "Thigpen and Jenkins, LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions noted herein.

The designation Grantor and Grantee as used hereon shall include said parties, their heirs, successors, and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the Grantor have hereunto set his hand and seal in his capacity as Trustee of The Francis T Maser Revocable Trust u/a/d January 13, 2014, adopting the designation (Seal) as his own, the day and year first above written.

The Francis T Maser Revocable Trust u/a/d
January 13, 2014
By: Francis T. Maser, Trustee (Seal)
Francis T Maser, Trustee

****

STATE OF NC

COUNTY OF Moore

I, Kami Leigh David, a Notary Public in and for said County and State, do hereby certify that Francis T Maser, Trustee of the Francis T Maser Revocable Trust, appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed.

Witness my hand and seal this 21st day of March, 2022

KAMI LEIGH DAVID
NOTARY PUBLIC
Moore County
North Carolina
My Commission Expires 1/11/26

Kami Leigh David (SEAL)
Notary Public

My Commission Expires: 1/11/26

PARCEL ONE:

Being all of that certain tract or parcel of land located in McNeill Township, Moore County, Town of Southern Pines, North Carolina and being more particularly described as follows:

Commencing at an North Carolina Grid Monument "E219" having North Carolina Grid Coordinates N=524907.7428 and E=1885531.304; thence S 59 degrees 50 minutes 50 seconds West 2057.51 feet (ground distance) and 2057.22 (grid distance) to a new iron pin set in the southern right of way of the Dirt Service Road having NC Grid Coordinates N=523874.3859 and E=1,882,752.448 and also being the northeast corner of the property either now or formerly owned by Garrett as described in Deed Book 1805, Page 181-186, Moore County Registry, the POINT AND PLACE OF BEGINNING; thence along the northern property line of the above-described Garrett property S 13 degrees 57 minutes 59 seconds West 566.04 feet to a concrete monument located in the northwest corner of the property either now or formerly owned by Garrett as described in Deed Book 1805, Page 181-186, Moore County Registry and a point in the property line of the property either now or formerly owned by Village Green; thence S 71 degrees 08 minutes 56 seconds West 16.79 feet to a concrete monument located in the line of the property either now or formerly owned by Village Green; thence continuing with the western line of the property either now or formerly owned by Village Green the following three (3) courses and distances: S 15 degrees 27 minutes 25 seconds West 122.84 feet to a concrete monument; S 40 degrees 12 minutes 23 seconds West 345.98 feet to a concrete monument; thence S 14 degrees 32 minutes 35 seconds West 799.86 feet to a concrete monument located in the northern right of way of the proposed W. Rhode Island Ave. (80'R/W); thence continuing along the above described proposed right of way N 36 degrees 26 minutes 55 seconds West 149.83 feet to an existing iron pin found; thence crossing proposed W. Rhode Island Ave. (80' R/W) S 53 degrees 33 minutes 03 seconds West 1026.38 along the western right of way of the proposed Mechanic Street (80' R/W) to an existing iron pin found at the eastern edge of the existing Dirt Service Road; thence N 26 degrees 27 minutes 47 seconds East a distance of 1152.84 feet to a concrete monument located at the eastern edge of the existing Dirt Service Road; thence continuing along the eastern edge of and the eastern right of way of a Dirt Service Road the following nine (9) courses and distances: N 26 degrees 26 minutes 11 seconds East 564.64 feet to a new iron pin set; N 27 degrees 35 minutes 15 seconds East 82.15 feet to a new iron pin set; N 31 degrees 17 minutes 15 seconds East 192.21 feet to a new iron pin set; N 39 degrees 18 minutes 15 seconds East 152.26 feet to a new iron pin set; N 47 degrees 35 minutes 15 seconds East 141.42 feet to a new iron pin set; N 54 degrees 58 minutes 15 seconds East 131.81 feet to a new iron pin set; N 62 degrees 08 minutes 15 seconds East 114.00 feet to a new iron pin set; N 66 degrees 43 minutes 15 seconds East 97.37 feet to a new iron pin set; thence N 69 degrees 32 minutes 50 seconds East 130.28 feet to a new iron pin set and being THE POINT AND PLACE OF BEGINNING, containing 21.876 Acres, all as shown on Boundary Survey entitled "MLC AUTOMOTIVE, LLC, U.S Highway 1-Southern Pines, McNeill Township-Moore County, North Carolina", dated September 17, 2001 and prepared by Capital Survey and Mapping Company P.A. and being all of the property conveyed to Grantor by Quitclaim Deed recorded in Book 1443, Page 285, Moore County Registry.

PARCEL TWO:

TRACT ONE: LRK No. 32829, Block I and 9 as shown on that map of the Town of Southern Pines; 0.93 acres, more or less (40,500 square feet approx.) located in the Town of Southern Pines and of a rectangular shape and described as follows: BEGINNING at an iron rod set in the northern margin of that existing gravel road known as N. Hale Street near the intersection of it and W. Vermont Avenue and RUNNING THENCE along and with the northern margin of N. Hale Street South 53 Deg. 31 Min. 10 Sec. West for 101.34 feet to an iron rod set; THENCE for a Second Call of North 36 Deg. 31 Min. 26 Sec. West for 399.66 feet to an iron pipe found; THENCE for a Third Call of North 53 Deg. 31 Min. 10 Sec. East for 101.34 feet to a iron rod set; THENCE for a Fourth Call of South 36 Deg. 31 Min. 26 Sec. East for 399.66 feet to an iron rod set and being the PLACE and POINT of BEGINNING.

PARCEL THREE:

TRACT TWO: LRK No. 32830, Block H and 9 on that map of the Town of Southern Pines; 0.92 acres, more or less (40,151 square feet approx.) located in the Town of Southern Pines and being square in shape and described as follows: To find the place of beginning start at the Northeastern Corner of Tract One described above at the beginning of the Fourth Call and running North 53 Deg. 31 Min. 10 Sec. East for 80 feet to the PLACE and POINT of BEGINNING, being the Northwestern corner of this described tract; RUNNING THENCE from an iron rod set North 53 Deg. 31 Min. 10 Sec. East for 200.76 feet to an iron pipe found; THENCE for a Second Call of South 36 Deg. 31 Min. 26 Sec. East for 200 feet to an iron rod set; THENCE for a Third Call of South 53 Deg. 31 Min. 10 Sec. West for 200.76 feet to an iron rod set (being in the margin of that unopened right of way on W. Vermont Avenue); THENCE for a Fourth Call of North 36 Deg. 31 min. 26 Sec. West for 200 feet to the POINT and PLACE of BEGINNING.

FINLEY DESIGN

Patrick's Pointe Apartments

Project # 2136

Architectural Compliance Permit

May 13, 2022

Architectural Narrative

The proposed development has been located and configured in a manner that is visually harmonious with nearby parcels. The design and configuration of the new buildings, materials, colors are harmonious with nearby buildings. Attention has been paid to the design, including form, mass, scale, height, texture and color.

Building Orientation and Entries
Entrances for the buildings have been located facing the available parking as well as the primary street frontages throughout the site. Spacing of entrances complies with Exhibit 4-15. Internal streets will be "private streets" and will reflect that site drawings. Primary entrances for all buildings will face these streets.

Building Dimensions
Building segments are articulated into different features with segments generally taller than wide, with additional articulation in wider segments. This has been achieved through the use of material changes, color changes, projecting features, building offsets, and changes in roof height. Dimensions have been provided on the elevations to illustrate compliance.

Building Materials
The facades are comprised of a sophisticated mix of cementitious siding, cementitious panels, and brick veneer. The apartments and townhome style multi-family units are designed to have a residential character. The UDO requirement works well for commercial buildings in the downtown area, but can lead to an institutional aesthetic when applied to residential buildings. The amount of brick shown is less than the 80% requirement in order to achieve and welcoming, diverse, elegant design that does not feel institutional or heavy. Careful attention has been put into the overall design to provide a visually pleasant and varied design. Dimensions and calculations have been provided on the elevations to illustrate compliance.

Windows
Windows include clear glazing that is non-reflective. Transparency complies with the requirements for minimum glazing. Windows comply with the vertical proportions requirement. Dimensions and calculations have been provided on the elevations to illustrate compliance.

Awnings
A combination of shingle roof, trellis, and metal awnings have been included in the design for pedestrian scale. The typical awning projection varies but meets the requirement. While the UDO requires a 12' height for canopies, we have provide less than that requirement to establish a residential scale. Given the typical ceiling heights of 9' minimum, the canopies will more closely relate to the scale of the building uses.

Galleries and Arcades
Galleries and arcades have been provided at the clubhouse, but are not required.

Roofs, etc.
Rooflines are broken up by changes in heights and projections in distances complying with requirements.

Mechanical and Loading
Mechanical equipment will be located on the ground and will be screened by landscaping. No specific loading areas nor garage bays are required.

Signage
All signage for the project will comply with the Town's sign ordinance.

End of Narrative

Narrative prepared by:
Kerry G Finley, President, Finley Design PA
kerry@finleydesignarch.com 919-493-8200 ext. 11

FINLEY DESIGN

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SITE PLAN SUBMITTAL

3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

UDO CALCULATIONS

FACADE:	3,504 SF
WINDOWS AND DOORS:	1,129 SF (32%)
FACADE MATERIALS:	2,375 SF
BRICK:	1,573 SF (66 %)
SIDING:	802 SF (34%)
DOORS:	3' X 6'-8" TYPICAL

UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH WITH BUILDING STEPS AND COLUMNS WITH CANOPIES. BALCONIES PROVIDE 6' ARTICULATION AT EACH LOCATION.

UDO ENTRANCE LOCATIONS
EACH ENTRANCE INCLUDES A TOTAL OF FOUR UNIT ENTRANCES PER FLOOR

UDO BALCONIES
ALL BALCONIES ARE AT LEAST 6' X 10' FOR ALL UNITS ABOVE GRADE LEVEL

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS

4 RIGHT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,144 SF
WINDOWS AND DOORS:	432 SF (38%)
FACADE MATERIALS:	712 SF
BRICK:	442 SF (62 %)
SIDING:	270 SF (38%)
DOORS:	NONE

2 LEFT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,144 SF
WINDOWS AND DOORS:	432 SF (38%)
FACADE MATERIALS:	712 SF
BRICK:	442 SF (62 %)
SIDING:	270 SF (38%)
DOORS:	NONE

1 BACK ELEVATION
1/8" = 1'-0"

AVERAGE BRICK CALCULATIONS

FACADE MATERIALS:	6,174 SF
BRICK:	4,030 SF (65 %)

NOTE:
DIMENSIONS OF BACK ELEVATION SHOWN WILL MATCH FRONT ELEVATION

UDO CALCULATIONS

FACADE:	3,504 SF
WINDOWS AND DOORS:	1,129 SF (32%)
FACADE MATERIALS:	2,375 SF
BRICK:	1,573 SF (66 %)
SIDING:	802 SF (34%)
DOORS:	3' X 6'-8" TYPICAL

PATRICK'S POINTE APARTMENTS
SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 7/5/22

BUILDING 1 APARTMENT ELEVATIONS

A1.0

Patrick's Pointe

Building 1: 24 Units, 1 & 3 Bedroom

Southern Pines, NC July 5, 2022

Conceptual View 1

FINLEY DESIGN

Patrick's Pointe

Building 1: 24 Units, 1 & 3 Bedroom

Southern Pines, NC July 5, 2022

Conceptual View 2

FINLEY DESIGN

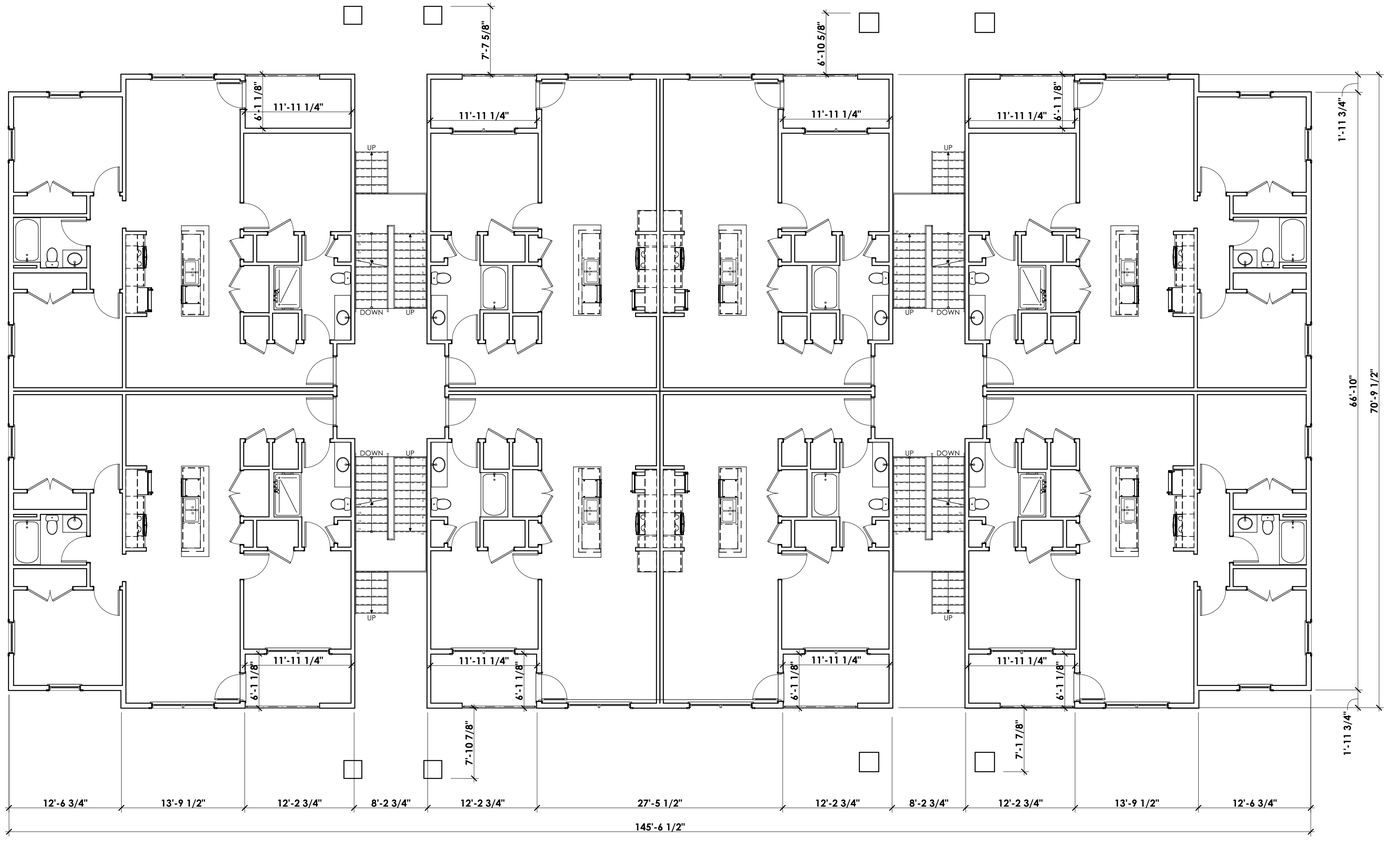
Patrick's Pointe

Building 1: 24 Units, 1 & 3 Bedroom

Southern Pines, NC July 5, 2022

Conceptual View 3

FINLEY DESIGN



1 BLDG TYPE 1 - 24 UNITS (1 & 3 BR) - TYPICAL FLOOR PLAN

SCALE: 1/8" = 1'-0"

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919-493-8200

FINLEYDESIGNARCH.COM

SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
US Highway 1, Southern Pines, NC

REVISIONS

PROJECT:	2136
DATE:	7/5/22
DRAWN BY	RB
CHECKED BY	KGF

FLOOR PLAN - BUILDING TYPE 1

A2.0

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SITE PLAN SUBMITTAL

3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

UDO CALCULATIONS

FACADE:	3,504 SF
WINDOWS AND DOORS:	1,129 SF (32%)
FACADE MATERIALS:	2,375 SF
BRICK:	1,573 SF (66 %)
SIDING:	802 SF (34%)
DOORS:	3' X 6'-8" TYPICAL

UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH WITH BUILDING STEPS AND COLUMNS WITH CANOPIES. BALCONIES PROVIDE 6' ARTICULATION AT EACH LOCATION.

UDO ENTRANCE LOCATIONS
EACH ENTRANCE INCLUDES A TOTAL OF FOUR UNIT ENTRANCES PER FLOOR

UDO BALCONIES
ALL BALCONIES ARE AT LEAST 6' X 10' FOR ALL UNITS ABOVE GRADE LEVEL

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS

4 RIGHT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,144 SF
WINDOWS AND DOORS:	432 SF (38%)
FACADE MATERIALS:	712 SF
BRICK:	442 SF (62 %)
SIDING:	270 SF (38%)
DOORS:	NONE

2 LEFT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,144 SF
WINDOWS AND DOORS:	432 SF (38%)
FACADE MATERIALS:	712 SF
BRICK:	442 SF (62 %)
SIDING:	270 SF (38%)
DOORS:	NONE

1 BACK ELEVATION
1/8" = 1'-0"

AVERAGE BRICK CALCULATIONS

FACADE MATERIALS:	6,174 SF
BRICK:	4,030 SF (65 %)

NOTE:
DIMENSIONS OF BACK ELEVATION SHOWN WILL MATCH FRONT ELEVATION

UDO CALCULATIONS

FACADE:	3,504 SF
WINDOWS AND DOORS:	1,129 SF (32%)
FACADE MATERIALS:	2,375 SF
BRICK:	1,573 SF (66 %)
SIDING:	802 SF (34%)
DOORS:	3' X 6'-8" TYPICAL

PATRICK'S POINTE APARTMENTS

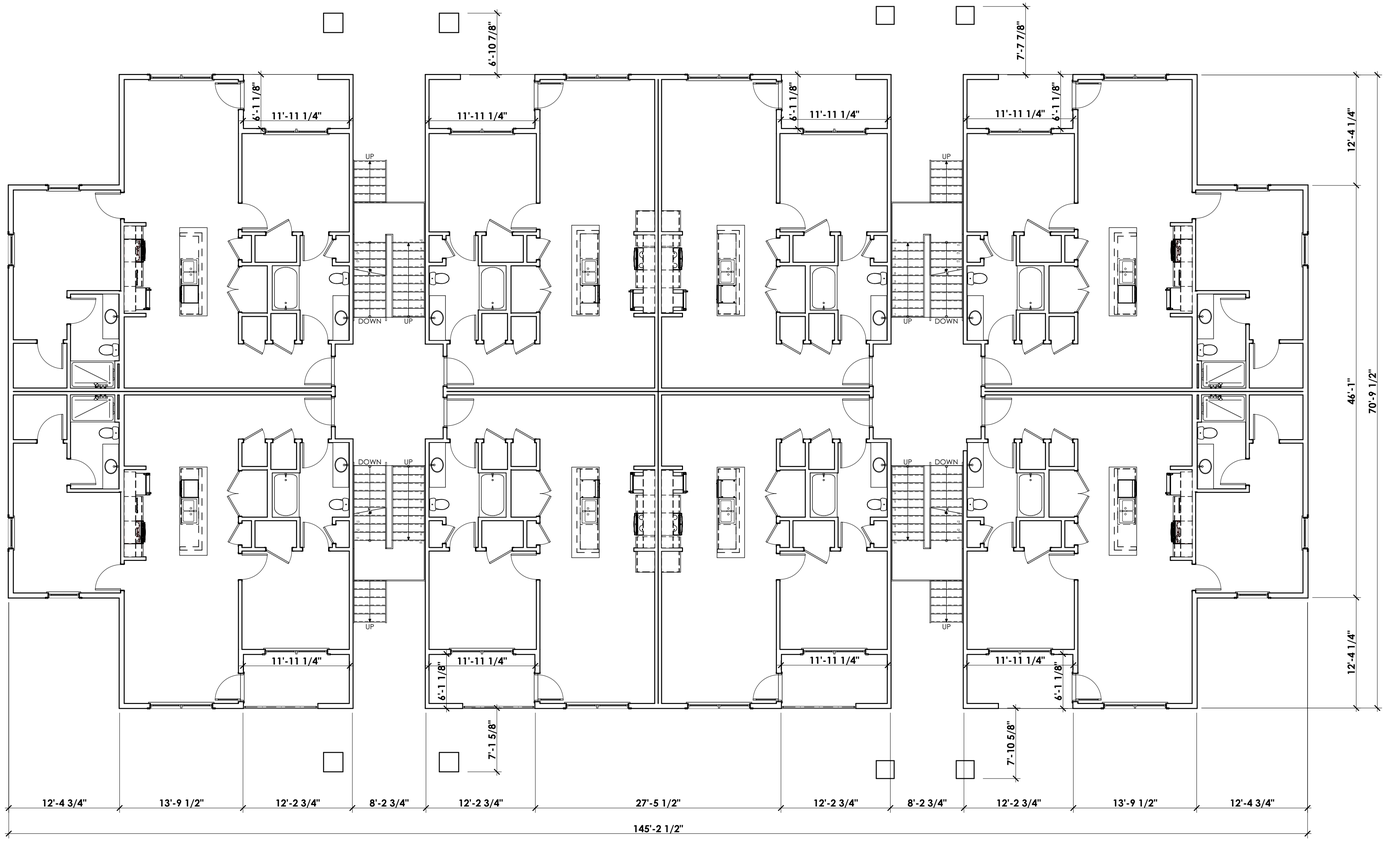
SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 7/5/22

BUILDING 2 APARTMENT ELEVATIONS

A1.1



1 BLDG TYPE 2 - 24 UNITS (1 & 2 BR) - TYPICAL FLOOR PLAN

SCALE: 1/8" = 1'-0"

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SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
US Highway 1, Southern Pines, NC

REVISIONS

PROJECT:	2136
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DRAWN BY	RB
CHECKED BY	KGF

FLOOR PLAN - BUILDING TYPE 2

A2.1

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3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

UDO CALCULATIONS

FACADE:	1,989 SF
WINDOWS AND DOORS:	600 SF (30%)
FACADE MATERIALS:	1,589 SF
BRICK:	1,023 SF (64 %)
SIDING:	566 SF (36%)
DOORS:	3' X 6'-8" TYPICAL

UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH. BALCONIES PROVIDE 6' ARTICULATION AT EACH LOCATION.

UDO ENTRANCE LOCATIONS
EACH ENTRANCE INCLUDES A TOTAL OF FOUR UNIT ENTRANCES PER FLOOR

UDO BALCONIES
ALL BALCONIES ARE AT LEAST 6' X 10' FOR ALL UNITS ABOVE GRADE LEVEL

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS

4 RIGHT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,144 SF
WINDOWS AND DOORS:	432 SF (38%)
FACADE MATERIALS:	712 SF
BRICK:	442 SF (62 %)
SIDING:	270 SF (38%)
DOORS:	NONE

2 LEFT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,144 SF
WINDOWS AND DOORS:	432 SF (38%)
FACADE MATERIALS:	712 SF
BRICK:	483 SF (68 %)
SIDING:	229 SF (32%)
DOORS:	NONE

AVERAGE BRICK CALCULATIONS

FACADE MATERIALS:	4,602 SF
BRICK:	3,470 SF (75 %)

NOTE:
DIMENSIONS OF BACK ELEVATION SHOWN WILL MATCH FRONT ELEVATION

UDO CALCULATIONS

FACADE:	1,989 SF
WINDOWS AND DOORS:	600 SF (30%)
FACADE MATERIALS:	1,589 SF
BRICK:	1,023 SF (64 %)
SIDING:	566 SF (36%)
DOORS:	3' X 6'-8" TYPICAL

1 BACK ELEVATION
1/8" = 1'-0"

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SITE PLAN SUBMITTAL

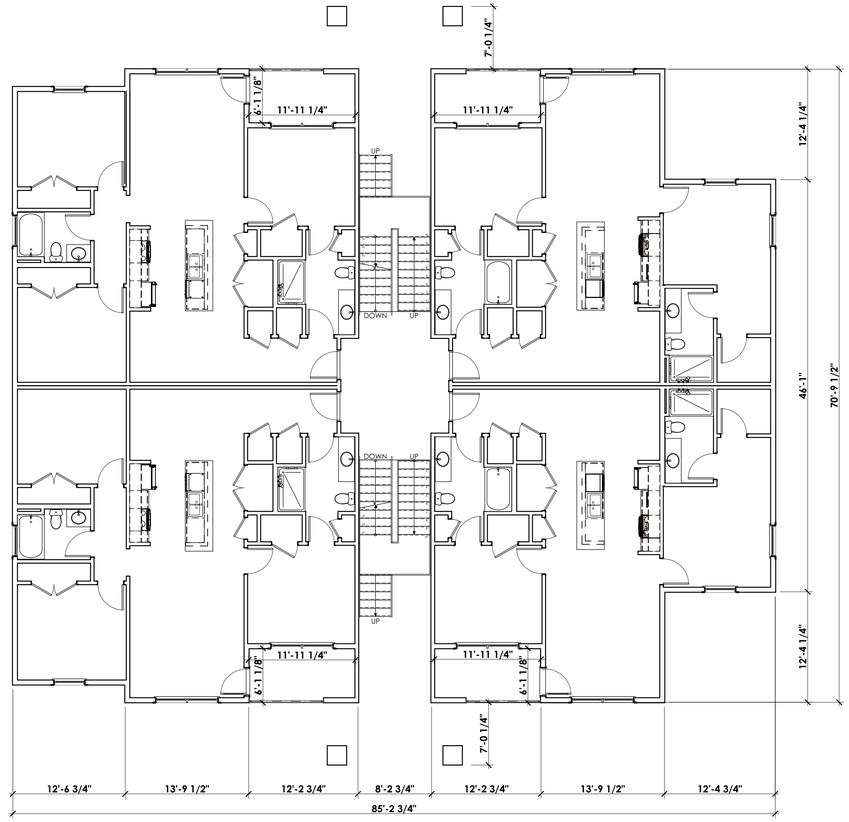
PATRICK'S POINTE APARTMENTS
SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 7/5/22

BUILDING 3
APARTMENT
ELEVATIONS

A1.2



1 BLDG TYPE 3 - 12 UNITS (2 & 3BR) - TYPICAL FLOOR PLAN

SCALE: 1/8" = 1'-0"

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SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
US Highway 1, Southern Pines, NC

REVISIONS

PROJECT:	2136
DATE:	7/5/22
DRAWN BY	RB
CHECKED BY	KGF

FLOOR PLAN - BUILDING TYPE 3

A2.2

/Users/roman/Finley Design/Projects/2136 Patric's Pointe Apartments/Drawings/ArchiCAD/2136 Patrick's Pointe - Bldg Type 3.pln

3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

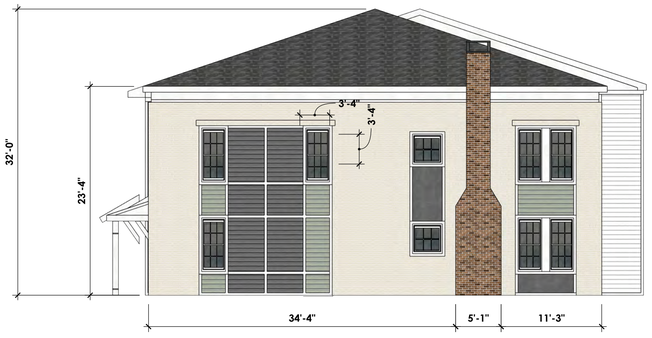
UDO CALCULATIONS

FACADE:	2,002 SF
WINDOWS:	575 SF (19%)
DOORS (SOLID):	140 SF
FACADE MATERIALS:	1,427 SF
BRICK:	819 SF (57 %)
SIDING:	608 SF (43%)
DOORS:	3' X 6'-8" TYPICAL

UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH. ENTRANCES PROVIDE 5' ARTICULATION AT EACH LOCATION.

UDO ENTRANCE LOCATIONS
EACH ENTRANCE INCLUDES A SINGLE UNIT

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS



4 RIGHT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,037 SF
WINDOWS:	139 SF (11%)
DOORS (SOLID):	NONE
FACADE MATERIALS:	898 SF
BRICK:	675 SF (75 %)
SIDING:	223 SF (25%)

2 LEFT ELEVATION
1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	1,037 SF
WINDOWS:	139 SF (11%)
DOORS (SOLID):	NONE
FACADE MATERIALS:	898 SF
BRICK:	675 SF (75 %)
SIDING:	223 SF (25%)

1 BACK ELEVATION
1/8" = 1'-0"

AVERAGE BRICK CALCULATIONS

FACADE MATERIALS:	4,792 SF
BRICK:	3,179 SF (66 %)

UDO CALCULATIONS

FACADE:	2,535 SF
WINDOWS:	966 SF (32%)
DOORS (SOLID):	140 SF
FACADE MATERIALS:	1,569 SF
BRICK:	1,010 SF (64 %)
SIDING:	559 SF (36%)

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SITE PLAN SUBMITTAL

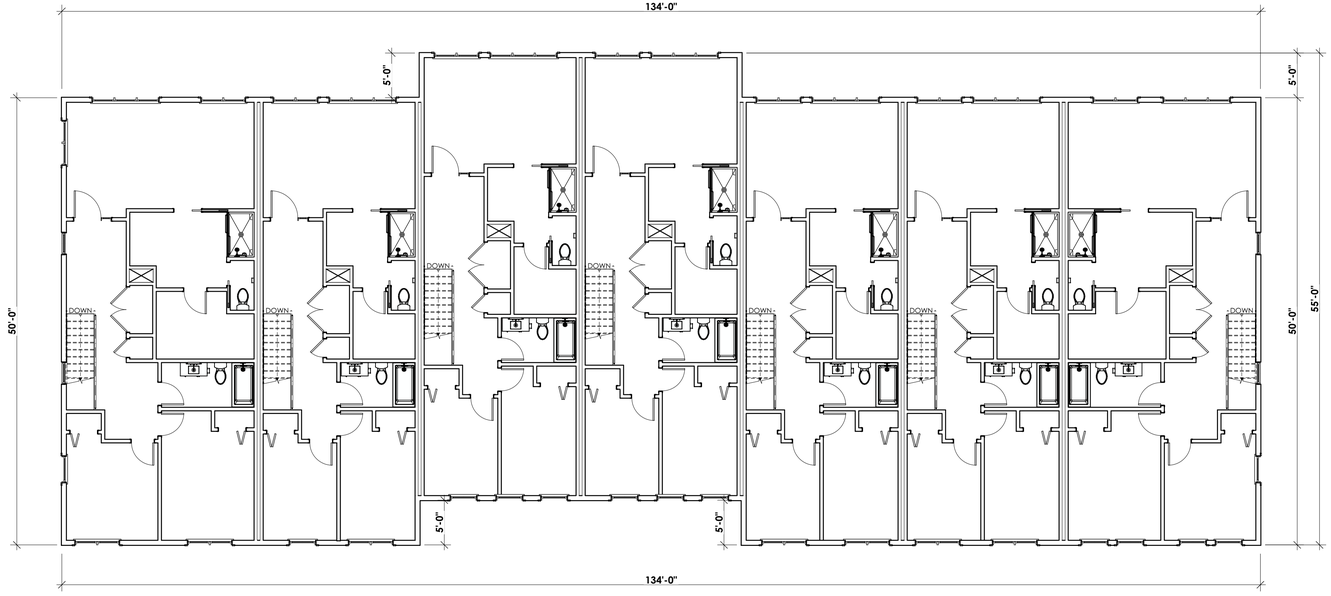
PATRICK'S POINTE APARTMENTS
SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 7/5/22

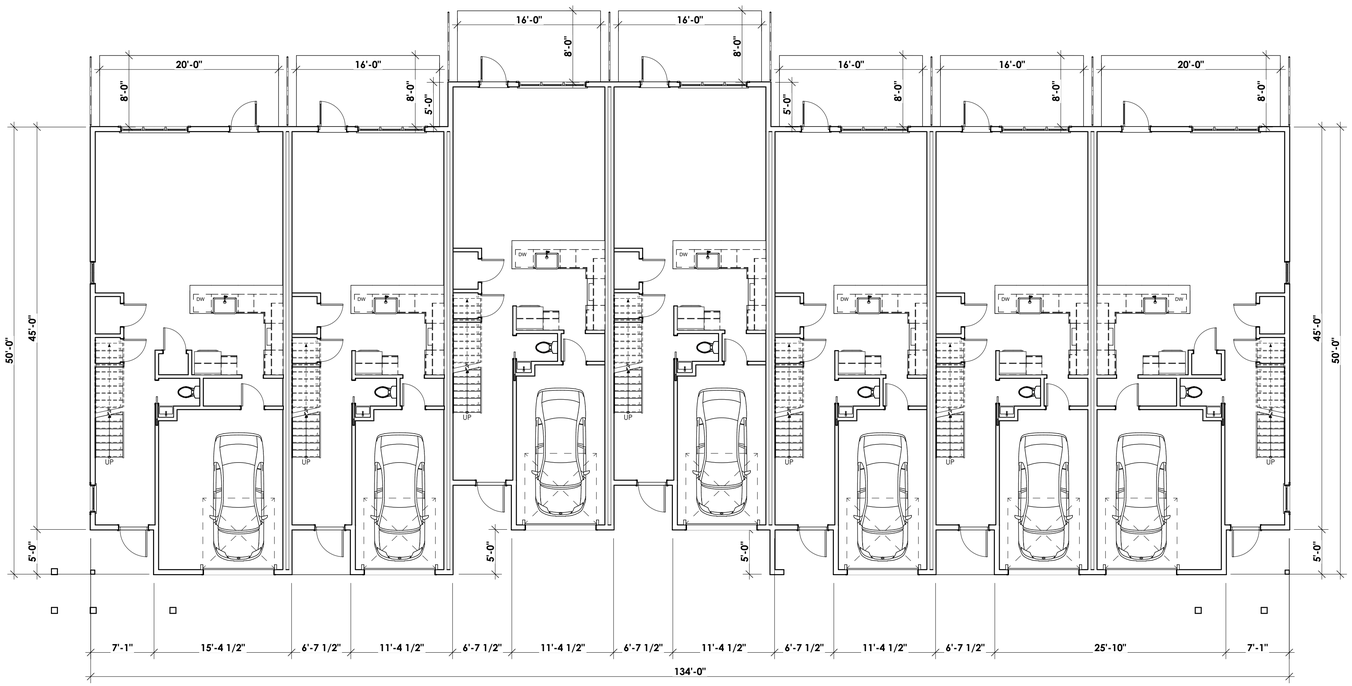
TOWNHOUSE ELEVATIONS

A1.3



2 TOWNHOMES - 2ND FLOOR PLAN

SCALE: 1/8" = 1'-0"



1 TOWHNOMES - 1ST FLOOR PLAN

SCALE: 1/8" = 1'-0"

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SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
US Highway 1, Southern Pines, NC

REVISIONS

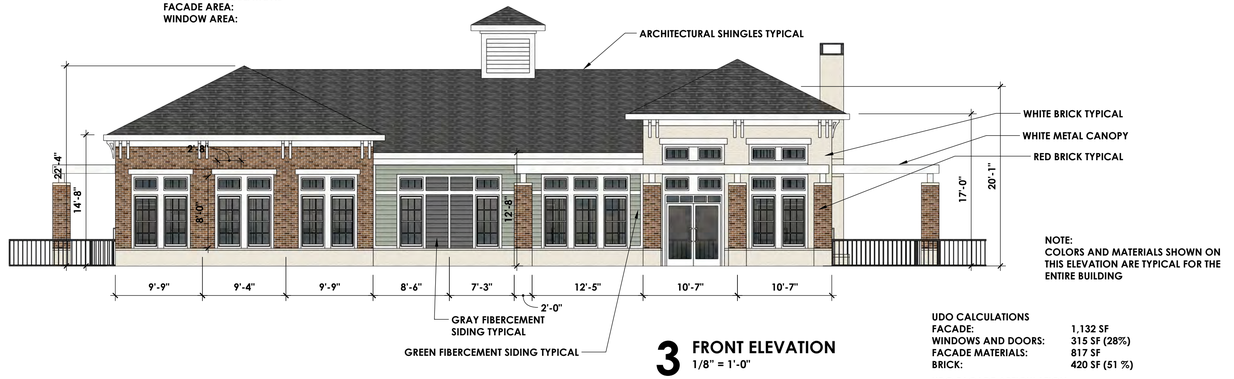
PROJECT:	2136
DATE:	7/5/22
DRAWN BY	RB
CHECKED BY	KGF

FLOOR PLANS - TOWNHOMES

A2.3

/Users/roman/Finley Design/Projects/2136 Patric's Pointe Apartments/Drawings/ArchiCAD/2136 Patrick's Pointe - Townhouses v4.pln

WINDOW CALCULATIONS
FACADE AREA:
WINDOW AREA:



3 FRONT ELEVATION
1/8" = 1'-0"

NOTE:
COLORS AND MATERIALS SHOWN ON THIS ELEVATION ARE TYPICAL FOR THE ENTIRE BUILDING

UDO CALCULATIONS

FACADE:	1,132 SF
WINDOWS AND DOORS:	315 SF (28%)
FACADE MATERIALS:	817 SF
BRICK:	420 SF (51 %)

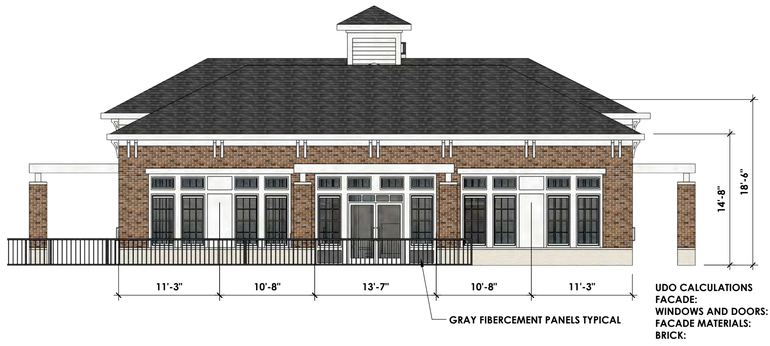
UDO FACADE ARTICULATION
FACADE ARTICULATION PROVIDED OF AT LEAST 5' FOR EVERY 50' OF FACADE LENGTH. ARCADES AND TRELLIS PROVIDE THE ARTICULATION.

UDO GLAZING
ALL WINDOWS SHALL HAVE CLEAR NON-REFLECTIVE GLASS

UDO CALCULATIONS

FACADE:	978 SF
WINDOWS AND DOORS:	230 SF (24%)
FACADE MATERIALS:	748 SF
BRICK:	434 SF (58 %)

4 RIGHT ELEVATION
1/8" = 1'-0"



UDO CALCULATIONS

FACADE:	805 SF
WINDOWS AND DOORS:	250 SF (31%)
FACADE MATERIALS:	555 SF
BRICK:	336 SF (61 %)

2 LEFT ELEVATION
1/8" = 1'-0"

AVERAGE BRICK CALCULATIONS

FACADE MATERIALS:	2,882 SF
BRICK:	1,585 SF (55 %)

NOTE:
DIMENSIONS OF BACK ELEVATION SHOWN WILL MATCH FRONT ELEVATION

UDO CALCULATIONS

FACADE:	1,132 SF
WINDOWS AND DOORS:	370 SF (33%)
FACADE MATERIALS:	762 SF
BRICK:	395 SF (52 %)

1 BACK ELEVATION
1/8" = 1'-0"

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SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
SOUTHERN PINES, NC

REVISIONS

PROJECT: 2136
DATE: 7/5/22

CLUBHOUSE ELEVATIONS

A1.4

Patrick's Pointe

Conceptual Renderings: Clubhouse

Southern Pines, NC July 5, 2022

Conceptual View 1

FINLEY DESIGN

Patrick's Pointe

Conceptual Renderings: Clubhouse

Southern Pines, NC July 5, 2022

Conceptual View 2

FINLEY DESIGN

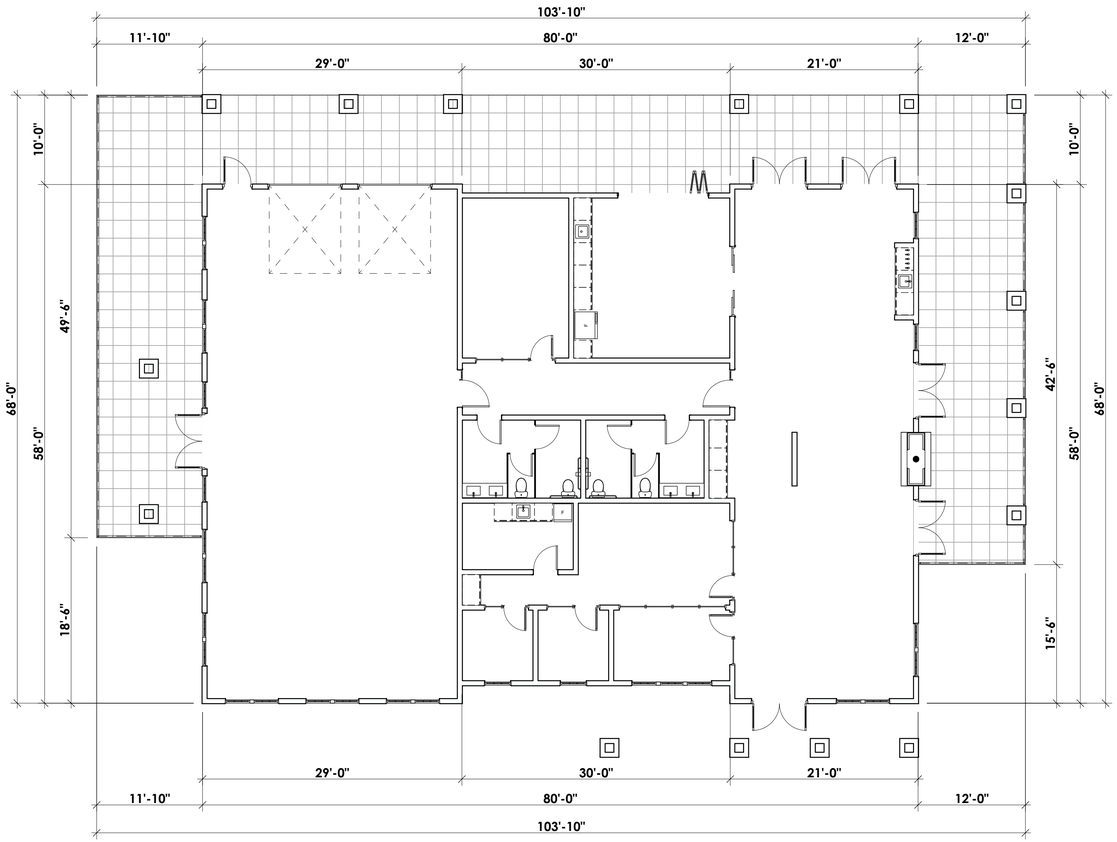
Patrick's Pointe

Conceptual Renderings: Clubhouse

Southern Pines, NC July 5, 2022

Conceptual View 3

FINLEY DESIGN



1 CLUBHOUSE FLOOR PLAN

SCALE: 1/8" = 1'-0"

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SITE PLAN SUBMITTAL

PATRICK'S POINTE APARTMENTS
US Highway 1, Southern Pines, NC

REVISIONS

PROJECT:	2136
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CHECKED BY	KGF

FLOOR PLAN - CLUB HOUSE

A2.4

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Agenda Item

To: **Reagan Parsons, Town Manager**

From: **B.J. Grieve, Planning Director**

Subject: **RD-01-22: Petition for Acceptance of Roads within Phase 1 of Ravensbrook Subdivision**

Date: **August 9, 2022**

I. SUMMARY OF APPLICATION REQUEST:

Colin Webster, on behalf of Ravensbrook LLC is offering the road improvements and rights-of way in Phase 1 of the Ravensbrook residential subdivision for dedication to the Town of Southern Pines for perpetual maintenance.

II. STAFF COMMENTS:

The applicant has submitted a Petition for Acceptance of Ravensbrook Phase 1 Roads, which includes the section of Amelia Drive within Phase 1, Rossborn Lane and Fleming Court (see Figure 1 below).

Pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, in order for a street in the Town of Southern Pines to be offered for dedication to the public, the street must be shown on a plat and submitted to the Town for approval. A plat entitled "Subdivision Final Plat and Utility Easements, Ravensbrook, Phase 1," was approved on February 23, 2021 and recorded in Plat Cabinet 18, Slide 839. A copy of the recorded plat is attached hereto as Exhibit A.

The Town Engineer has inspected and approved construction of all required portions of Amelia Drive, Rossborn Lane and Fleming Court, including street surfaces, curbs, sidewalks, streetlights and landscaping.

Staff has prepared a draft Resolution accepting an offer of dedication of a portion of Amelia Drive and all of Rossborn Lane and Fleming Court located within Phase 1 of the Ravensbrook subdivision for Council's consideration.

Figure 1: Vicinity and Zoning Map

III. ATTACHMENTS:

1. Petition for acceptance of Ravensbrook Phase 1 Roads
2. Survey of subject property
3. Draft Resolution accepting offer of dedication

IV. TOWN COUNCIL ACTION:

To approve or deny the Resolution to accept the offer of dedication for a portion of Amelia Drive and all of Rossborn Lane and Fleming Court located within Phase 1 of the Ravensbrook subdivision. In accordance with GS §160A-374, the Town Council must approve by Resolution any offer of dedication that is within its subdivision regulation jurisdiction. The Town Council shall vote on whether the offer of dedication complies with GS §160A-374 and Town Code of Ordinances §100.20-100.27. The Town Council may choose one of the following motions or any alternative they wish:

I move to:

1. Approve the Resolution accepting offer of dedication RD-01-22 for a portion of Amelia Drive and all of Rossborn Lane and Fleming Court located within Phase 1 of the Ravensbrook subdivision.

2. Deny the Resolution accepting offer of dedication RD-01-22 for a portion of Amelia Drive and all of Rossborn Lane and Fleming Court located within Phase 1 of the Ravensbrook subdivision

3. Some other action.

RAVENSBROOK, LLC	)	
	)	
	)	
	)	
Petitioner,	)	
	)	
	)	**PETITION FOR ACCEPTANCE OF RAVENSBROOK PHASE 1 ROADS INTO THE TOWN OF SOUTHERN PINES' STREET MAINTENANCE PROGRAM**
	)	
	)	
	)	
TOWN OF SOUTHERN PINES, a North Carolina Municipal Corporation	)	
	)	
	)	
Respondent	)	
_____	)	

The Petitioner, Ravensbrook, LLC ("Ravensbrook") a North Carolina limited liability company previously recorded a plat in Plat Cabinet 18, Slide 546 of the Moore County Registry and attached hereto as Exhibit A (the "Plat") which Plat identified the Phase 1 section of Amelia Drive, Rossborn Lane and Fleming Court, (collectively the "Roads" shown thereon as a "72' and 60' Public Road & Utility Easement". Pursuant to the Town of Southern Pines UDO Section 4.11.14(A) "the recording of a plat with streets listed as public shall constitute an offer of dedication of such streets". In furtherance thereof, Ravensbrook herewith confirm their offer of dedication of the Roads as set forth above and herewith Petition the Town of Southern Pines ("Town") to accept the dedication.

In support of this petition and pursuant to Section 100 of the Town's Code of Ordinances, Ravensbrook represents to the Town the following:

1. That Ravensbrook is a limited liability company organized and existing under the laws of the State of North Carolina and is in good standing with such State.

2. That Ravensbrook is the owner of the aforementioned Roads which were previously and are herewith being offered for dedication to the Town and as such, has the legal right to offer this Petition.

4. That the Roads have been constructed to the Town's construction standards including the installation, at Petitioners' sole cost and expense, of the curbs, gutters, storm drainage and pavement required by such construction standards, and the Town's Inspection Department has confirmed same to the appropriate officials of the Town.

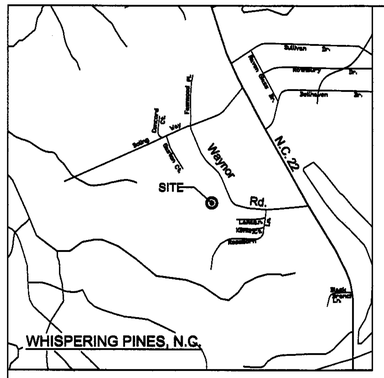
5. That there are no liens of any nature against that portion of Ravenbrook's property over which the Roads are built; and

WHEREFORE, the Petitioner, Ravensbrook LLC, respectfully request the Town to accept the Roads which are shown on the Plat and on Exhibit A hereof for dedication and upon such acceptance to thereafter perpetually maintain the Roads.

This the ___ day of _____, 2022.

RAVENSBROOK, LLC

By: _____
Printed Name: _____
Title: _____



VICINITY MAP (N.T.S.)

PLAT NOTES

1. OWNER: Mr. Colin Webster, 910-639-1066 , colin@seacorp.com
   Ravensbrook LLC, 140 SOUTH LAKESHORE DRIVE,WHISPERING PINES, NC 28327
2. ZONING DISTRICT: RS-3
3. 27 LOT SUBDIVISION, SINGLE-FAMILY RESIDENTIAL 695,809 SF = 16 ACS
4. SUBDIVISION TO BE SERVED BY MOORE COUNTY PUBLIC UTILITIES FOR WATER.
5. ALL STREET PAVEMENT 22' UNLESS OTHERWISE NOTED.
6. ALL RIGHTS OF WAY 72' UNLESS OTHERWISE NOTED. 145,809 SF = 3.42 AC.
7. CULDESACS 78' DIAMETER ASPHALT & 100' DIAMETER ROW.
8. OPEN SPACE: 248,644 SF = 5.83 AC.
9. BUILDING SETBACKS ARE 30' FRONT AND REAR, 10' INTERIOR SIDE, 15' EXTERIOR SIDE (ALONG ROW), 31' OF SEPARATION BETWEEN HOMES.
10. SUBDIVISION IS NOT IN A FLOODPLAIN. FEMA MAP REF.: 3710857J AND 3710874J, DATED: OCTOBER 17, 2008.
11. SIGNAGE AND LANDSCAPING EASEMENTS 10' IN WIDTH PARRALLEL TO "L1" AND "L2" ON LOTS 25 AND 1. EASEMENT TO RAVENSBROOK HOA.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM OWNER OF THE PROPERTY SHOWN AND 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.

02-23-2021 — RE RAVENSBROOK, LLC — COLIN WEBSTER
DATE — OWNER

State of North Carolina — Moore County,NC

I, CYNTHIA S. WILLIAMS, Notary Public of the County and State aforesaid, certify that COLIN WEBSTER personally appeared before me this day and acknowledge the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 23RD day of FEBRUARY, 2021.

Notary Public
My commission expires Cynthia S. Williams

CYNTHIA S WILLIAMS NOTARY PUBLIC My Commission Expires 08-26-2024 SCOTLAND COUNTY, NC

CERTIFICATE OF APPROVAL

I hereby certify that all streets shown on this plat are within the town of Southern Pines' planning jurisdiction, all streets and other improvements shown on this plat have been installed or completed or that their installation or completion (within twelve months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Town of Southern Pines Unified Development Ordinance, and therefore this plat has been approved by the Southern Pines Planning Director, subject to its being recorded in the Moore County Registry within sixty days of the date below.

2/23/21 — Planning Director — Per CU-06-20 (DB 5492, P 468-470)
DATE

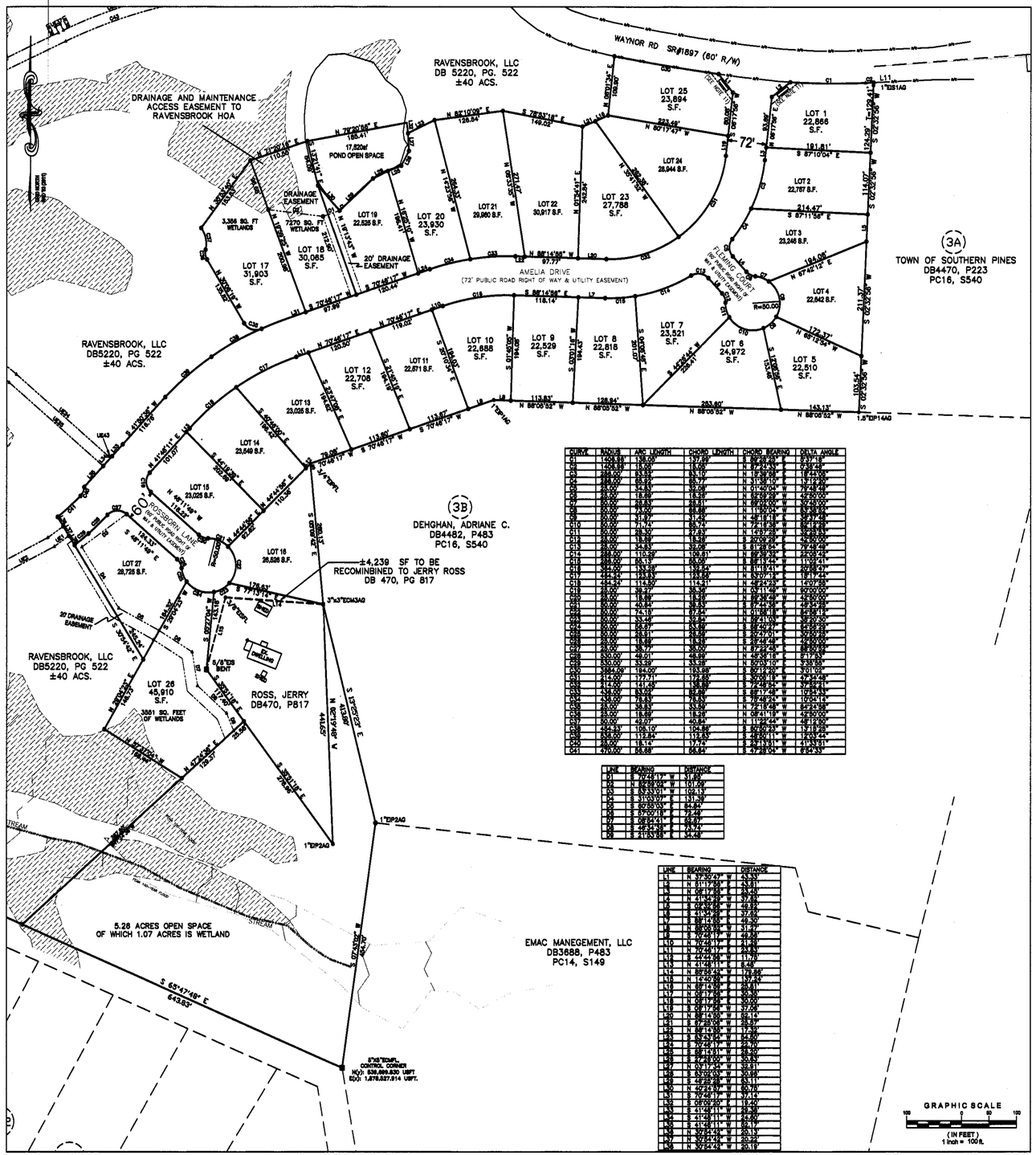
I hereby certify that the public streets shown on this plat have been completed, or that a performance bond or other sufficient surety has been posted to guarantee their completion, in accordance with at least the minimum specifications and standards in accordance with at least the minimum specifications and standards of the State Department of Transportation for acceptance of subdivision streets on the state highway system for maintenance.

DATE — DISTRICT ENGINEER

Not necessary per February 23, 2021 email from Matt Kitchen to BJ Grieve. (NCDOT) (Town of Southern Pines)

MAP REFERENCES

1. RECOMBINATION OF PARCELS 00038374, 20180418, 00038372, 20180418, 00038373, 20180420, 00032317, 00041810, 97000413, 00040331 RECOMBINATION SURVEY PREPARED FOR RAVENSBROOK, LLC WAYNOR ROAD, MCNEIL TOWNSHIP, MOORE COUNTY, SOUTHERN PINES, NORTH CAROLINA, DATED 03-03-2020, SCALE 1"=200' SHEET 1 OF 1 MOORE COUNTY REGISTER OF DEEDS PLAT CABINET 18 SLIDE 434.



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	1408.69'	138.05'	137.99'	S 89°38'58" E	5°37'18"
C2	1408.69'	15.09'	15.09'	S 87°21'43" E	0°36'46"
C3	288.00'	63.83'	63.71'	N 18°26'39" E	12°42'00"
C4	288.00'	68.93'	68.77'	N 31°38'10" E	13°42'59"
C5	25.00'	34.88'	32.09'	N 01°40'04" W	79°56'48"
C6	25.00'	18.85'	18.41'	S 42°30'00" W	43°11'58"
C7	60.00'	68.81'	65.11'	N 59°46'00" W	65°42'00"
C8	60.00'	68.81'	65.11'	N 05°56'00" E	65°42'00"
C9	60.00'	34.90'	34.40'	N 48°18'11" W	33°19'49"
C10	60.00'	31.92'	31.55'	N 72°18'54" W	30°29'49"
C11	60.00'	41.74'	40.74'	N 41°07'59" W	39°51'29"
C12	25.00'	18.85'	18.41'	N 30°09'59" E	43°11'58"
C13	28.00'	18.85'	18.49'	S 30°09'59" W	43°00'00"
C14	28.00'	34.83"	32.68'	S 61°38'54" W	71°16'48"
C15	288.00'	310.28'	295.61'	S 89°39'04" W	61°43'48"
C16	288.00'	65.19'	65.06'	S 68°13'24" W	11°37'41"
C17	364.00'	133.28'	132.54'	N 61°18'41" W	20°58'47"
C18	364.00'	133.28'	132.54'	N 82°17'28" W	20°58'47"
C19	434.24'	114.50'	114.21'	N 48°21'43" W	14°07'58"
C20	28.00'	39.27'	36.00'	N 01°11'48" W	80°00'00"
C21	60.00'	40.94'	40.16'	N 38°24'48" W	39°05'30"
C22	60.00'	40.94'	40.16'	S 77°30'18" W	39°05'30"
C23	60.00'	74.18'	69.54'	N 61°58'18" W	70°49'12"
C24	60.00'	68.81'	65.11'	S 30°09'59" W	65°42'00"
C25	25.00'	39.27'	35.36'	S 87°23'48" W	90°00'00"
C26	28.00'	46.01'	40.99'	N 48°34'18" E	94°11'43"
C27	530.00'	53.19'	53.17'	N 80°03'10" E	5°38'52"
C28	3384.09'	184.00'	183.98'	S 80°12'20" E	3°01'02"
C29	214.00'	177.71'	172.65'	S 30°08'18" W	47°34'48"
C30	214.00'	161.48'	157.68'	S 72°18'48" W	37°58'31"
C31	438.00'	53.09'	52.99'	S 68°17'48" W	6°56'43"
C32	438.00'	78.83'	78.73'	S 78°48'24" W	10°04'14"
C33	28.00'	43.99'	39.60'	S 72°19'48" W	90°00'00"
C34	28.00'	18.99'	18.28'	N 08°41'18" W	42°00'00"
C35	60.00'	42.07'	40.83'	N 19°52'24" W	40°10'00"
C36	434.33'	108.10'	104.56'	N 81°39'24" W	14°15'29"
C37	438.00'	112.84'	112.53'	S 46°20'11" W	14°45'44"
C38	28.00'	18.14'	17.72'	S 26°13'54" W	41°24'51"
C39	270.00'	78.98'	78.73'	S 87°28'06" W	16°45'39"

LINE	BEARING	DISTANCE
L1	N 70°48'17" W	67.89'
L2	N 88°28'04" W	101.09'
L3	S 83°33'01" W	109.13'
L4	S 31°07'00" E	137.38'
L5	S 60°59'05" E	84.84'
L6	S 57°00'18" E	73.48'
L7	S 88°14'56" E	116.14'
L8	S 08°28'52" E	73.74'
L9	S 41°53'58" E	34.48'

LINE	BEARING	DISTANCE
L1	N 39°30'47" W	43.33'
L2	N 51°17'55" E	43.81'
L3	N 08°17'26" E	84.25'
L4	N 08°17'26" E	37.02'
L5	S 08°28'04" E	49.93'
L6	S 81°43'56" W	37.04'
L7	S 88°14'56" E	49.00'
L8	N 88°06'52" W	31.97'
L9	S 70°48'17" E	49.26'
L10	N 70°48'17" W	49.26'
L11	N 70°48'17" W	24.83'
L12	S 44°21'08" W	11.78'
L13	S 70°48'17" E	8.49'
L14	N 88°58'44" W	79.88'
L15	N 88°14'56" W	49.41'
L16	S 08°17'26" E	50.00'
L17	N 08°17'26" W	50.00'
L18	S 08°17'26" E	37.06'
L19	S 08°17'26" E	37.06'
L20	N 88°14'56" W	69.14'
L21	S 07°30'04" W	36.07'
L22	N 88°14'56" W	17.38'
L23	S 83°43'04" W	64.50'
L24	S 70°48'17" E	22.50'
L25	S 88°14'41" E	28.20'
L26	S 82°16'06" W	30.83'
L27	S 03°21'54" E	30.00'
L28	S 83°09'03" W	30.68'
L29	S 88°28'04" E	53.15'
L30	S 42°24'56" E	60.76'
L31	S 70°48'17" E	37.14'
L32	S 08°09'00" W	19.20'
L33	S 41°48'11" W	24.90'
L34	S 41°48'11" W	24.90'
L35	S 41°48'11" W	62.17'
L36	N 39°54'49" W	50.13'
L37	N 39°54'49" W	20.22'
L38	N 39°54'49" W	30.18'

RATIO OF PRECISION = 1:10,000+

ACREAGE DETERMINED BY COORDINATE METHOD

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.

UNLESS OTHERWISE DENOTED:
EIS = EXISTING IRON STAKE
EIP = EXISTING IRON PIPE
ECM = EXISTING CONCRETE MONUMENT
ERRS = EXISTING RAILROAD SPIKE
EA = EXISTING AXLE
NIP = NEW IRON PIPE
NIS = NEW IRON STAKE
NM = NEW MAG NAIL
EM = EXISTING MAG NAIL
EPK = EXISTING PK NAIL
CP = CALCULATED POINT
#AG = (#) INCHES ABOVE GRADE
#BG = (#) INCHES BELOW GRADE
FL = FLUSH WITH GRADE
CL = CENTERLINE
EDP = EDGE OF PAVEMENT
R/W = RIGHT-OF-WAY
= UTILITY POLE
△ = CALCULATE POINT

A PORTION OF THE SUBDIVISION HAS BEEN DETERMINED TO MEET THE REQUIREMENTS FOR DESIGNATION AS A WETLAND. ANY SUBSEQUENT FILL OR ALTERATION OF THIS AREA SHALL BE IN VIOLATION OF THE REQUIREMENTS OF THE FEDERAL RULES ADDRESSING WETLAND IMPACT NOTED IN THE CODE OF FEDERAL REGULATIONS AT THE TIME OF THE PROPOSED ALTERATION. THE INTENT OF THIS PROVISION IS TO PREVENT ADDITIONAL WETLAND AND STREAM IMPACT, SO THE PROPERTY OWNER SHOULD NOT ASSUME THAT A FUTURE APPLICATION FOR FILLING OR ALTERATION WOULD BE APPROVED. THE PROPERTY OWNER SHALL REPORT THE NAME OF THE SUBDIVISION IN ANY APPLICATION PERTAINING TO SAID RULES. THIS COVENANT IS TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM.

AREAS DESIGNATED AS WETLANDS BY U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT

I, JOHN G. MATTHEWS, CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

I, JOHN G. MATTHEWS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PLAT DESCRIPTION RECORDED IN PLAT CABINET 18, SLIDE 434, MOORE COUNTY REGISTRY); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN PLAT CABINET 18, SLIDE 434, MOORE COUNTY REGISTRY; 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 18TH DAY OF DECEMBER, A.D., 2020.

PROFESSIONAL LAND SURVEYOR, L-5020

SEAL L-5020 — NORTH CAROLINA PROFESSIONAL LAND SURVEYOR JOHN G. MATTHEWS

"This plat and the lots created by this plat are subject to the provisions of a Conditional Use Permit setting forth conditions required for the issuance of the Permit. That Conditional Use Permit is dated June 4, 2018 and is found in Book 4868, Page 74 in the Moore County registry. The Conditional Use Permit prohibits the issuance of a certificate of occupancy for any structure on any of the lots until all of the conditions of the Permit have been met. One of those conditions is the completion of the Greenway Trail shown on the plat."

State of North Carolina
County of MOORE

I, DOROTHY DUTTON MOORE, Review Officer of Moore County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer Dorothy Dutton

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Merritt
Moore County
February 24, 2021 04:54:05 PM
Book 18 Page 839-840
FEE: $42.00
INSTRUMENT # 2021004453

PLAT CABINET 18 SLIDE 839-840

(Per CU-06-20)

12-18-2020 REVISION NOTES
THIS PLAT REPLACES PLAT RECORDED IN PLAT CABINET 18 SLIDE 546

1. *SIGNAGE AND LANDSCAPING EASEMENTS ADDED TO LOT #1 AND LOT #25*
2. *BOUNDARY LINE CHANGED BETWEEN LOT #8 AND LOT #7*
3. *GREENWAY PATH EASEMENT REMOVED*
4. *DRAINAGE EASEMENT ADDED TO LOT #19, LOT #18, LOT #26, AND LOT #27*
5. *CORRECTONS TO AREA CALCULATIONS ON SOME LOTS*

SURVEYING
MATTHEWS LAND SURVEYING & MAPPING, LLC
FIRM LICENSE: P-1343
JOHN G. MATTHEWS, PLS, L-5020
103 MONROE STREET, SUITE 104
CARTHAGE, NC 28327
910-947-2671

CIVIL ENGINEERING - LANDSCAPE ARCHITECTURE
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Landscape Architecture + Fayetteville, NC
Civil Engineering + Southern Pines, NC
230C W. West Pennsylvania Avenue + Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddan.com

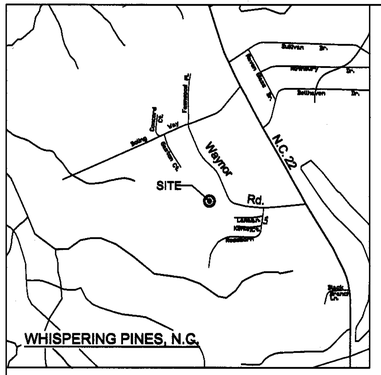
SUBDIVISION FINAL PLAT AND UTILITY EASEMENTS

RAVENSBROOK PHASE 1

RAVENSBROOK, LLC

MCNEILL TOWNSHIP	MOORE COUNTY
SOUTHERN PINES	NORTH CAROLINA
1"=100'	REVISED 12-18-2020

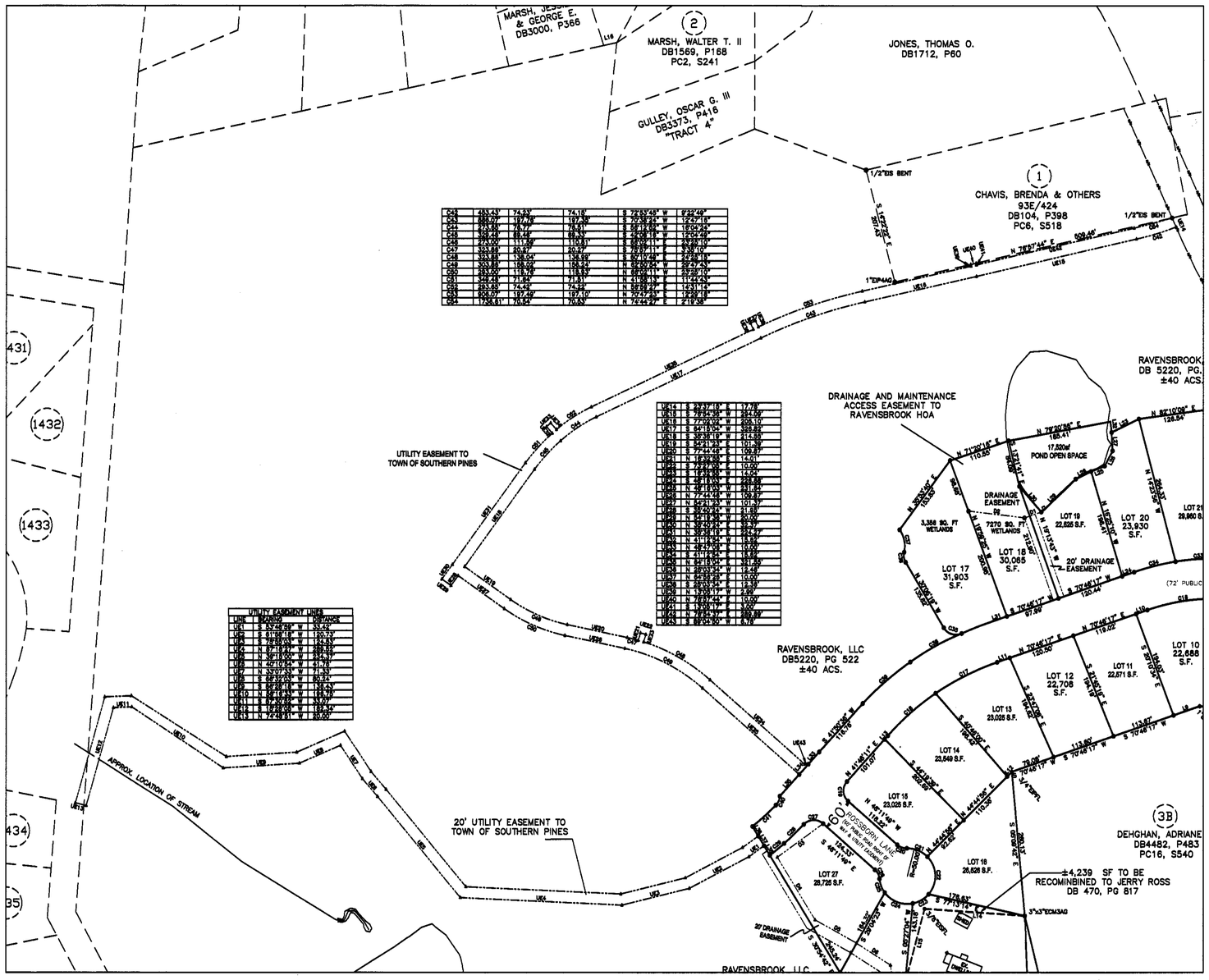
SHEET 1 OF 2



VICINITY MAP (N.T.S.)

PLAT NOTES

1. OWNER: Mr. Colin Webster, 910-639-1065 , colin@apexbgp.com
   Ravensbrook LLC, 140 SOUTH LAKESHORE DRIVE,WHISPERING PINES, NC 28327
2. ZONING DISTRICT: RS-3
3. 27 LOT SUBDIVISION, SINGLE-FAMILY RESIDENTIAL: 895,909 SF = 18 ACS
4. SUBDIVISION TO BE SERVED BY MOORE COUNTY PUBLIC UTILITIES FOR WATER.
5. ALL STREET PAVEMENT 22' UNLESS OTHERWISE NOTED.
6. ALL RIGHTS OF WAY 72' UNLESS OTHERWISE NOTED, 148,909 SF = 3.42 AC.
7. CULDESACS 79' DIAMETER ASPHALT & 100' DIAMETER ROW.
8. OPEN SPACE: 211,715 SF = 4.86 AC.
9. BUILDING SETBACKS ARE 30' FRONT AND REAR, 10' INTERIOR SIDE, 15' EXTERIOR SIDE (ALONG ROW). 31' OF SEPARATION BETWEEN HOMES.



CURVE TABLE					
C42	483.43'	74.93'	74.18'	S 72°53'45" W	8°52'49"
C43	886.07'	197.49'	197.09'	S 74°05'24" W	12°47'18"
C44	1733.69'	74.77'	74.76'	S 67°12'58" W	2°28'24"
C45	359.49'	69.44'	69.33'	S 42°08'16" W	11°04'10"
C46	359.49'	111.39'	110.93'	S 53°09'11" W	17°45'10"
C47	273.00'	20.87'	20.87'	S 58°00'11" W	4°22'50"
C48	333.69'	138.04'	137.09'	S 50°10'46" W	23°42'18"
C49	333.69'	139.02'	138.04'	S 74°06'05" W	23°52'04"
C50	283.00'	119.79'	118.89'	N 66°08'11" W	24°15'10"
C51	346.49'	71.84'	71.71'	N 41°56'15" W	11°52'43"
C52	283.00'	74.42'	74.22'	N 54°29'29" W	15°03'49"
C53	806.07'	197.49'	197.10'	N 70°47'53" W	14°02'18"
C54	1758.61'	70.84'	70.83'	N 74°44'27" W	2°18'38"

UTILITY EASEMENT LINES		
LINE	BEARING	DISTANCE
UE1	S 53°48'59" W	33.42'
UE2	S 81°56'18" W	180.73'
UE3	S 76°05'09" W	125.53'
UE4	S 72°17'59" W	268.59'
UE5	S 76°11'59" W	84.97'
UE6	N 43°10'56" W	41.76'
UE7	N 53°07'51" W	71.33'
UE8	S 39°52'09" W	80.34'
UE9	S 39°52'09" W	19.43'
UE10	N 47°16'44" W	118.19'
UE11	S 39°52'09" W	33.00'
UE12	S 47°16'44" E	118.19'
UE13	N 72°45'08" E	180.42'
UE14	S 39°52'09" W	17.78'
UE15	S 39°52'09" W	284.59'
UE16	S 77°02'02" W	209.10'
UE17	S 64°16'04" W	399.89'
UE18	S 39°36'19" W	314.58'
UE19	S 84°21'33" E	101.39'
UE20	S 77°44'46" E	109.87'
UE21	N 16°38'08" E	14.01'
UE22	S 73°21'52" E	10.00'
UE23	S 16°38'08" W	14.01'
UE24	S 84°21'33" E	228.88'
UE25	N 44°16'03" W	241.84'
UE26	N 77°44'46" W	109.87'
UE27	S 84°21'33" E	101.97'
UE28	S 39°52'09" W	21.58'
UE29	S 50°07'51" E	20.00'
UE30	N 39°52'09" E	93.39'
UE31	N 39°36'19" E	294.49'
UE32	N 64°16'04" E	15.04'
UE33	N 48°57'56" E	10.00'
UE34	S 41°14'44" E	11.68'
UE35	N 64°16'04" E	321.59'
UE36	N 20°03'54" W	12.48'
UE37	N 64°16'04" E	10.00'
UE38	S 20°03'54" E	12.39'
UE39	N 13°08'17" W	2.99'
UE40	N 76°51'43" E	10.00'
UE41	S 13°08'17" E	3.00'
UE42	N 76°51'43" E	280.89'
UE43	N 68°04'00" E	8.78'

(Per CU-06-20)

12-18-2020 REVISION NOTES

THIS PLAT REPLACES PLAT RECORDED IN PLAT CABINET 18 SLIDE 546

1. SIGNAGE AND LANDSCAPING EASEMENTS ADDED TO LOT #1 AND LOT#25
2. BOUNDARY LINE CHANGED BETWEEN LOT #6 AND LOT #7
3. GREENWAY PATH EASEMENT REMOVED
4. DRAINAGE EASEMENT ADDED TO LOT #18, LOT #19, LOT #26, AND LOT #27
5. CORRECTIONS TO AREA CALCULATIONS ON SOME LOTS

GRAPHIC SCALE
100 0 50 100
(IN FEET)
1 inch = 100 ft.

SUBDIVISION FINAL PLAT AND UTILITY EASEMENTS

RAVENSBROOK PHASE 1

RAVENSBROOK, LLC

MCNEILL TOWNSHIP	MOORE COUNTY
SOUTHERN PINES	NORTH CAROLINA
1"=100'	REVISED 12-18-2020

SHEET 2 OF 2

SURVEYING
MATTHEWS
LAND SURVEYING & MAPPING FIRM LICENSE: P-1343 PLLC
JOHN G. MATTHEWS, PLS, L-5020
103 MONROE STREET, SUITE 104
CARTHAGE, NC 28327
910-947-2671

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www.crawforddesn.com

A RESOLUTION BY THE TOWN OF SOUTHERN PINES TOWN COUNCIL OFFICIALLY ACCEPTING OFFER OF DEDICATION TO THE PUBLIC FOR RAVENSBROOK PHASE 1 ROADS
RD-01-22

WHEREAS, the Town of Southern Pines has subdivision-regulation jurisdiction over the land on which Amelia Drive, Rossborn Lane and Fleming Court are located; and

WHEREAS, Amelia Drive, Rossborn Lane and Fleming Court are currently privately-maintained streets; and

WHEREAS, pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, North Carolina, a plat entitled "Subdivision Final Plat and Utility Easements, Ravensbrook Phase 1" depicting Amelia Drive as a 72' Public Road Right of Way & Utility Easement, Rossborn Lane as a 60' Public Right of Way & Utility Easement and Fleming Court as a 60' Public Right of Way & Utility Easement and depicting the accurate location of street boundary lines, ownership of adjacent properties and adjacent and intersecting streets was recorded on February 24, 2021 in Plat Cabinet 18, Slide 839; and

WHEREAS, North Carolina General Statutes §160A-374 allows any city council to accept by resolution any dedication made to the public of lands for streets when the lands are located within its subdivision-regulation jurisdiction; and

WHEREAS, the construction of all required portions of Amelia Drive, Rossborn Lane and Fleming Court, including street surfaces, curbs, sidewalks, street lights and landscaping is complete and the Town Engineer has inspected and approved construction.

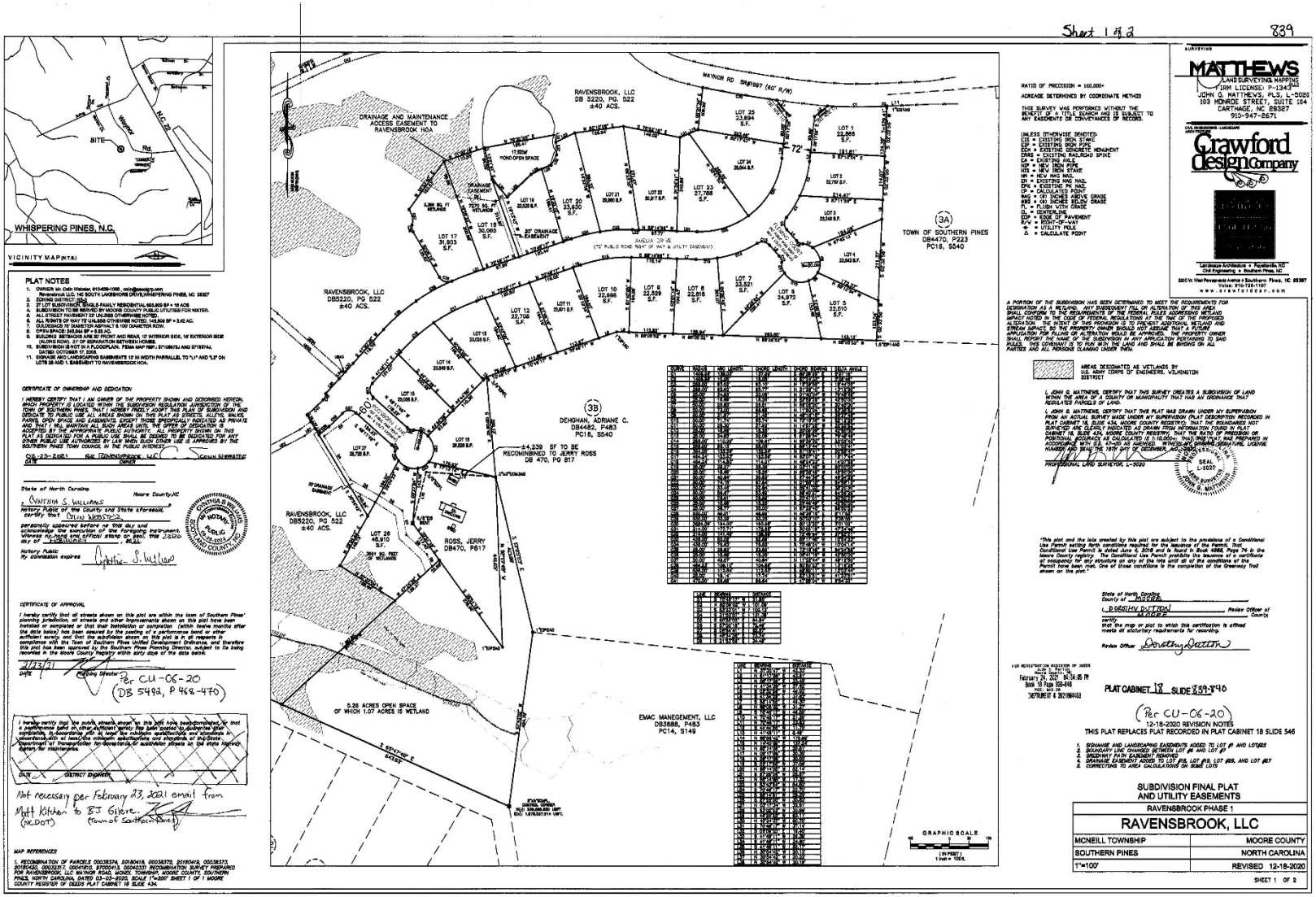
NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town of Southern Pines hereby accepts for ownership, operation and maintenance the Phase 1 portion of Amelia Drive, Rossborn Lane and Fleming Court rights-of-way shown on "Exhibit A" attached hereto.

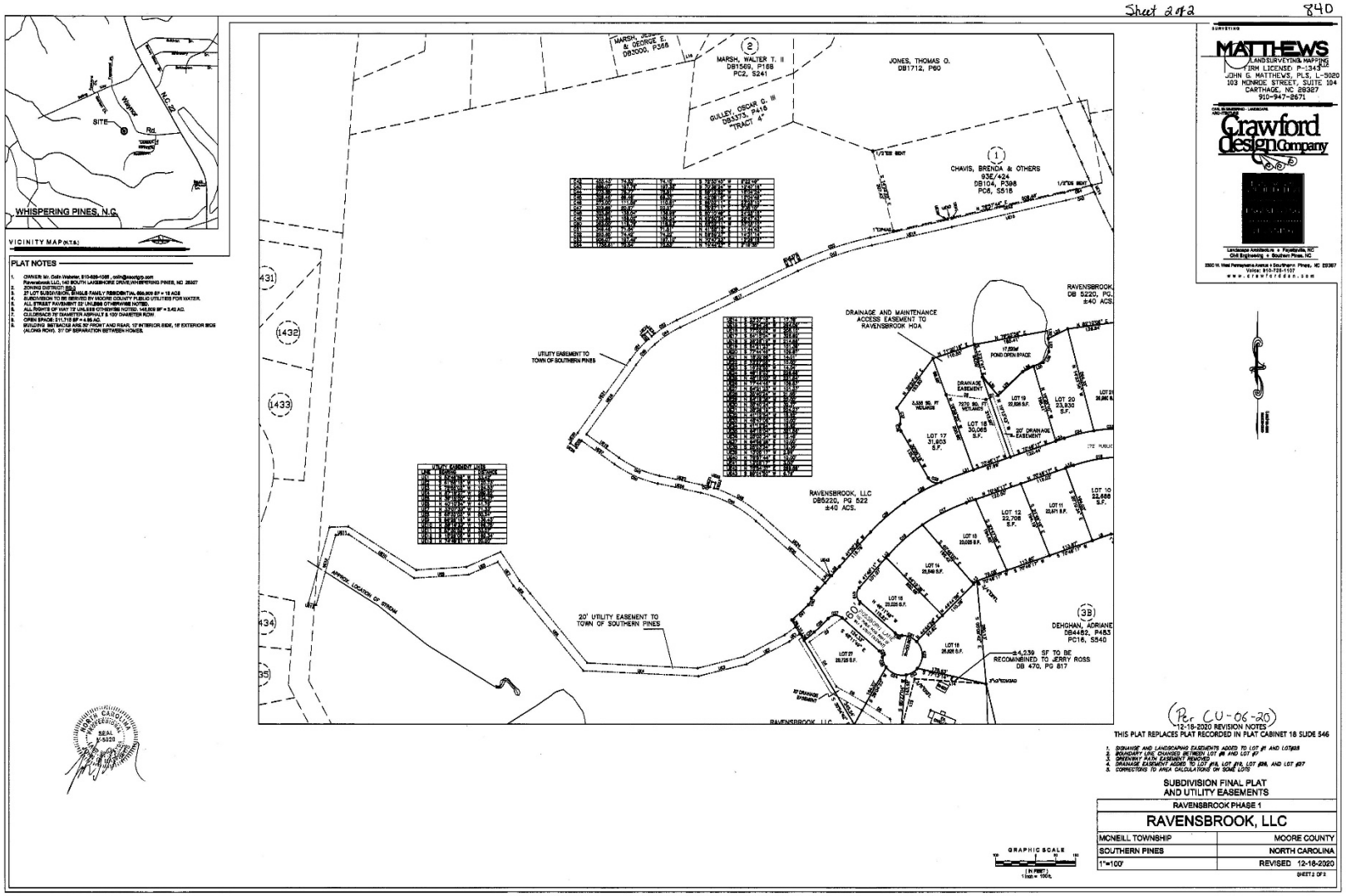
Adopted this 9th day of August, 2022.

_____
Carol R. Haney, Mayor

_____
Elizabeth Robertson, Town Clerk

Exhibit A:


Sheet 1 of 2
839
MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE: P-1343
JOHN G. MATTHEWS, PLS, L-5020
103 MONROE STREET, SUITE 104
CARTHAGE, NC 28327
910-947-2671
Crawford Design Company
VICINITY MAP (N.T.S.)
WHISPERING PINES, N.C.
SITE
PLAT NOTES
CERTIFICATE OF OWNERSHIP AND DEDICATION
CERTIFICATE OF APPROVAL
MAP REFERENCES
RAVENSBROOK, LLC
DB 5220, PG. 522
±40 ACS.
DRAINAGE AND MAINTENANCE ACCESS EASEMENT TO RAVENSBROOK HOA
WAYNOR RD SR1827 (60' R/W)
TOWN OF SOUTHERN PINES
DB4470, P223
PC16, S540
DEHGHAN, ADRIANE C.
DB4482, P483
PC16, S540
±4,239 SF TO BE RECOMBINED TO JERRY ROSS
DB 470, PG 817
ROSS, JERRY
DB470, P817
EMAC MANAGEMENT, LLC
DB3686, P458
PC14, S149
5.26 ACRES OPEN SPACE OF WHICH 1.07 ACRES IS WETLAND
GRAPHIC SCALE
AREAS DESIGNATED AS WETLANDS BY U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
PLAT CABINET 18 SLIDE 539-540
(Per CU-06-20
12-18-2020 REVISION NOTES
THIS PLAT REPLACES PLAT RECORDED IN PLAT CABINET 18 SLIDE 546
SUBDIVISION FINAL PLAT AND UTILITY EASEMENTS
RAVENSBROOK PHASE 1
RAVENSBROOK, LLC
MCNEILL TOWNSHIP
MOORE COUNTY
SOUTHERN PINES
NORTH CAROLINA
1"=100'
REVISED 12-18-2020
SHEET 1 OF 2


Sheet 2 of 2
840
WHISPERING PINES, N.C.
VICINITY MAP (N.T.S.)
PLAT NOTES
MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE: P-1343
JOHN G. MATTHEWS, PLS, L-3020
103 MONROE STREET, SUITE 104
CARTHAGE, NC 28327
910-947-2671
Crawford Design Company
Landscape Architecture + Fayetteville, NC
Civil Engineering + Southern Pines, NC
2350 W. West Pennsylvania Avenue • Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddesn.com
MARSH, JERRY & GEORGE E. DB3000, P358
MARSH, WALTER T. II DB1569, P168 PC2, S241
JONES, THOMAS O. DB1712, P60
GULLEY, OSCAR C. III DB3373, P416 "TRACT 4"
CHAVIS, BRENDA & OTHERS 93E/424 DB104, P398 PC6, S518
RAVENSBROOK, DB 5220, PG. ±40 ACS.
DRAINAGE AND MAINTENANCE ACCESS EASEMENT TO RAVENSBROOK HOA
UTILITY EASEMENT TO TOWN OF SOUTHERN PINES
RAVENSBROOK, LLC DB5220, PG 522 ±40 ACS.
20' UTILITY EASEMENT TO TOWN OF SOUTHERN PINES
APPROX. LOCATION OF STREAM
DEHGHAN, ADRIANE DB4482, P453 PC16, S540
±4,239 SF TO BE RECOMBINED TO JERRY ROSS DB 470, PG 817
(Per C.U-06-20)
12-16-2020 REVISION NOTES
THIS PLAT REPLACES PLAT RECORDED IN PLAT CABINET 16 SLIDE 546
SUBDIVISION FINAL PLAT AND UTILITY EASEMENTS
RAVENSBROOK PHASE 1
RAVENSBROOK, LLC
MCNEILL TOWNSHIP
MOORE COUNTY
SOUTHERN PINES
NORTH CAROLINA
1"=100'
REVISED 12-16-2020
GRAPHIC SCALE

TOWN OF SOUTHERN PINES RESOLUTION #1019 OFFICIALLY ACCEPTING OFFER OF DEDICATION TO THE PUBLIC FOR RAVENSBROOK PHASE 1 ROADS RD-01-22

WHEREAS, the Town of Southern Pines has subdivision-regulation jurisdiction over the land on which Amelia Drive, Rossborn Lane and Fleming Court are located; and

WHEREAS, Amelia Drive, Rossborn Lane and Fleming Court are currently privately-maintained streets; and

WHEREAS, pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, North Carolina, a plat entitled "Subdivision Final Plat and Utility Easements, Ravensbrook Phase 1" depicting Amelia Drive as a 72' Public Road Right of Way & Utility Easement, Rossborn Lane as a 60' Public Right of Way & Utility Easement and Fleming Court as a 60' Public Right of Way & Utility Easement and depicting the accurate location of street boundary lines, ownership of adjacent properties and adjacent and intersecting streets was recorded on February 24, 2021 in Plat Cabinet 18, Slide 839; and

WHEREAS, North Carolina General Statutes §160A-374 allows any city council to accept by resolution any dedication made to the public of lands for streets when the lands are located within its subdivision-regulation jurisdiction; and

WHEREAS, the construction of all required portions of Amelia Drive, Rossborn Lane and Fleming Court, including street surfaces, curbs, sidewalks, street lights and landscaping is complete and the Town Engineer has inspected and approved construction.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Town of Southern Pines hereby accepts for ownership, operation and maintenance the Phase 1 portion of Amelia Drive, Rossborn Lane and Fleming Court rights-of-way shown on "Exhibit A" attached hereto.

Adopted this 9th day of August, 2022.

ATTEST: TOWN OF SOUTHERN PINES

_____ _____

Elizabeth Robertson, Town Clerk Carol R. Haney, Mayor

I certify that this Order was adopted by the Town Council of the Town of Southern Pines at its meeting on August 9, 2022 as shown in the Minutes of the Town Council meeting for that date.

_____

Elizabeth Robertson, Town Clerk

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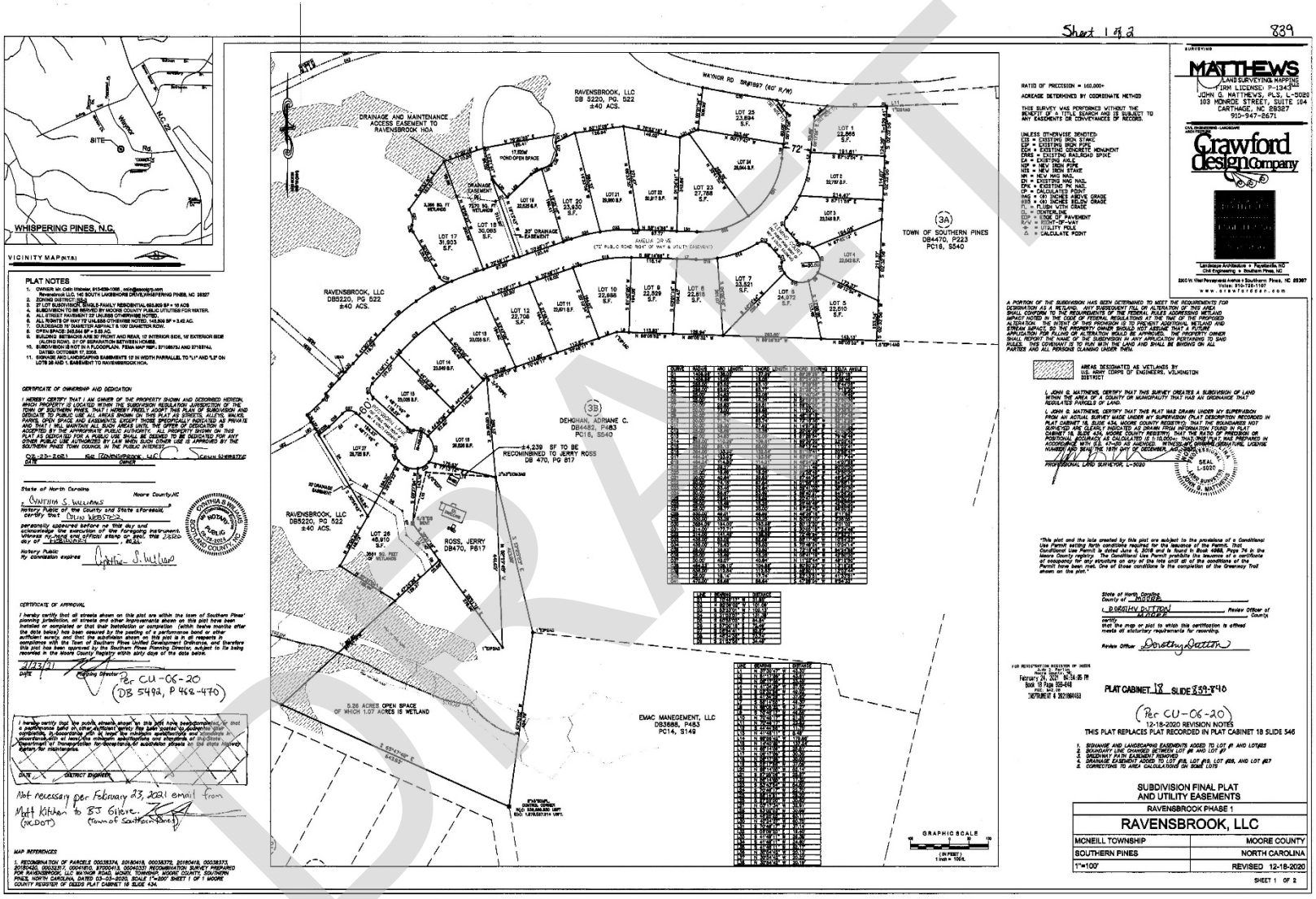
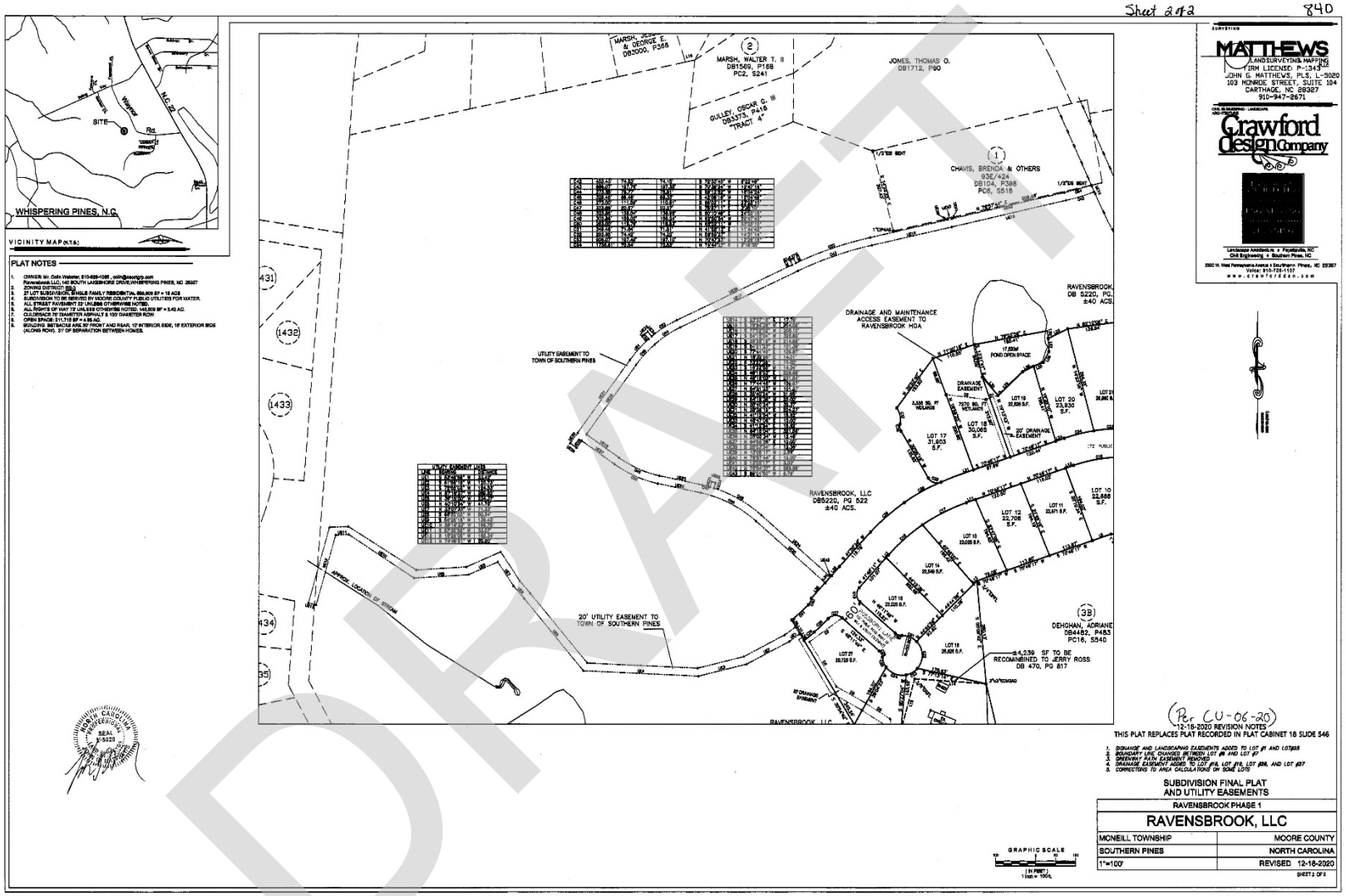
Exhibit A:


Sheet 1 of 2
839
VICINITY MAP (N.T.S.)
WHISPERING PINES, N.C.
SITE
PLAT NOTES
CERTIFICATE OF OWNERSHIP AND DEDICATION
CERTIFICATE OF APPROVAL
MAP REFERENCES
RAVENSBROOK, LLC
DB 5220, PG. 522
±40 ACS.
DRAINAGE AND MAINTENANCE ACCESS EASEMENT TO RAVENSBROOK HOA
WAYNOR RD SR#1857 (60' R/W)
TOWN OF SOUTHERN PINES
DB4470, P223
PC18, S540
DEHGHAN, ADRIANE C.
DB4482, P483
PC18, S540
±4,239 SF TO BE RECOMBINED TO JERRY ROSS
DB 470, PG 817
ROSS, JERRY
DB470, P817
EMAC MANAGEMENT, LLC
DB3686, P453
PC14, S149
5.26 ACRES OPEN SPACE OF WHICH 1.07 ACRES IS WETLAND
GRAPHIC SCALE
MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE: P-1343
JOHN G. MATTHEWS, PLS, L-5020
103 MONROE STREET, SUITE 104
CARTHAGE, NC 28327
910-947-2671
Crawford design Company
Landscape Architecture • Feyetteville, NC
Civil Engineering • Southern Pines, NC
Voice: 910-725-1107
www.crawfordesign.com
RATIO OF PRECISION = 1:10,000+
ACREAGE DETERMINED BY COORDINATE METHOD
THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.
AREAS DESIGNATED AS WETLANDS BY U.S. ARMY CORPS OF ENGINEERS, WILMINGTON DISTRICT
SEAL L-5020
PLAT CABINET 18 SLIDE 539-540
(Per CU-06-20)
12-18-2020 REVISION NOTES
THIS PLAT REPLACES PLAT RECORDED IN PLAT CABINET 18 SLIDE 546
1. SIGNAGE AND LANDSCAPING EASEMENTS ADDED TO LOT #1 AND LOT#25
2. BOUNDARY LINE CHANGED BETWEEN LOT #1 AND LOT #2
3. SIDEWALK PATH EASEMENT REMOVED
4. DRAINAGE EASEMENT ADDED TO LOT #18, LOT #19, LOT #25, AND LOT #27
5. CORRECTIONS TO AREA CALCULATIONS ON SOME LOTS
SUBDIVISION FINAL PLAT AND UTILITY EASEMENTS
RAVENSBROOK PHASE 1
RAVENSBROOK, LLC
MCNEILL TOWNSHIP
MOORE COUNTY
SOUTHERN PINES
NORTH CAROLINA
1"=100'
REVISED 12-18-2020
SHEET 1 OF 2
Per CU-06-20 (DB 5492, P 468-470)
Not necessary per February 23, 2021 email from Matt Kitchen to BJ Givens (NCDOT) (Town of Southern Pines)
DRAFT


Sheet 2 of 2
840
MATTHEWS
LAND SURVEYING & MAPPING
FIRM LICENSE: P-1343
JOHN G. MATTHEWS, PLS, L-3020
103 MONROE STREET, SUITE 104
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910-947-2671
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WHISPERING PINES, N.C.
VICINITY MAP (N.T.S.)
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JONES, THOMAS O. DB1712, P60
GULLEY, OSCAR C. III DB3373, P416 "TRACT 4"
CHAVIS, BRENDA & OTHERS 93E/424 DB104, P398 PC8, S518
RAVENSBROOK, DB 5220, PG. ±40 ACS.
DRAINAGE AND MAINTENANCE ACCESS EASEMENT TO RAVENSBROOK HOA
UTILITY EASEMENT TO TOWN OF SOUTHERN PINES
RAVENSBROOK, LLC DB5220, PG 522 ±40 ACS.
20' UTILITY EASEMENT TO TOWN OF SOUTHERN PINES
DEHGHAN, ADRIANE DB4482, P453 PC16, S540
±4,239 SF TO BE RECOMBINED TO JERRY ROSS DB 470, PG 817
(Per C.U-06-20)
12-16-2020 REVISION NOTES
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RAVENSBROOK PHASE 1
RAVENSBROOK, LLC
MCNEILL TOWNSHIP
MOORE COUNTY
SOUTHERN PINES
NORTH CAROLINA
1"=100'
REVISED 12-16-2020
GRAPHIC SCALE
DRAFT

COUNTY OF MOORE
STATE OF NORTH CAROLINA

I swear that this is a true and accurate copy of a Resolution officially accepting Offer of Dedication to the Public for Ravensbrook Phase 1 Roads adopted on August 9, 2022 (RD-01-22).

_____
Elizabeth Robertson Town Clerk

_____
Date

DRAFT

TOWN OF SOUTHERN PINES RESOLUTION #1018
INTENT TO ENTER INTO A LEASE WITH GO PINES, LLC FOR THE PROVISION OF ELECTRIC VEHICLE CHARGING STATIONS IN PUBLIC PARKING LOTS

WHEREAS, in 2018, North Carolina Governor Roy Cooper signed into law Executive Order No. 80 (EO 80), which promotes strategies to address climate change and transition to a clean energy economy. EO 80 encourages public-private partnerships to foster innovations for clean energy technology solutions and set forth a goal of increasing the number of zero-emission vehicles (ZEVs) registered in North Carolina to at least 80,000 by 2025; and

WHEREAS, in 2022, Governor Cooper signed Executive Order No. 245, which builds upon EO 80 and sets specific transportation goals to transform North Carolina to a clean, equitable economy so that by 2030, at least 50 percent of vehicles sold in North Carolina are zero-emission;

WHEREAS, as reported by the North Carolina Department of Transportation, the growth of electric and plug-in hybrid vehicles registered in Moore County has been steady and significant, representing an increase of 205% from 2019 to 2022. As of March 2022, 448 electric and plug-in hybrid vehicles were registered, a 64% increase since March 2021; and

WHEREAS, there are currently three public parking spaces equipped with electric vehicle charging infrastructure within Southern Pines. The Town of Southern Pines seeks a public-private partnership to install additional charging infrastructure to meet the continued growth of ZEVs registered in Moore County, while limiting the cost burden on the Town's taxpayers.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 9th day of August, 2022, that:

1. In accordance with North Carolina General Statutes §160A-272, the Town Council of Southern Pines announces its intent to enter into a lease agreement with Go Pines, LLC for a term for five (5) years.
2. The Town of Southern Pines will lease public parking spaces to Go Pines, LLC for the purpose of installing electric vehicle charging infrastructure to serve four parking spaces at the Town's Bennett Street lot and two parking spaces in Reservoir Park. The costs of installing, maintaining, and operating the infrastructure will be borne solely by Go Pines, LLC.
3. The Town of Southern Pines does not have any intended needs for the subject parking spaces that are not in harmony with the proposed lease for the purposes of installing electric vehicle charging infrastructure.
4. Go Pines, LLC will pay the Town of Southern Pines an amount of $25 per month ($300 per year) for each parking space.
5. The Town Council intends to act on this lease at its regular meeting on Monday, September 26, 2022.
6. The Town Clerk shall provide notice of the Town Council's intent to enter into this lease in *The Pilot* newspaper no later than August 27, 2022.

Adopted this 9th day of August, 2022

TOWN OF SOUTHERN PINES

_____
Carol R. Haney, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of August 9, 2022 as shown in the minutes of the Town Council for that date.

_____
Elizabeth Robertson, Town Clerk

DRAFT

NORTH CAROLINA
MOORE COUNTY

ELECTRIC VEHICLE SITE HOST AND LEASE/PROPERTY USE AGREEMENT
GO PINES, LLC AND TOWN OF SOUTHERN PINES, NC

THIS ELECTRIC VEHICLE SITE HOST AND PROPERTY USE AGREEMENT (the "Agreement") is entered into as of this _____ day of _____, 2022, between GO PINES LLC (herein "Go Pines") and the Town of Southern Pines an incorporated municipality, a body corporate and politic in Moore County, North Carolina (hereinafter referred to as "the Town"). Go Pines LLC and the Town may be referred to individually as a "Party" and collectively as the "Parties".

RECITALS

WHEREAS, Go Pines LLC will install, own, operate, maintain and support electric vehicle supply equipment ("EVSE") within the Town of Southern Pines, North Carolina.

WHEREAS, the Town is the owner or operator of that certain property (the "Property") as defined in Exhibit A;

WHEREAS, the Town agrees to lease property to Go Pines LLC in order to install EVSE and associated wires, cables, and equipment (collectively, the "Equipment") at the Property;

NOW THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the Parties hereto agree as follows:

1. GO PINES LLC OBLIGATIONS

a) Go Pines LLC and/or its contractors shall design and construct the Equipment in compliance all applicable local, state, and federal laws and regulatory requirements. No construction, installation, or similar may commence by Go Pines LLC and/or its contractors until the Town has approved the location(s), placement, method of installation (such as concrete or similar) and connection of the Equipment. Should the proposed installation schedule require modification, Go Pines LLC shall notify the Town within a reasonable amount of time of such changes. At the option of Go Pines LLC, all Equipment shall be Go Pines LLC branded.

b) All Equipment shall be connected to a meter(s) which is billed to Go Pines. Go Pines LLC shall assume all responsibility and expenses to connect the Equipment to a metered electrical panel(s) and paying the ongoing electrical service.

c) To the extent Go Pines LLC reasonably believes an upgrade of existing electrical infrastructure is required, Go Pines LLC shall install a new meter at the Property at its expense.

d) During the Term of this Agreement, Go Pines LLC and/or its contractors shall operate, maintain, modify, repair, and/or replace the Equipment at Go Pines' expense. Go Pines LLC shall repair the Equipment promptly upon learning of maintenance needs. Go Pines LLC shall have the right to

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repair, modify or replace the Equipment at any time during the Term of this Agreement. Go Pines LLC shall schedule access for installation, maintenance and repairs during a mutually agreeable time, except in emergency situations.

e) During the Term, Go Pines LLC shall pay all fees, utilities, and other expenses required for the operation and maintenance of the EVSE.

f) Go Pines shall, at each charging point, co-brand the EVSE to promote the Town's participation in providing this infrastructure. Notwithstanding the foregoing, there shall be clear language and contact information indicating that customers shall report maintenance needs, address billing questions, or other concerns directly with Go Pines, rather than the Town. At a minimum, contact information shall include a phone number and e-mail address for Go Pines.

g) Go Pines shall be permitted to promote and advertise the Program; provided, however, the Town reserves the right to review and approve any and all advertising, marketing, or promotional copy or materials developed or used by Go Pines which references the Town's role with the EVSE. The Town may require Go Pines to submit such copy and materials for pre-approval. Approval shall be granted, unless the Town, in its sole discretion, reasonably determines that the copy or materials are misleading, in error, or is not in the Town's best interest. In the event that the Town does not approve, Go Pines agrees to remove from circulation or otherwise discontinue the use of any such materials.

h) Go Pines shall use commercially reasonable efforts to maintain the Equipment in a clean, safe, and orderly condition, to at least the same standard that the Town maintains the surrounding property.

i) Go Pines may take reasonable measures to discourage and prevent anyone other than an EV driver from parking in a space dedicated to EVSE. Such measures may include, but are not limited, to installing signage, and towing non-electric vehicles. Said measures shall be approved by the Town prior to installation, implementation, or similar.

j) Go Pines LLC shall be responsible for repairing any damage to the Property directly caused by the installation, maintenance, repair, usage, and/or removal of the Equipment.

2. THE TOWN'S OBLIGATIONS

a) The Town shall provide Go Pines, its representatives, Network Provider, contractors, and designees access to the Property as deemed necessary or desirable for the assessment, installation, maintenance, repair, replacement, and/or removal of all or any portion(s) of the Equipment throughout the Term of this Agreement.

b) The Town shall not damage, disable, modify or tamper with the Equipment in any way except to the extent required by an emergency situation. If the Town violates the preceding sentence, Go Pines LLC shall repair or replace the Equipment at and invoice the Town for the expense.

c) The Town acknowledges that Go Pines LLC and/or its contractors will gather data and information from the Equipment with respect to vehicle charging activity, vehicle usage and technical

performance of the vehicle and Equipment. Go Pines LLC shall own all rights to such data and information. The Town acknowledges that such data and information will be used and disclosed by Go Pines LLC and third parties for the purpose of understanding and evaluating the impact of electric vehicles on transit systems and the electric power grid, for use in regulatory reporting, industry forums, case studies or other similar activities, in accordance with applicable laws and regulations. Go Pines LLC will make available to the Town relevant station utilization data.

d) The Town shall provide publicly accessible parking spots and nondiscriminatory access to the EVSE in accordance with Exhibits A and B. For public installations, this means a site is available to any electric vehicle driver regardless of affiliation (i.e. a business cannot designate a public charger for their customers only).

e) The Town shall be permitted to promote and advertise the Program; provided, however, Go Pines LLC reserves the right to review and approve any and all advertising, marketing, or promotional copy or materials developed or used by the Town which references the Town's role with the EVSE. Go Pines LLC requires the Town to submit such copy and materials for pre-approval. Approval shall not be unreasonably withheld, conditioned or delayed, unless Go Pines LLC in its sole discretion, reasonably determines that the copy or materials are misleading, in error, or is not in Go Pines' best interest. In the event that Go Pines LLC does not approve, the Town agrees to remove from circulation or otherwise discontinue the use of any such materials.

3. TERM AND TERMINATION

a) This Agreement shall be effective as of the date of execution by both Parties. The term shall commence on the date of installation of the Equipment and shall continue for five years (the "Term").

b) Notwithstanding anything herein to the contrary, either party may terminate this agreement upon providing written notice of sixty (60) days. In addition, in the event Go Pines LLC determines that the Property is not technically compatible for the purposes hereunder, Go Pines LLC shall have the right to terminate this Agreement immediately upon written notice to the Town.

c) Unless otherwise agreed to by the Parties, Go Pines LLC shall remove the Equipment following any such termination, so long as they may be removed without damage to the Town's property. All expenses of such removal shall be paid by Go Pines and removal shall take place within thirty (30) days from the time the agreement terminates.

4. INTERRUPTION OF ELECTRIC SERVICE

Go Pines LLC does not guarantee continuity of electric service to the EVSE and is not responsible or liable for interruption, curtailment, failure, or defect in the supply or character of electricity furnished to facilities or Equipment. In the event that any of the Equipment is without a continuous supply of electricity for a period of ninety (90) consecutive days or longer, either Party may immediately terminate this Agreement in writing for the affected Equipment.

5. TITLE TO EQUIPMENT

At all times during the Term of this Agreement, title to the Equipment shall remain with Go Pines LLC and are not to be considered fixtures or in any way the property of The Town. Upon the expiration of this Agreement, including any extensions thereof, and upon mutual consent by both parties, title to the Equipment may transfer to the Town at no cost and with no warranties.

Upon transfer of title to the Equipment to The Town, (i)the Town releases Go Pines LLC from any liabilities, including, but not limited to, any claim or action for bodily injury or property damage resulting from or related to the Equipment or the use of the Equipment; and (ii) the Town will be responsible for electrical consumption costs, network access fees, maintenance costs, and any repair costs thereafter.

6. GOVERNMENTAL APPROVALS.

a) It is understood and agreed that Go Pines' ability to install the Equipment is contingent upon its all of the applicable permits and other approvals that may be required by any federal, state or local authorities (collectively the "Governmental Approvals"). Said Governmental Approvals will be obtained after this Agreement is executed. The Town shall cooperate with Go Pines LLC in its effort to obtain such Governmental Approvals by confirming ownership of the property or providing similar approvals or data, but will not make any financial contribution toward the approvals.

b) It is understood and agreed by both parties that the Governmental Approvals may not be obtained in a timely manner, the applications are rejected or, after issuance, are canceled, expire, lapse, or are otherwise withdrawn or terminated by the issuing authority. In the event that the Governmental Approvals are not issued or do not remain valid through the duration of the Term, either party may terminate this agreement immediately upon written notice.

7. ACCESSIBILITY REQUIREMENTS

a) Both parties understand and accept that electric vehicle charging facilities that are publicly accessible shall comply with the Americans with Disabilities Act (ADA), applicable North Carolina building codes, and any local regulations

b) Both parties understand that in order to comply with required codes and regulations, there may be minor modifications to the intended layout or location of the planned EVSE. Go Pines shall submit any requested modifications to the design, construction, or operation of the EVSE to the Town for review and approval.

8. INSURANCE, LIABILITY, LOSS OF USE, AND INDEMNIFICATION

a) The Town shall promptly report all claims and/or incidents to Go Pines LLC or its designated representative(s), and confirm in writing, the occurrence of any injury, loss, or damage incurred.

b) The Town will not be liable or financially responsible for any loss or damage to the Equipment, Property, and/or Person that occurs by reason of a driver's use of the Equipment and/or parking lot,

vandalism, theft, or similar or in the event of fire, natural disaster, other casualty, or act of God. This is extended not only to the Equipment, but also to any loss of income and/or increased expenses for Go Pines in the event of an incident described herein.

c) If any of the Properties are damaged by fire, natural disaster, other casualty, act of God, or deterioration and the cost of remediation is so great that Town decides not to repair or rebuild, the Town may terminate this agreement with respect to the Property in question. Upon written notice of termination, Go Pines must remove the Equipment from the affected Property.

d) Go Pines shall secure and maintain, at its own expense, liability insurance in an amount of no less than $1,000,000 with respect to bodily injury, death, or property damage suffered by any one person or entity and/or arising out of any one accident/incident. Go Pines shall list the Town as an additional insured on said policy(ies) and shall provide a certificate(s) of insurance to the Town confirming these minimum coverages. Should Go Pines make changes associated with its insurance policy(ies), it shall provide to the Town an updated certificate(s) of insurance within thirty (30) days of said change.

e) Each Party shall indemnify and hold the other harmless against any claim of liability or loss from bodily injury or property damage resulting from or arising out of the negligence of such Party, its servants or agents, excepting, however, such claims or damages as may be due to or caused by the acts or omissions of the other Party, its servants or agents.

f) In no event shall either Party be liable for consequential, special, incidental, exemplary, punitive, or any indirect damages of any nature arising at any time, from any cause whatsoever.

g) Go Pines shall indemnify and hold the Town harmless against any breach or release of customer data, intentional or unintentional, that might include credit card details or other personal identification information.

9. COMPENSATION.

Go Pines LLC agrees to pay the Town $25.00 per month per parking space being utilized by the EVSE for the duration of this Term.

10. CHANGES

Should Go Pines LLC find the need to initiate changes to the Program based on changing circumstances, requested modifications shall be submitted to the Town for review and consideration. The Town may approve minor changes to this agreement, provided the revised agreement remains consistent with the terms outlined via public notice in compliance with NCGS § 160A-272. The remainder of the Agreement and the application of the Agreement to the amended list shall not be affected.

11. AUTHORITY

The Town represents and warrants that it is the owner or authorized manager of the proposed Property, has the power, authority and capacity to bind itself to undertake the Program terms and conditions, and to perform each and every obligation required of the Town. The Town is authorized to lease property owned by the Town, provided the lease is advertised, approved, and operated in compliance with NCGS § 160A-272.

12. SALE OF PROPERTY

The Town shall notify Go Pines LLC at least thirty (30) days prior to any sale of the Property. Within thirty (30) days following receipt of such notice, Go Pines shall remove its Equipment, unless it enters into an executed agreement with the subsequent property owner. Upon the transfer of the property, the agreement between the Town and Go Pines LLC is automatically terminated.

13. TAX CREDITS

To the extent the installation of the Equipment generates any tax credits, such credits shall be the sole property of and shall inure to the benefit of Go Pines LLC or the period for which it owns the Equipment provided under this Agreement.

14. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of North Carolina without reference to its conflict of laws principles.

15. ENTIRE AGREEMENT

This Agreement represents the entire agreement between Go Pines LLC and the Town with respect to the subject matter hereof. This Agreement may be amended or modified only by a written instrument duly executed by each of the Parties which is in compliance with NCGS § 160A-272.

16. SUCCESSORS AND ASSIGNS

Neither party may assign, convey or transfer all or any part of this Agreement.

17. NO WAIVER

No course of dealing or failure of Go Pines LLC or the Town to enforce strictly any term, right or condition of this Agreement shall be construed as a waiver of that term, right or condition. No express waiver of any term, right or condition of this Agreement shall operate as a waiver of any other term, right or condition.

18. SURVIVAL

All sections of this Agreement providing for indemnification or limitation of or protection against liability of either Party shall survive the termination or expiration of this Agreement. Additionally, any

provisions of this Agreement which require performance subsequent to the termination or expiration of this Agreement shall also survive such termination or expiration.

19. SEVERABILITY

If any provision of this Agreement or the application of this Agreement to any person or circumstance shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement and the application of that provision to persons or circumstances other than those as to which it is specifically held invalid or unenforceable shall not be affected, and every remaining provision of this Agreement shall be valid and binding to the fullest extent permitted by laws.

20. NOTICES AND APPEALS TO DECISIONS

a) The Assistant Town Manager shall have the authority to review issues of discretion and make decisions as described in this agreement. Should Go Pines wish to appeal any of the Assistant Town Manager's decisions surrounding this agreement, Go Pines must submit a written appeal to the Town Manager within ten (10) days of the decision.

b) All notices hereunder must be in writing and shall be deemed validly given if sent by U.S. mail, commercial courier, personal delivery, or email, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice). Notice shall be effective upon receipt or such later date specified in the notice.

Town of Southern Pines
Attn: Jessica Roth
125 SE Broad Street
Southern Pines, NC 28387
jroth@southernpines.net
Phone: 910-692-7021

Go Pines, LLC
130 Broom Sedge Lane
Southern Pines, NC 28387
chris@go-pines.com
Phone: 910-691-3383

21. COUNTERPARTS

This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Transmission of images of signed signature pages by e-mail or other electronic means shall have the same effect as the delivery of manually signed documents in person.

22. NO JOINT VENTURE

The Parties intend by this Agreement to establish the basis upon which they will cooperate together, but on an independent basis. This Agreement does not constitute or create a joint venture, partnership, or any other similar arrangement between the Parties. Each of the Parties is independent and none of them are an agent of, nor has the authority to bind the

other for any purpose. No Party shall bind any other, or represent that it has the authority to do so.

23. PHOTOS/VIDEO OF EQUIPMENT

The Town agrees, upon reasonable notice to allow Go Pines LLC to enter the Property to take photographs or video of the Equipment. Go Pines LLC shall own all copyright and other intellectual property rights of such photographs or videos. To the extent the Property appears in any such photographs or videos, The Town consents to Go Pines' use and disclosure of such photographs or videos of the Property.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on _____ day of _____, 2022.

GO PINES, LLC

_____
Christopher Hopfensperger, Owner

TOWN OF SOUTHERN PINES

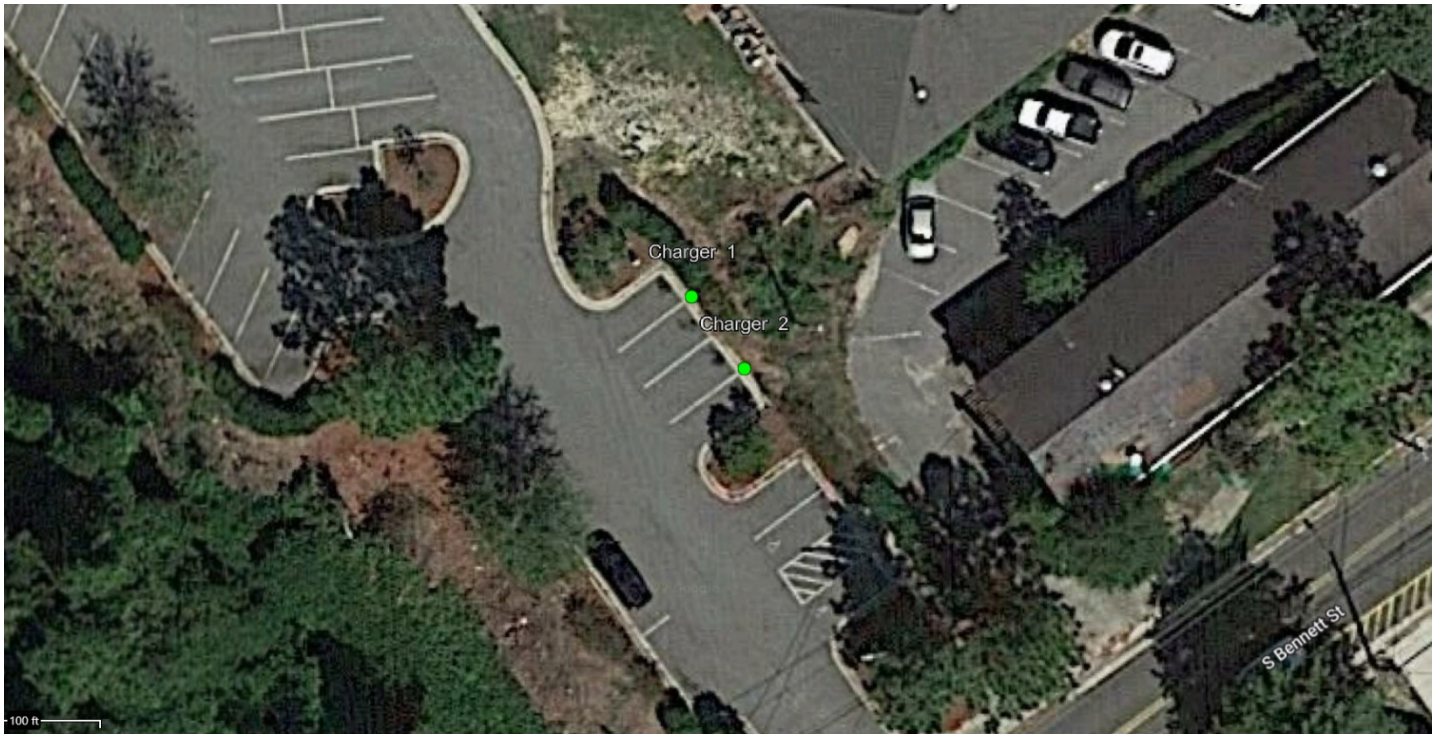
_____
Carol Haney, Mayor

_____
Elizabeth Robertson, Town Clerk

Exhibit A: Property Included in this Agreement

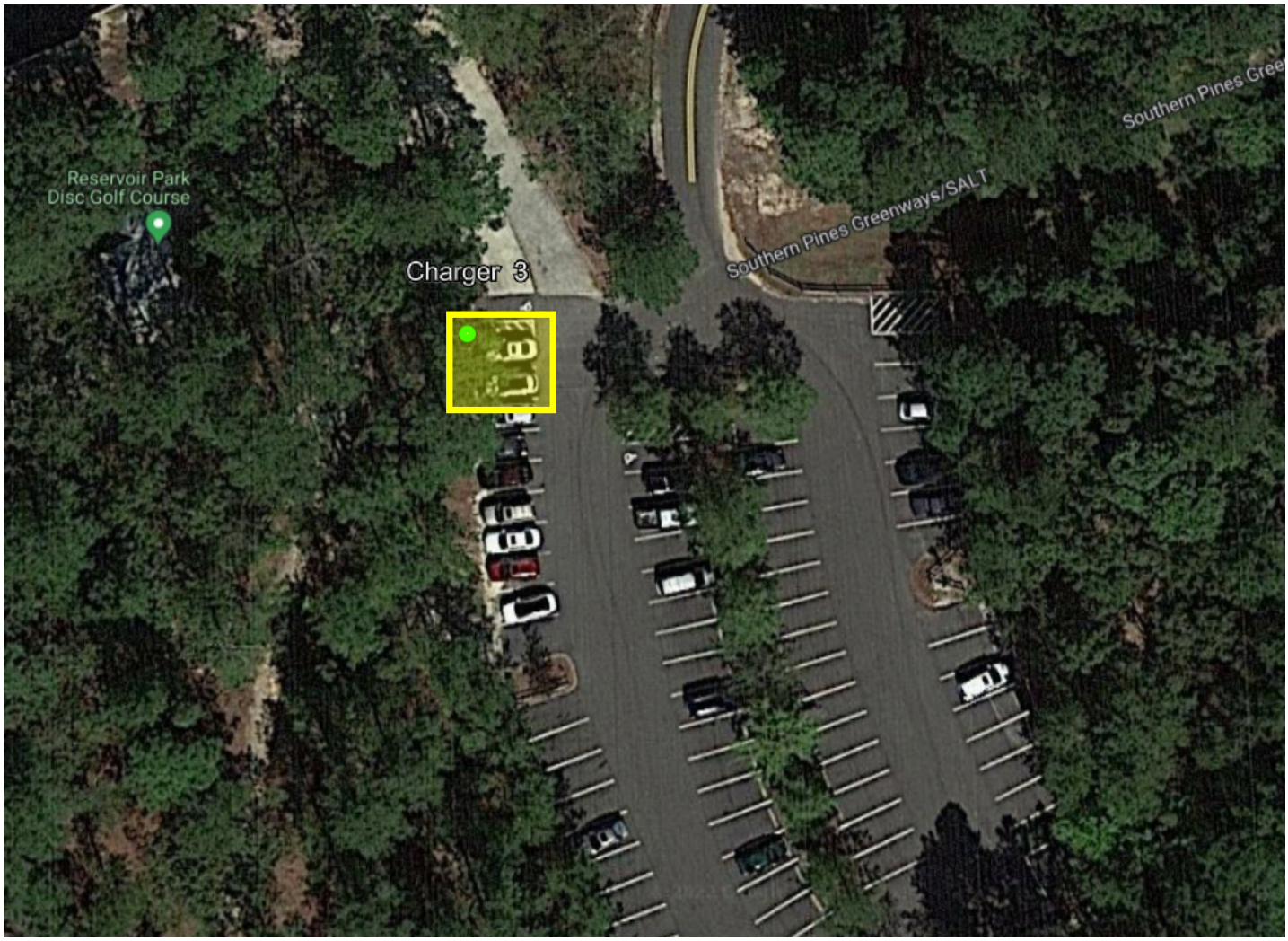
Four Parking Spots in the Town's Bennett St. Parking Lot

Overhead satellite imagery of Bennett St parking lot



EVSE will be installed IVO: N 35.1750273 W -79.3937795 & N 35.1749872 W -79.3937436. Each location will include 2 charging ports

2 Parking Spots in the Town's Reservoir Park Lot



EVSE located to support one disabled parking spot and one standard parking spot. EVSE will be installed IVO: N 35.2145032 W -79.401017. Location will have 1 charging port

Exhibit B: Site Host Segment Type and Availability Requirements

Public Level 2 (Level Two 208v-240v single phase available for general public access)

List any limitations of public access to the station(s) - Indicate days and times of day station will be publicly available

The four parking spots in the parking lot adjoining Bennett Street are accessible to the public 24 hours a day, 365 days a year, unless there is a temporary closure for maintenance, construction, hazardous conditions, or similar.

The two parking spots in Reservoir Park are publicly accessible during all hours and days the park is open. The park closes overnight and operating hours at the time this Agreement was executed were from dawn to dusk. Reservoir Park and/or the parking lot may be temporarily closed for maintenance, construction, hazardous conditions, or similar.

PUBLIC NOTICE
LEASE OF TOWN PROPERTY

The Town Council of Southern Pines intends to enter a lease of the following Town-owned property: four parking spaces at the Bennett Street lot and two parking spaces in Reservoir Park for the purpose of installing electric vehicle charging infrastructure.

The Town intends to lease the property to Go Pines, LLC for a term of five years, subject to termination upon notice by either party. In consideration, Go Pines, LLC will pay the Town at an annual rate of $1,800 ($300 per space).

All persons interested in this lease are invited to attend the September 26, 2022 meeting of the Town Council. This meeting will be held at the Haney Community Room of the Southern Pines Police Station, 450 Pennsylvania Ave., Southern Pines, NC, at 3:00 p.m. At that time the Council intends to act on the lease for the property described above.

DRAFT

GOPINES
EV CHARGING SOLUTIONS

LEVEL 2 CHARGING POINTS FOR SOUTHERN PINES

Prepared for:
The Town of Southern Pines

Introduction

Dear Mr. Parsons,

This proposal gives an overview of Go Pines' plan for the installation of electric vehicle charging points within the town of Southern Pines. This project will be in cooperation with the State and in support of the State of North Carolina Public Access Level 2 Zero-Emission Vehicle (ZEV) Charging Infrastructure Program. Included is the background data and description of the project that support this effort and provides my reasoning for undertaking this endeavor.

I will do my best to win your approval for this project as it helps meet the goals of Southern Pines, the State of North Carolina, and Go Pines LLC.

I sincerely thank you for your thoughtful consideration of this project and will be available to answer any questions you have and clarify anything within this proposal.

Sincerely,

Christopher Hopfensperger

Chris Hopfensperger
910-691-3383
Go Pines LLC

GOPINES
EV CHARGING SOLUTIONS

Project Outline

The mission of Go Pines LLC is to provide the infrastructure needed to encourage the widespread adoption of electric vehicles within Southern Pines.
There are a limited number of publicly accessible electric vehicle (EV) charging points within the town of Southern Pines. There are currently seven of them, three of them are owned by the Town, three are owned by car dealerships with limited access and the last being located at the National Athletic Village, for Tesla owners only. The cost of building the required infrastructure should not be left solely to local governments. The installation, operation, maintenance, and reporting of usage can amount to thousands of dollars a year. Through the State's initiative and public/private cooperation, I look forward to the ability to assist in building the required infrastructure to promote the widespread adoption of clean energy vehicles within our town.

1. Needs

There two primary concerns that holds people back from making the move away from internal combustion engines (ICE) and into electric vehicles. The first of which is the cost of the vehicles. The current average cost of a new fully electric vehicle as of January of this year is $19,000 more than a comparable ICE vehicle. The cost gap is due to decrease over the next two years as more mainstream vehicle manufacturers switch to producing EVs. Over the next couple of years there will be over 41 different EVs on the market. The decrease in initial purchasing cost paired with the lower cost of maintenance and "fueling" will drive many more consumers to EVs. This will lead to an overnight demand for public charging points. The other limiting factor to moving towards EVs is referred to as "range anxiety." Range anxiety is the concern that owning an EV will limit where a person will be able to travel to, or the concern of running out of battery capacity before making it home to recharge. Providing a robust public charging infrastructure that offers charging at a low cost eliminates these fears, as the vehicle owners would be able to charge while they frequent their local shops and restaurants. Additionally, not every person can own a private charger. There are zero charging points at any of the apartment complexes within Southern Pines. To alleviate the range anxiety and lack of public charging options for those that cannot own a charging point is to ensure that through public/private partnerships we build this critical infrastructure in the areas that are frequented the most in our town.

- The International Energy Administration recommends ten vehicles per charging port. As of September 2021, North Carolina had one charging port per 14.33 EVs. This ratio will only continue to increase as more vehicle manufactures sell more affordable vehicles. During the last two quarters of 2020, EVs accounted for 10% of passenger car sales in the State, ranking 17th in the nation. (Cleanenergy.org)
- In North Carolina transportation was the cause of 42.5% of CO2 emissions (Cleanenergy.org)
- North Carolina ranks 37th in the nation for deploying EV charging points (Cleanenergy.org)

2. Benefits

There are multiple benefits to having charging points available to the public near businesses and public spaces:

- Shows residents and tourists that our Town is environmentally friendly and committed to going green. Our area has a large focus on a clean, welcoming outdoors already but there is still room for improvement.
- Increases customer satisfaction, allowing customers the ability to charge their EV while enjoying the downtown district and public parks and all that they have to offer.
- Enables travelers passing through on US Hwy 1 the ability to stop and charge their EV. The charging points within Southern Pines will be placed on many popular EV charging apps which would draw in new customers to the nearby shops and restaurants while they recharge.
- Helps meet the State's climate goals. State Executive Order 80 lays out specific goals and approaches that Go Pines LLC can help meet.
- Installing charging points under a public/private partnership removes all funding requirements and responsibilities from the municipality. This will free up capital for the town to spend on other projects to meet additional needs of the residents and additional climate goals.

3. Project Scope

Go Pines LLC would like the opportunity to work with the town of Southern Pines and the State to meet their clean energy and climate goals. We are requesting the approval to install 2 to 4, Level 2 publicly accessible charging ports (2-4 parking spaces) within the downtown district, Town parks and other public facilities. The chargers will be Enel X JuiceBox Pro 40s (attachment 1) mounted on the JuicePedestal (attachment 2) which are made in America and deliver up to 9.6 kW per hour which provides the current model 3 Tesla approximately forty-one additional miles of charge in an hour and over half of total charge capacity of the 2022 Chrysler Pacifica Plugin Hybrid mini-van . To eliminate any hazards or inconvenience to the public walking on the sidewalk we intend to install (upon approval) these charging points near the parking spaces on the edge of parking lots or next to the road without impeding the sidewalk (much like a parking meter). The design for this project would meet the requirements of the State of North Carolina Public Access Level 2 Zero-Emission Vehicle (ZEV) Charging Infrastructure Program. This program incorporates multiple requirements which includes a five-year commitment to operating the equipment, placement, marking and signage as well as network connectivity. All requirements set by the State's program will be adhered to, for example, the allotted parking spaces will be clearly identified as EV charging, as well as the required signage to include "electric vehicle charging only" and "this project made possible in partnership with the State of North Carolina". Additionally, the equipment will be networked and connected to the Enel X management system, JuiceNet Enterprise, where the usage data will be compiled and sent to the State on an annual basis, as well as the Town if requested. The installation process will include installing electric meters, running electrical cables, creating a concrete surface to mount the charging points and the mounting of the systems. All the work will be conducted by local, licensed, and insured businesses. I look forward to further conversations to discuss any details or answer any questions you may have.

Action	Proposed Timeline
Proposal Due to the State	2 May 2022
Confirmation of sponsorship from the State	1 June 2022
Order supplies/permits and coordinate for installation	2 June-15 July 2022
Begin installation	15 July 2022
Installation complete	1 August 2022
Order and receive inspections	2-15 August 2022
Charging points operational and in use	1 September 2022

Attachment 1

JUICEBOX® Pro 40

Commercial Charging Stations

Optimize your smart grid EV charging with the best-selling JuiceBox Pro 40

JuiceBox is a Level 2 charging station with all the safety and charging features that cost-conscious businesses and organizations need to maximize their EVSE investments.

Powered by the JuiceNet® software platform, JuiceBox offers direct administrator control and smart grid optimization. It offers your customers, employees, and tenants access to best-in-class smart charging solutions and helps you:

- Optimize energy costs by controlling charging times and demand charges
- Conveniently monetize your EV charging
- Increase grid reliability and support EV adoption
- Enhance driver satisfaction and reach sustainability goals

Why JuiceBox?

Powered by JuiceNet

Intuitive mobile app for drivers and powerful online dashboard for system administrators

Smart Grid Connected

Optimize charging times and aggregate stations to reduce energy costs

Great Performance & Value

Best-in-class smart charging station at an affordable price

Universal Compatibility

SAE-J1772™ compliance ensures compatibility with all EVs*

Access Control & Payment

With JuiceNet Enterprise software, allow registered drivers to access charging stations via mobile device and pay to charge with the mobile app

Compact & Easy to Use

Small enclosure, weatherproof for indoor/outdoor installation, LED charging status indicators

*Tesla requires adapter

JuiceBox® Pro 40 Specifications

Electrical Characteristics	› Safety Rated: 40A Max › Single phase input: nominal voltage 208-240 VAC ~60 Hz › Power: 8.3 kW at 208 VAC; 9.6 kW at 240 VAC
Input Cable & Plug	› 2 ft/0.6 m with NEMA 14-50 or 6-50 plug › 2.5 ft/0.8 m hardwire pigtail
Output Cable & Connector	› 25 ft/7.6 m cable › J1772 standard compliant
JuiceNet® Smart Charging Platform	› Precision measurement of power, energy, voltage & current › Web-based portal: set payment rates and charging hours; monitor charging status and consumption data for individual or groups of devices; control station access; manage EV load › Driver app to monitor and pay for charging (iOS & Android) › Refer to the JuiceNet Business and JuiceNet Enterprise data sheets for more on the capabilities of each dashboard
Connectivity & Authentication	› WiFi-enabled: 802.11 b/g/n 2.4 GHz › Integrated Cellular: LTE (optional) › JuiceRouter: Connect up to 16 chargers with WiFi-to-LTE router (optional) › RFID enabled and QR Code authenticated with JuicePass Enterprise Mobile App
Firmware	› End-to-end AES-256-based encrypted protocols › 90-day, 15-minute interval data storage › Over-the-air (OTA) upgradeable firmware › Persistent data storage upon power interruption
Enclosure	› Dynamic LED lights show charging status: network connectivity, charging in progress, delayed charging, standby, charge complete/EV not drawing power › IP66: Weatherproof, dust-tight, polycarbonate enclosure › IK10: Resistant polycarbonate case › Quick-release wall mounting bracket included › Built-in security lock and integrated cable management › Operating Temperature: -40°F to 140°F (-40°C to 60°C)
Weight & Dimensions	› Main enclosure: H: 18.5 in/469 mm x W: 6.8 in/173 mm x D: 5.8 in/147 mm › 15 lbs/6.8 kg
Codes & Standards	› FCC Part 15 Class B, NEC 625 compliant, ENERGY STAR® › OCPP 1.6J and Open ADR2.0b compliant › ISO 15118 support (optional)
Safety	› UL and cUL Listed
Warranty	› 3-year limited parts warranty for commercial use. 2-year warranty extension available
Made in North America	› From domestic & imported parts

JUICEBOX and JUICENET are registered trademarks of Enel X North America, an Enel Group company. Other product and company names mentioned herein may be trademarks or trade names of their respective owners.

2020.11.02

evcharging.enelx.com/contact

Customer Support +1-844-584-2329
Commercial Sales +1-844-885-5850

EnelXChargingNA
enelxnorthamerica

Enel X
EnelXChargingNA

Attachment 2

JUICEPEDESTAL™

Commercial Charging Station

An all-purpose charging station with flexible payment options and configurations

JuicePedestal offers best-in-class smart charging for businesses, municipalities, property owners and fleet managers that want to offer EV charging to their employees, customers and tenants. UL Certified with universal EV compatibility, JuicePedestal is an all-purpose commercial charging station for EV drivers. Affordably priced, JuicePedestal offers flexible charging port configurations and multiple payment options.

- Allows multiple user authentication methods
- Enables open network and flexible payment option[1]
- Connects to the internet via cellular or Wi-Fi
- Optimizes energy costs by managing charging times and avoiding demand charges with our JuiceNet® smart charging platform
- Keeps charging stations organized and easily accessible with a retractable cable management system
- Ships fully-assembled with two JuiceBox Pro charging stations to reduce installation costs

Why JuicePedestal?

Versatile Power Options

Choose between a 32 amp, 40 amp, 48 amp and 80 amp[2] output to charge electric vehicles quickly and easily

Flexible Payment

Allow drivers to access and pay via mobile device or optional credit card terminal

Universal Compatibility

SAE-J1772™ Compliance ensures compatibility with all EVs

Easy Cable Management

Turnkey solution with built-in cable management for plug and play deployment

Industrial Design

Designed for durability in all-weather conditions

Smart Charging Platform

JuiceNet smart charging platform offers a web-based portal to monitor usage and configure charging settings

[1]Open network and flexible payment options will be available soon

[2]The power option for 80 amp will be available soon

JuicePedestal Specifications

Robust, Convenient Mounting Solution	› Ships fully assembled with two JuiceBox Pro chargers › Easy, quick installation: ground-mounted with 4 bolts, concrete pad recommended › Cable management: retractable weight pulley cables system
Weight & Dimensions	› Height: 74 in/188 cm › Width: 19.88 in/50.50 cm by 8.00 in /20.32 cm deep › Weight: 175 lbs/79.38 kg (without charging units- add 15-17 lbs/6.80-7.71 kg per JuiceBox)
Safety and certifications	› UL, cUL and ENERGY STAR® compliant
Warranty	› 3-year limited warranty, optional 2 additional years
Made in North America	› From domestic & imported parts

JuiceBox Pro Charging Stations

Electrical Characteristics	› Choose between three power configurations: 32A, 7.7 kW; 40A, 9.6 kW; 48A, 11.2kW; and 80A[3], 19.2 kW › Single phase input: nominal voltage 208-240 VAC ~60 Hz
Input Cables	› Internal junction box for two circuits to power chargers
Output Cable & Connector	› 20 ft/6.1m cables, each rated 240VAC with a J1772 Plug
JuiceNet® Smart Charging Platform	› Precision measurement of power, energy, voltage & current › Web-based portal: set payment rates and charging hours; monitor charging status and consumption data for individual or groups of devices; control station access; manage EV load › Driver app to monitor and pay for charging (iOS & Android) › Refer to the JuiceNet Business and JuiceNet Enterprise datasheets for more on the capabilities of each dashboard
Connectivity & Authentication	› WiFi: 802.11 b/g/n 2.4 GHz › JuiceRouter: Connect up to 16 chargers with WiFi with an LTE Router (optional) › Integrated Cellular: LTE (optional via JuiceBox charging stations) › RFID authentication enabled and QR Code payment option
Firmware	› End-to-end AES-256-based encrypted protocols › 90-day, 15-minute interval data storage › Persistent data storage upon power interruption › Over-the-air (OTA) upgradeable firmware
Enclosure	› Dynamic LED lights show charging status: network connectivity, charging in progress, delaying charging, standby, charge complete/EV not drawing power › IP66 Weatherproof, dust-tight, polycarbonate enclosure › IK10: resistant polycarbonate case › Quick-release wall mounting bracket included › Built-in security lock and integrated cable management › Operating Temperature: -40°F to 140°F (-40°C to 60°C) / -4°F to 140°F (-20°C to 50°C) with UPT
Codes & Standards	› FCC Part 15 Class B, NEC 625 compliant, ENERGY STAR® › OCPP 1.6J and OpenADR 2.0b compliant

Refer to the JuiceBox Pro 32, 40, 48 and 80 datasheets for more information.

[3]The power option for 80 amp will be available soon

JuicePedestal Configurations

	JuicePedestal	JuicePedestal with Router	JuicePedestal with Universal Payment Terminal (UPT)	JuicePedestal with LTE
Assembly Options	Fully assembled with 2 wifi-enabled JuiceBoxes Choice of 4 power variants	Fully assembled with 2 wifi-enabled JuiceBoxes and a JuiceRouter Choice of 4 power variants	Fully assembled with 2 wifi-enabled JuiceBoxes and a UPT Choice of 4 power variants	Fully assembled with 2 LTE- enabled JuiceBoxes Choice of 4 power variants
Network (Provider varies by geography)	Installation site Wi-Fi Network	LTE - Wi-Fi Network enabled Router data plan required – ordered separately*	LTE - Network enabled UPT Data plan required – ordered separately*	LTE data plan required – ordered separately
Connectivity	Cloud connection via customers' Wi-Fi network	Cloud connection via LTE Serves as a Wi-Fi access point for up to 7 JuicePedestal	Cloud connection via LTE	Cloud connection via LTE
Authentication and Payment	QR Code and RFiD, optional upgrade to UPT If upgraded with UPT, WiFi connectivity is no longer required	QR Code and RFiD, optional upgrade to UPT If upgraded to UPT, Router will be dismounted (connected stations will lose connectivity)	Credit Card Reader, QR Code and RFiD	QR Code and RFiD, optional upgrade to UPT If upgraded, LTE data plan will not be required and replaced by UPT data plan
Management Software	JuiceNet Business or JuiceNet Enterprise**	JuiceNet Enterprise**	JuiceNet Enterprise**	JuiceNet Enterprise**

*LTE data plan required – ordered separately

**Annual Subscription per device

JUICEBOX and JUICENET are registered trademarks of Enel X North America, an Enel Group company.
Other product and company names mentioned herein may be trademarks or trade names of their respective owners.

TOWN COUNCIL MEETING SCHEDULE
2022

	Agenda Meeting	Regular Business Meeting	Work Session
January	1/5/2022	1/11/2022	1/24/2022
February	2/2/2022	2/8/2022	2/28/2022
March	3/2/2022	3/8/2022	3/28/2022
April	4/6/2022	4/12/2022	4/25/2022
May	5/4/2022	5/10/2022	5/23/2022
June	6/8/2022	6/14/2022	6/27/2022
July	7/6/2022	7/12/2022	7/25/2022
August	8/3/2022	8/9/2022	8/22/2022
September	9/7/2022	9/13/2022	9/26/2022
October	10/5/2022	10/11/2022	10/24/2022
November	11/9/2022	11/15/2022	11/28/2022
December	12/7/2022	12/13/2022	No Work Session

Updated 7-18-22

Non-discrimination Policy

WHEREAS, the Town of Southern Pines has received an allocation of funds from the "Coronavirus State Fiscal Recovery Fund" or "Coronavirus Local Fiscal Recovery Fund" (together "CSLFRF funds"), established pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (the "ARP/CSLFRF award").

WHEREAS, CSLFRF funds are subject to the U.S. Department of Treasury ("Treasury") regulations, including the Final Rule, the Award Terms and Conditions, and the Title VII implementing regulations at 31 C.F.R. Part 22.

WHEREAS, pursuant to the ARP/CSLFRF Award Terms and Conditions, and as a condition of receiving CSLFRF funds, the Town of Southern Pines agrees to follow all federal statutes and regulations prohibiting discrimination in its administration of CSLFRF under the terms and conditions of the ARP/CSLFRF award, including, without limitation, the following:

i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin within programs or activities receiving federal financial assistance;
ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving Federal financial assistance;
iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

RESOLVED, That the governing board of the Town of Southern Pines hereby adopts and enacts the following nondiscrimination policy, which shall apply to the operations of any program, activity, or facility that is supported in whole, or in part, by expenditures CSLFRF pursuant to the ARP/CSLFRF award.

Nondiscrimination Policy Statement

It is the policy of the Town of Southern Pines to ensure that no person shall, on the ground of race, color, national origin (including limited English Proficiency), familial status, sex, age, or disability, be excluded from participation in, be denied the befits of, or be otherwise subject to discrimination under any program or activity administered by the Town of Southern Pines, including programs or activities that are funded in whole or part, with Coronavirus State and Local Fiscal Recovery Funds (”CSLFRF”), which the Town of Southern Pines received from the U.S. Department of Treasury (“Treasury”) pursuant to Sections 602 and 603 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (herein the “ARP/CSLFRF award”).

I. Governing Statutory & Regulatory Authorities

As required by the CSLFRF Award Terms and Conditions, the Town of Southern Pines shall ensure that each “activity,” “facility,” or “program”[1] that is funded in whole, or in part, with CSLFRF and administered under the ARP/CSLFRF award, will be facilitated, operated, or conducted in compliance with the following federal statutes and federal regulations prohibiting discrimination. These include, but are not limited to, the following:

i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury’s implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury’s implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age within programs or activities receiving federal financial assistance; and
v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

[1] 22 C.F.R. § 22.3 defines “program” and “activity” as all operations of an entity, including local governments, that receive Federal financial assistance, and the departments, agencies, or special purpose districts of the local governments to which Federal financial assistance is distributed. “Federal financial assistance” includes, among other things, grants and loans of federal funds. “Facility” includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

II. Discriminatory Practices Prohibited in the Administration of the ARP/CSLFRF Award

To ensure compliance with Title VII of the Civil Rights Act of 1964, and Title 31 Code of Federal Regulations, Part 22, the Civil Rights Restoration Act of 1987, and other pertinent nondiscrimination authorities, the Town of Southern Pines shall prohibit, at a minimum, the following practices in its administration of CSLFRF pursuant to the ARP/CSLFRF award:

1. Denying to a person any service, financial aid, or other program benefit without good cause;
2. Providing to a person any service, financial aid, or another benefit which is different in quantity or quality, or is provided in a different manner, from that provided to others under the program.
3. Subjecting a person to segregation or separate treatment in any matter related to the receipt of any service, financial aid, or other benefit under the program;
4. Restricting a person in the enjoyment of any advantages, privileges, or other benefits enjoyed by others receiving any service, financial aid, or other benefit under the program;
5. Treating a person differently from others in determining whether that person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet to be provided any service, financial aid, or other benefit provided under the program;
6. Implementing different standards, criteria, or other requirements for admission, enrollment, or participation in planning, advisory, contractual, or other integral activities to the program;
7. Adopting methods of administration which, directly or through contractual relationships, would defeat or substantially impair the accomplishment of effective nondiscrimination;
8. Selecting a site or location of facilities with the purpose or effect of excluding persons from, denying them the benefits of, subjecting them to discrimination, or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of Title VI or related acts and regulations;
9. Discriminating against any person, either directly or through a contractual agreement, in any employment resulting from the program, a primary objective of which is to provide employment;
10. Committing acts of intimidation or retaliation, including threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by any pertinent nondiscrimination law, or because an individual made a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing.

III. Reporting & Enforcement

1. The Town of Southern Pines shall cooperate in any enforcement or compliance review activities by the Department of the Treasury. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Town of Southern Pines shall comply with information requests, on-site compliance reviews, and reporting requirements.

2. The Town of Southern Pines shall maintain a complaint log and inform the Treasury of any complaints of discrimination on the grounds of race, color, or national origin (including limited English proficiency covered by Title VI of the Civil Rights Act of 1964) and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, whether pending or completed, including the outcome. The Town of Southern Pines shall inform the Treasury if it has received no complaints under Title VI.

3. Any person who believes they have been aggrieved by a discriminatory practice under Title VI has a right to file a formal complaint with the Treasury. Any such complaint must be in writing and filed with the Treasury's Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence.

4. Any person who believes that because of that person's race, color, national origin, limited English proficiency, familial status, sex, age, religion, or disability that he/she/they have been discriminated against or unfairly treated by the Town of Southern Pines in violation of this policy should contact the following office within 180 days from the date of the alleged discriminatory occurrence:

   Bruce Rosenberger
   Administrative Services Director
   125 SE Broad Street, Southern Pines 28387
   910-692-7021

Record Retention Policy: Documents Created or Maintained Pursuant to the ARP/CSLFRF Award

Retention of Records: The Coronavirus Local Fiscal Recovery Funds ("CSLFRF") Award Terms and Conditions and the Compliance and Reporting Guidance set forth the U.S. Department of Treasury's ("Treasury") record retention requirements for the ARP/CSLFRF award.

It is the policy of the Town of Southern Pines to follow Treasury's record retention requirements as it expends CSLFRF pursuant to the APR/CSLFRF award. Accordingly, the Town of Southern Pines agrees to the following:

- Retain all financial and programmatic records related to the use and expenditure of CSLFRF pursuant to the ARP/CSLFRF award for a period of five (5) years after all CLFRF funds have been expended or returned to Treasury, whichever is later.

- Retain records for real property and equipment acquired with CSLFRF for five years after final disposition.

- Ensure that the financial and programmatic records retained sufficiently evidence compliance with section 603(c) of the Social Security Act "ARPA," Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.

- Allow the Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, the right of timely and unrestricted access to any records for the purpose of audits or other investigations.

- If any litigation, claim, or audit is started before the expiration of the 5-year period, the records will be retained until all litigation, claims, or audit findings involving the records have been resolved.

Covered Records: For purposes of this policy, records are information, regardless of physical form or characteristics, that are created, received, or retained that evidence the Town of Southern Pines' expenditure of CSLFRF funds on eligible projects, programs, or activities pursuant to the ARP/CSLFRF award.

Records that shall be retained pursuant to this policy include, but are not limited to, the following:

- Financial statements and accounting records evidencing expenditures of CSLFRF for eligible projects, programs, or activities.
- Documentation of rational to support a particular expenditure of CSLFRF (e.g., expenditure constitutes a general government service);
- Documentation of administrative costs charged to the ARP/CSLFRF award;
- Procurement documents evidencing the significant history of a procurement, including, at a minimum, the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for contract cost or price;
- Subaward agreements and documentation of subrecipient monitoring;
- Documentation evidencing compliance with the Uniform Guidance property management standards set forth in 2 C.F.R. §§ 200.310-316 and 200.329;
- Personnel and payroll records for full-time and part-time employees compensated with CSLFRF, including time and effort reports; and
- Indirect cost rate proposals

Storage: The Town of Southern Pines' records must be stored in a safe, secure, and accessible manner. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

Departmental Responsibilities: Any department or unit of the Town of Southern Pines and its employees, who are responsible for creating or maintaining the covered documents in this policy shall comply with the terms of this policy. Failure to do so may subject the Town of Southern Pines to civil and/or criminal liability. Any employee who fails to comply with the record retention requirements set forth herein may be subject to disciplinary sanctions, including suspension or termination.

The Finance Director is responsible for identifying the documents that the Town of Southern Pines must or should retain and arrange for the proper storage and retrieval of records. The Finance Director shall also ensure that all personnel subject to the terms of this policy are aware of the record retention requirements set forth herein.

Reporting Policy Violations: The Town of Southern Pines is committed to enforcing this policy as it applies to all forms of records. Any employee that suspects the terms of this policy have been violated shall report the incident immediately to that employee's supervisor. If an employee is not comfortable bringing the matter up with the supervisor, the employee may bring the matter to the attention of the Town Manager. The Town of Southern Pines prohibits, any form of discipline, reprisal, intimidation, or retaliation for reporting incidents of inappropriate conduct of any kind, pursuing any record destruction claim, or cooperating in related investigations.

Questions About the Policy: Any questions about this policy should be referred to Tess Brubaker-Speis [(910-692-2971; tspeis@southernpines.net)], who is in charge of administering, enforcing, and updating this policy.

ALLOWABLE COSTS AND COST PRINCIPLES POLICY FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY NORTH CAROLINA LOCAL GOVERNMENTS

WHEREAS the TOWN OF SOUTHERN PINES, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Sect. 200 (UG), as provided in the Assistance Listing; and

WHEREAS the Compliance and Reporting Guidance for the State and Local Fiscal Recovery Funds provides, in relevant part:

> **Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.
>
> ARP/CSLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that ARP/CSLFRF Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

a. Administrative costs*:* Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements. Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the ARP/CSLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the ARP/CSLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the ARP/CSLFRF award such as the cost of facilities or administrative functions like a director's office. Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses*:* In general, certain employees' wages, salaries, and covered benefits are an eligible use of ARP/CSLFRF award funds; and

WHEREAS Subpart E of the UG dictates allowable costs and cost principles for expenditure of ARP/CSLFRF funds; and

WHEREAS Subpart E of the UG (specifically, 200.400) states that:

> The application of these cost principles is based on the fundamental premises that:

(a) The non-Federal entity is responsible for the efficient and effective administration of the Federal award through the application of sound management practices.

(b) The non-Federal entity assumes responsibility for administering Federal funds in a manner consistent with underlying agreements, program objectives, and the terms and conditions of the Federal award.

(c) The non-Federal entity, in recognition of its own unique combination of staff, facilities, and experience, has the primary responsibility for employing whatever form of sound organization and management techniques may be necessary in order to assure proper and efficient administration of the Federal award.

(d) The application of these cost principles should require no significant changes in the internal accounting policies and practices of the non-Federal entity. However, the accounting practices of the non-Federal entity must be consistent with these cost principles and support the accumulation of costs as required by the principles, and must provide for adequate documentation to support costs charged to the Federal award.

(e) In reviewing, negotiating and approving cost allocation plans or indirect cost proposals, the cognizant agency for indirect costs should generally assure that the non-Federal entity is applying these cost accounting principles on a consistent basis during their review and negotiation of indirect cost proposals. Where wide variations exist in the treatment of a given cost item by the non-Federal entity, the reasonableness and equity of such treatments should be fully considered.

(f) For non-Federal entities that educate and engage students in research, the dual role of students as both trainees and employees (including pre- and post-doctoral staff) contributing to the completion of Federal awards for research must be recognized in the application of these principles.

(g) The non-Federal entity may not earn or keep any profit resulting from Federal financial assistance, unless explicitly authorized by the terms and conditions of the Federal award;

BE IT RESOLVED that the governing board of the Town of Southern Pines hereby adopts and enacts the following UG Allowable Costs and Cost Principles Policy for the expenditure of ARP/CSLFRF funds.

TOWN OF SOUTHERN PINES ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY

I. ALLOWABLE COSTS AND COSTS PRINCIPLES POLICY OVERVIEW

Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, commonly called Uniform Guidance (UG), specifically Subpart E, defines those items of cost that are allowable, and which are unallowable. The tests of allowability under these principles are: (a) the costs must be reasonable; (b) they must be allocable to eligible projects under the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); (c) they must be given consistent treatment through application of those generally accepted accounting principles appropriate to the circumstances; and (d) they must conform to any limitations or exclusions set forth in these principles or in the ARP/CSLFRF grant award as to types or amounts of cost items. Unallowable items fall into two categories: expenses which are by their nature unallowable (e.g., alcohol), and unallowable activities (e.g., fund raising).

The Town of Southern Pines shall adhere to all applicable cost principles governing the use of federal grants. This policy addresses the proper classification of both direct and indirect charges to ARP/CSLFRF funded projects and enacts procedures to ensure that proposed and actual expenditures are consistent with the ARP/CSLFRF grant award terms and all applicable federal regulations in the UG.

Responsibility for following these guidelines lies with Town Manager Reagan Parsons, Director of Finance Tess Brubaker-Speis and staff of the Finance and Administration Departments, who are charged with the administration and financial oversight of the ARP/CSLFRF. Further, all local government employees and officials who are involved in obligating, administering, expending, or monitoring ARP/CSLFRF grant funded projects should be well versed with the categories of costs that are generally allowable and unallowable. Questions on the allowability of costs should be directed to the Southern Pines Town Manager. As questions on allowability of certain costs may require interpretation and judgment, local government personnel are encouraged to ask for assistance in making those determinations.

II. GENERAL COST ALLOWABILITY CRITERIA

All costs expended using ARP/CSLFRF funds must meet the following general criteria:

1. **Be necessary and reasonable for the proper and efficient performance and administration of the grant program.**

   A cost must be *necessary* to achieve a project object. When determining whether a cost is necessary, consideration may be given to:

   - Whether the cost is needed for the proper and efficient performance of the grant project.

- Whether the cost is identified in the approved project budget or application.
- Whether the cost aligns with identified needs based on results and findings from a needs assessment.
- Whether the cost addresses project goals and objectives and is based on program data.

A cost is *reasonable* if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision to incur the cost was made. For example, reasonable means that sound business practices were followed, and purchases were comparable to market prices. When determining reasonableness of a cost, consideration must be given to:

- Whether the cost is a type generally recognized as ordinary and necessary for the operation of the Town of Southern Pines or the proper and efficient performance of the federal award.
- The restraints or requirements imposed by factors, such as: sound business practices; arm's-length bargaining; federal, state, and other laws and regulations; and terms and conditions of the ARP/CSLFRF award.
- Market prices for comparable goods or services for the geographic area.
- Whether individuals concerned acted with prudence in the circumstances considering their responsibilities to the Town of Southern Pines, its employees, the public at large, and the federal government.
- Whether the Town of Southern Pines significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the ARP/CSLFRF award's cost.

2. **Be allocable to the ARP/CSLFRF federal award.** A cost is allocable to the ARP/CSLFRF award if the goods or services involved are chargeable or assignable to the ARP/CSLFRF award in accordance with the relative benefit received. This means that the ARP/CSLFRF grant program derived a benefit in proportion to the funds charged to the program. *For example, if 50 percent of a local government program officer's salary is paid with grant funds, then the local government must document that the program officer spent at least 50 percent of his/her time on the grant program.*

   If a cost benefits two or more projects or activities in proportions that can be determined without undue effort or cost, the cost must be allocated to the projects based on the proportional benefit. If a cost benefits two or more projects or activities in proportions that cannot be determined because of the interrelationship of the work involved, then the costs may be allocated or transferred to benefitted projects on any reasonable documented basis. Where

the purchase of equipment or other capital asset is specifically authorized by the ARP/CSLFRF, the costs are assignable to the Federal award regardless of the use that may be made of the equipment or other capital asset involved when no longer needed for the purpose for which it was originally required.

3. **Be authorized and not prohibited under state or local laws or regulations.**

4. **Conform to any limitations or exclusions set forth in the principles, federal laws, ARP/CSLFRF award terms, and other governing regulations as to types or amounts of cost items.**

5. **Be consistent with policies, regulations, and procedures that apply uniformly to both the ARP/CSLFRF federal award and other activities of the Town of Southern Pines.**

6. **Be accorded consistent treatment.** A cost MAY NOT be assigned to a federal award as a direct cost and also be charged to a federal award as an indirect cost. And a cost must be treated consistently for both federal award and non-federal award expenditures.

7. **Be determined in accordance with generally accepted accounting principles (GAAP), unless provided otherwise in the UGG.**

8. **Be net of all applicable credits.** The term “applicable credits” refers to those receipts or reduction of expenditures that operate to offset or reduce expense items allocable to the federal award. Typical examples of such transactions are purchase discounts; rebates or allowances; recoveries or indemnities on losses; and adjustments of overpayments or erroneous charges. To the extent that such credits accruing to and received by the local government related to the federal award, they shall be credited to the ARP/CSLFRF award, either as a cost reduction or a cash refund, as appropriate and consistent with the award terms. The most current version of the Program Income Policy, currently that which was adopted and is dated March 28, 2022, shall constitute the controlling document relative to available revenues.

9. **Be adequately documented.**

III. SELECTED ITEMS OF COST

The UGG examines the allowability of fifty-five (55) specific cost items (commonly referred to as Selected Items of Cost) at 2 CFR § 200.420-.475.

Town of Southern Pines Finance Department personnel responsible for determining cost allowability must be familiar with the Selected Items of Cost. The Town of Southern Pines must follow the applicable regulations when charging these specific expenditures to the ARP/CSLFRF grant. Finance Department personnel will check costs against the selected items of cost requirements to ensure the cost is allowable and that all process and documentation requirements are followed. In addition, State laws, the Town of Southern Pines regulations, and program-specific rules may deem a cost as unallowable, and Finance personnel must follow those non-federal rules as well.

Exhibit A identifies and summarizes the Selected Items of Cost.

IV. SPECIAL PROVISIONS FOR STATE AND LOCAL GOVERNMENTS

There are some special provisions of the UG that apply only to states, local governments, and Indian Tribes.

§ 200.444 General costs of government.

(a) For states, local governments, and Indian Tribes, the general costs of government are unallowable (except as provided in § 200.475). Unallowable costs include:

(1) Salaries and expenses of the Office of the Governor of a state or the chief executive of a local government or the chief executive of an Indian tribe;

(2) Salaries and other expenses of a state legislature, tribal council, or similar local governmental body, such as a county supervisor, city council, school board, etc., whether incurred for purposes of legislation or executive direction;

(3) Costs of the judicial branch of a government;

(4) Costs of prosecutorial activities unless treated as a direct cost to a specific program if authorized by statute or regulation (however, this does not preclude the allowability of other legal activities of the Attorney General as described in § 200.435); and

(5) Costs of other general types of government services normally provided to the general public, such as fire and police, unless provided for as a direct cost under a program statute or regulation.

(b) For Indian tribes and Councils of Governments (COGs) (see definition for *Local government* in § 200.1 of this part), up to 50% of salaries and expenses directly attributable to managing and operating Federal programs by the chief executive and his or her staff can be included in the indirect cost calculation without documentation.

§ 200.416 COST ALLOCATION PLANS AND INDIRECT COST PROPOSALS.

(a) For states, local governments and Indian tribes, certain services, such as motor pools, computer centers, purchasing, accounting, etc., are provided to operating agencies on a centralized basis. Since Federal awards are performed within the individual operating agencies, there needs to be a process whereby these central service costs can be identified and assigned to benefitted activities on a reasonable and consistent basis. The central service cost allocation plan provides that process.

(b) Individual operating agencies (governmental department or agency), normally charge Federal awards for indirect costs through an indirect cost rate. A separate indirect cost rate(s) proposal for each operating agency is usually necessary to claim indirect costs under Federal awards. Indirect costs include:

(1) The indirect costs originating in each department or agency of the governmental unit carrying out Federal awards and

(2) The costs of central governmental services distributed through the central service cost allocation plan and not otherwise treated as direct costs.

(c) The requirements for development and submission of cost allocation plans (for central service costs and public assistance programs) and indirect cost rate proposals are contained in appendices V, VI and VII to this part.

§ 200.417 INTERAGENCY SERVICE.

The cost of services provided by one agency to another within the governmental unit may include allowable direct costs of the service plus a pro-rated share of indirect costs. A standard indirect cost allowance equal to ten percent of the direct salary and wage cost of providing the service (excluding overtime, shift premiums, and fringe benefits) may be used in lieu of determining the actual indirect costs of the service. These services do not include centralized services included in central service cost allocation plans as described in Appendix V to Part 200.

V. COST ALLOWABILITY REVIEW PROCESS

PREAPPROVAL COST ALLOWABILITY REVIEW

Before an ARP/CSLFRF-funded project is authorized, the Finance Department must review the proposed cost items within an estimated project budget to determine whether they are allowable and allocable and whether cost items will be charged as direct or indirect expenses. This review will occur concurrently with the review of project eligibility and *before* obligating or expending any ARP/CSLFRF funds.

- Local government personnel must submit proposed ARP/CSLFRF projects to the Town Manager for review. In addition to other required information, all proposed project submissions must delineate estimated costs by cost item.

- Along with a general review of project eligibility and conformance with other governing board management directives, the Director of Finance must review estimated costs for specific allowable cost requirements, budget parameters, indirect rates, fringe benefit rates, and those activities/costs that require pre-approval by the US Treasury. The Eligible Project Policy dated 08-09-2022 will provide reference for the Director of Finance in review of proposed projects.

- If a proposed project includes a request for an unallowable cost, the Town Manager will return the proposal to the requesting party for review and, if practicable, resubmission with corrected cost items.

- Once a proposed project budget is pre-approved by the Director of Finance, the local government personnel responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget.

POST-EXPENDITURE COST ALLOWABILITY REVIEW

Once an expenditure is incurred related to an eligible project, and an invoice or other demand for payment is submitted to the local government, the Finance Department must perform a second review to ensure that actual expenditures comprise allowable costs.

- All invoices or other demands for payment must include a breakdown by cost item. The cost items should mirror those presented in the proposed budget for the project. If an invoice or other demand for payment does not include a breakdown by cost item, the Finance Department will return the invoice to the project manager and/or vendor, contractor, or subrecipient for correction.

- The Finance Department must review the individual cost items listed on the invoice or other demand for payment to determine their allowability and allocability.

- If all cost items are deemed allowable and properly allocable, the Finance Department must proceed through the local government's normal disbursement process.

- If any cost item is deemed unallowable, the Finance Department will notify the project management and/or vendor, contractor, or subrecipient that a portion of the invoice or other demand for payment will not be paid with ARP/CSLFRF funds. The Finance Department may in their discretion, and consistent with this policy, allow an invoice or other demand for payment to be resubmitted with a revised cost allocation. If the local government remains legally obligated by contract or otherwise to pay the disallowed cost item, it must identify other local government funds to cover the disbursement. The Town of Southern Pines governing board must approve any allocation of other funds for this purpose.

- The Finance Department must retain appropriate documentation of budgeted cost items per project and actual obligations and expenditures of cost items per project.

VI. COST TRANSFERS

Any costs charged to the ARP/CSLFRF federal award that do not meet the allowable cost criteria must be removed from the award account and charged to an account that does not require adherence to federal UGG or other applicable guidelines.

Failure to adequately follow this policy and related procedures could result in questioned costs, audit findings, potential repayment of disallowed costs and discontinuance of funding.

EXHIBIT A

Selected Items of Cost	Uniform Guidance General Reference	Allowability
Advertising and public relations costs	2 CFR § 200.421	Allowable with restrictions

Advisory councils	2 CFR § 200.422	Allowable with restrictions
Alcoholic beverages	2 CFR § 200.423	Unallowable
Alumni/ae activities	2 CFR § 200.424	Not specifically addressed
Audit services	2 CFR § 200.425	Allowable with restrictions
Bad debts	2 CFR § 200.426	Unallowable
Bonding costs	2 CFR § 200.427	Allowable with restrictions
Collection of improper payments	2 CFR § 200.428	Allowable
Commencement and convocation costs	2 CFR § 200.429	Not specifically addressed
Compensation – personal services	2 CFR § 200.430	Allowable with restrictions; Special conditions apply (e.g., § 200.430(i)(5))
Compensation – fringe benefits	2 CFR § 200.431	Allowable with restrictions
Conferences	2 CFR § 200.432	Allowable with restrictions
Contingency provisions	2 CFR § 200.433	Unallowable with exceptions
Contributions and donations	2 CFR § 200.434	Unallowable (made by non-federal entity); not reimbursable but value may be used as cost sharing or matching (made to non-federal entity)
Defense and prosecution of criminal and civil proceedings, claims, appeals and patent infringements	2 CFR § 200.435	Allowable with restrictions
Depreciation	2 CFR § 200.436	Allowable with qualifications
Employee health and welfare costs	2 CFR § 200.437	Allowable with restrictions
Entertainment costs	2 CFR § 200.438	Unallowable with exceptions

Equipment and other capital expenditures	2 CFR § 200.439	Allowability based on specific requirement
Exchange rates	2 CFR § 200.440	Allowable with restrictions
Fines, penalties, damages and other settlements	2 CFR § 200.441	Unallowable with exceptions
Fund raising and investment management costs	2 CFR § 200.442	Unallowable with exceptions
Gains and losses on disposition of depreciable assets	2 CFR § 200.443	Allowable with restrictions
General costs of government	2 CFR § 200.444	Unallowable with exceptions
Goods and services for personal use	2 CFR § 200.445	Unallowable (goods/services); allowable (housing) with restrictions
Idle facilities and idle capacity	2 CFR § 200.446	Idle facilities - unallowable with exceptions; Idle capacity - allowable with restrictions
Insurance and indemnification	2 CFR § 200.447	Allowable with restrictions
Intellectual property	2 CFR § 200.448	Allowable with restrictions
Interest	2 CFR § 200.449	Allowable with restrictions
Lobbying	2 CFR § 200.450	Unallowable
Losses on other awards or contracts	2 CFR § 200.451	Unallowable (however, they are required to be included in the indirect cost rate base for allocation of indirect costs)
Maintenance and repair costs	2 CFR § 200.452	Allowable with restrictions
Materials and supplies costs, including costs of computing devices	2 CFR § 200.453	Allowable with restrictions
Memberships, subscriptions, and professional activity costs	2 CFR § 200.454	Allowable with restrictions; unallowable for lobbying organizations

Organization costs	2 CFR § 200.455	Unallowable except federal prior approval
Participant support costs	2 CFR § 200.456	Allowable with prior approval of the federal awarding agency
Plant and security costs	2 CFR § 200.457	Allowable; capital expenditures are subject to § 200.439
Pre-award costs	2 CFR § 200.458	Allowable if consistent with other allowabilities and with prior approval of the federal awarding agency
Professional services costs	2 CFR § 200.459	Allowable with restrictions
Proposal costs	2 CFR § 200.460	Allowable with restrictions
Publication and printing costs	2 CFR § 200.461	Allowable with restrictions
Rearrangement and reconversion costs	2 CFR § 200.462	Allowable (ordinary and normal)
Recruiting costs	2 CFR § 200.463	Allowable with restrictions
Relocation costs of employees	2 CFR § 200.464	Allowable with restrictions
Rental costs of real property and equipment	2 CFR § 200.465	Allowable with restrictions
Scholarships and student aid costs	2 CFR § 200.466	Not specifically addressed
Selling and marketing costs	2 CFR § 200.467	Unallowable with exceptions
Specialized service facilities	2 CFR § 200.468	Allowable with restrictions
Student activity costs	2 CFR § 200.469	Unallowable unless specifically provided for in the federal award
Taxes (including Value Added Tax)	2 CFR § 200.470	Allowable with restrictions
Termination costs	2 CFR § 200.471	Allowable with restrictions

Training and education costs	2 CFR § 200.472	Allowable for employee development
Transportation costs	2 CFR § 200.473	Allowable with restrictions
Travel costs	2 CFR § 200.474	Allowable with restrictions
Trustees	2 CFR § 200.475	Not specifically addressed

ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS BY THE TOWN OF SOUTHERN PINES

WHEREAS the TOWN OF SOUTHERN PINES, has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF); and

WHEREAS US Treasury is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

WHEREAS the funds may be used for projects within these categories, to the extent authorized by state law.

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

WHEREAS the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (UG), as provided in the Assistance Listing; and

WHEREAS US Treasury has issued a Compliance and Reporting Guidance v.2.1 (November 15, 2021) dictating implementation of the ARP/CSLFRF award terms and compliance requirements; and

WHEREAS the Compliance and Reporting Guidance states on page 6 that

> Per 2 CFR Part 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

BE IT RESOLVED that the Town of Southern Pines hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds

This policy defines the permissible and prohibited uses of the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF) funds. It also outlines the procedures for determining how Town of Southern Pines will spend its ARP/CSLFRF funds.

I. PERMISSIBLE USES OF ARP/CSLFRF FUNDING

US Treasury issued its **Final Rule** regarding use of ARPA funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, a local government may proceed under the regulation promulgated by US Department of the Treasury in its **Interim Final Rule** or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. Local governments must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of an entity to expend all funds by December 31, 2026 will result in forfeiture of ARPA funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

1. Support COVID-19 public health expenditures, by funding COVID-19 mitigation and prevention efforts, medical expenses, behavioral healthcare, preventing and responding to violence, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, non-profits, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet; and

II. PROHIBITED USES OF ARPA FUNDING

The ARP/CSLFRF and US Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed.);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or

judgment requires the Town of Southern Pines to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed.);

5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
6. In violation of the conflict-of-interest requirements imposed by the award terms and 2 CFR 200.318(c).
7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town of Southern Pines, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

III. PROCEDURES FOR PROJECT APPROVAL

The following are procedures for ARP/CSLFRF project approvals. All Town of Southern Pines employees and officials must comply with these requirements.

1. Requests for ARP/CSLFRF funding, must be made in writing and include all the following: Town of Southern Pines ARPA Eligibility Determination and Documentation Worksheet.

    a. Brief description of the project
    b. Identification of ARP/CSLFRF Expenditure Category (EC) (A list of ECs in in the Appendix to the US Treasury Compliance and Reporting Guidance.)
    c. Required justifications for applicable projects, according to the requirements in the Final Rule. Employees or any applicant seeking ARPA funding should review the Final Rule and Final Rule Overview prior to submitting a proposal.
    d. Proposed budget, broken down by cost item, in accordance with the Town of Southern Pines' Allowable Cost Policy.
    e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to Town Manager Reagan Parsons for approval. All requests will be reviewed by Assistant Town Manager Mike Cameron for ARP/CSLFRF compliance and by Director of Finance Tess Brubaker-Speis for allowable costs and other financial review.
3. No ARP/CSLFRF may be obligated or expended before final written approval by Town Manager Reagan Parsons. Final approval will not be granted without Southern Pines Town Council action, including any necessary budget amendments that may be necessary.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and may require a budget amendment by the governing body before proceeding. Any delay in the projected project completion date shall be communicated to the Town Manager immediately.
6. The Finance Department must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.

7. The Finance Department must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.

CONFLICT OF INTEREST POLICY

APPLICABLE TO CONTRACTS AND SUBAWARDS OF THE TOWN OF SOUTHERN PINES SUPPORTED BY FEDERAL FINANCIAL ASSISTANCE

* * * * * * * * *

I. **Scope of Policy**

a. Purpose of Policy. This Conflict of Interest Policy ("*Policy*") establishes conflict of interest standards that (1) apply when the Town of Southern Pines ("*Unit*") enters into a Contract (as defined in Section II hereof) or makes a Subaward (as defined in Section II hereof), and (2) meet or exceed the requirements of North Carolina law and 2 C.F.R. § 200.318(c).

b. Application of Policy. This Policy shall apply when the Unit (1) enters into a Contract to be funded, in part or in whole, by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies, or (2) makes any Subaward to be funded by Federal Financial Assistance to which 2 C.F.R. § 200.318(c) applies. If a federal statute, regulation, or the terms of a financial assistance agreement applicable to a particular form of Federal Financial Assistance conflicts with any provision of this Policy, such federal statute, regulation, or terms of the financial assistance agreement shall govern.

II. **Definitions**

Capitalized terms used in this Policy shall have the meanings ascribed thereto in this Section II: Any capitalized term used in this Policy but not defined in this Section II shall have the meaning set forth in 2 C.F.R. § 200.1.

a. "*COI Point of Contact*" means the individual identified in Section III(a) of this Policy.

b. "*Contract*" means, for the purpose of Federal Financial Assistance, a legal instrument by which the Unit purchases property or services needed to carry out a program or project under a Federal award.

c. "*Contractor*" means an entity or individual that receives a Contract.

d. *"Covered Individual*" means a Public Officer, employee, or agent of the Unit.

e. "*Covered Nonprofit Organization*" means a nonprofit corporation, organization, or association, incorporated or otherwise, that is organized or operating in the State of North Carolina primarily for religious, charitable, scientific, literary, public health and safety, or educational purposes, excluding any board, entity, or other organization created by the State of North Carolina or any political subdivision of the State (including the Unit).

f. "*Direct Benefit*" means, with respect to a Public Officer or employee of the Unit, or the spouse of any such Public Officer or employee, (i) having a ten percent (10%) ownership interest or other interest in a Contract or Subaward; (ii) deriving any income or commission directly from a Contract or Subaward; or (iii) acquiring property under a Contract or Subaward.

g. "*Federal Financial Assistance*" means Federal financial assistance that the Unit receives or administers in the form of grants, cooperative agreements, non-cash contributions or donations of property (including donated surplus property), direct appropriations, food commodities, and other Federal financial assistance (except that the term does not include loans, loan guarantees, interest subsidies, or insurance).

h. "*Governing Board*" means the Council of the Town of Southern Pines.

i. "*Immediate Family Member*" means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.

j. "*Involved in Making or Administering*" means (i) with respect to a Public Official or employee, (a) overseeing the performance of a Contract or Subaward or having authority to make decisions regarding a Contract or Subaward or to interpret a Contract or Subaward, or (b) participating in the development of specifications or terms or in the preparation or award of a Contract or Subaward, (ii) only with respect to a Public Official, being a member of a board, commission, or other body of which the Public Official is a member, taking action on the Contract or Subaward, whether or not the Public Official actually participates in that action.

k. "*Pass-Through Entity*" means a non-Federal entity that provides a Subaward to a Subrecipient to carry out part of a Federal program.

l. "*Public Officer*" means an individual who is elected or appointed to serve or represent the Unit (including, without limitation, any member of the Governing Board), other than an employee or independent contractor of the Unit.

m. "*Recipient*" means an entity, usually but not limited to a non-Federal entity, that receives a Federal award directly from a Federal awarding agency. The term does not include Subrecipients or individuals that are beneficiaries of the award.

n. "*Related Party*" means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

o. *"Subaward*" means an award provided by a Pass-Through Entity to carry out part of a Federal award received by the Pass-Through Entity. It does not include payments to a contractor or payments to a contractor or payments to an individual that is a beneficiary of a Federal program.

p. "*Subcontract*" means mean any agreement entered into by a Subcontractor to furnish supplies or services for the performance of a Contract or a Subcontract. It includes, but is not limited to, purchase orders, and changes and modifications to purchase orders.

q. "*Subcontractor*" means an entity that receives a Subcontract.

r. "*Subrecipient*" means an entity, usually but not limited to a non-Federal entity, that receives a subaward from a Pass-Through Entity to carry out part of a Federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

s. "*Unit*" has the meaning specified in Section I hereof.

III. COI Point of Contact.

a. Appointment of COI Point of Contact. Assistant Town Manager Mike Cameron, shall have primary responsibility for managing the disclosure and resolution of potential or actual conflicts of interest arising under this Policy. In the event that ATM Cameron is unable to serve in such capacity, Assistant Town Manger Jessica Roth shall assume responsibility for managing the disclosure and resolution of conflicts of interest arising under this Policy. The individual with responsibility for managing the disclosure and resolution of potential or actual conflicts of interest under this Section III(a) shall be known as the "*COI Point of Contact*".

b. Distribution of Policy. The COI Point of Contact shall ensure that each Covered Individual receives a copy of this Policy.

IV. Conflict of Interest Standards in Contracts and Subawards

a. North Carolina Law. North Carolina law restricts the behavior of Public Officials and employees of the Unit involved in contracting on behalf of the Unit. The Unit shall conduct the selection, award, and administration of Contracts and Subawards in accordance with the prohibitions imposed by the North Carolina General Statutes and restated in this Section III.

i. G.S. § 14-234(a)(1). A Public Officer or employee of the Unit Involved in Making or Administering a Contract or Subaward on behalf of the Unit shall not derive a Direct Benefit from such a Contract or Subaward.

ii. G.S. § 14-234(a)(3). No Public Officer or employee of the Unit may solicit or receive any gift, favor, reward, service, or promise of reward, including but not limited to a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a Contract or Subaward by the Unit.

iii. G.S. § 14-234.3. If a member of the Governing Board of the Unit serves as a director, officer, or governing board member of a Covered Nonprofit Organization,

such member shall not (1) deliberate or vote on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, (2) attempt to influence any other person who deliberates or votes on a Contract or Subaward between the Unit and the Covered Nonprofit Corporation, or (3) solicit or receive any gift, favor, reward, service, or promise of future employment, in exchange for recommending or attempting to influence the award of a Contract or Subaward to the Covered Nonprofit Organization.

iv. G.S. § 14-234.1. A Public Officer or employee of the Unit shall not, in contemplation of official action by the Public Officer or employee, or in reliance on information which was made known to the public official or employee and which has not been made public, (1) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit which may be affected by such information or other information, or (2) intentionally aid another in violating the provisions of this section.

b. Federal Standards.

i. Prohibited Conflicts of Interest in Contracting. Without limiting any specific prohibition set forth in Section IV(a), a Covered Individual may not participate in the selection, award, or administration of a Contract or Subaward if such Covered Individual has a real or apparent conflict of interest.

1. Real Conflict of Interest. A real conflict of interest shall exist when the Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward. Exhibit A attached hereto provides a non-exhaustive list of examples of (i) financial or other interests in a firm considered for a Contract or Subaward, and (ii) tangible personal benefits from a firm considered for a Contract or Subaward.

2. Apparent Conflict of Interest. An apparent conflict of interest shall exist where a real conflict of interest may not exist under Section IV(b)(i)(1), but where a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the appearance that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract or Subaward.

ii. Identification and Management of Conflicts of Interest.

1. Duty to Disclose and Disclosure Forms

a. Each Covered Individual expected to be or actually involved in the selection, award, or administration of a Contract or Subaward has an ongoing duty to disclose to the COI Point of Contact

potential real or apparent conflicts of interest arising under this Policy.

b. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall advise Covered Individuals expected to be involved in the selection, award, or administration of the Contract or Subaward of such duty.

c. If the value of a proposed Contract or Subaward exceeds $250,000, the COI Point of Contact shall collect a Conflict of Interest Disclosure Form contained in Exhibit C (for Contracts) and Exhibit E (for Subawards) from each Covered Individual and file such Conflict of Interest Disclosure Form in records of the Unit.

2. Identification Prior to Award of Contract or Subaward.

a. Prior to the Unit's award of a Contract or Subaward, the COI Point of Contact shall complete the appropriate Compliance Checklist contained in Exhibit B (for Contracts) and Exhibit D (for Subawards) attached hereto and file such Compliance Checklist in the records of the Unit.

3. Management Prior to Award of Contract or Subaward

a. If, after completing the Compliance Checklist, the COI Point of Contact identifies a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the COI Point of Contact shall disclose such finding in writing to Town Manager Reagan Parsons and to each member of the Governing Board. If the Governing Board desires to enter into the proposed Contract or Subaward despite the identification by the COI Point of Contact of a potential real or apparent conflict of interest, it may either:

i. accept the finding of the COI Point of Contact and direct the COI Point of Contact to obtain authorization to enter into the Contract or Subaward from (a) if Unit is a Recipient of Federal Financial Assistance, the Federal awarding agency with appropriate mitigation measures, or (b) if Unit is a Subrecipient of Federal Financial Assistance, from the Pass-Through Entity that provided a Subaward to Unit; or

ii. reject the finding of the COI Point of Contact and enter into the Contract or Subaward. In rejecting any finding of the COI Point of Contact, the Governing Board shall in

writing document a justification supporting such rejection.

b. If the COI Point of Contact does not identify a potential real or apparent conflict of interest relating to a proposed Contract or Subaward, the Unit may enter into the Contract or Subaward in accordance with the Unit's purchasing or subaward policy.

4. Identification After Award of Contract or Subaward.

a. If the COI Point of Contact discovers that a real or apparent conflict of interest has arisen after the Unit has entered into a Contract or Subaward, the COI Point of Contact shall, as soon as possible, disclose such finding to the Town Manager and to each member of the Governing Board. Upon discovery of such a real or apparent conflict of interest, the Unit shall cease all payments under the relevant Contract or Subaward until the conflict of interest has been resolved.

5. Management After Award of Contract or Subaward.

a. Following the receipt of such disclosure of a potential real or apparent conflict of interest pursuant to Section IV(b)(ii)(4) , the Governing Board may reject the finding of the COI Point of Contact by documenting in writing a justification supporting such rejection. If the Governing Board fails to reject the finding of the COI Point of Contact within 15 days of receipt, the COI Point of Contact shall:

i. if Unit is a Recipient of Federal Financial Assistance funding the Contract or Subaward, disclose the conflict to the Federal awarding agency providing such Federal Financial Assistance in accordance with 2 C.F.R. § 200.112 and/or applicable regulations of the agency, or

ii. if Unit is a Subrecipient of Federal Financial Assistance, disclose the conflict to the Pass-Through Entity providing a Subaward to Unit in accordance with 2 C.F.R. § 200.112 and applicable regulations of the Federal awarding agency and the Pass-Through Entity.

V. **Oversight of Subrecipient's Conflict of Interest Standards**

a. Subrecipients of Unit Must Adopt Conflict of Interest Policy. Prior to the Unit's execution of any Subaward for which the Unit serves as a Pass-Through Entity, the COI Point of Contact shall ensure that the proposed Subrecipient of Federal Financial Assistance has

adopted a conflict of interest policy that satisfies the requirements of 2 C.F.R. § 200.318(c)(1), 2 C.F.R. § 200.318(c)(2), and all other applicable federal regulations.

b. Obligation to Disclose Subrecipient Conflicts of Interest. The COI Point of Contact shall ensure that the legal agreement under which the Unit makes a Subaward to a Subrecipient shall require such Subrecipient to disclose to the COI Point of Contact any potential real or apparent conflicts of interest that the Subrecipient identifies. Upon receipt of such disclosure, the COI Point of Contact shall disclose such information to the Federal awarding agency that funded the Subaward in accordance with that agency's disclosure policy.

VI. Gift Standards

a. Federal Standard. Subject to the exceptions set forth in Section VI(b), a Covered Individual may not solicit or accept gratuities, favors, or anything of monetary value from a Contractor or a Subcontractor.

b. Exception. Notwithstanding Section VI(a), a Covered Individual may accept an unsolicited gift from a Contractor or Subcontractor of one or more types specified below if the gift has an aggregate market value of $20 or less per source per occasion, provided that the aggregate market value of all gifts received by the Covered Individual pursuant to this Section VI(b) does not exceed $50 in a calendar year:

   i. honorariums for participating in meetings;

   ii. advertising items or souvenirs of nominal value; or

   iii. meals furnished at banquets.

c. Internal Reporting. A Covered Individual shall report any gift accepted under Section VI(b) to the COI Point of Contact. If required by regulation of a Federal awarding agency, the COI Point of Contact shall report such gifts to the Federal awarding agency or a Pass-Through Entity for which the Unit is a Subrecipient.

VII. Violations of Policy

a. Disciplinary Actions for Covered Individuals. Any Covered Individual that fails to disclose a real, apparent, or potential real or apparent conflict of interest arising with respect to the Covered Individual or Related Party may be subject to disciplinary action, including, but not limited to, an employee's termination or suspension of employment with or without pay, the consideration or adoption of a resolution of censure of a Public Official by the Governing Board, or termination of an agent's contract with the Unit.

b. Disciplinary Actions for Contractors and Subcontractors. The Unit shall terminate any Contract with a Contractor or Subcontractor that violates any provision of this Policy.

c. Protections for Whistleblowers. In accordance with 41 U.S.C. § 4712, the Unit shall not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant: (i) a member of Congress or a representative of a committee of Congress; (ii) an Inspector General; (iii) the Government Accountability Office; (iv) a Treasury or other federal agency employee responsible for grant oversight or management; (v) an authorized official of the Department of Justice or other law enforcement agency; (vi) a court or grand jury; of (vii) a management official or other employee of the Unit, a Contractor, or Subcontractor who has the responsibility to investigate, discover, or address misconduct.

* * * * * * * * *

Adopted this the 9th day of August, 2022.

EXHIBIT A

Examples

Potential Examples of a "Financial or Other Interest" in a Firm or Organization Considered for a Contract or Subaward	***Potential Examples of a "Tangible Personal Benefit" From a Firm or Organization Considered for a Contract or Subaward***
Direct or indirect equity interest in a firm or organization considered for a Contract or Subaward, which may include: - Stock in a corporation. - Membership interest in a limited liability company. - Partnership interest in a general or limited partnership. - Any right to control the firm or organization's affairs. For example, a controlling equity interest in an entity that controls or has the right to control a firm considered for a contract. - Option to purchase any equity interest in a firm or organization.	Opportunity to be employed by the firm considered for a contract, an affiliate of that firm, or any other firm with a relationship with the firm considered for a Contract. A position as a director or officer of the firm or organization, even if uncompensated.
Holder of any debt owed by a firm considered for a Contract or Subaward, which may include: - Secured debt (e.g., debt backed by an asset of the firm (like a firm's building or equipment)) - Unsecured debt (e.g., a promissory note evidencing a promise to repay a loan). o Holder of a judgment against the firm.	A referral of business from a firm considered for a Contract or Subaward.
Supplier or contractor to a firm or organization considered for a Contract or Subaward.	Political or social influence (e.g., a promise of appointment to an local office or position on a public board or private board).

EXHIBIT B

COMPLIANCE CHECKLIST FOR OVERSIGHT OF CONTRACT CONFLICTS OF INTEREST

The [_____] ("*Unit*") has adopted a Conflict of Interest Policy ("*Policy*") that governs the Unit's expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [_____] as the "COI Point of Contact." The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Contracts (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.

2. If the value of the proposed Contract exceeds $[250,000], the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.

3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to [_____] and to each member of the Governing Board.

Definitions.

1. *Covered Individual*. Each person identified in Section 1 of this Checklist is a "Covered Individual" for purposes of this Compliance Checklist and the Policy.

2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.

3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

<table>
<tr><th>Step</th><th></th><th></th></tr>
<tr><td>1</td><td>Identify the proposed Contract, counterparty, and the subject of the Contract.</td><td>Name of Contract:

_____

Name of Counterparty

_____

Subject of Contract:

_____</td></tr>
<tr><td>2</td><td colspan="2">Identify all individuals involved in the selection, award, or administration of the Contract. These individuals are “Covered Individuals”. Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.</td></tr>
<tr><td rowspan="2"></td><td><u>Public Officials</u></td><td><u>Employees</u></td><td><u>Agents</u></td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>3</td><td colspan="2">Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Contract. [If the estimated Contract amount exceeds $[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]</td></tr>
<tr><td rowspan="2">Any identified interest in Step 3 is a potential “real” conflict of interest.</td><td><u>Public Officials</u></td><td><u>Employees</u></td><td><u>Agents</u></td></tr>
<tr><td></td><td></td><td></td></tr>
<tr><td>4</td><td colspan="2">Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Contract. If the estimated Contract amount exceeds $[250,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.</td></tr>
<tr><td rowspan="2">Any identified interest in Step 4 is a potential “real” conflict of interest.</td><td><u>Public Officials – Related Party</u></td><td><u>Employees – Related Party</u></td><td><u>Agents – Related Party</u></td></tr>
<tr><td></td><td></td><td></td></tr>
</table>

5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the *appearance* that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Contract? If yes, explain.		
Any identified interest in Step 5 is a potential "apparent" conflict of interest.	***Public Officials***	***Employees***	***Agents***

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT C

CONTRACT CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The Town of Southern Pines ("*Unit*") has adopted a Conflict of Interest Policy ("*Policy*") that governs the Unit's expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [_____] as the "COI Point of Contact."

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following contract: _____ (the "*Contract*"). To safeguard the Unit's expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Contract. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Contract?

   Yes _____ No _____ Unsure: _____

   If the answer is Yes or Unsure, please explain:

   _____

2. Will you receive any tangible personal benefit from a firm considered for this Contract?

   Yes _____ No _____ Unsure: _____

   If the answer is Yes or Unsure, please explain:

   _____

3. For purposes of Question 3(a) and 3(b), your "Immediate Family Members" include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

   a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Contract?

      Yes _____ No _____ Unsure: _____

      If the answer is Yes or Unsure, please explain:

      _____

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Contract or will such current or potential employer receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

7. <u>Benefits to Employers</u>

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

8. Does any existing situation or relationship create the ***appearance*** that you have a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

9. Does any existing situation or relationship create the ***appearance*** that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

10. Does any existing situation or relationship create the ***appearance*** that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

11. Does any existing situation or relationship create the ***appearance*** that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

12. Does any existing situation or relationship create the ***appearance*** that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Contract or will receive a tangible personal benefit from a firm considered for this Contract?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

* * * * * * * * *

Sign Name: _____

Print Name: _____

Name of Employer _____

Job Title: _____

Date of Completion: _____

* * * * * * * * *

EXHIBIT D

COMPLIANCE CHECKLIST FOR SUBAWARD OVERSIGHT

The [_____] ("*Unit*") has adopted a Conflict of Interest Policy ("*Policy*") that governs the Unit's expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [_____] as the "COI Point of Contact." The Policy requires the COI Point of Contact to complete this Compliance Checklist to identify potential real or apparent conflicts of interest in connection with proposed Subawards (as defined in Section II) and file the Checklist in the records of the Unit.

Instructions for Completion

1. The COI Point of Contact shall complete Steps 1 through 5 of the Checklist below.

2. If the value of the proposed Subaward exceeds $[250,000], the COI Point of Contact shall collect a Conflict of Interest Disclosure Form from each Covered Individual.

3. If the COI Point of Contact identifies a potential real or apparent conflict of interest after completing this Compliance Checklist, the COI Point of Contact shall report such potential conflict of interest to [_____] and to each member of the Governing Board.

Definitions.

1. *Covered Individual*. Each person identified in Section 1 of this Checklist is a "Covered Individual" for purposes of this Compliance Checklist and the Policy.

2. *Immediate Family Member* means, with respect to any Covered Individual, (i) a spouse, and parents thereof, (ii) a child, and parent thereof, (iii) a parent, and spouse thereof, (iv) a sibling, and spouse thereof, (v) a grandparent and grandchild, and spouses thereof, (vi) domestic partners and parents thereof, including domestic partners of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with the Covered Individual is the equivalent of a family relationship.

3. *Related Party* means (i) an Immediate Family Member of a Covered Individual, (ii) a partner of a Covered Individual, or (iii) a current or potential employer (other than the Unit) of a Covered Individual, of a partner of a Covered Individual, or of an Immediate Family Member of a Covered Individual.

Step			
1	Identify the proposed Subaward, Subrecipient, and the subject of the Subaward.	Name of Contract: _____ Name of Counterparty _____ Subject of Subaward: _____	
2	Identify all individuals involved in the selection, award, or administration of the Subaward. These individuals are "Covered Individuals". Ensure that each Covered Individual has been provided with a copy of the Conflict of Interest Policy.		
	Public Officials	***Employees***	***Agents***
3	Identify whether any Covered Individual has a (i) financial or other interest in, or (ii) tangible personal benefit from the firm considered for a Subaward. [If the estimated Subaward amount exceeds $[100,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
Any identified interest in Step 3 is a potential "real" conflict of interest.	***Public Officials***	***Employees***	***Agents***
4	Identify whether any Related Party has a (i) financial or other interest in or (ii) tangible personal benefit from the firm considered from a Subaward. If the estimated Subaward amount exceeds $[100,000], ensure that each Covered Individual files a Conflict of Interest Disclosure Form with the COI Point of Contact.]		
Any identified interest in Step 4 is a potential "real" conflict of interest.	***Public Officials – Related Party***	***Employees – Related Party***	***Agents – Related Party***

5	Identify whether a reasonable person with knowledge of the relevant facts would find that an existing situation or relationship creates the *appearance* that a Covered Individual or any Related Party has a financial or other interest in or a tangible personal benefit from a firm considered for a Subaward? If yes, explain.		
Any identified interest in Step 5 is a potential "apparent" conflict of interest.	***Public Officials***	***Employees***	***Agents***

COI Point of Contact: _____

Signature of COI Point of Contact: _____

Date of Completion: _____

EXHIBIT E

SUBAWARD CONFLICT OF INTEREST DISCLOSURE FORM

FOR OFFICIALS, EMPLOYEES, AND AGENTS

The [_____] ("*Unit*") has adopted a Conflict of Interest Policy ("*Policy*") that governs the Unit's expenditure of Federal Financial Assistance (as defined in Section II of the Policy). The Policy designates [_____] as the COI Point of Contact.

The COI Point of Contact has identified you as an official, employee, or agent of the Unit that may be involved in the selection, award, or administration of the following subaward: _____ (the "*Subaward*"). To safeguard the Unit's expenditure of Federal Financial Assistance, the COI Point of Contact has requested that you identify any potential real or apparent conflicts of interest in the Firm considered for the award of a Subaward. Using the Exhibit A to the Policy as a guide, please answer the following questions:

1. Do you have a financial or other interest in a firm considered for this Subaward?

   Yes _____ No _____ Unsure: _____

   If the answer is Yes or Unsure, please explain:

   _____

2. Will you receive any tangible personal benefit from a firm considered for this Subaward?

   Yes _____ No _____ Unsure: _____

   If the answer is Yes or Unsure, please explain:

   _____

3. For purposes of Question 3(a) and 3(b), your "Immediate Family Members" include: (i) your spouse and their parents, (ii) your child, (iii) your parent and any spouse of your parent, (iv) your sibling and any spouse of your sibling, (v) your grandparents or grandchildren, and the spouses of each, (vi) any domestic partner of any individual in (ii) through (v) of this definition; and (vii) any individual related by blood or affinity whose close association with you is the equivalent of a family relationship.

   a. Do you have an Immediate Family Member with a financial or other interest in a firm considered for this Subaward?

      Yes _____ No _____ Unsure: _____

      If the answer is Yes or Unsure, please explain:

      _____

b. Do you have an Immediate Family Member that will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

4. Do you have any other partner with a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

5. Will any other partner of yours receive any tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

6. Does your current or potential employer (other than the Unit) have a financial or other interest in a firm considered for this Subaward or will such current or potential employer receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

7. <u>Benefits to Employers</u>

a. Does a current or potential employer (other than the Unit) of any of your Immediate Family Members have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

b. Will a current or potential employer (other than the Unit) of any of your Immediate Family Members receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

c. Does a current or potential employer (other than the Unit) of any partner of yours have a financial or other interest in a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

d. Will a current or potential employer (other than the Unit) of any partner of yours receive a tangible personal benefit from this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

8. Does any existing situation or relationship create the ***appearance*** that you have a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

9. Does any existing situation or relationship create the ***appearance*** that any Immediate Family Member of yours has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

10. Does any existing situation or relationship create the ***appearance*** that your current or potential employer (other than the Unit) has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

11. Does any existing situation or relationship create the ***appearance*** that any current or potential employer (other than the Unit) of any of your Immediate Family Members has a financial or other

interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

12. Does any existing situation or relationship create the ***appearance*** that any current or potential employer (other than the Unit) of any other partner has a financial or other interest in a firm considered for this Subaward or will receive a tangible personal benefit from a firm considered for this Subaward?

Yes _____ No _____ Unsure: _____

If the answer is Yes or Unsure, please explain:

_____

* * * * * * * * *

Sign Name: _____

Print Name: _____

Name of Employer _____

Job Title: _____

Date of Completion: _____

* * * * * * * * *

NORTH CAROLINA
MOORE COUNTY

INTERLOCAL AGREEMENT

This INTERLOCAL AGREEMENT is made this _____ day of July, 2022, between the Town of Southern Pines, a municipal corporation and public body politic of the State of North Carolina located in Moore County ("Town") and the County of Moore ("County").

WITNESSETH

WHEREAS, Part I, Article 20 of Chapter 160A of the North Carolina General Statutes authorizes the Town and the County to enter into interlocal agreements with each other to execute any undertaking; and

WHEREAS, Robert S. Hayter and Jacqueline S. Hayter own certain parcel(s) of land which fall within the Extra Territorial Jurisdiction (ETJ) of the Town and the jurisdiction of the County, as described in Exhibit 1 attached hereto; and

WHEREAS, the Town and the County each enforce a separate code of development ordinances, while also enforcing the North Carolina Building Code; and

WHEREAS, the Town and the County desire to coordinate the review and enforcement of development ordinances and the North Carolina State Building Code applicable to the site; and

WHEREAS, the Town and the County are in agreement as to the site plan and the development standards that shall apply to the Development, including which local government shall be responsible for the review and permitting of the Development.

NOW THEREFORE, for and inconsideration of the mutual benefits, covenants, and promises contained herein, the sufficiency of which is hereby acknowledged, the Town and County agree as follow:

1. **Purpose**. The purpose of the Agreement is to set forth and specify in writing which jurisdiction's development ordinances shall apply to the Development and which jurisdiction will handle the review and permitting of the Development.
2. **Term**. This Agreement shall have an initial term of twenty (20) years from the date of its execution. After this twenty (20) year period, either Town or County may terminate this Agreement upon sixty (60) days written notice to the other evidencing the adoption of a resolution. Absent notice to the contrary, this Agreement shall automatically renew for up to five (5) additional one (1) year periods.
3. **Applicable Development Ordinances**. The development ordinances of the County shall apply to all portions of Site, including that which is located within the Extra Territorial Jurisdiction of the Town.

4. **Review and Permitting**. The County shall be responsible for the review of all site plans and issuance of site plan permits, including all site related inspections and approvals.
5. **Fees, Revenue**. The Town and County agree that County will receive and retain all fees and revenues associated with the provision, application, review, inspection, and enforcement to the services and permits or approvals agreed to be provided herein by the County.
6. **Severability**. If any provision of this Agreement shall be determined to be unenforceable by a court of competent jurisdiction, such determination will not affect any other provision of this Agreement.
7. **Counterparts**. The Town and County may execute an original of the Agreement and both individually executed Agreements shall constitute this Agreement.
8. **Entire Agreement, Amendments**. This Agreement constitutes the entire Agreement between the Town and County. The terms of this Agreement may only be modified or amended by a written mutual agreement executed by Town and County and consented to by the Applicant.

IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement to executed, and their corporate seals to be affixed by their duly authorized official, in duplicate originals, one which is retained by each party, the day and year first above written.

TOWN OF SOUTHERN PINES

_____
Carol R. Haney, Mayor

ATTEST:

_____
_ Elizabeth Robertson, Town Clerk

Certificate of Town Finance Officer
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Town of Southern Pines Finance Officer

COUNTY OF MOORE

_____
Francis R. Quis, Jr., Chairman
Board of Commissioners

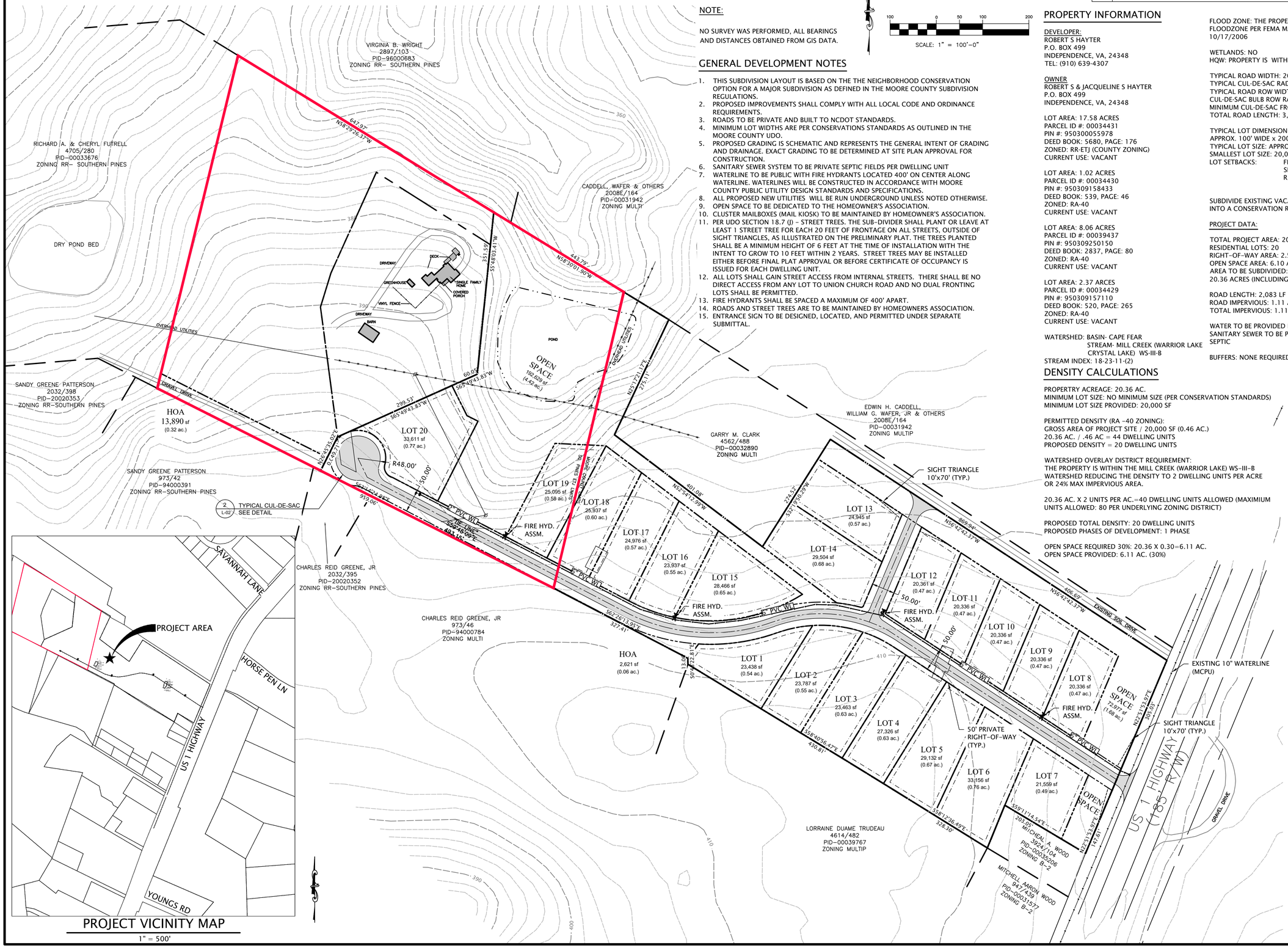
ATTEST:

_____
Laura M. Williams
Clerk to the Board

Certificate of Moore County Finance Officer
This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

_____
Moore County, Finance Officer

FN 22-0290



NOTE:

NO SURVEY WAS PERFORMED, ALL BEARINGS AND DISTANCES OBTAINED FROM GIS DATA.

GENERAL DEVELOPMENT NOTES

1. THIS SUBDIVISION LAYOUT IS BASED ON THE THE NEIGHBORHOOD CONSERVATION OPTION FOR A MAJOR SUBDIVISION AS DEFINED IN THE MOORE COUNTY SUBDIVISION REGULATIONS.
2. PROPOSED IMPROVEMENTS SHALL COMPLY WITH ALL LOCAL CODE AND ORDINANCE REQUIREMENTS.
3. ROADS TO BE PRIVATE AND BUILT TO NCDOT STANDARDS.
4. MINIMUM LOT WIDTHS ARE PER CONSERVATIONS STANDARDS AS OUTLINED IN THE MOORE COUNTY UDO.
5. PROPOSED GRADING IS SCHEMATIC AND REPRESENTS THE GENERAL INTENT OF GRADING AND DRAINAGE. EXACT GRADING TO BE DETERMINED AT SITE PLAN APPROVAL FOR CONSTRUCTION.
6. SANITARY SEWER SYSTEM TO BE PRIVATE SEPTIC FIELDS PER DWELLING UNIT
7. WATERLINE TO BE PUBLIC WITH FIRE HYDRANTS LOCATED 400' ON CENTER ALONG WATERLINE. WATERLINES WILL BE CONSTRUCTED IN ACCORDANCE WITH MOORE COUNTY PUBLIC UTILITY DESIGN STANDARDS AND SPECIFICATIONS.
8. ALL PROPOSED NEW UTILITIES WILL BE RUN UNDERGROUND UNLESS NOTED OTHERWISE.
9. OPEN SPACE TO BE DEDICATED TO THE HOMEOWNER'S ASSOCIATION.
10. CLUSTER MAILBOXES (MAIL KIOSK) TO BE MAINTAINED BY HOMEOWNER'S ASSOCIATION.
11. PER UDO SECTION 18.7 (I) – STREET TREES. THE SUB-DIVIDER SHALL PLANT OR LEAVE AT LEAST 1 STREET TREE FOR EACH 20 FEET OF FRONTAGE ON ALL STREETS, OUTSIDE OF SIGHT TRIANGLES, AS ILLUSTRATED ON THE PRELIMINARY PLAT. THE TREES PLANTED SHALL BE A MINIMUM HEIGHT OF 6 FEET AT THE TIME OF INSTALLATION WITH THE INTENT TO GROW TO 10 FEET WITHIN 2 YEARS. STREET TREES MAY BE INSTALLED EITHER BEFORE FINAL PLAT APPROVAL OR BEFORE CERTIFICATE OF OCCUPANCY IS ISSUED FOR EACH DWELLING UNIT.
12. ALL LOTS SHALL GAIN STREET ACCESS FROM INTERNAL STREETS. THERE SHALL BE NO DIRECT ACCESS FROM ANY LOT TO UNION CHURCH ROAD AND NO DUAL FRONTING LOTS SHALL BE PERMITTED.
13. FIRE HYDRANTS SHALL BE SPACED A MAXIMUM OF 400' APART.
14. ROADS AND STREET TREES ARE TO BE MAINTAINED BY HOMEOWNERS ASSOCIATION.
15. ENTRANCE SIGN TO BE DESIGNED, LOCATED, AND PERMITTED UNDER SEPARATE SUBMITTAL.

PROPERTY INFORMATION

DEVELOPER:
ROBERT S HAYTER
P.O. BOX 499
INDEPENDENCE, VA, 24348
TEL: (910) 639-4307

OWNER
ROBERT S & JACQUELINE S HAYTER
P.O. BOX 499
INDEPENDENCE, VA, 24348

LOT AREA: 17.58 ACRES
PARCEL ID #: 00034431
PIN #: 950300055978
DEED BOOK: 5680, PAGE: 176
ZONED: RR-ETJ (COUNTY ZONING)
CURRENT USE: VACANT

LOT AREA: 1.02 ACRES
PARCEL ID #: 00034430
PIN #: 950309158433
DEED BOOK: 539, PAGE: 46
ZONED: RA-40
CURRENT USE: VACANT

LOT AREA: 8.06 ACRES
PARCEL ID #: 00039437
PIN #: 950309250150
DEED BOOK: 2837, PAGE: 80
ZONED: RA-40
CURRENT USE: VACANT

LOT AREA: 2.37 ARCES
PARCEL ID #: 00034429
PIN #: 950309157110
DEED BOOK: 520, PAGE: 265
ZONED: RA-40
CURRENT USE: VACANT

WATERSHED: BASIN- CAPE FEAR
STREAM- MILL CREEK (WARRIOR LAKE CRYSTAL LAKE) WS-III-B
STREAM INDEX: 18-23-11-(2)

FLOOD ZONE: THE PROPERTY IS NOT WITHIN A FLOODZONE PER FEMA MAP# 3710950200J, DATED 10/17/2006

WETLANDS: NO
HQW: PROPERTY IS WITHIN A HQW BASIN

TYPICAL ROAD WIDTH: 20'
TYPICAL CUL-DE-SAC RADIUS: 48'
TYPICAL ROAD ROW WIDTH: 50' (PRIVATE)
CUL-DE-SAC BULB ROW RADIUS: 60'
MINIMUM CUL-DE-SAC FRONT: 50'
TOTAL ROAD LENGTH: 3,665 LF

TYPICAL LOT DIMENSION:
APPROX. 100' WIDE x 200' DEEP
TYPICAL LOT SIZE: APPROX. 20,000 SF
SMALLEST LOT SIZE: 20,000 SF
LOT SETBACKS: FRONT: 10'
SIDE: 10'
REAR: 10'

SUBDIVIDE EXISTING VACANT LAND INTO A CONSERVATION RESIDENTIAL SUBDIVISION.

PROJECT DATA:

TOTAL PROJECT AREA: 20.36 ACRES
RESIDENTIAL LOTS: 20
RIGHT-OF-WAY AREA: 2.56 ACRES
OPEN SPACE AREA: 6.10 ACRES
AREA TO BE SUBDIVIDED:
20.36 ACRES (INCLUDING ROW)

ROAD LENGTH: 2,083 LF
ROAD IMPERVIOUS: 1.11 ACRES
TOTAL IMPERVIOUS: 1.11 ACRES (EXCLUDING LOTS)

WATER TO BE PROVIDED BY MCPU
SANITARY SEWER TO BE PROVIDED BY PRIVATE SEPTIC

BUFFERS: NONE REQUIRED

DENSITY CALCULATIONS

PROPERTRY ACREAGE: 20.36 AC.
MINIMUM LOT SIZE: NO MINIMUM SIZE (PER CONSERVATION STANDARDS)
MINIMUM LOT SIZE PROVIDED: 20,000 SF

PERMITTED DENSITY (RA -40 ZONING):
GROSS AREA OF PROJECT SITE / 20,000 SF (0.46 AC.)
20.36 AC. / .46 AC = 44 DWELLING UNITS
PROPOSED DENSITY = 20 DWELLING UNITS

WATERSHED OVERLAY DISTRICT REQUIREMENT:
THE PROPERTY IS WITHIN THE MILL CREEK (WARRIOR LAKE) WS-III-B WATERSHED REDUCING THE DENSITY TO 2 DWELLING UNITS PER ACRE OR 24% MAX IMPERVIOUS AREA.

20.36 AC. X 2 UNITS PER AC.=40 DWELLING UNITS ALLOWED (MAXIMIUM UNITS ALLOWED: 80 PER UNDERLYING ZONING DISTRICT)

PROPOSED TOTAL DENSITY: 20 DWELLING UNITS
PROPOSED PHASES OF DEVELOPMENT: 1 PHASE

OPEN SPACE REQUIRED 30%: 20.36 X 0.30=6.11 AC.
OPEN SPACE PROVIDED: 6.11 AC. (30%)

REVISIONS			
SYM.	DESCRIPTION	DATE	BY

NORTH CAROLINA PROFESSIONAL ENGINEER SEAL 043255 PHILIP A. PICKENS

LKC Engineering, pllc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkcengineering.com
License No. P-1095

PRELIMINARY – DO NOT USE FOR CONSTRUCTION

Engineering
Landscape Architecture
Planning

LKC

PRELIMINARY PLAT

Major Preliminary Plat for:

ARMSTEAD SUBDIVISION

Moore County, North Carolina

DATE: MAY 4, 2022
DESIGNED:
DRAWN:
CHECKED:
NO.
L-01

MINUTES

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

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; and Bill Pate.
Absent: Ann Petersen.

2. TOWN MANAGER'S COMMENTS

Assistant Town Manager Jessica Roth reviewed the agenda.
Solid waste vendor update - recycling crew has Covid, so pick-up has been delayed. A new crew is starting tomorrow. Yard debris is still continuing - the company is running 5 crews.

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.

Asst Town Manager Jessica Roth advised that the applicant has requested another continuance.

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.

Asst Town Manager Roth advised that this hearing will be held as scheduled.

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.

Asst Town Manager Roth reviewed the request for Council and advised that the Recreation Department has a lot of fun events scheduled for the month of July.

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.

Planner I Jennifer Hunt presented the application and staff report.

Christopher Wood of LMHT & Associates was present for the applicant. Mr. Wood clarified the % of brick that is planned to be used on the exterior fo the building.

The Council does not feel the applicant needs to be at the July Town Council Business Meeting.

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).

Town Planner I Hunt reviewed the application and staff report for the Council. No deviations were requested by the applicant.

Kelly Wagnoeer was present representing the applicant.

The Council does not feel the applicant needs to attend the July Town Council Regular Business Meeting.

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..

Town Planner I Hunt reviewed the application and staff report for the Council.

Mayor Haney questioned if the HVAC would be camouflaged. Mr. Andy Bleggi was present as the applicant and clarified that the HVAC system would be located on the roof and would be screened

The Council noted several details missing from the application. Councilmember Clement asked the applicant to clean up the application with Planner I Hunt.

The applicant agreed and will return at the August 3, 2022, Town Council Agenda Meeting.

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.

Principal Planner Pamela Graham reviewed the application and the staff report for the Council.

Andy Bleggie, the applicant, was present.

Neil Smith and Brian Boles of Neal Smith Engineering were present for the applicant.

Discussion ensued.

Mayor Haney questioned the lack of brick in the design.

The applicant agreed to postpone the hearing to the August 3, 2022, Town Council Agenda Meeting during which time the applicant will prepare alternate design ideas incorporating more brick as well as supply material samples for the Council to view.

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.

Planner I Jennifer Hunt presented the application and staff report to the Council.
William Spenser of Ubuntu Developer, LLC was present for the applicant
The Council requests that the material percentages be revised per Town standards and the new numbers be submitted by the applicant.
The applicant does not need to be present at the hearing at the July Town Council Regular Business Meeting.

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.

Asst Town Manager Roth gave a brief overview of the request.

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

Asst. Town Manager Roth gave a brief overview of the items.

5. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously; Council adjourned at 7:33 pm.

Respectfully submitted:

_____
Elizabeth Robertson, Town Clerk

DRAFT

MINUTES

Tuesday, July 12, 2022: 6:00 PM
Town Council Business Meeting
Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; Bill Pate; and Ann Petersen.

Mayor Haney advised the public that the Town now has a Facebook Page.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Assistant Town Manager Jessica Roth reviewed the agenda.

4. PUBLIC COMMENTS

a. The Town Council encourages public input and participation in its Council meetings. This part of the meeting is reserved for individuals who would like to bring issues to the attention of the Council that are NOT part of a Public Hearing. Each speaker is allotted three minutes during this portion of the meeting.

- Dorothy Brower of 102 E Monroe, Southern Pines addressed the Council regarding the West Southern Pines Connectors and complimented the work and effort of Planning & Community Development Specialist Rachel Mann.
- Susan Coleman of 223 May Street, Southern Pines spoke to the Council about the Town Council public comment periods and the code of ethics adopted by the Town; advising the Council that she intends to file a formal complaint regarding what she considers a breach of ethics involving a Council member.

5. PUBLIC HEARINGS

a. 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. The Town understands both parties intend to request another continuance of this hearing to a future meeting.

The applicant has requested the hearing be continued to the Town Council Regular Business Meeting on August 9, 2022.

Councilmember Pate motioned to continue the public hearing for PD-04-22 to the August 9, 2022 Council meeting, seconded by Mayor Pro Tem Murphy; the vote was unanimous. Motion passed.

b. 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.

This hearing is a continuance from the June 14, 2022 Regular Town Council Business meeting.

Mayor Haney swore in pending witnesses for the hearing. She asked Councilmembers to disclose the following relative to the application and property: any specialized knowledge; a fixed opinion not subject to change; close relation to the applicant or property owner; and/or a financial interest in the outcome.

Tom Johnson, attorney with Williams Mullin, is present to represent the applicant.

Principal Planner Pam Graham gave a brief review of the application and staff report. Nothing new was submitted to town staff by the applicant.

Staff drafted 2 findings of fact statements and accompanying motions depending on the Council's decision.

Mr. Johnson briefly reviewed the previous presentation and asked John Silverman to speak regarding density and its effects.

John Silverman of Mid Atlantic Development Company addressed the Council and reviewed the history of the project and the origins of the number 650 total units on the original CDP which was approved back in the 1990's by the original applicant. The traffic analysis included with the current plan assumes 260 units for the current parcel.

Mr. Silverman explained to the Council the impact of reducing density at this site. The connector road is a joint effort and the financials assumed the current proposed density, so if density is reduced, then that would reduce the tax received towards the MSD and result in a deficit.

Mr. Silverman acknowledges the conflict between the number of units and number of acers on the CDP, but feels that it is important that the first phase included 260 units.

Councilmember Petersen questioned the applicants regarding mathematical error of units per acre. Mr. Silverman replied that the original zoning prior to MidAtlantic in the density chart in the CDP contradicts 16/acre and 650 and they acknowledge the mathematical error.

Councilmember Petersen asked if the applicant had a proposed resolution to the

discrepancy? John Silverman replied that they didn't but it could be a moot point if the limit is not reached by the final phase..
Councilmember Clement questioned what part of the original assumption was based on the number of dwelling units? Mr. Silverman advised that the first phase of tax revenue was based on the property valuation based on improvements by MidAtlantic. Councilmember Clement would like to see the original Davenport application and the analysis.
Mr. Johnson advised that the TIA and CDP were based on 260 units for this phase and included the Target buildout and 1st phase improvements. Overall density can be adjusted later in the project.
Councilmember Pate questioned the land use plan that shows acreage showing a deficit of 10 acres to meet the density model and wants to ensure that future phases are not built to high density. Mr. Johnson reiterated that future phase could have density reduced but they feel it's important to have the higher density closer to the shopping center and to meet the MSD tax revenue assumptions.
Councilmember Pate questioned Planning Director Grieve if there was a way to condition the mixed use zoning in future phases with approval of this application. Planning Director Grieve advised that it is not advisable to condition a PDP on a restriction in the CDP.
Councilmember Petersen questioned setting a precedent.
Councilmember Clement questioned using acreage from future planned phases to meet current density requirements.
Mr. Silverman reiterated that for the financial model to work, the tax basis for the MSD to current requested density numbers are required. Mr. Silverman questioned the Council whether adding a clarification to the current approval that the CDP is based on the lessor number of 16/acre or 650 units overall would alleviate the Council's concern.
Planning Director Grieve advised that granting the current deviation doesn't affect the overall density of the CDP shouldn't be considered as part of this hearing.
Councilmember Petersen questioned Mr. Johnson and Mr. Silverman on the MSD calculations.
Mayor Pro Tem Murphy asked if an extension of Stevens Street into the community would affect the current discussion? Mr. Silverman advised that increased development would increase the tax base and create a clear benefit.
Mr. Silverman reiterated that Davenport based the financial viability of the MSD on the current proposed numbers and by not approving the deviation the result would put a financial strain on both the applicant and the Town to meet future debt payments.
Councilmember Pate expressed concern at the ability to enforce the reduction of density in future phases.
Mayor Haney feels the numbers for the MSD need to be corrected and recalculated.
Planning Director Grieve advised that his professional opinion is that putting 60 additional units on this project as proposed makes sense.
Mayor Pro Tem Murphy feels that if density is increased, then the Town should strategically and intentionally place it to our advantage.
Councilmember Clement questioned the amount of parking planned. Mr. Silverman advised that parking on the Target side has since been reduced and Mr. Johnson advised that the

current parking standards being proposed are the same as those used at the Eagle Landing Development and adequate for their needs.
Councilmember Petersen shared her concern regarding social infrastructure and that for every multi-family dwelling built the Town looses money in regards to social infrastructure, ie. schools and police, which is based on county taxes.
Mr. Silverman agrees on the record to a cap of 483 units for the entire project.
Asst. Town Manager Roth questioned if the Town could adopt an amended written decision to the CDP to correct the original miscalculation of the total allowed units? Town Attorney Doug Gill advised that legally the way to restrict the number is to enforce the overall number for the entire project.
Planning Director Grieve advised that a CDP is a legislative matter adopted by ordinance and a written decision is a product of a quasi-judicial process and he is unable to come up with a mechanism at this time. Planning Director Grieve agrees with Mr. Gill's proposed solution.
Coucilmember Pate would be more comfortable if the cap was included in the approval. Mr. Grieve advised that the applicants must agree to any conditions put into a PDP and would be relevant in future proceedings.
Mr. Johnson believes that if the Council wrote in their approval stating that the deviation is being granted with the condition that the total number of units for the project be 483 units. This would state their intention while not setting a precedent. are granting the deviation with the condition that approved with the
Coucilmember Petersen asked if Mr. Silverman is overseeing all phases of the project and if he could include a cap of 483 units? Mr. Silverman agreed to submit a letter to the file stating that the unit number will cap at 483 and make that a condition of approval.
Councilmember Clement questioned if there was a way to bring the average number of units per acre to 16. Mr. Silverman stated that the overall project number could but not the individual phase.
Mr. Johnson entered into the record a traffic study (Exhibit D)
Mayor Haney asked for any public comments. None were voiced.

Councilmember Clement moved to close the Hearing for PD-07-22: Morganton Park South Phase II PDP, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

Councilmember Pate moved to adopt Attachment A of the staff report as drafted as Finding of Fact regarding the proposed Preliminary Development Plan PD-07-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

Councilmember Pate moved to approve the Preliminary Development Plan for PD-07-22 with the following conditions: that the approval is on the basis that the maximum number of multi-family dwelling units for the entire CDP be capped at 483 units. Seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed

6. ACTION ITEMS

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.

Mayor Haney reviewed and presented a proclamation declaring July as Parks and Recreation Month to Recreastion and Parks Director Cindi King.

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.

Planning Director Grieve gave an overview of the item and advised the Council that the applicant had provided new calculations for the percentage of brick used with the requested adjustments for windows and doors.
Discussion ensued.

Councilmember Pate moved to approve AR-16-22: Ace Hardware, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

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).

Mayor Haney advised staff that there were no deviations requested.

Councilmember Pate moved to approve AR-18-22: Ace Hardware, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

d. 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.

Planning Director Grieve provided the Council with a brief overview of the request.
Discussion ensued.

Councilmember Pate moved to approve AR-17-22: Old Morganton Park South Outparcel 1, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

7. CONSENT AGENDA

Assistant Town Manager Roth reviewed the Consent Agenda.

Councilmember Pate moved to approve the Consent Agenda, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

a. Set August 9th 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.

b. 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

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Clement and carried unanimously, Council adjourned at 7:43 pm.
Motion passed.

Respectfully submitted:

_____
Elizabeth Robertson, Town Clerk

DRAFT

MINUTES

Monday, July 25, 2022: 3:00 PM
Town Council Work Session
C. Michael Haney Community Room: Southern Pines Police Department
450 W. Pennsylvania Ave

1. CALL TO ORDER

Mayor Haney called the meeting to order. The following members of Town Council were present: Mayor Carol Haney; Taylor Clement; Paul Murphy; Bill Pate; and Ann Petersen.

Mayor Haney commented on the success of the Parks and Recreation events for the month as well as the success of the Junior Fire Academy.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Town Manager Parsons advised the Council that the November Council meeting falls on election day and staff is proposing to move all meetings forward by 1 week. The Council agrees and staff will prepare the amendment.

3. ACTION ITEMS

a. Consider Written Decision for PD-07-22 Morganton Park South Phase 2 Apartments PDP

Staff has prepared a formal Written Decision document for the application PD-07-22 Morganton Park South Phase 2 Apartments PDP that was approved by the Town Council at the July 12th meeting.

Principal Planner Pam Graham gave an overview of the decision.
Mr. Johnson, attorney for the applicant, is present to answer questions.
Discussion ensued.
Changes were requested to be made to page 8 of 70.

Councilmember Clement motioned to approve Written Decision PD-07-22 Morganton Park South Phase 2 Apartments PDP as prepared by staff and with the requested change, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

b. Consider upsizing option for Water Transmission Line relocation as part of NCDOT US1 Improvements.

Town Engineer James Michel gave an overview of the request.
Discussion ensued.

Councilmember Petersen motioned to approve the upsizing option to 24", of the Water Transmission Line Relocation as part of NCDOT USwith Improvments, seconded by Mayor Pro Tem Murphy, the vote was unanimous.
Motion passed.

4. COUNCIL UPDATES AND DISCUSSION

a. Library Facility Projects

Staff requested funds to replace the library front desk in the FY 22-23 budget. Council decided to postpone this project for consideration after July 1 and asked staff to provide further details on the proposed work. Staff will discuss the needs and suggested approach.

Asst. Town Manager Jessica Roth gave a brief overview of the request.
Library Director Amanda Brown spoke to the Council in detail of the current Library Facility needs and proposed changes.
Discussion ensued.

Council approved staff to move forward with the new reception desk for the Library.

b. Follow-up Regarding Building Height Regulations

At the June 2022 Work Session, the Town Council asked the Planning Director for additional information on the potential effects of amendments to building height regulations in the Unified Development Ordinance that were adopted in January of 2022. Staff will provide additional information as a follow-up to the June discussion.

Planning Director Grieve spoke to the Council regarding the item.
Discussion ensued.

c. Knoll Road Multi-Use Trail

Discussion of project budget, potential alternatives, and path forward for the construction of a multi-use path along Knoll Road.

Town Engineer Michel reviewed the item for the Council and answered any questions.
Discussion ensued.
The Council supports the project but additional funding needs to be researched due to increased costs.

d. System Development Fees for Residential Fire Sprinkler Systems

The Town has received a request to consider modifying the system development fee schedule for residential projects utilizing fire sprinkler systems. Staff will share details.

Town Engineer Michel presented an overview of the item to the Council.
Discussion ensued.
Councilmember Clement asked for additional information, such as comparing fees from other local communities.

e. Required ARPA Policies Overview

Staff will discuss the next steps toward reviewing potential ARPA projects, which will include Council's adoption of various policies, budget amendments, and reporting requirements.

Town Manager Parsons reviewed the item for the Council.
Discussion ensued.

f. Update on Whitehall Master Plan

The Town is working with CPL and Creech & Associates to prepare a master plan for the Whitehall property. Staff will share next steps, including the initial opportunities for public input.

Asst. Town Manager Roth presented an overview of the item to the Council.
Discussion ensued.

g. Update on Comprehensive Long Range Plan (CLRP)

The Planning team is working to finalize a contract for consulting services with City Explained, Inc. for work on a Comprehensive Long Range Plan (CLRP). The long range planning process will involve extensive research, stakeholder engagement and visioning to prepare a plan for the future of Southern Pines. The Planning Director will provide a brief update and answer questions from Town Council.

Planning Director Grieve gave an update to the Council on the CLRP process.
Discussion ensued.

5. ADJOURNMENT

Upon a motion by Councilmember Clement, seconded by Councilmember Pate and carried unanimously, the Council adjourned at 5:49 pm.

Respectfully submitted:

_____
Elizabeth Robertson, Town Clerk

DRAFT

TOWN OF SOUTHERN PINES ORDINANCE #2019
AMENDING THE TOWN'S CODE OF ORDINANCES

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled on the 9th day of August, 2022, the Code of Ordinances is amended as follows:

(1) Delete existing section §130.01 in its entirety and replace with Attachment A.

(2) Delete General Provisions and sections §150.001 through §150.008 of Chapter 150: Building Code in their entirety; no replacements are proposed.

(3) Delete existing section §152.01(A) in its entirety and replace with Attachment B.

(4) Delete existing sections §153.01 through §153.06 in their entirety and replace with Attachment C.

(5) All references to the "Recreation and Parks Director" shall be deleted and replaced with "Parks and Recreation Director."

(6) All references to the "Recreation and Parks Department" shall be deleted and replaced with "Parks and Recreation Department."

Adopted this 9th day of August, 2022.

I certify that this ordinance 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.

ATTEST:

TOWN OF SOUTHERN PINES

_____
Elizabeth Robertson, Town Clerk

_____
Carol R. Haney, Mayor

APPROVED AS TO FORM:

_____
Douglas R. Gill, Town Attorney

Ordinance #2019 Attachment "A"
(delete existing section 130.01 in its entirety and replace with the following)

§130.01 POSSESSION OR CONSUMPTION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES ON PUBLIC PROPERTY

(A) Except as provided in division (B) below, it is unlawful within the corporate limits of the Town for a person to consume or possess any alcoholic beverage in any container whatsoever that is open or has been open, in or on any public property. For the purposes of this section, public property includes streets, alleys, sidewalks, or parks, and refers to both outdoor and enclosed spaces.

(B) Open consumption or possession of an alcoholic beverage is permitted on public property in the following locations:

1) During an outdoor special event which has been properly permitted in accordance with §32.092 and said permit authorizes the sale and consumption of alcoholic beverages; or

2) Within a sidewalk café or outdoor seating area which was permitted in accordance with §100.42; and/or

3) Premises leased by the Town, where the lease does not forbid the lessee to serve alcoholic beverages.

Ordinance #2019 Attachment "B"
(delete existing section 152.01, subsection (A) in its entirety and replace with the following)

(A) The Unified Development Ordinance of Southern Pines (UDO), which regulates zoning, subdivision, sedimentation and water and air resources control as authorized by the pertinent provisions of G.S. Article 8 of Chapter 160A; Articles 1 through 14 of Chapter 160D; Article 4 of Chapter 113A; Article 7 of Chapter 136; and Article 21 of Chapter 143, is incorporated by reference as if it were set out in full. A complete copy can be obtained from the Town's website.

Note: There are no proposed changes to subsections (B) or (C) of §152.01.

Ordinance #2019 Attachment "C"

(delete existing sections 153.01 through 153.06 in their entirety and replace with the following)

CHAPTER 153: UNSAFE DWELLINGS, BUILDINGS, AND STRUCTURES

§ 153.01 RESIDENTIAL DWELLINGS, BUILDINGS, OR STRUCTURES

(A) The Town of Southern Pines is authorized, pursuant to NCGS Chapter 160D, Article 12, Minimum Housing Codes, to exercise police powers to repair, close, or demolish dwellings that are unfit for human habitation or abandoned structures which create a health or safety hazard.

(B) Unfit Dwellings. The existence and occupation of dwellings that are unfit for human habitation are inimical to the welfare and dangerous and injurious to the health and safety of the people of the Town of Southern Pines. A dwelling is considered unfit for human habitation due to:

1. dilapidation;
2. defects increasing the hazards of fire, accidents or other calamities;
3. lack of ventilation, light, or sanitary facilities; and/or
4. other conditions rendering the dwellings unsafe, unsanitary, dangerous or detrimental to the health, safety, morals, or otherwise inimical to the welfare of the residents of the Town of Southern Pines.

(C) Abandoned Structures. An abandoned structure creates a health or safety hazard as a result of:

1. the attraction of insects or rodents;
2. conditions creating a fire hazard;
3. dangerous conditions constituting a threat to children; and/or
4. frequent use by vagrants as living quarters in the absence of sanitary facilities.

(D) Upon determination that a residential dwelling is unfit for human habitation or that an abandoned structure creates a health or safety hazard, the public official may order the dwelling and/or structure to be repaired, closed, or demolished pursuant to NCGS Chapter 160D, Article 12, Minimum Housing Codes.

(E) North Carolina General Statutes Chapter 160D, Article 12, Minimum Housing Codes, including all subsequent amendments, as adopted by the North Carolina General Assembly, is hereby adopted by reference as fully as though set forth here and shall be enforced as part of this Chapter.

§ 153.02 NONRESIDENTIAL BUILDINGS OR STRUCTURES

(A) The Town of Southern Pines is authorized, pursuant to NCGS Chapter 160D, Article 11 Building Code Enforcement to adopt and enforce regulations related to nonresidential buildings or structures that fail to meet minimum standards of maintenance, sanitation, and safety.

(B) An unsafe building or structure is that which appears to the public official to be especially dangerous to life because of:

1. It is in a condition which is dangerous and injurious to public health, safety, and welfare; and/or
2. It is dangerous to life because of its liability to fire; and/or
3. Bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes.

(C) Additionally, the public official may declare a nonresidential building or structure within a community development target area to be unsafe if it meets all of the following conditions:

1. It appears to the inspector to be vacant or abandoned.
2. It appears to the inspector to be in such dilapidated condition as to cause or contribute to blight, disease, vagrancy, or fire or safety hazard, to be a danger to children, or to tend to attract persons intent on criminal activities or other activities that would constitute a public nuisance.

(D) Upon determination that a nonresidential building or structure is unsafe, the public official may order it to be repaired, closed, or demolished pursuant to NCGS Chapter 160D, Article 11, Building Code Enforcement.

(E) North Carolina General Statutes Chapter 160D, Article 11, Building Code Enforcement, including all subsequent amendments, as adopted by the North Carolina General Assembly, is hereby adopted by reference as fully as though set forth here and shall be enforced as part of this Chapter.

§ 153.03 AUTHORIZATION

(A) The Town Fire Marshal or his/her designee is designated as the public official who is authorized to exercise the powers prescribed in this chapter and the general statutes.

(B) This chapter shall be enforced by the Town of Southern Pines within its corporate limits and within its extraterritorial jurisdiction.

TOWN OF SOUTHERN PINES ORDINANCE #2020
AMENDING THE 2022/2023 FISCAL YEAR BUDGET

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 9th day of August, 2022 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

DEPARTMENT	LINE ITEM	CODE	INCREASE	DECREASE
Library	Capital – Other Equipment	10-630-7403	$42,452.00	
General Fund	Fund Balance Appropriations	10-397-1000	$42,452.00	

DRAFT

I certify that this ordinance 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