



AGENDA

Tuesday, September 13, 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. CEREMONIAL MATTERS

a. Resolution #1028 to Formally Name the E.S. Douglass Community Center

Staff has worked with the West Southern Pines Community Connectors to prepare a resolution to formally name the Town's Community Center after Mayor Emanuel S. Douglass.

5. PUBLIC COMMENTS

6. 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 at the request of both the applicant and neighbors..

b. PD-09-22: Belle Meade CDP

Mr. Dan Jewell, on behalf of St. Joseph of the Pines, Inc. has submitted a Planned Development District – Conceptual Development Plan application to rezone the entire property and provide an additional 44 senior living townhome units at the Belle Meade Retirement Community.

c. PD-10-22: Morganton Park North Phase 9 PDP

Mr. Bob Koontz has submitted an application on behalf of DHIC, LLC for Phase 9 of the Morganton Park North Planned Development. The proposed Phase 9 includes 300 multi-family residential units and +/- 20,000 square feet of mixed-use retail, restaurant, and/or office space on +/- 20.6 acres.

d. RA-02-22 Mechanic Street Right of Way Abandonment

Mr. Robert Koontz, on behalf of VG Pines Residential LLC, has submitted a request for the abandonment of portions of Mechanic Street from West Rhode Island Avenue to the right-of-way for US Highway 1.

7. ACTION ITEMS

a. Consider AR-19-22: Morganton Park South Phase 1 Amendments

Mr. John Silverman of Midland Atlantic Properties is requesting approval of amendments to a previously issued Architectural Compliance Permit for Phase 1 of Morganton Park South.

b. Consider AR-20-22: Morganton Park South Phase 2 Apartments

KoontzJones Design requests approval of an Architectural Compliance Permit for “Morganton Park South Apartments,” a 269-unit luxury apartment home community consisting of three buildings with residential units, a clubhouse, dog park, car wash and maintenance building located in Phase 2 of Morganton Park South.

c. Consider Resolution #1025: Accept Roads within Arboretum Subdivision (RD-02-22)

Global Properties and Development, L.L.C. and The Arboretum Property Owners Association, Inc. are offering the road improvements and rights of way in the Arboretum for dedication to the Town of Southern Pines for perpetual maintenance.

8. CONSENT AGENDA

a. Appoint Lauren Cramer and Caitlin Gironda to Appearance Commission with Terms to Expire on 9/13/2025

Ms. Cramer and Ms. Gironda have applied for currently vacant positions on the Appearance Commission. Both applicants have attended a recent meeting and the Appearance Commission requests that Council approve their appointment.

b. Approve Resolution #1024: Set October 11, 2022 Hearing for AX-04-22: Sandhills Pediatrics & Pavilion Way

William Stewart, M.D., on behalf of S & S Partners, LLP, and Charles Gregg, on behalf of Morganton Park North Master Association, Inc., are requesting voluntary annexation of contiguous parcels that are currently outside of the corporate limits of the Town of Southern Pines.

c. Approve Resolution #1026: Notice of Intent for Lease with Welcome to Southern Pines, Inc.

Staff is finalizing the lease renewal with Welcome to Southern Pines, Inc. to operate a Welcome Center in the train station. In accordance with NCGS §160A-272, the Town Council must adopt a Resolution of Intent to provide notice of the proposed lease. This resolution will be included on the September 13 consent agenda, allowing Council to take action on the actual lease at the October 24 meeting.

d. Approve Resolution #1027: Notice of Intent for Lease with Verizon Wireless for the Weymouth Water Tank

Staff is finalizing the lease renewal with Verizon Wireless to place an antenna on the Town's Weymouth water tank on Ridge Street. In accordance with NCGS §160A-272, the Town Council must adopt a Resolution of Intent to provide notice of the proposed lease. This resolution will be included on the September 13 consent agenda, allowing Council to take action on the actual lease at the October 24 meeting.

e. Approve Ordinance #2022: Amendment to the America Rescue Plan Act Grant Special Revenue Fund

Finance staff have prepared an ordinance amending the America Rescue Plan Act Grant Special Revenue Fund.

f. Approve Ordinance #2023: Municipal Service District Special Revenue Fund

Finance staff have prepared an ordinance regarding the project budget of the Municipal Service District Special Revenue Fund for the Municipal Service District #1, established by Ordinance #1993.

g. Approve Ordinance #2024 to Establish a School Zone on Carlisle Street

The West Southern Pines Community Connectors group has requested that the Town establish a school zone and lower the speed limit on Carlisle Street near Southern Pines Elementary School. Council

directed staff at the August work session to prepare an ordinance to make these changes. This ordinance will be included on the September 13th consent agenda, unless Council prefers otherwise.

h. Approve Ordinance #2025: Revisions to Water and Sewer Connection Fees

This ordinance establishes the annual increase to Water and Sewer Tap Fees based on the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban customers (CPI-U) for water and sewerage maintenance. It also revises the System Development Fees for the purpose of addressing residential water sprinkler systems.

i. Authorize the Mayor to Execute an Easement to Duke Energy for the Raw Water Pump Station

Duke Energy is requesting a easement to install improvements for the electrical service to the Town's Raw Water Pumping Station.

j. Approve Town Council Meeting Minutes for August 2022

- August 3, 2022 Agenda Meeting Minutes
- August 9, 2022 Business Meeting Minutes
- August 22, 2022 Work Session Minutes

Staff has prepared draft meeting minutes for August.

9. 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>

**TOWN OF SOUTHERN PINES RESOLUTION #1027
NOTICE OF INTENT TO ENTER INTO A LEASE WITH
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS
FOR WATER TOWER LEASE FOR WIRELESS COMMUNICATION EQUIPMENT**

WHEREAS, the Town of Southern Pines owns the Weymouth Water Tank (Tank) at 475 N. Ridge Street; and

WHEREAS, the Town has an existing lease agreement with Alltel Communication, LLC d/b/a Verizon Wireless which expires on October 13, 2023 for the purposes of installing wireless communication equipment on said water tank; and

WHEREAS, the Town supports the continued operation and improvement of wireless communication services.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 13th day of September, 2022, that:

1. In accordance with North Carolina General Statutes §160A-272, the Town Council of Southern Pines announces its intent to amend the existing lease with Alltel Communication, LLC d/b/a Verizon Wireless to change Lessee to CELLCO Partnership d/b/a Verizon Wireless., "the lessee," and increase term an additional (5) years.
2. The Town of Southern Pines will lease part of the Tank to the lessee for an annual amount of \$63,000 with a 3% annual increase.
3. The Town of Southern Pines does not have any intended needs for the portions of the Tank included in the lease.
4. The Town Council intends to act on this lease at its regular meeting on Monday, October 24, 2022.
5. The Town Clerk shall provide notice of the Town Council's intent to enter into this lease in *The Pilot* newspaper no later than September 24, 2022.

Adopted this 13th day of September, 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 September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

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: September 13, 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 on the same day 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. After the staff report was completed, on July 29, 2022, upon planning staff's request, the applicant provided planning staff with the latest version of a CDP site plan that was the result of ongoing mediation with neighbors. A copy of this July 29, 2022 working version of the CDP site plan is attached to this report for reference.

On August 3, 2022, Mr. Petesch (the attorney with Curry, Sullivan & Bissett representing neighbors of the proposed development) emailed planning staff to inform the town that he would be requesting the Town Council grant another continuance on behalf of his clients. After some email correspondence between Mr. Petesch, Mr. Bogle and planning staff, on August 5, 2022 the applicants agreed to support a request for a continuance to the September 13, 2022 Town Council Regular Meeting. At the August 13, 2022 Town Council Regular Meeting application #PD-04-22 was continued again to the September 13, 2022 Regular Meeting.

On August 30, 2022, planning staff contacted the applicants to ask if any additional materials should be added to the application packet. Mr. Bogle responded that everything the applicants wished to provide in support of their application would be presented at the September 13, 2022 Town Council Regular Meeting. Any information received by planning staff from applicants, neighbors, or anyone else in regards to PD-04-22 following completion of the staff report on August 30, 2022 will be provided to the Town Council at the September 13, 2022 continued public hearing.

III. PLANNING BOARD RECOMMENDATION:

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

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

1. Mr. Bogle agreed to limit built-upon area to 24%.

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

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

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

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

“civic land uses,” such as Garner, NC¹ and Austin, TX², and examples of long range plans that consider “civic buildings” to include churches, such as Painesville, OH.³ However, there are some legal definitions of “civic use” found online⁴ that appear to restrict civic land uses to only governmental land uses like post offices, libraries, police stations, schools, parks, etc. The Southern Pines CLRP does not define “civic land uses” as referenced in the “Residential” Future Land Use designation, and the American Planners Association Planner’s Dictionary does not define the term. Chapter 3 of the UDO lists Religious Institutions (LBCS 6600) as by-right (permitted) uses in Rural Residential (RR) and General Business (GB) zones. The Town Council may determine if Religious Institutions are an acceptable land use in the proposed Planned Development located in an area with a “Residential” Future Land Use designation.)

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

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

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

Following public comment, the Planning Board closed the public hearing. The Planning Board discussed the issues raised during the hearing. Kim Wade shared thoughts regarding runoff and the character of the neighborhood. Cooper Carter shared thoughts regarding being guided by the CLRP and how the campus plan and school are consistent with the CLRP but the church is inconsistent. Cooper also discussed inconsistencies with policies

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

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

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

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

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**):

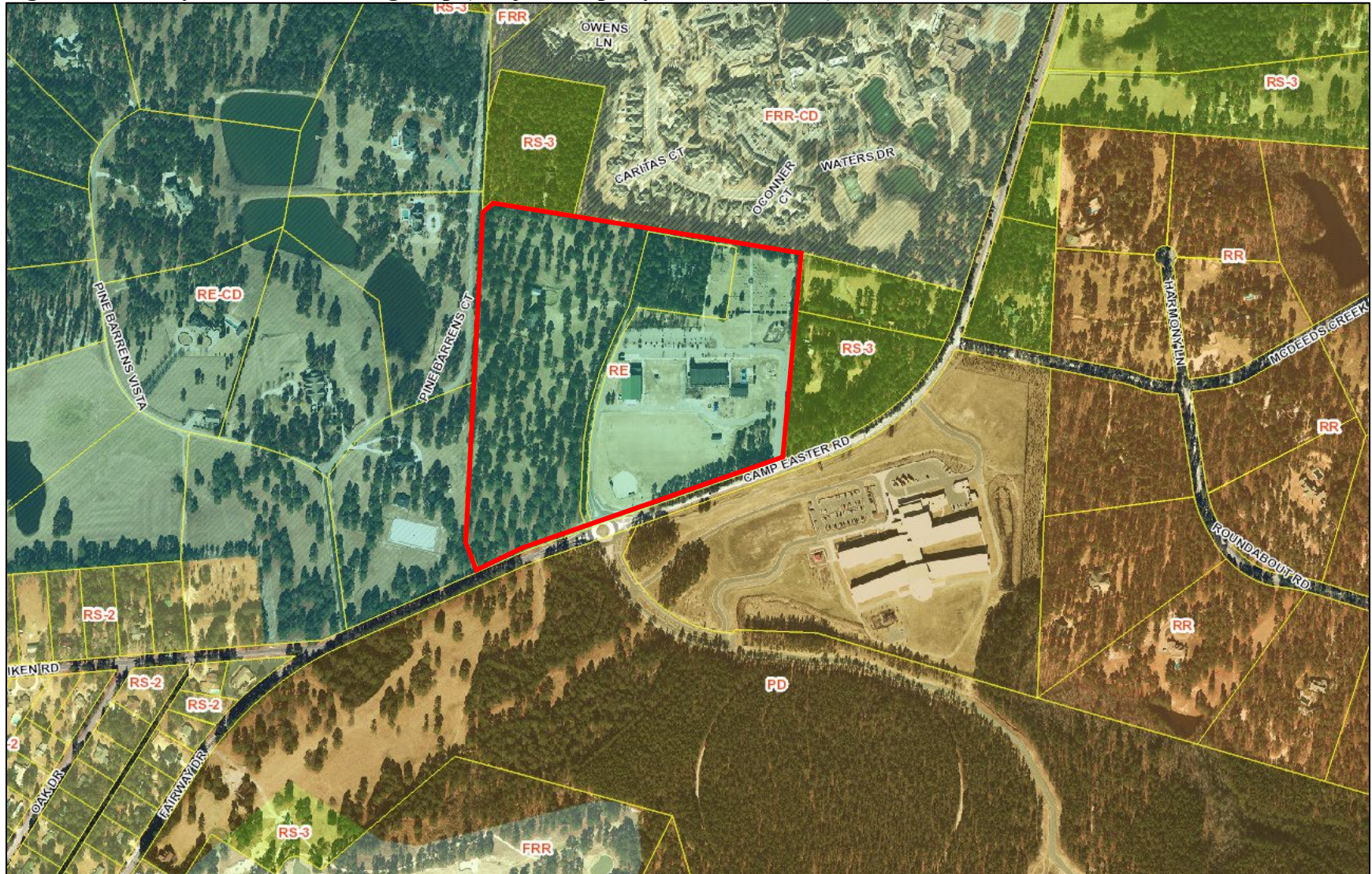


Figure 2: Aerial Image Looking Northeast at Subject Property (February 25, 2022):



[illegible]

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

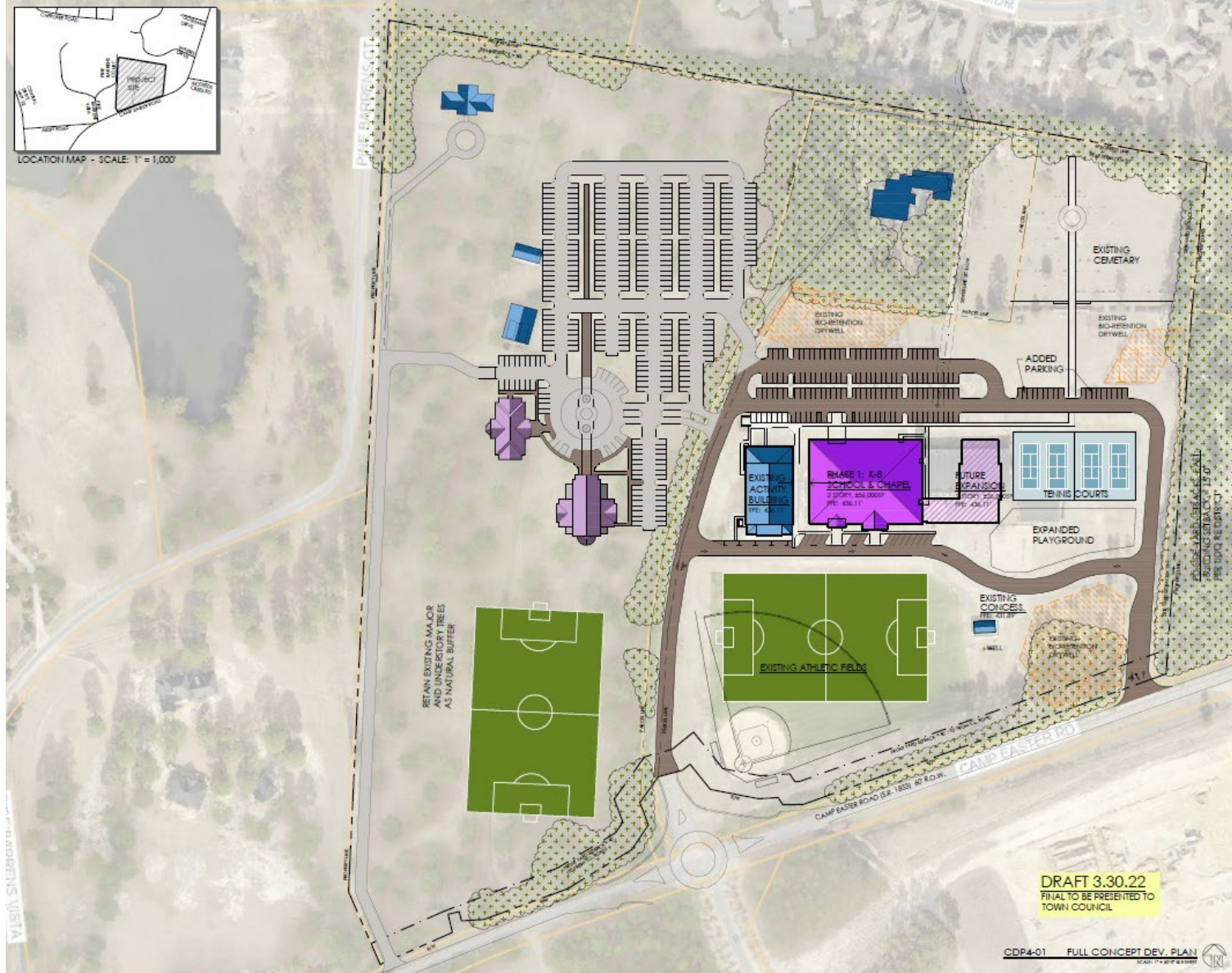
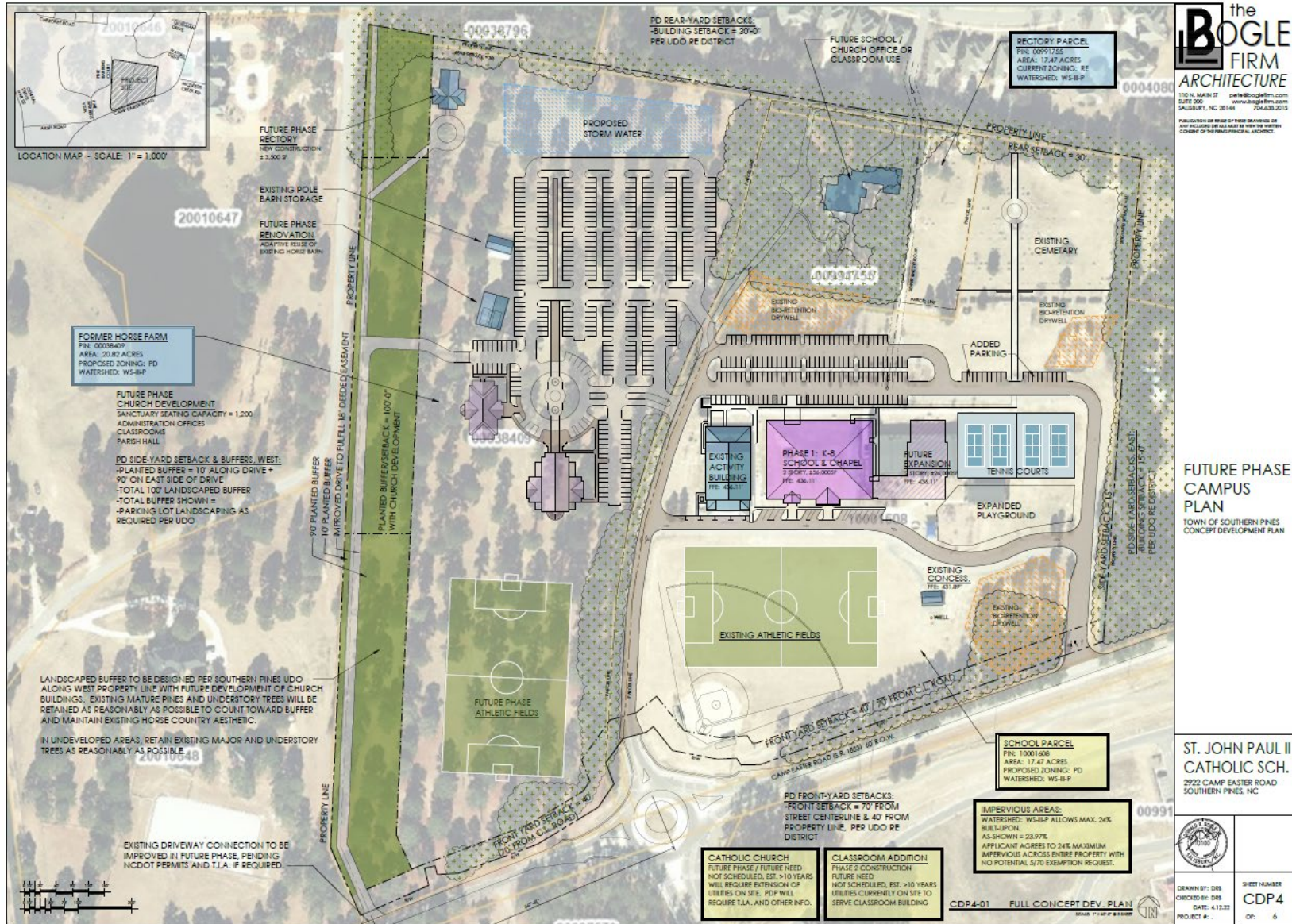


Figure 5: 2nd DRAFT REVISED Conceptual Development Plan Layout (Presented at April 12, 2022 T.C. Hearing):



[illegible]

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 (continued to...)
- Town Council Regular Meeting: September 13, 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:

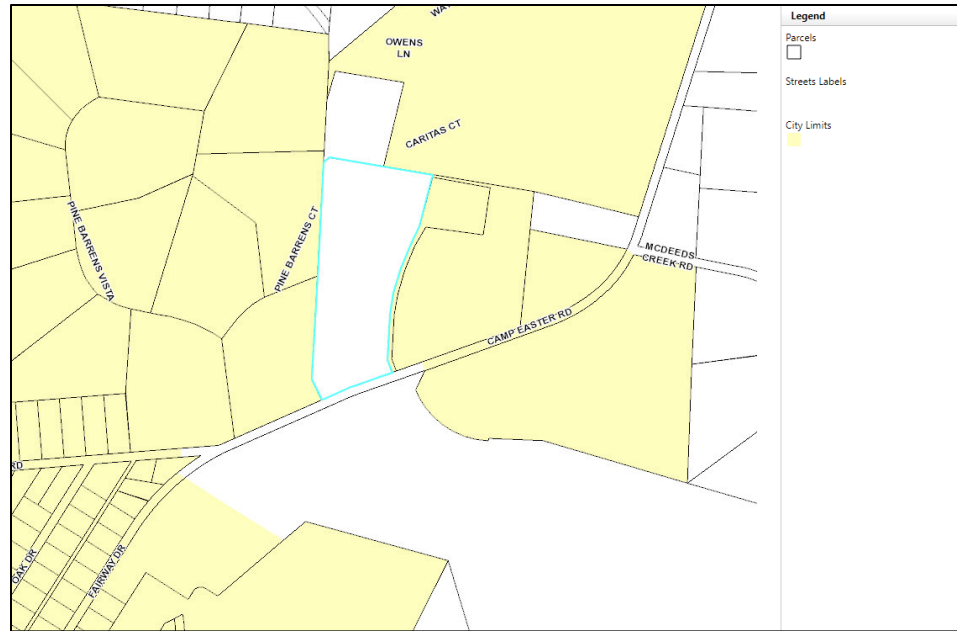
- Private School (Pre-K through 8th grade) LBCS-6110, 6121, 6122, 6125
- Religious Institution (large church) LBCS-6600
- Residential, single-family home (rectory) LBCS-1111

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.
10. Mr. Pete Bogle's working draft of CDP showing changes made as a result of ongoing mediation (same as Figure 6 above).

VII. TOWN COUNCIL ACTION:

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

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

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

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

And, therefore, I move to:

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



ATTACHMENT A

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

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

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

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

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

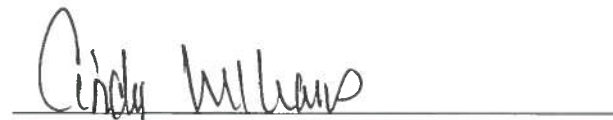
AND, THEREFORE, BE IT FURTHER RESOLVED that there were no additional matters considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-04-22:

ADOPTED this the 24th day of March, 2022.



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board



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

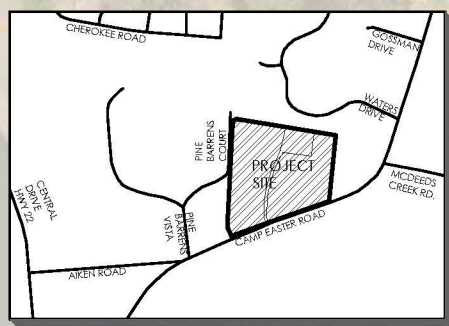
Town Council Members

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

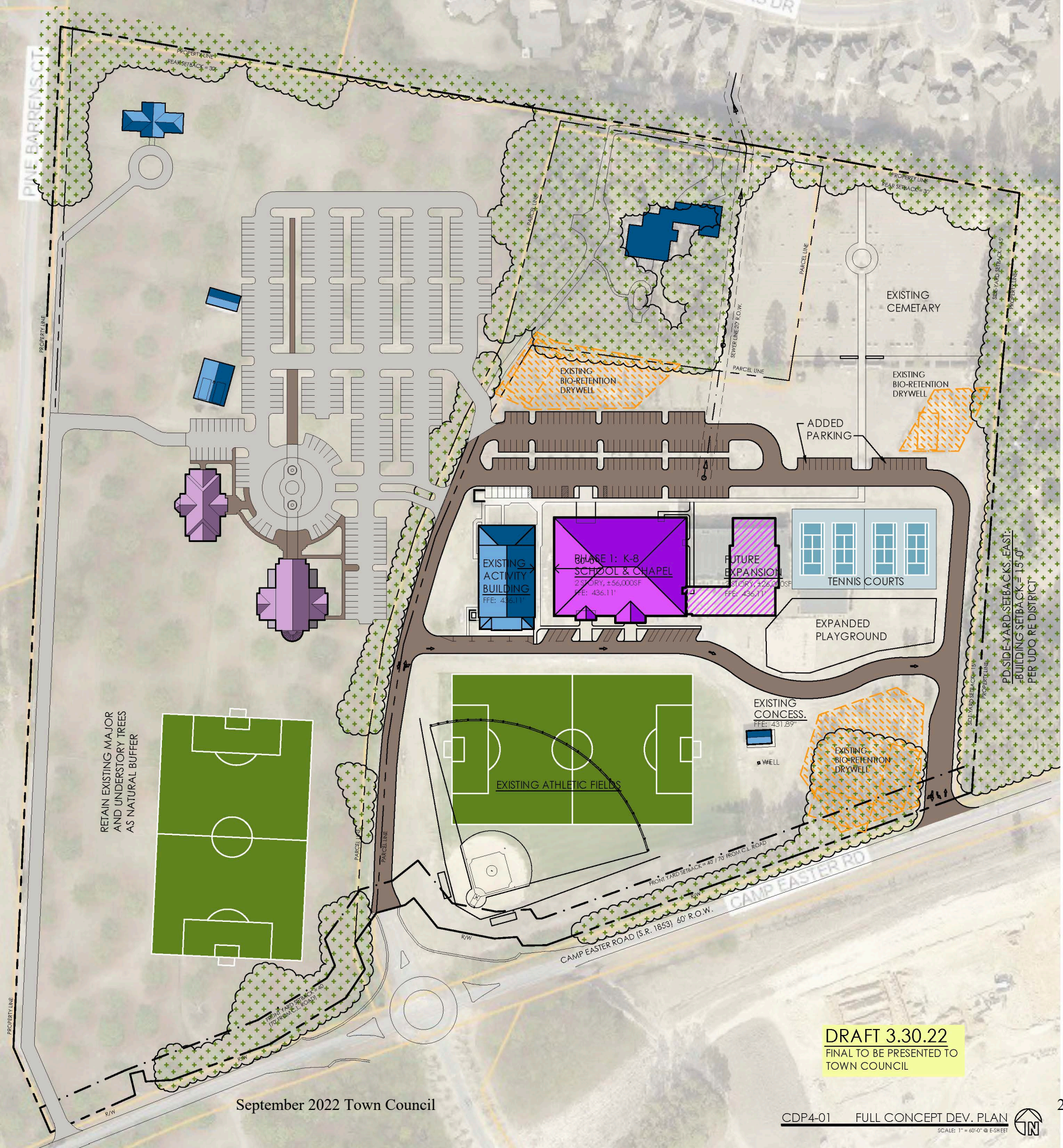
I'm attaching a DRAFT revision of the CDP site plan to show you where we're headed. We will have the final CDP site plan, with all required information, ready to present at your April 12th meeting. For your information, during your preview of the project, here's some of what we will be adjusting based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

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

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



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



DRAFT 3.30.22
FINAL TO BE PRESENTED TO
TOWN COUNCIL





Planned Development District **Conceptual Development Plan**

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Submitted by:

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

and

Tony Bornhorst
Lead Project Manager
Rhetson Companies, Inc.

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

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1.0: PURPOSE / SUMMARY:

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

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

2.0: PROJECT OVERVIEW:

2.1 LOCATION

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

2.2 DEVELOPMENT VISION:

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

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

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

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

2.3 APPLICANT AND PROJECT TEAM:

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

2.4 COMPLIANCE:

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

3.0 CONCEPTUAL DEVELOPMENT PLAN APPLICATION, CHECKLISTS, & SUPPORT DOCUMENTS

See separate document, Exhibit A

4.0 EXISTING CONDITIONS

4.1 EXISTING NATURAL FEATURES

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

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

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

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

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

4.2 EXISTING MAN-MADE FEATURES

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

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

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

4.3 EXISTING LEGAL FEATURES

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

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

Adjacent parcel information can be seen on CDP1.

5.0 DEVELOPMENT CONDITIONS

5.1 ALLOWABLE USES

Uses within this PD will be limited to the following:

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

5.1 LAND USE

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

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

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

- None submitted.

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

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

APPENDIX 4

CONCEPTUAL TRANSPORTION PLAN:

Responses to Conceptual Transportation Checklist from UDO Appendicies

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

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

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

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

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

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

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

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

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

- 1) *Location and type of facility,*

Primary arterial road = Camp Easter Road

- 2) *Connectivity to other community facilities*

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

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

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

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

McDeed's Creek Elementary School (PD district zoning)

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

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

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

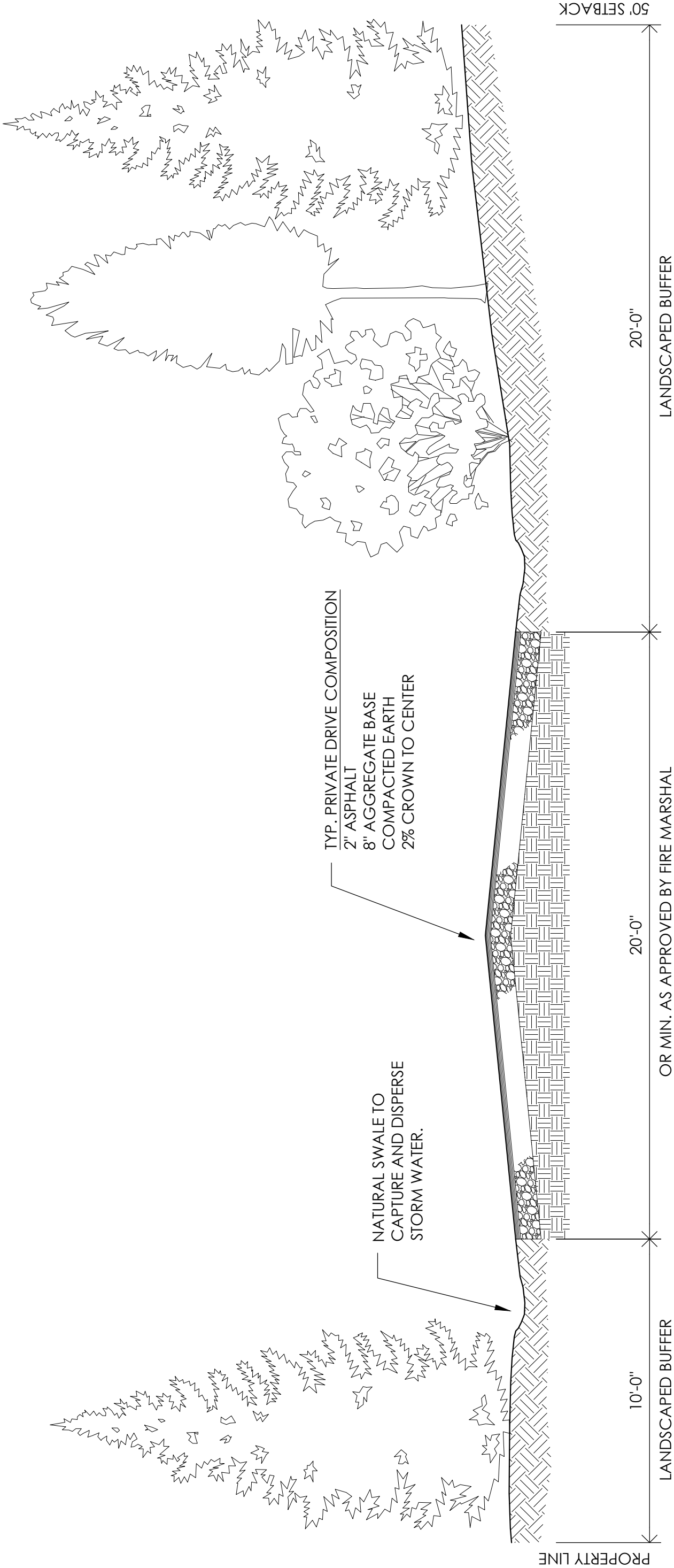
School Development will not require any transportation facility improvements. Proposed transportation improvements will be implemented with the Church Development phase of the proposed CDP.

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

Pete Bogle, AIA, LEED-AP

Principal / Owner

Bogle Firm Architecture, PLLC



CTP1 PRIVATE DRIVE SECTION

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

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

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

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



Planned Development District **Conceptual Development Plan**

EXHIBIT A

Checklists, Applications and Additional Documentation

Prepared for:

St. John Paul II Catholic School Campus Master Plan

Checklists

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

Planned Development District Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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

PLANNED DEVELOPMENT DISTRICT CONCEPTUAL DEVELOPMENT PLAN APPLICATION CHECKLIST

Process Overview

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

Submittal Requirements*

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



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



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



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



NEIGHBORHOOD MEETING RECORDS – Records shall include the following:

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



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

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

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



NATURE OF SERVICES – Planned utility services and providers.



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



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



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



APPLICATION FEE – as specified in Appendix H.



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



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

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

CONCEPTUAL TRANSPORTATION PLAN CHECKLIST

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

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

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

Application & Forms

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



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

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

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

PIN: 858315538280, 858315635655, & 858315635197

Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres

Zoning: RE

Applicant:

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

Email: fr.john.forbes@raldioc.org

Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

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

Email: pete@boglefirm.com

Phone: 704.638.2015

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

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

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

Email: Michael.Wengenroth@raldioc.org

Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

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

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

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

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

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

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

Date: 2/7/2022


Applicant

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner
Bogle Firm Architecture

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

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

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

Signed this 31ST day of January, 2022.

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

Russell C. Elway
Property Owner

Property Owner

Agent

8-27-21

APPOINTMENT OF AGENT

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

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

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

Signed this 31ST day of January, 2022.

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

Russell Celwaga
Property Owner

Property Owner

Agent

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

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

List of Adjacent Property Owners

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

SJPCS Properties:

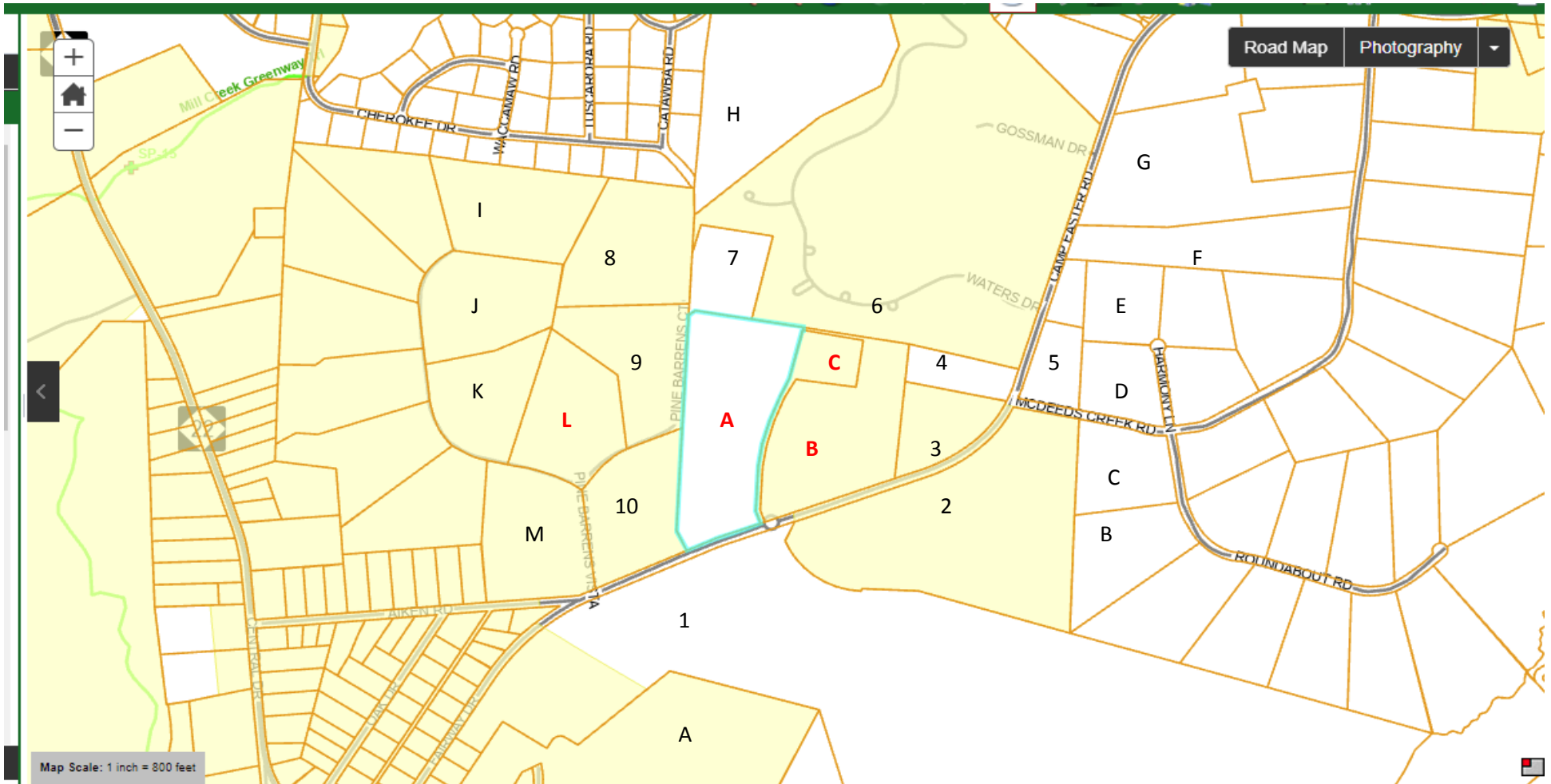
- A.** 2978 Camp Easter Rd
- B.** 2878 Camp Easter Rd
- C.** 2952 camp Easter Rd

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

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

Secondary List of Owners:
(beyond required notification range)

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



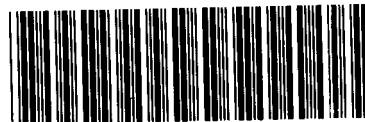
Deeds & Proof of Ownership

FOR REGISTRATION REGISTER OF DEEDS

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

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

HM



INSTRUMENT # 2012007969

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$1,500.00

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

By: _____

Mail/Box to: _____

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

Brief description for the Index: 20.82 acres, McNeill Township

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

GRANTOR

GRANTEE

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

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

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

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

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

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

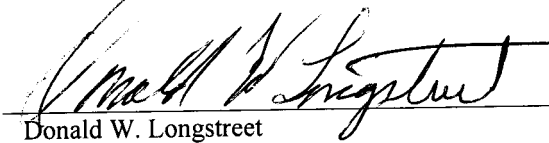
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

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

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

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

 (SEAL)
Donald W. Longstreet

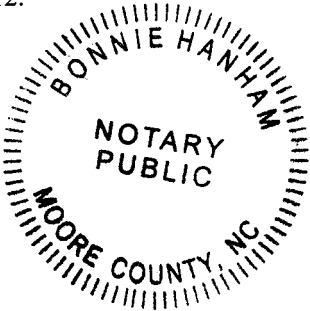
By: _____ (SEAL)

By: _____ (SEAL)
Title: _____

By: _____ (SEAL)
Title: _____

State of North Carolina - County of Moore

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



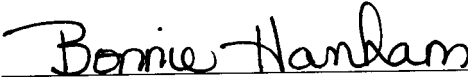
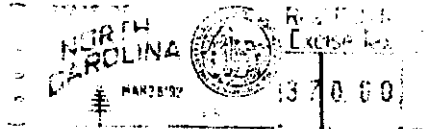

Notary Public
Bonnie Hanham
Print or Type Name of Notary Public
My Commission Expires: July 5, 2015

EXHIBIT A

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

806 Bethesda Ave
Asheville, N.C. 28715

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



BOOK PAGE
00827 00079
Mar 26 2 29 PM '92
MRS. JUDITH M. ADAMS
REGISTER OF DEEDS
MOORE COUNTY, N.C.

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

NORTH CAROLINA GENERAL WARRANTY DEED

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

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

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

See Exhibit A Attached Hereto

Row

14-3993

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

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

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

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

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

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

BARCLAYS BANK OF NORTH CAROLINA

By: *[Signature]*
Senior Vice President

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

USE BLACK INK ONLY

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

SEAL-STAMP

NORTH CAROLINA, County.

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

My commission expires: Notary Public

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

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

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

North Carolina--Moore County

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

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

Judith M. Adams

REGISTER OF DEEDS FOR Moore COUNTY

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

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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

Tax Address Same

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

Excise Stamps \$

Recording Time, Book & Page

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

Brief Description for Index 18.23 acres, McNeills Twp

UPDATED SURVEY AND
GIS SHOWS 17.47 ACRES

NORTH CAROLINA GENERAL WARRANTY DEED

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

WITNESSETH

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

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

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

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

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

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

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

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

ROYAL & ANCIENT INVESTORS, LTD

By



Kelly R. Miller, General Partner

NORTH CAROLINA, MOORE COUNTY

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

My commission expires _____

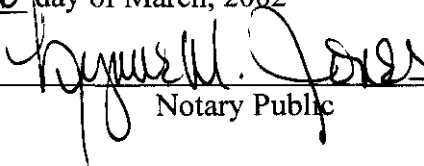
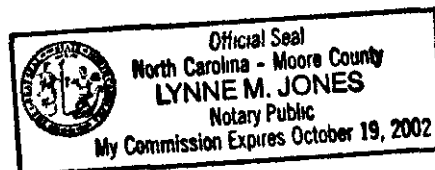

Notary Public

EXHIBIT "A"

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

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

EXHIBIT "A"

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

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

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

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

Excise Stamps ~~\$1,000.00~~ ^{\$999.00}

Recording Time, Book & Page

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

Brief Description for Index 3.91 acres, McNeills Twp

NORTH CAROLINA GENERAL WARRANTY DEED

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

WITNESSETH

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

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

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

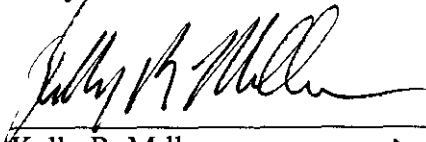
The property hereinabove described was acquired by Grantor by instrument recorded in Book 783, Page 405, Moore County Registry.

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

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

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

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

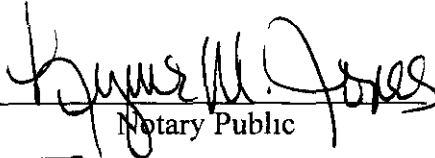

_____(SEAL)
Kelly R. Miller


_____(SEAL)
Peggy A. Miller

NORTH CAROLINA, MOORE COUNTY

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

My commission expires _____


Notary Public

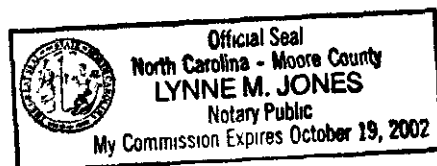
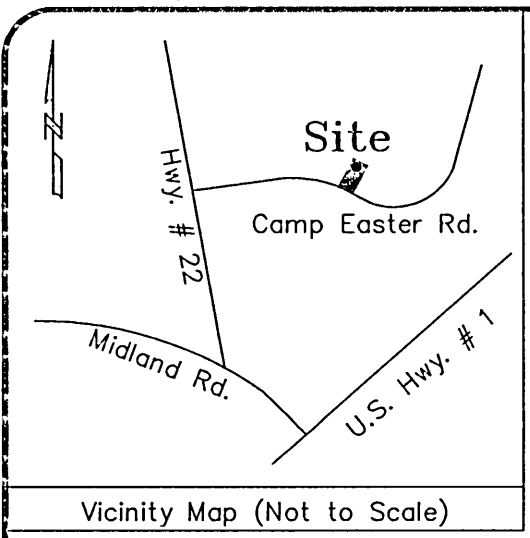


EXHIBIT "A"

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

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

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



I, Ryan D. McBryde, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 3607, Page 109); that the boundaries not surveyed are clearly indicated as drawn from information 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 and official number and seal this 8th day of May 2012.

Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

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

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

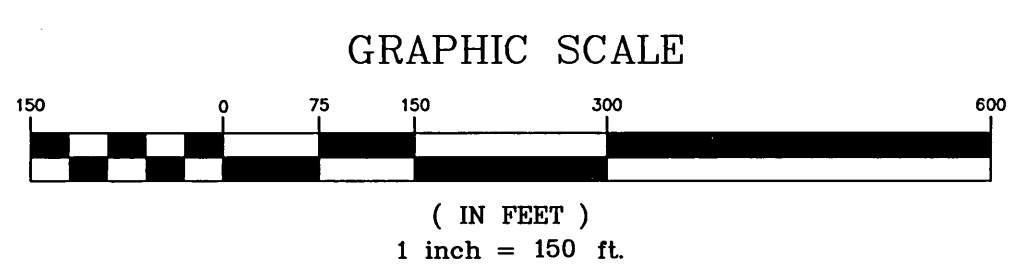
I, Ryan D. McBryde, a Professional Land Surveyor L-4394, certify to one or more of the following as indicated:

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

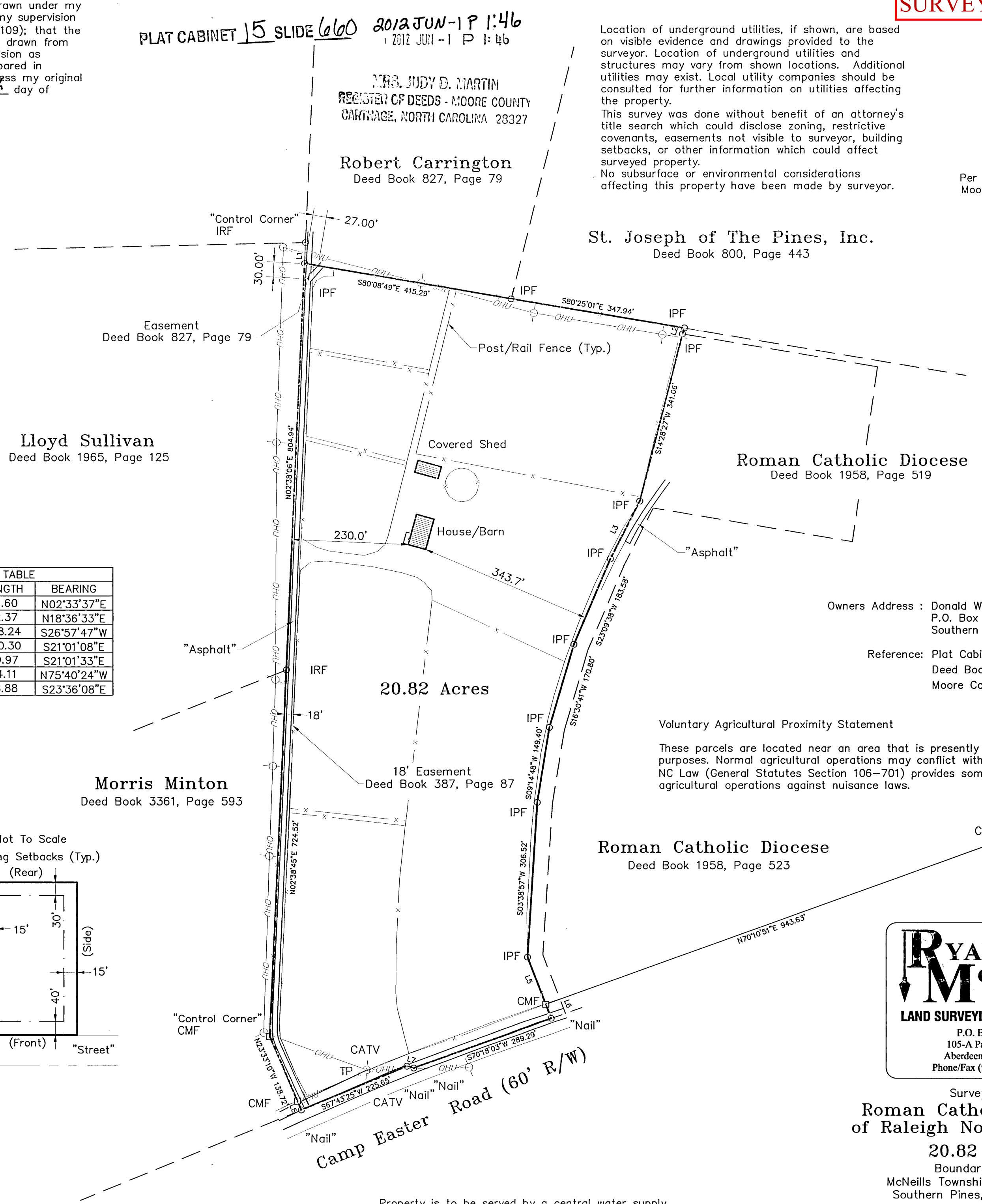
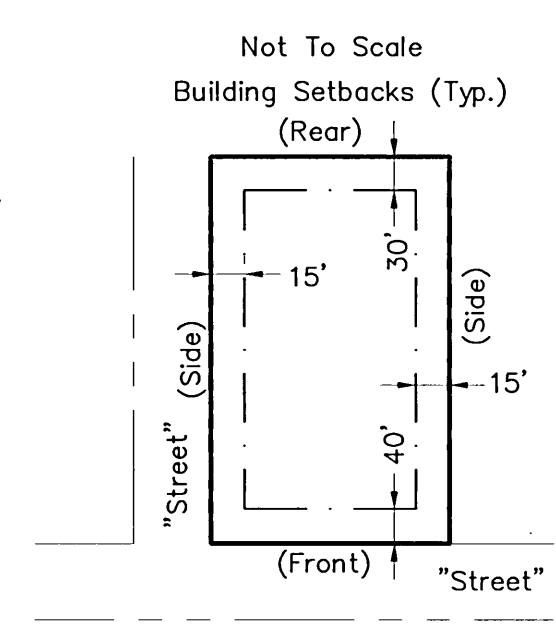
Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

5/8/12
Date



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



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

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

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

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

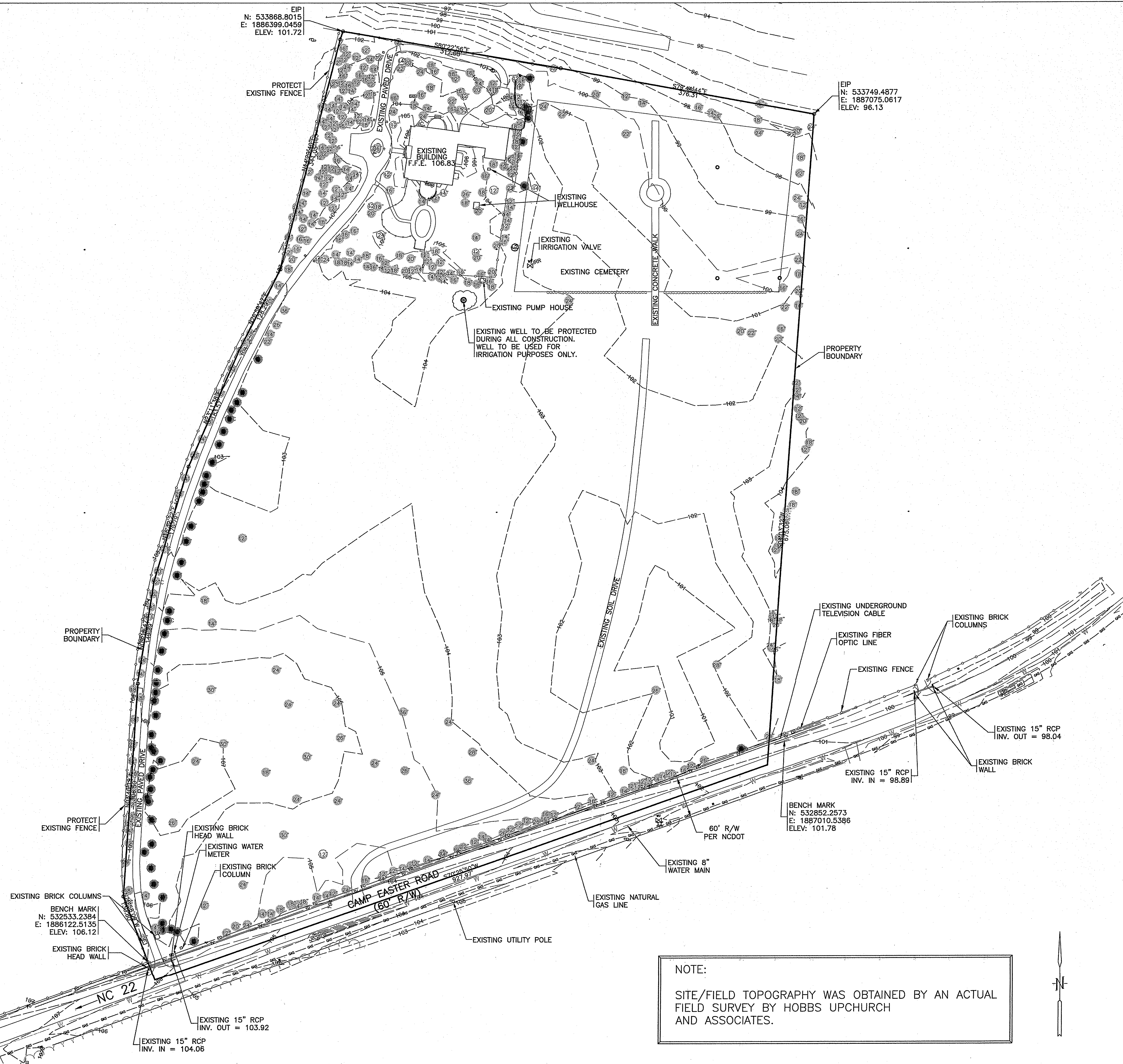
Voluntary Agricultural Proximity Statement

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

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

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

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



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

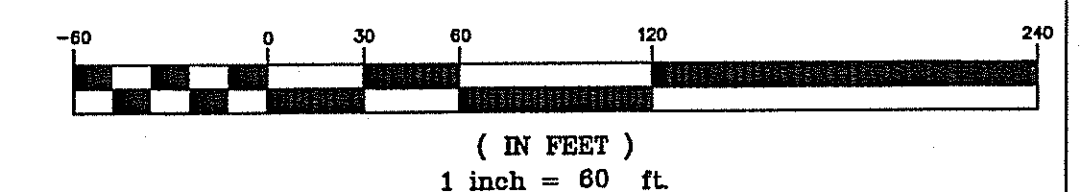
NOTE:

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



NOTE:

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

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

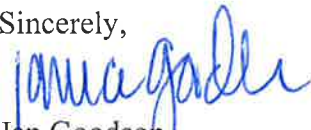
Mr. Pete Bogle
110 North Main Street
Salisbury, North Carolina 28144

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,



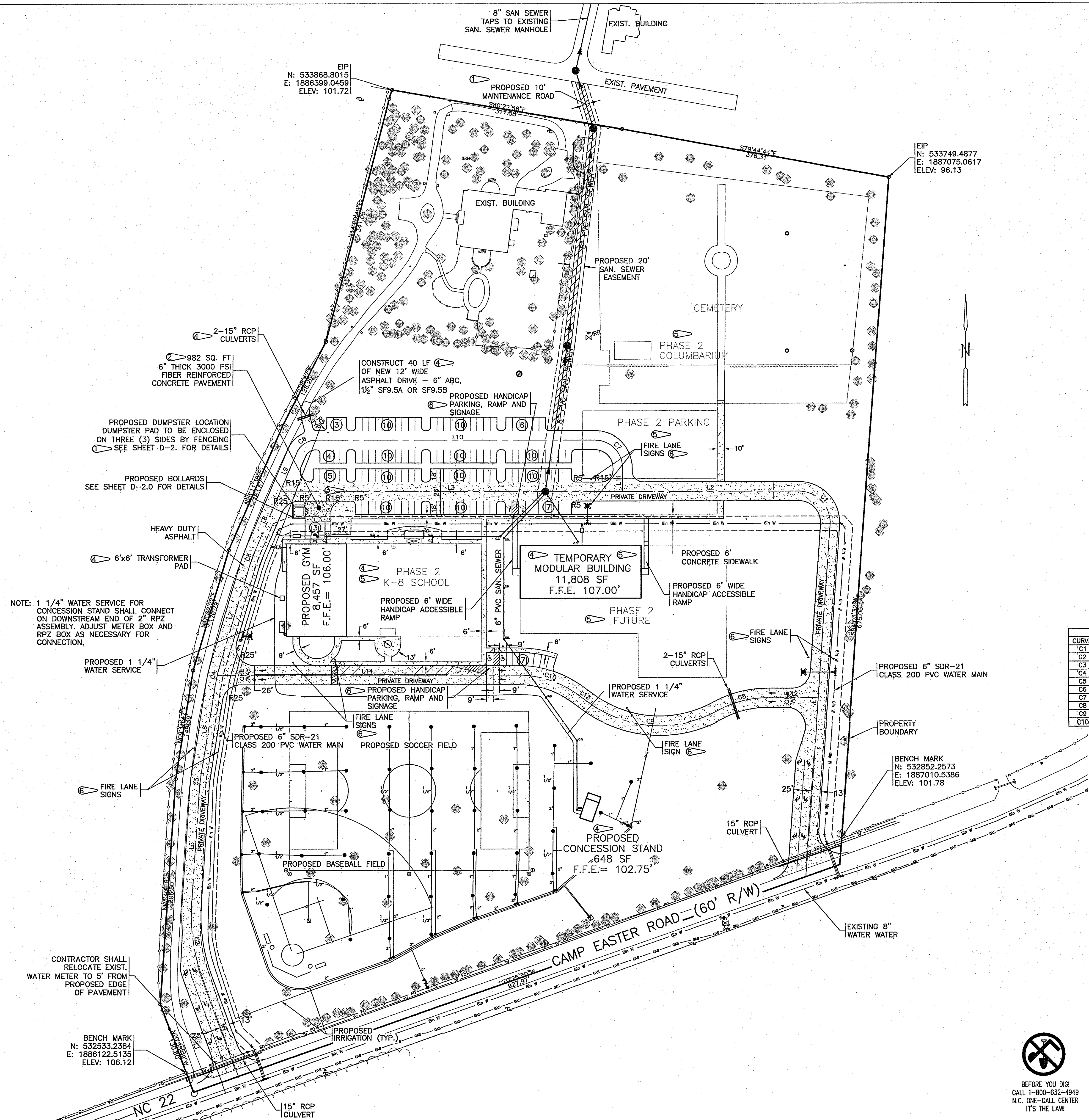
Jan Goodson
Senior Wildlife Biologist



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.

4 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

<u>PARKING</u>	
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

④ <u>IMPERVIOUS AREA</u>	
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 # 371085B300J, 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

	CURVE TABLE						
CI	CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA	TANGENT
C1		70.59	43.00		047°58'14"W	94°03'32"E	46.16
C2		100.71	250.00	103.95	S08°37'23"E	32°59'53"E	53.13
C3		19.61	201.00	19.61	S78°28'03"W	5°28'28"E	9.81
C4		26.53	201.00	26.51	S12°54'05"W	7°16'35"E	12.78
C5		23.34	201.00	23.33	S19°52'00"W	6°39'16"E	11.69
C6		33.45	277.31	31.46	S57°22'41"W	68°50'41"E	19.09
C7		61.72	38.05	55.17	N43°31'52"E	92°56'27"E	40.05
C8		64.28	137.00	63.69	S76°33'30"W	28°53'00"E	32.74
C9		176.47	163.00	175.54	S89°20'42"E	63°05'04"E	100.05
C10		89.59	137.00	80.13	N71°53'58"E	38°12'04"E	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 @

SIDEWALK: 11,491 SF (0.26 Ac)

STORM STRUCTURES: 3 EA.

AREA INFORMATION

AREA INFORMATION

POPE JOHN PAUL II
CATHOLIC SCHOOL
ZONING: RE

DB 1958, PG 519
DB 1958, PG 523

ORIGINAL DEEDED AREA: 23.91 ACRES

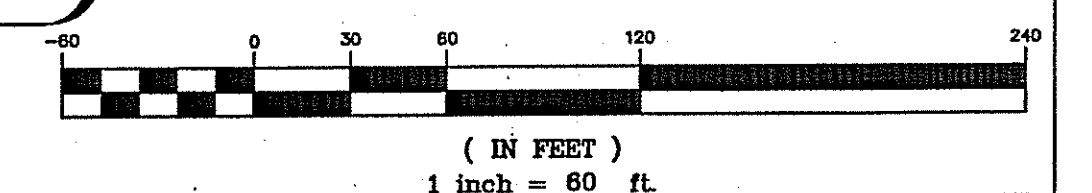
RECEIVING WATER COURSE: UNNAMED TRIBUTARY
TO MILL CREEK & McDEEDS CREEK
MILL CREEK CLASSIFICATION: WS-III, HQW
McDEEDS CLASSIFICATION: WS-III, HQW

RIVER BASIN: CAPE FEAR

LEGEND

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

GRAPHIC SCALE



**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



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

SHEET NO.
C-02

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

CONSTRUCTION NOTES:

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

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

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

NOTE:

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

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

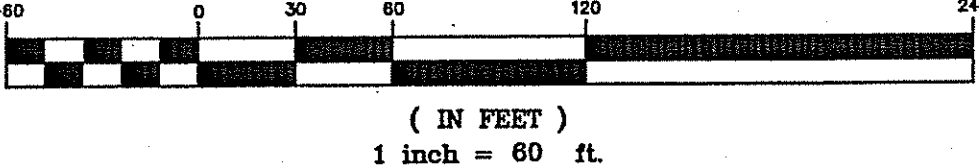
DISTURBED AREA: 15.95 Ac.

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

LEGEND

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

GRAPHIC SCALE



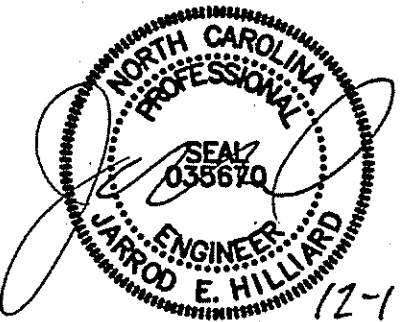
BEFORE YOU DIG
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
IT'S THE LAW



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

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

EROSION CONTROL PLAN

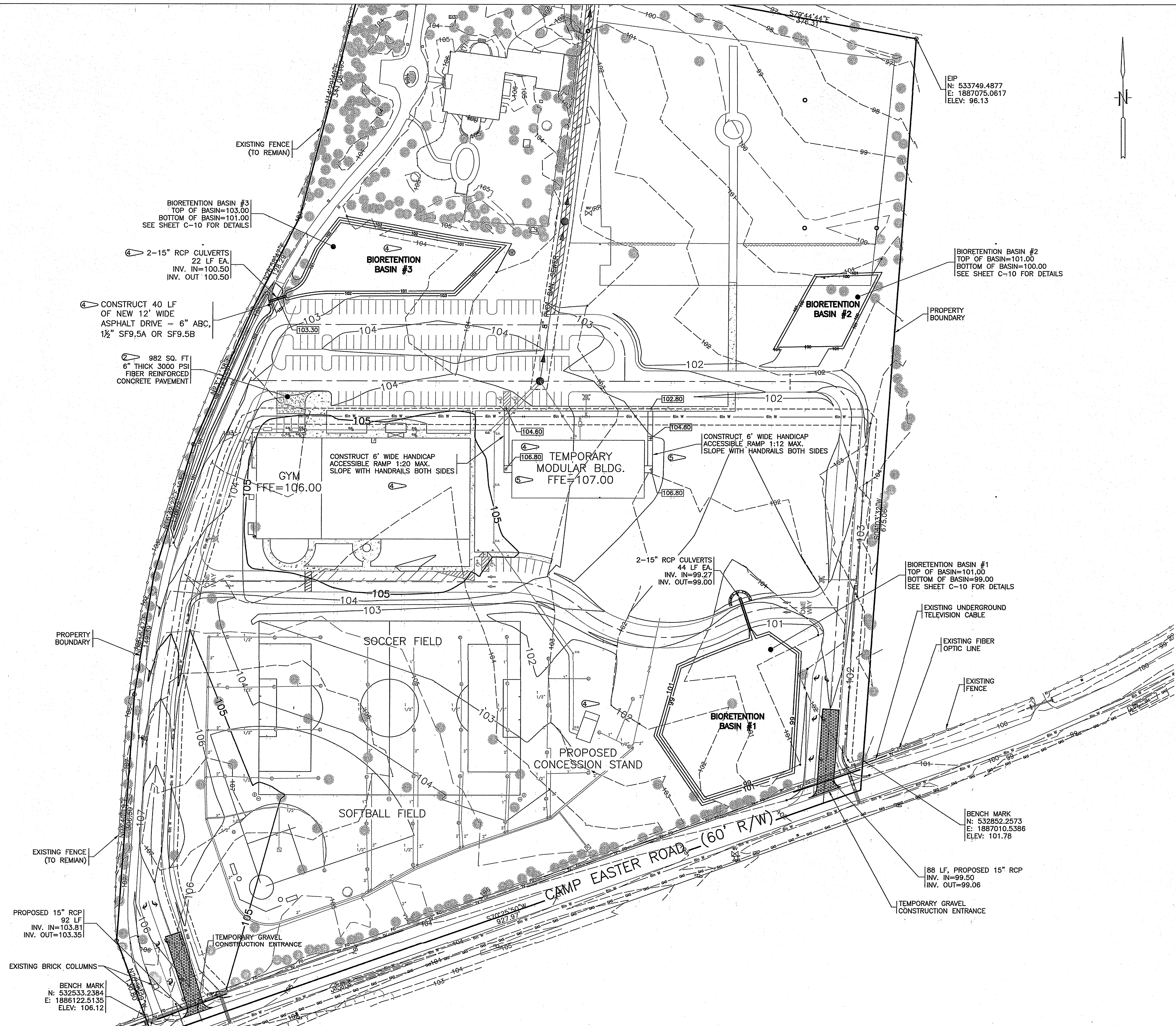


DATE: 02/27/07 REV NO. 1 DATE 10/17/07 JOB # SP0714
DES BY: 1 10/17/07
DWG BY: 3 12/4/07
CHK BY: 4 11/9/09
REV NO. 5 11/30/09
6 12/11/09
ST. ANTHONY OF
PADUA
CATHOLIC SCHOOL
NCSBC 2006

SHEET NO.

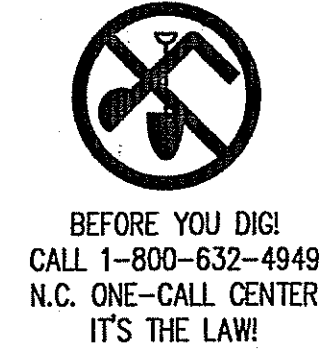
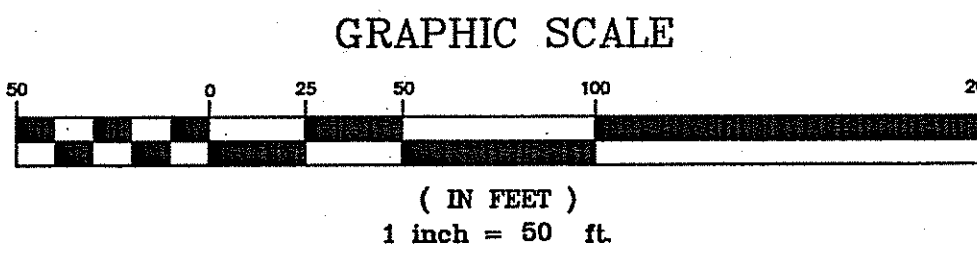
C-03

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



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

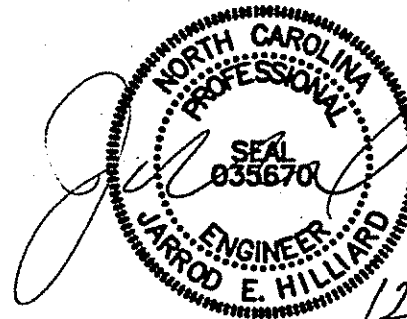
LEGEND	
	ECM
	EIR
	EIP
	EXISTING CONTOUR
	PROPOSED CONTOUR
	PROPERTY BOUNDARY
	NCDOT RIGHT OF WAY
	UNDERGROUND FIBER OPTIC
	EXISTING CABLE
	EXISTING FENCE
	EXISTING WATER
	EXISTING GAS
	CABLE TV BOX
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	EXISTING PROPANE TANK
	EXISTING POWER POLE
	EXISTING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



**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**



12-18-09

DATE: 02/27/07	REV. NO. 1	DATE	JOB #
DES BY: ---	2	11/19/07	SP0714
DWG BY: ---	3	11/19/09	ST. ANTHONY OF
CHK BY: ---	4	11/30/09	PADUA
REV NO.			CATHOLIC SCHOOL
			NCSBC 2006

SHEET NO.
C-04

Neighborhood Meeting Materials and Records

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

ST. JOHN PAUL II CATHOLIC SCHOOL

1.3.22

Invitation to a Neighborhood Informational Meeting

To Whom It May Concern,

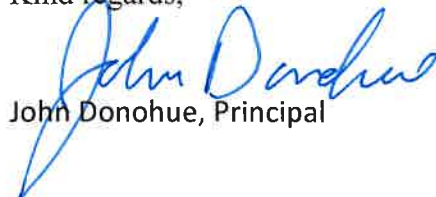
St. John Paul II Catholic School seeks to replace temporary modular classroom buildings with a permanent K-8 educational facility. As an adjacent property owner, you are invited to attend a Neighborhood Meeting to be held at 6:30 PM on Tuesday, January 25, 2022, at St. John Paul II Catholic School located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

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

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

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

Kind regards,



John Donohue, Principal

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

910-692-6241

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

SJPCS Properties:

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

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

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

Secondary List of Owners:
(beyond required notification range)

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



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

Please sign in.

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



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

Please sign in.

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

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



Neighborhood
Meeting Presentation



THE **BOGLE FIRM,**
ARCHITECTURE



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

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

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

St. John Paul II Catholic School

a case statement and feasibility report



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

2021- 2024

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Our Mission, Vision, & Beliefs	6
SJPII Enrollment Breakdowns at a Glance	7
Capital Campaign Goals	8
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Logistics	9 - 14
Feasibility	15 – 20
Campaign & Finance Plan	
Donations Brackets / Pyramid	21
Engagement Methodologies	22
The Pillars of SJPII Financial Independence	23 - 24
Timeline	25
Conclusion	26

Giving Opportunities

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



Three Year Gift Plans to Consider

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

We can't envision their future without you!

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

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

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

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

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

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



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

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

My Gift or Pledge: _____

Credit Card: _____

Exp: _____ 3 digit code: _____

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

lawsondeb@stpaulcatholic.org



Embracing our
Legacy.
Envisioning our
Future.

Capital Campaign



St. John Paul II Catholic School

2922 Camp Easter Rd.
Southern Pines, NC 28387

www.stjohnpaulcatholic.org

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

EXISTING CAMPUS PLAN
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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

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

SHEET NUMBER
CDP1
OF: 3

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



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.

**PHASE 1
CAMPUS
PLAN**
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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

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

SHEET NUMBER
CDP2
OF: 3

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



BOGLE the FIRM
ARCHITECTURE

110 N. MAIN ST. SUITE 200
SALISBURY, NC 28144

pete@boglefirm.com
www.boglefirm.com
704.638.2015

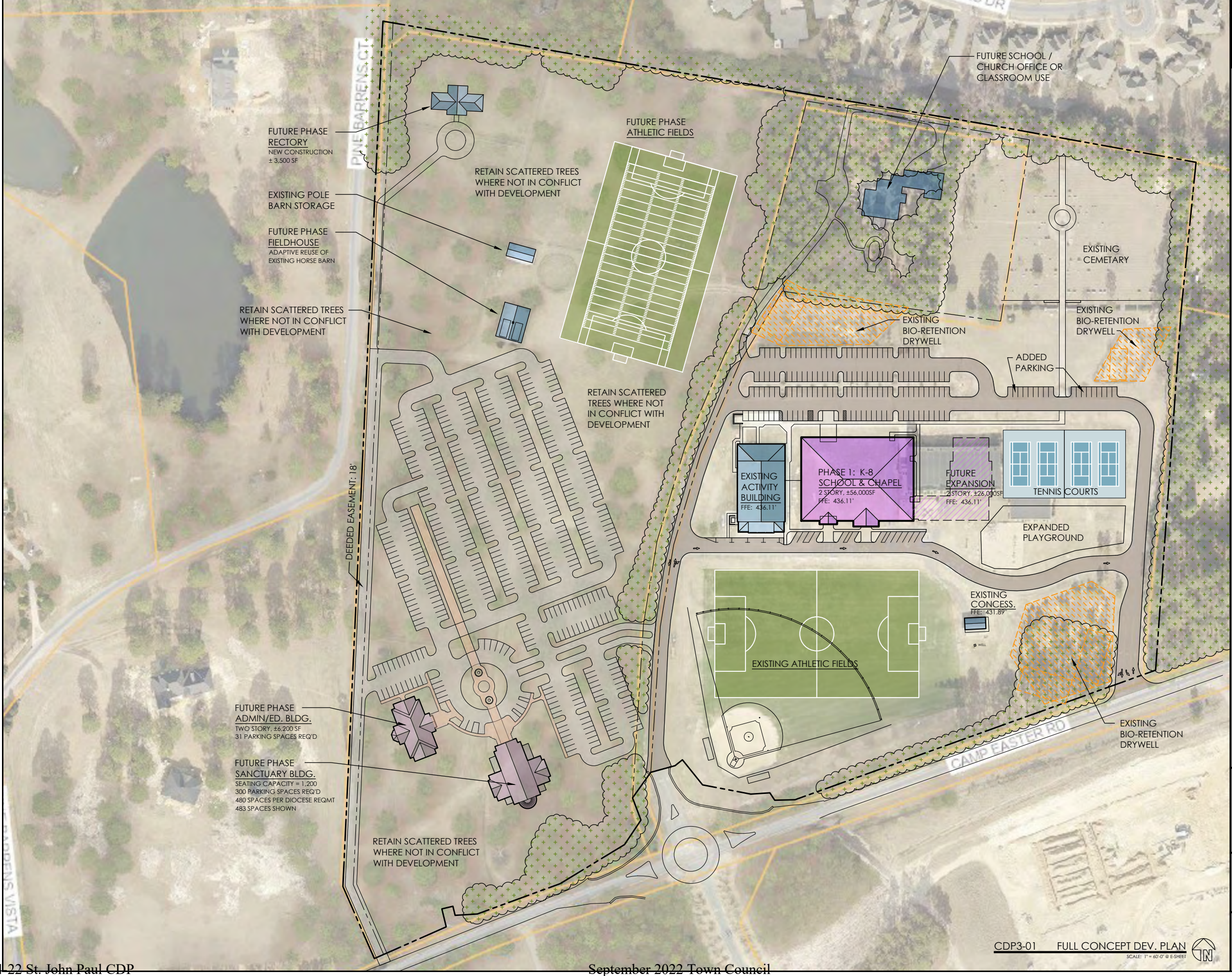
PUBLICATION OR REUSE OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITH THE WRITTEN CONSENT OF THE FIRM'S PRINCIPAL ARCHITECT.

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 #:

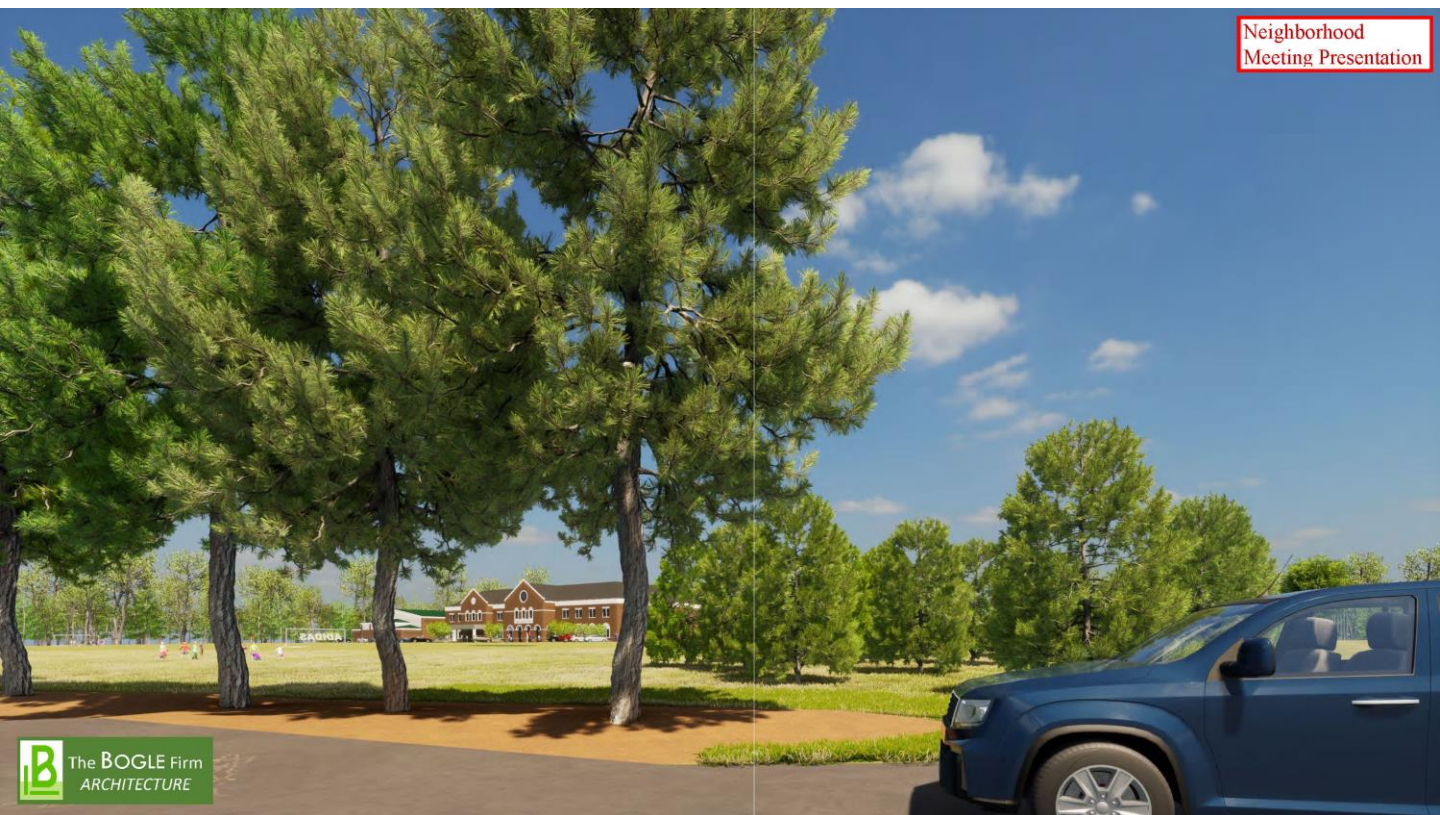
SHEET NUMBER
CDP3
OF: 3





THE **BOGLE FIRM**,
ARCHITECTURE

Neighborhood
Meeting Presentation



Neighborhood
Meeting Presentation



The **BOGLE FIRM**
ARCHITECTURE







Neighborhood Meeting Presentation



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

Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

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

Legend:

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

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

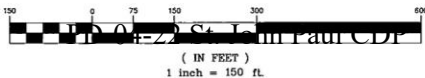
- ☐ A. That this plot is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plot is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance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

Ryan D. McBryde
Professional Land Surveyor

L-4394
Registration Number

5/8/12
Date

GRAPHIC SCALE



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

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

Robert Carrington
Deed Book 827, Page 79

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

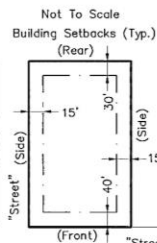
Per D.B. 3607, PG 109
Moore County Registry

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

Lloyd Sullivan
Deed Book 1965, Page 125

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

Morris Minton
Deed Book 3361, Page 593



Voluntary Agricultural Proximity Statement

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

Roman Catholic Diocese
Deed Book 1958, Page 523

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

Survey For:
Roman Catholic Diocese
of Raleigh North Carolina

20.82 Acres

Boundary Survey
McNeill, Moore County
Southern Pines, North Carolina

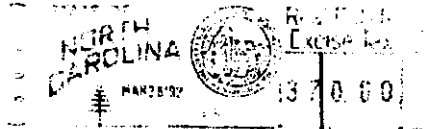
May 2, 2012 Job# 120066
Revised May 8, 2012 Job# 120066

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

September 2022 Town Council

806 Bethesda Ave
Asheville, N.C. 28715

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



BOOK
008270

Neighborhood
Meeting Presentation

Mar 26 2 29 PM '92

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

Excise Tax Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.

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

by

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

This instrument was prepared by Barclays Bank of North Carolina

Brief description for the Index 6.13 acres
Camp Easter Road

NORTH CAROLINA GENERAL WARRANTY DEED

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

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

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

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

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

See Exhibit A Attached Hereto

Row

14-3903

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

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

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

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

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

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

BARCLAYS BANK OF NORTH CAROLINA

By: *[Signature]*
Senior Vice President

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

USE BLACK INK ONLY

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

SEAL-STAMP

NORTH CAROLINA, County.

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

My commission expires: Notary Public

SEAL-STAMP

NORTH CAROLINA, Mecklenburg County.

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

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

North Carolina--Moore County

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

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

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

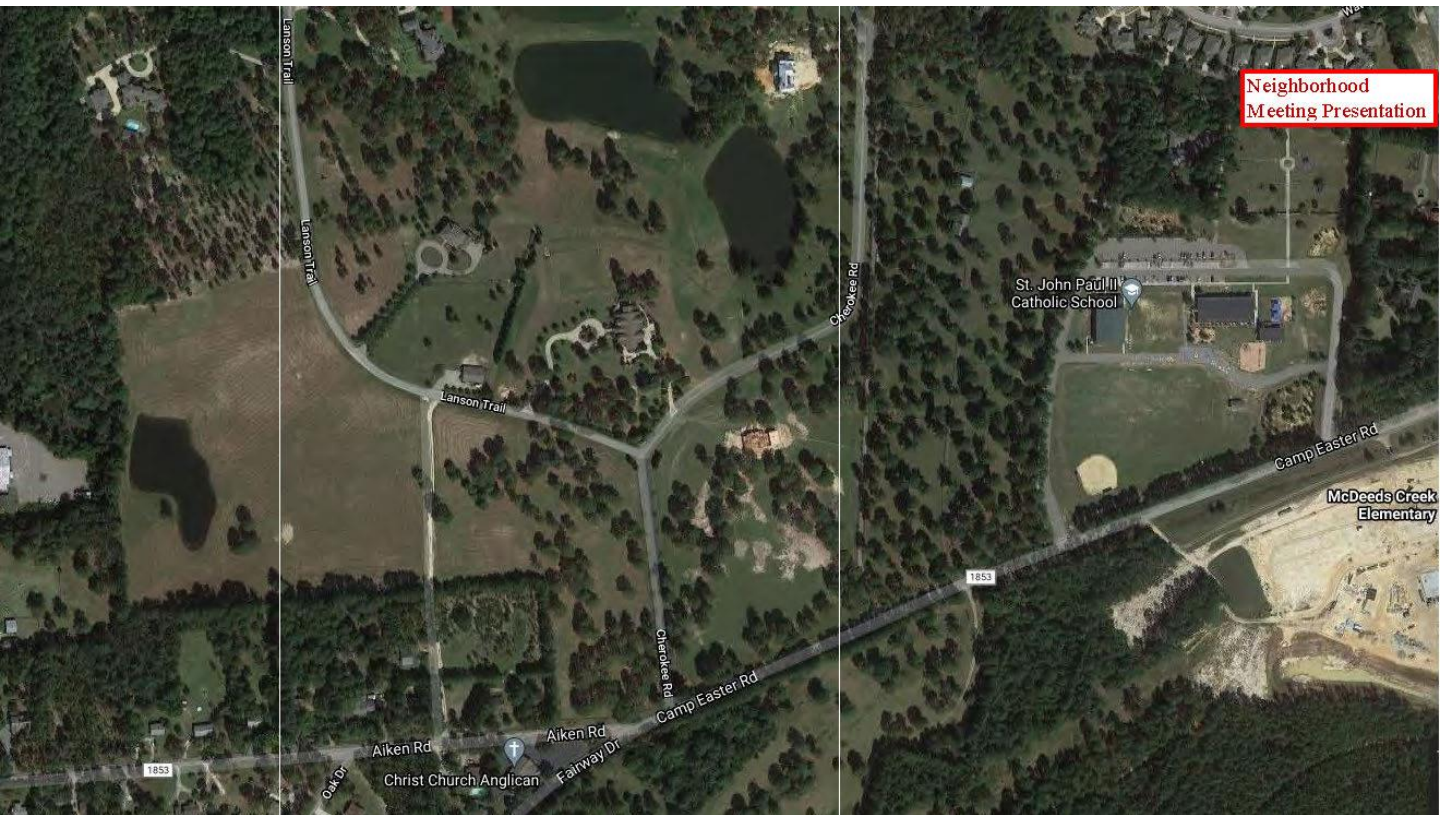
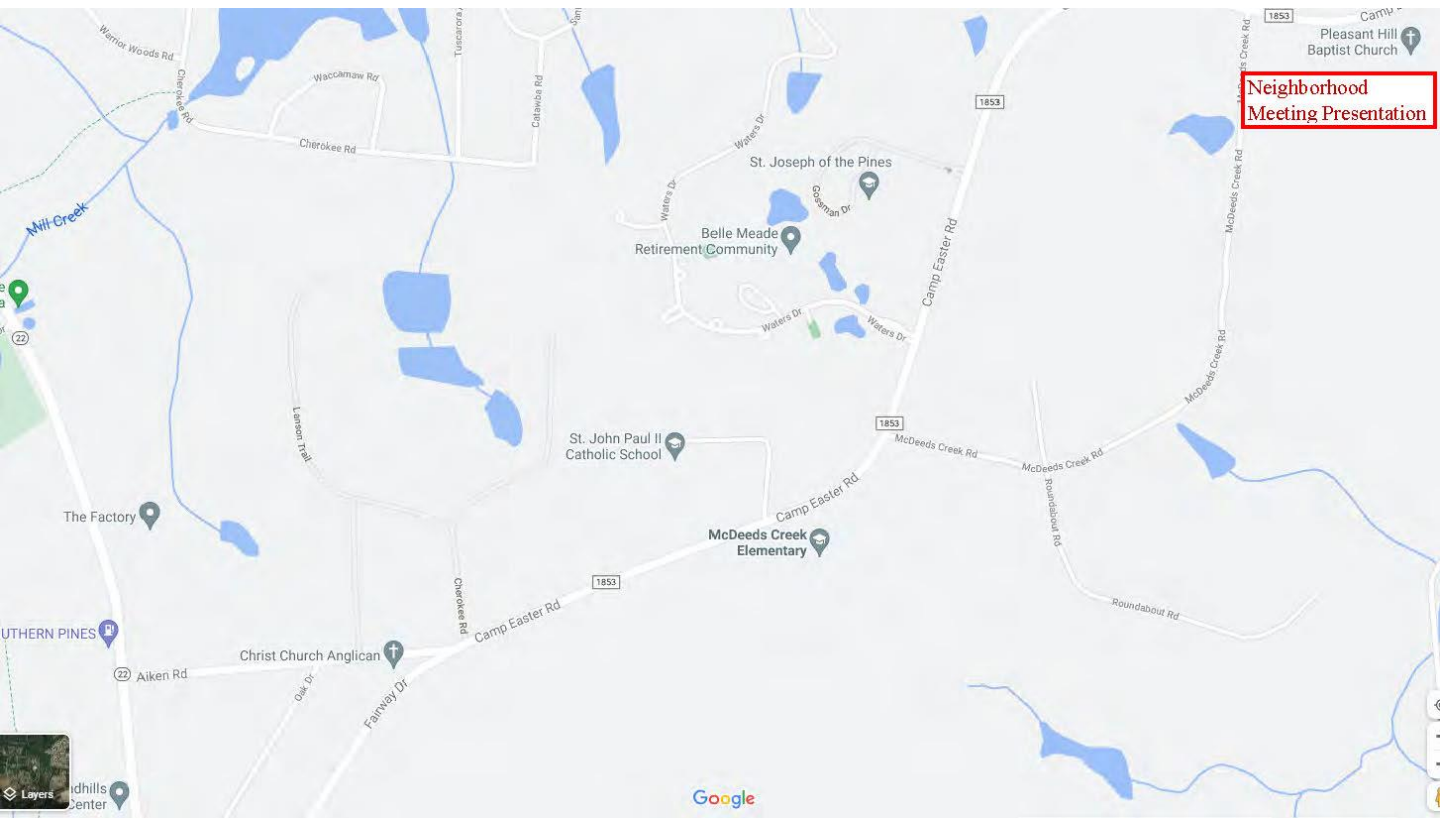
A certain tract of land located North of the Town of Southern Pines and lying about 600 yards North of State Road No. 1853 (Aiken Road), adjoining the lands of Kelly Miller, et al on the North, East, and South and the 18 feet wide Camp Easter Road on the West, described as follows: BEGINNING at iron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

ACCESS EASEMENT TO 6.00 ACRE TRACT

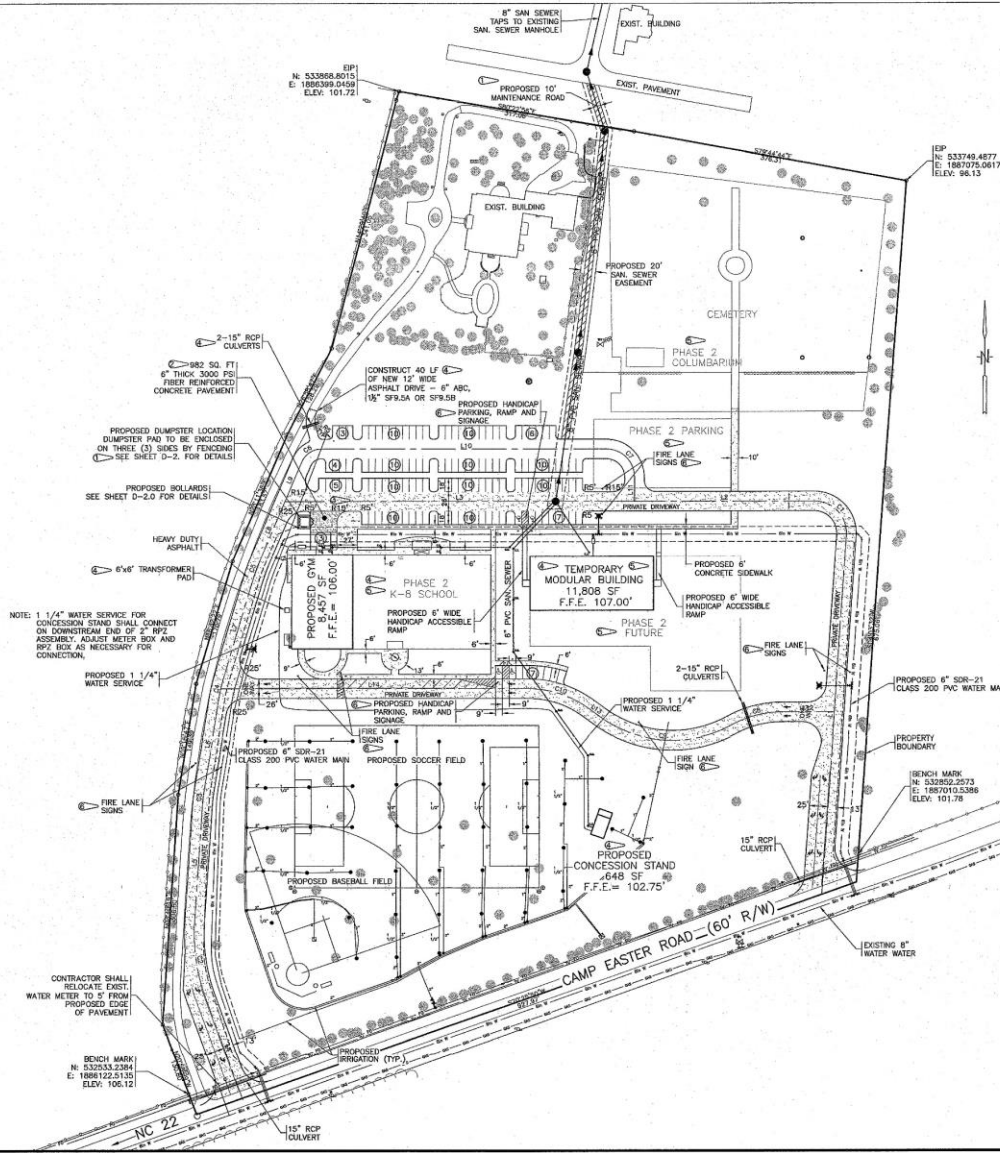
BEGINNING at an iron stake, said stake being in the east line of the 18 feet wide Camp Easter Road and being the southwest corner of the above described 6.00 acre tract, running thence with the south line of the 6.00 acre tract, S 77 54' E 27.00 feet; thence S 50 06' W 37.77 feet to the east side of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

ACCESS EASEMENT TO 6.00 ACRE TRACT

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



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 CYM	8,457 SF
PHASE 1 PROPOSED CONCESSION STAND	848 SF
PHASE 1 TEMPORARY MODULAR	11,808 SF
PHASE 2 PROPOSED BUILDINGS	55,115 SF
TOTAL BUILDING SF	86,058 SF

PARKING

PARKING SPACES REQUIRED	62
18 x 11.75 = 14.8 (19)	
6.457 / 200 = 43	
REGULAR PARKING SPACES PROVIDED	68
HANDICAPPED SPACES PROVIDED	4
TOTAL SPACES PROVIDED	72

PERMEABLE AREA

TOTAL ACRES	23.91 ACRES
EXISTING IMPERVIOUS	0.74 ACRES
PROPOSED IMPERVIOUS	3.40 ACRES
FUTURE IMPERVIOUS	1.56 ACRES
TOTAL IMPERVIOUS	5.62 ACRES
TOTAL PERCENTAGE IMPERVIOUS	24.76%

SITE IS NOT IN A FEMA FLOOD PLAIN PER FEMA MAP # 271050502L, PANEL 4504, EFF. DATE OCTOBER 17, 2005.

BENCH MARK

NCDDT BM
SE CORNER OF WEST BOUND CAMPESTER ROAD
N: 532852.5573
E: 1887010.3386
ELEV. 101.78

SW CORNER OF WEST BOUND CAMPESTER ROAD
N: 532853.3394
E: 1886122.5135
ELEV. 106.12

CURVE TABLE

CURVE	LENGTH	BEARING	DELTA	PIVOT
C1	75.59	43.00	88.82	107.93
C2	106.77	58.00	103.36	107.93
C3	16.81	101.00	19.81	107.93
C4	25.53	101.00	25.53	107.93
C5	34.40	27.76	27.76	107.93
C6	13.22	26.50	26.50	107.93
C7	14.40	137.00	43.00	107.93
C8	17.81	135.00	17.81	107.93
C9	88.99	137.00	88.99	107.93

INFRASTRUCTURE/UTILITY TOTALS

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

AREA INFORMATION

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

RECEIVING WATER COURSE: UNNAMED TRIBUTARY TO MILL CREEK & McDEEDS CREEK
 MILL CREEK CLASSIFICATION: WS-II, HOW
 McDEEDS CLASSIFICATION: WS-II, HOW
 RIVER BASIN: CAPE FEAR

LEGEND

- ECM
- EP
- DR
- PROPERTY BOUNDARY
- NCDDT 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
- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- PROPOSED SAN. SEWER
- HEAVY DUTY PAVEMENT

GRAPHIC SCALE



CONSTRUCTION NOTES:

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

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

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

LEGEND

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

NOTE:

PURSUANT TO G.S. 113-42(2), THE ANGLE FOR GRADED SLOPES AND FILLS SHALL BE NO GREATER THAN THE ANGLE THAT CAN BE MAINTAINED BY VEGETATIVE COVER OR OTHER APPROPRIATE EROSION-CONTROL DEVICES OR STRUCTURES. IN ANY EVENT, SLOPES LEFT EXPOSED MUST, WITHIN 21 CALENDAR DAYS OF COMPLETION OF ANY PHASE OF GRADING, BE PLANTED OR OTHERWISE PROVIDED WITH TEMPORARY OR PERMANENT GROUND COVER, DEVICES, OR STRUCTURES SUFFICIENT TO RESTRAIN EROSION.

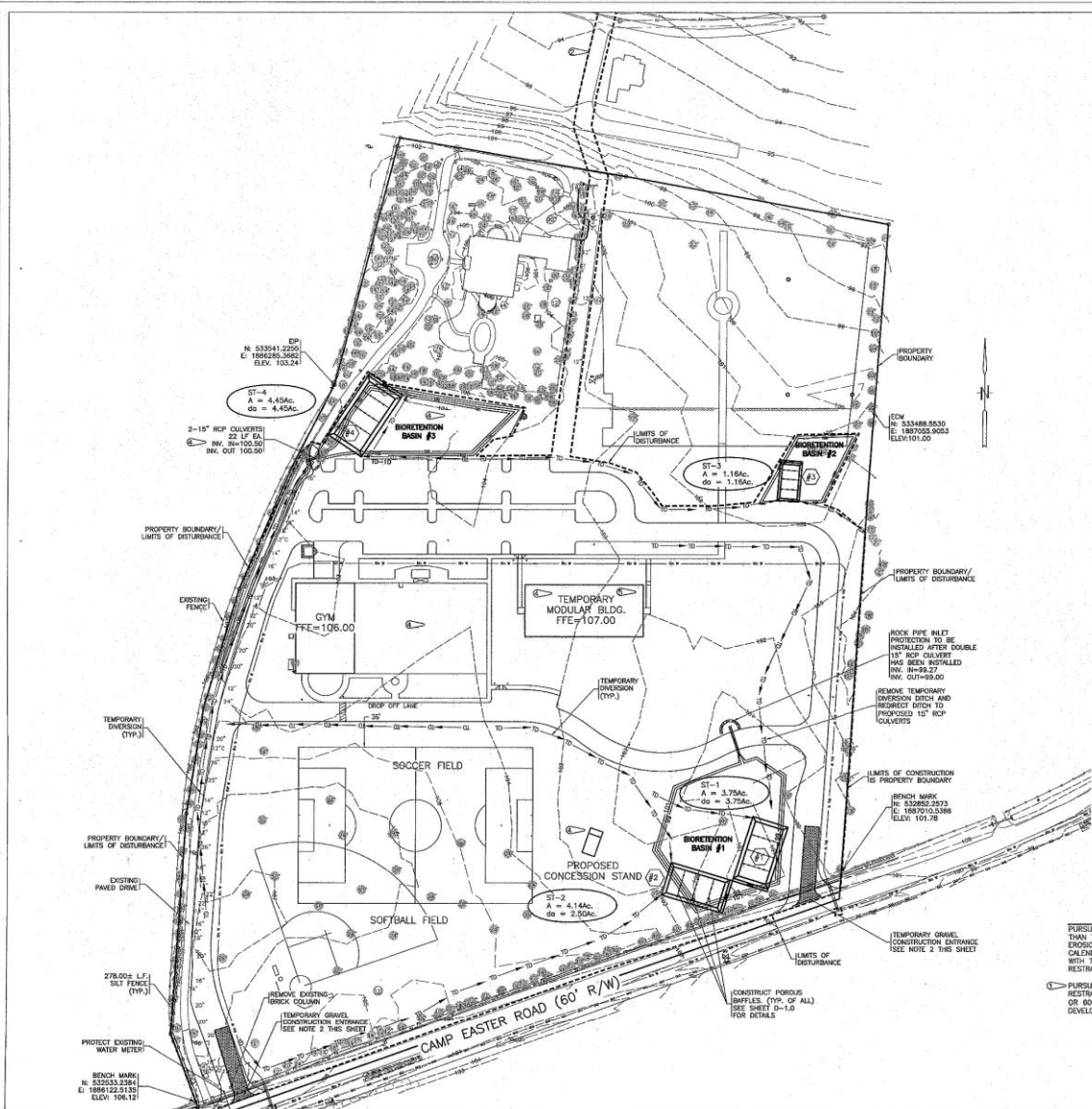
PURSUANT TO G.S. 113A-57(3), PROVISIONS FOR PERMANENT GROUND COVER SUFFICIENT TO RESTRAIN EROSION MUST BE ACCOMPLISHED FOR ALL DISTURBED AREAS WITHIN 15 WORKING DAYS OR 60 CALENDAR DAYS (WHICHEVER IS SHORTER) FOLLOWING COMPLETION OF CONSTRUCTION OR DEVELOPMENT.

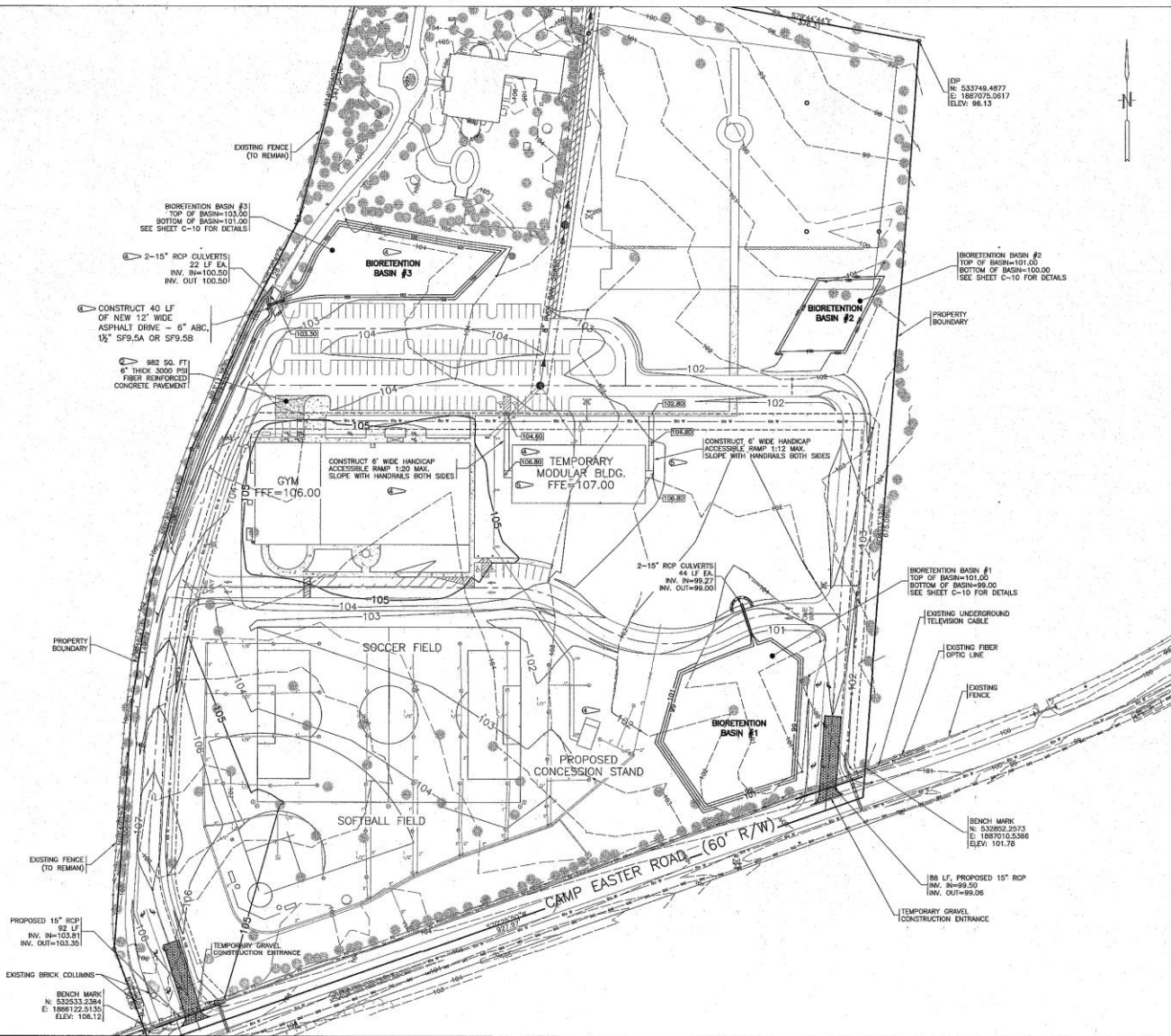
DISTURBED AREA: 15.95 Ac.±

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



GRAPHIC SCALE
1 inch = 40' ft.

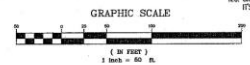




NOTE:
1. EXISTING AND PROPOSED STORM SEWER SYSTEMS AND PROPOSED BIORETENTION BASIN WILL BE PRIMARILY OWNED AND MAINTAINED.

LEGEND

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





Subject: Neighborhood Meeting – 01/25/22

Project: Saint John Paul II Catholic School CDP

Date: 01/26/22

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

Light Pollution

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

Traffic

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

Construction

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

Church and School

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

Easement

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

Miscellaneous

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

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

Welcome & Introductions & Overview (John Donohue)

Attending:

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

Rhetson Construction: • Tony Bornhorst, Project Manager

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

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

Additional Signed-In Neighbors/Attendees numbering 13

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

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

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

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

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

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

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

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

Bogle explained the SJPII site plan as three pieces of property

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

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

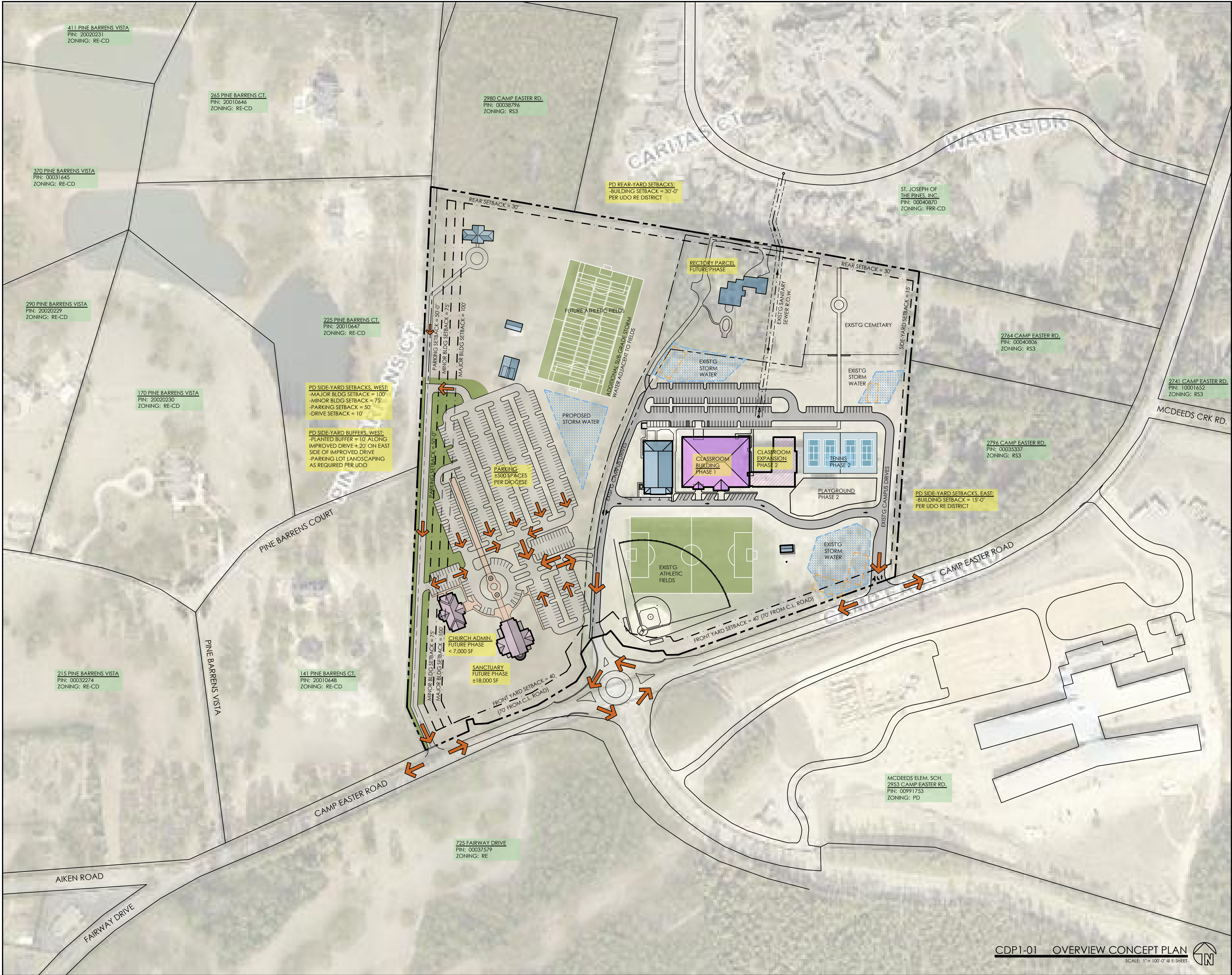
Bogle noted that there might be an additional easement on the far side of SJPII's easement belonging to others. If so, it would be an easement with which his firm would not be aware. While no one could say for certain, this was one of the possibilities noted to address a claim by a neighbor that a surveyor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

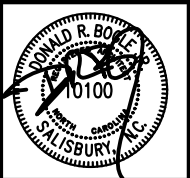
Conceptual Development Plan

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



**OVERVIEW
CONCEPT
PLAN**
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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

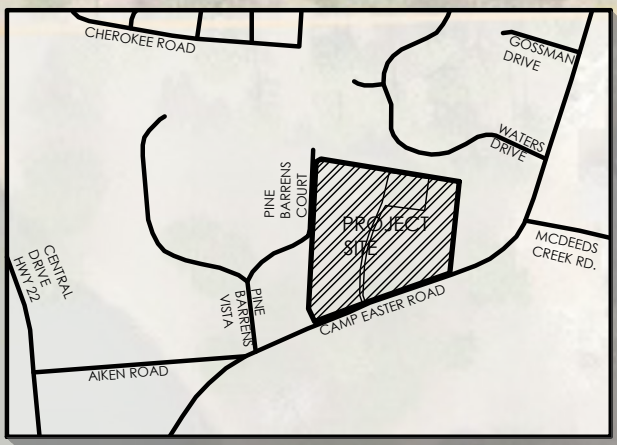
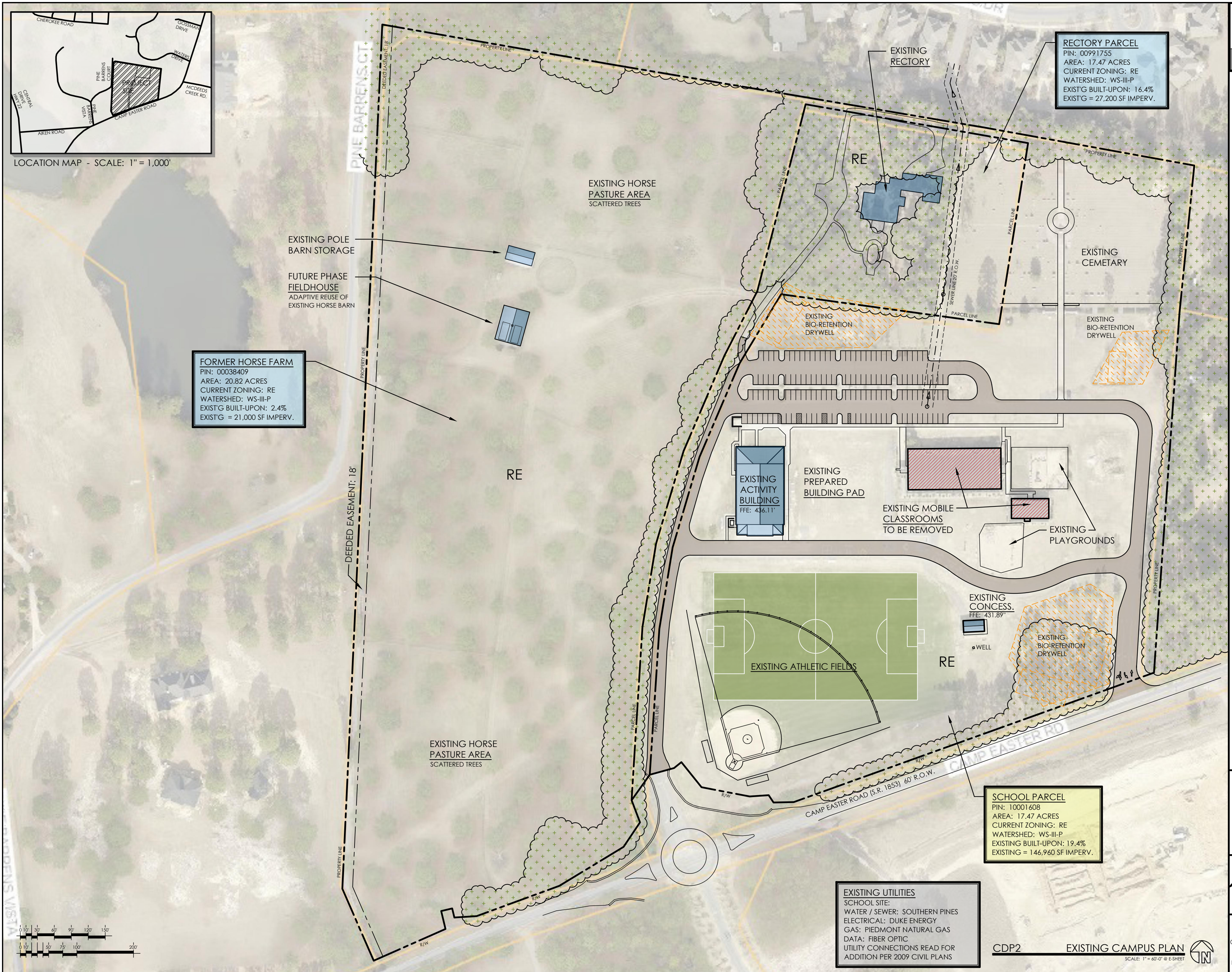


DRAWN BY: DRB
CHECKED BY: DRB
DATE: 2.7.22
PROJECT #:

SHEET NUMBER
CDP1
OF: 4

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





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

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.

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.

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.

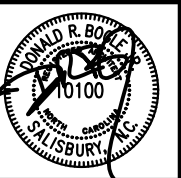
EXISTING UTILITIES
SCHOOL SITE:
WATER / SEWER: SOUTHERN PINES
ELECTRICAL: DUKE ENERGY
GAS: PIEDMONT NATURAL GAS
DATA: FIBER OPTIC
UTILITY CONNECTIONS READ FOR
ADDITION PER 2009 CIVIL PLANS

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.

EXISTING CAMPUS PLAN
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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

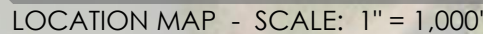


DRAWN BY: DRB
CHECKED BY: DRB
DATE: 2.7.22
PROJECT #:

SHEET NUMBER
CDP2
OF: 4

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





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.

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.

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

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.

PHASE 1 CAMPUS PLAN

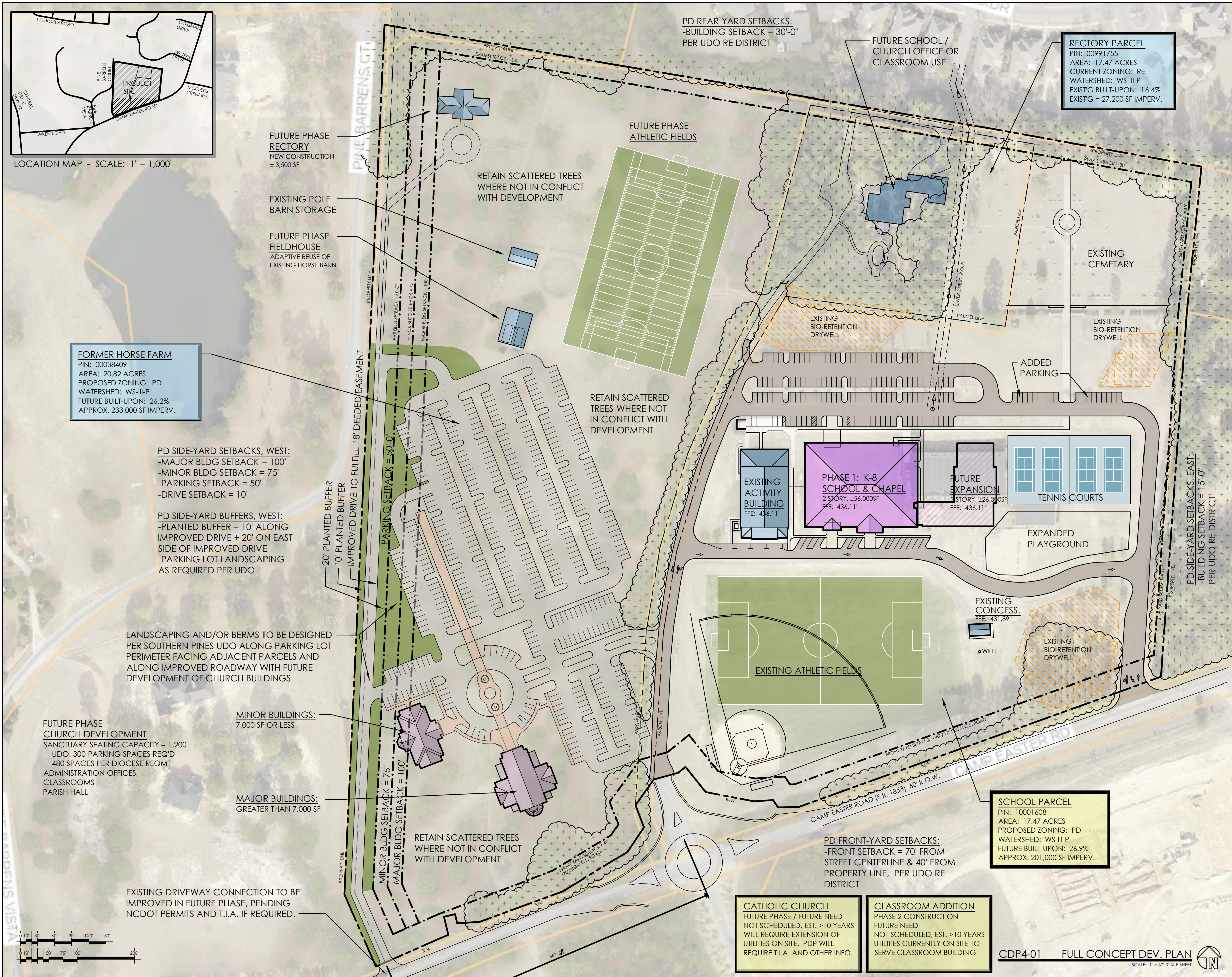
TOWN OF SOUTHERN PINES
CONCEPT DEVELOPMENT PLAN

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



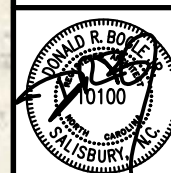
DRAWN BY: DRB
CHECKED BY: DRB
DATE: 2.7.22
PROJECT #: .

SHEET NUMBER
CDP3
OF: 4



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

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



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: PD-04-22 – Conceptual Development Plan

Location: 2978 Camp Easter Road

PIN#: 858315538280, 858315635655, and 858315635197

March 8, 2022

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

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

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

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

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

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

Thank you for allowing RLUAC to review this case.

John K. McNeill, Chairman

Vagn K. Hansen II, AICP, Executive Director

BJ Grieve

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

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

Cindy,

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

Thank you,

Dago

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

910-944-7621 Office
djuarezpozos@ncdot.gov

902 North Sandhills Blvd.
Aberdeen, NC 28315



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

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

the
BOGLE
FIRM
ARCHITECTURE

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

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: DE
CHECKED BY: DE
DATE: 4.1
PROJECT #: .

SHEET NUMBER
CDP4
OF: 6



ATTACHMENT A

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

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

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

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

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

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

PD-04-22 St. John Paul CDP

Findings from Planning Board:

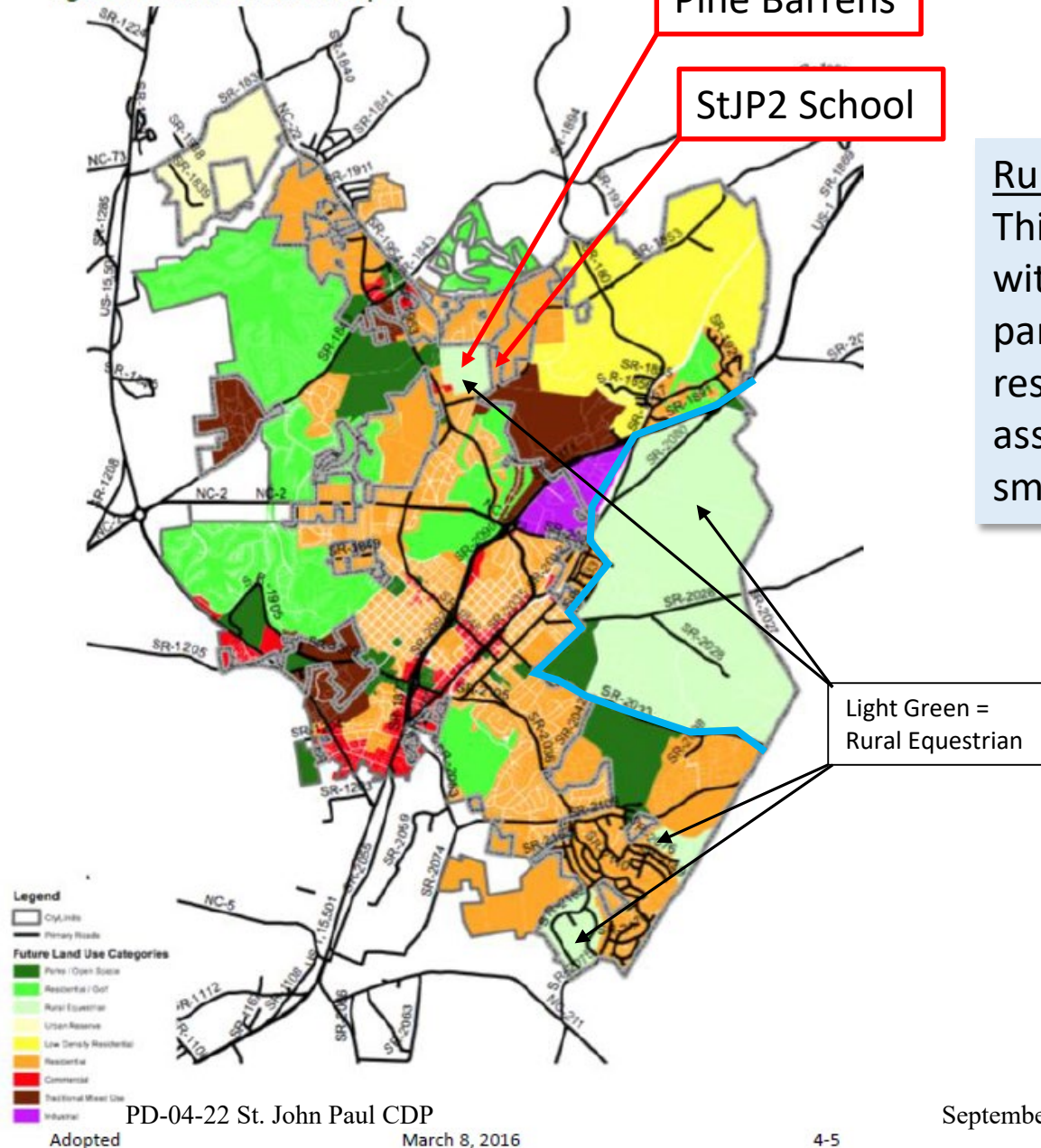
- 1) Planning Board supports immediate school development purpose of constructing new classroom building to replace mobile classroom units.
- 2) Planning Board sees need for rezoning to address inconsistency with the UDO that only allows Elementary Schools in the RE District
- 3) "Church Development"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

Answering Planning Board's Identified Findings:

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

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

Figure 4.6 – Future Land Use Map



Southern Pines Comprehensive Long-Range Plan

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

Future Land Use Categories

The future land use map included in this chapter envisions a general land use category

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

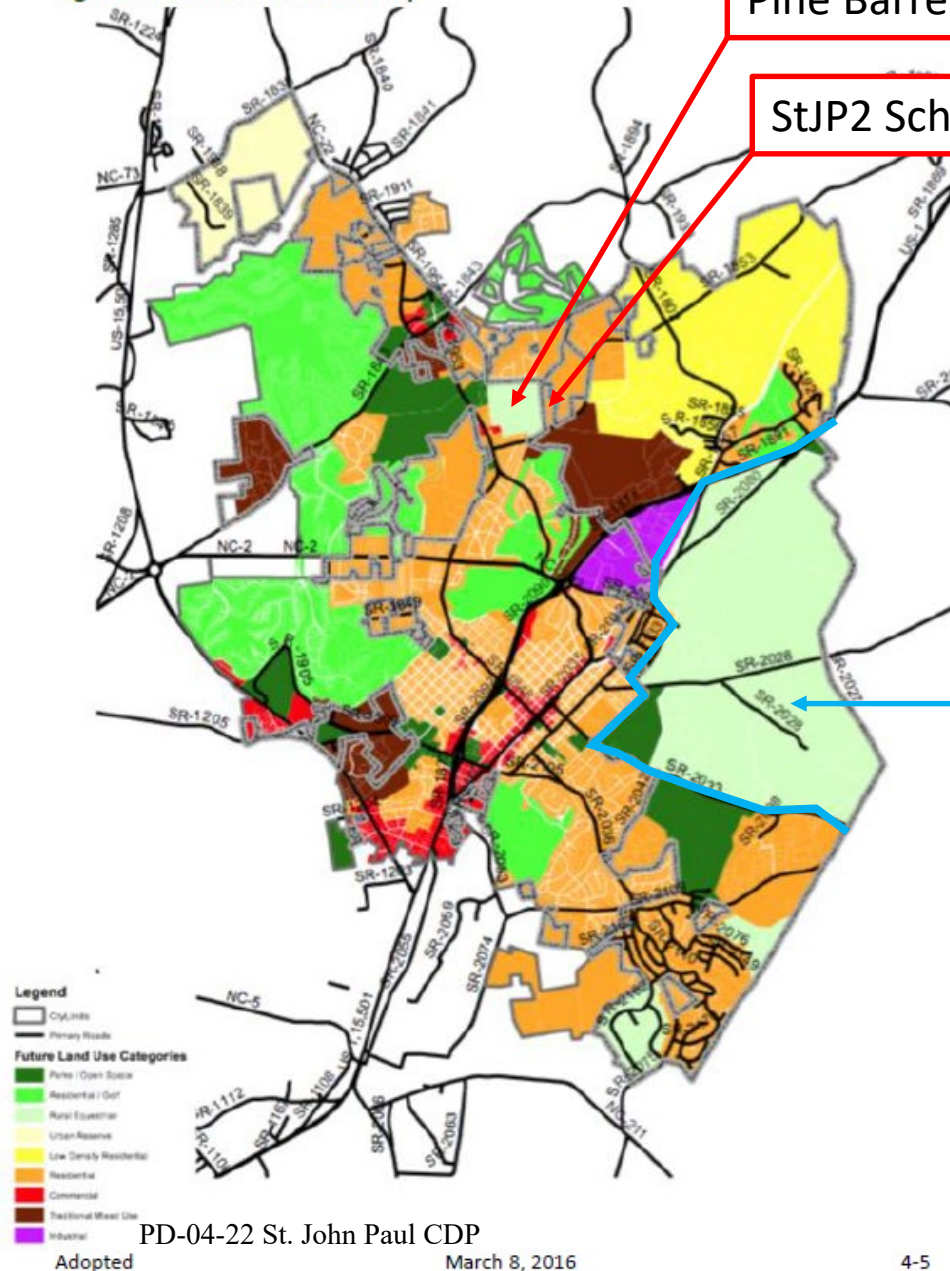
The Residential/Golf designation applies to areas that include public or private golf courses and residences. This category may accommodate a single family or attached dwellings at a variety of densities, recreational facilities in addition to the golf course, limited guest accommodations, and limited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



Pine Barrens

StJP2 School

Southern Pines Comprehensive Long-Range Plan

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

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

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

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

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

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

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

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

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

CLRP Definition

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

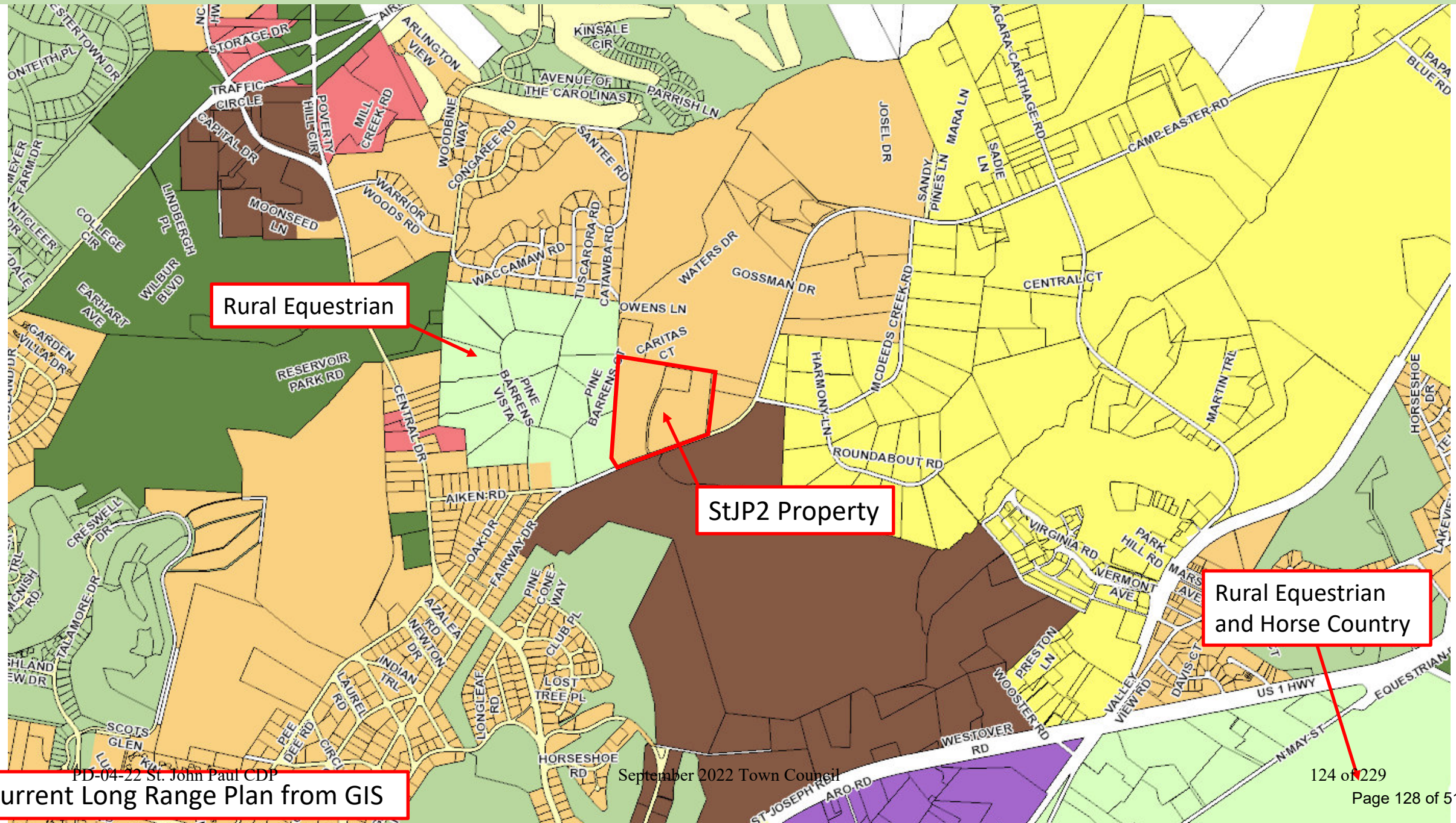
accommodating and dispersing traffic flow.

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

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

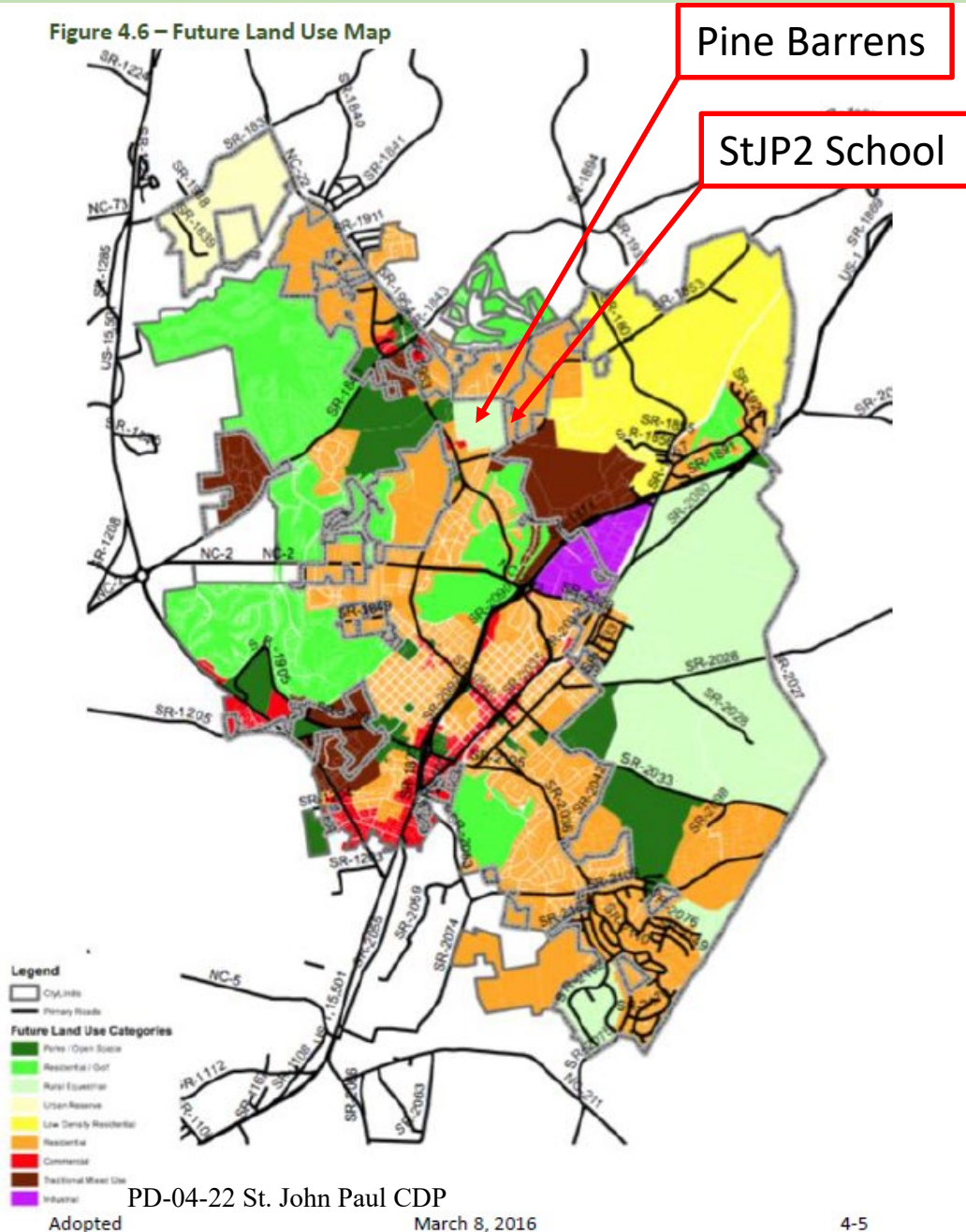
Land Use: The specific purpose for which land or a building is designated, arranged, intended, or intended to be occupied or maintained.

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



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

Figure 4.6 – Future Land Use Map



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

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

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

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

StJP2 School

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

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

Overview Map



CARTHAGE
WHISPERING
PINES
PINEHURST
SOUTHERN
PINES
ABERDEEN

Current Segment: 174.66 Feet
Total: 0.00 Feet

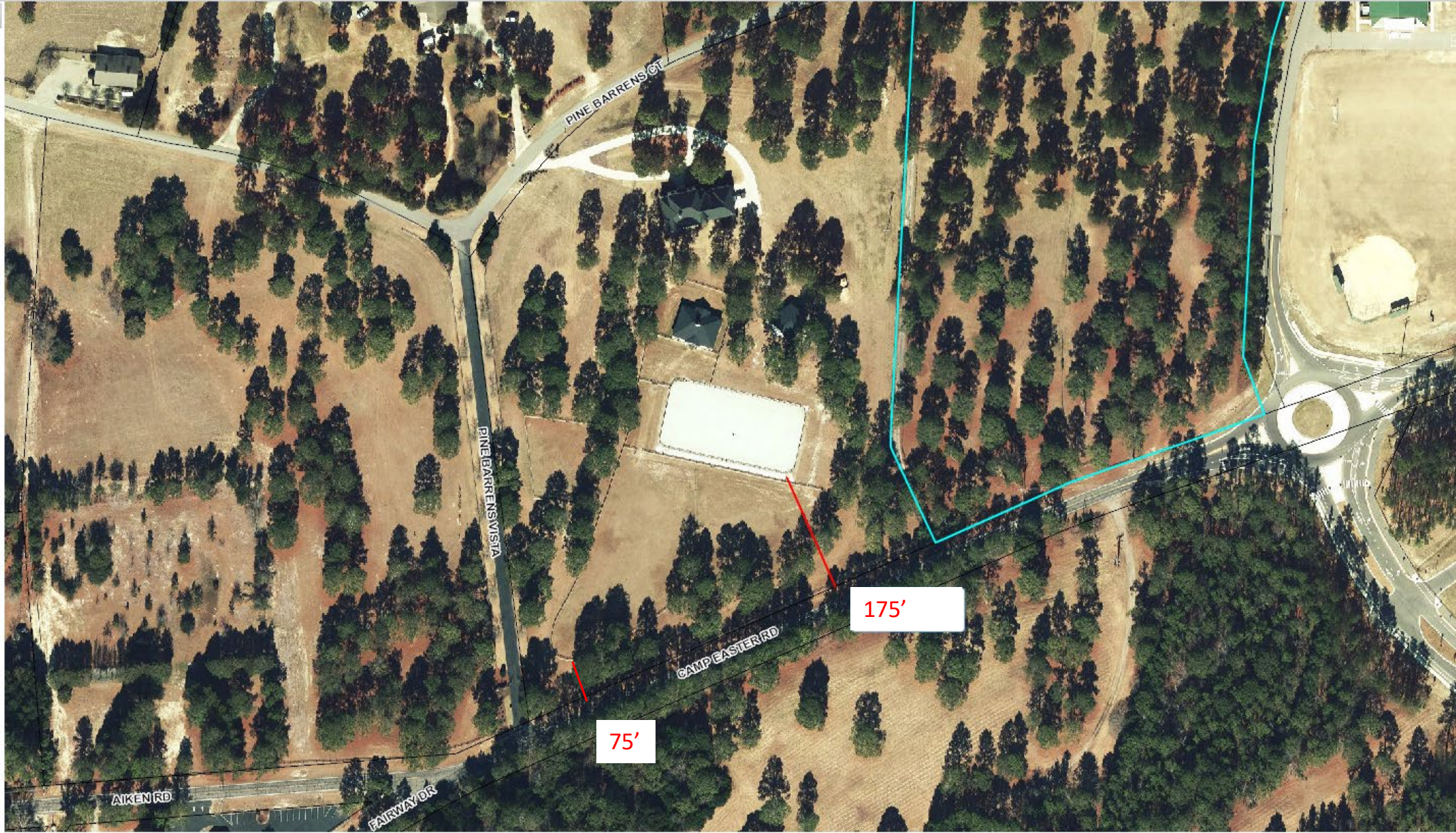
Quick Search

Advanced Search

Search Builder

Coordinate Search

Comparable Search



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



VISUAL SEPARATION - EXISTING











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





PD-04-22 St. John Paul CDP



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

September 2022 Town Council





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





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

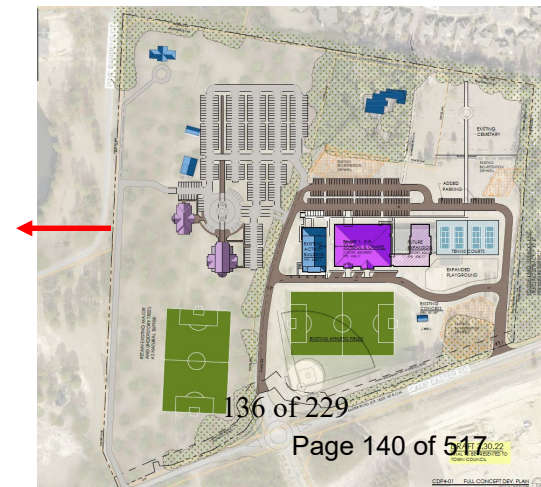
100' Buffer extends roughly to top of rise.





From existing easement /
property line, looking
toward Mace House

±950 feet from shown
Church location to Mace
house





From 100 feet into site,
viewing toward Currey
house.

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

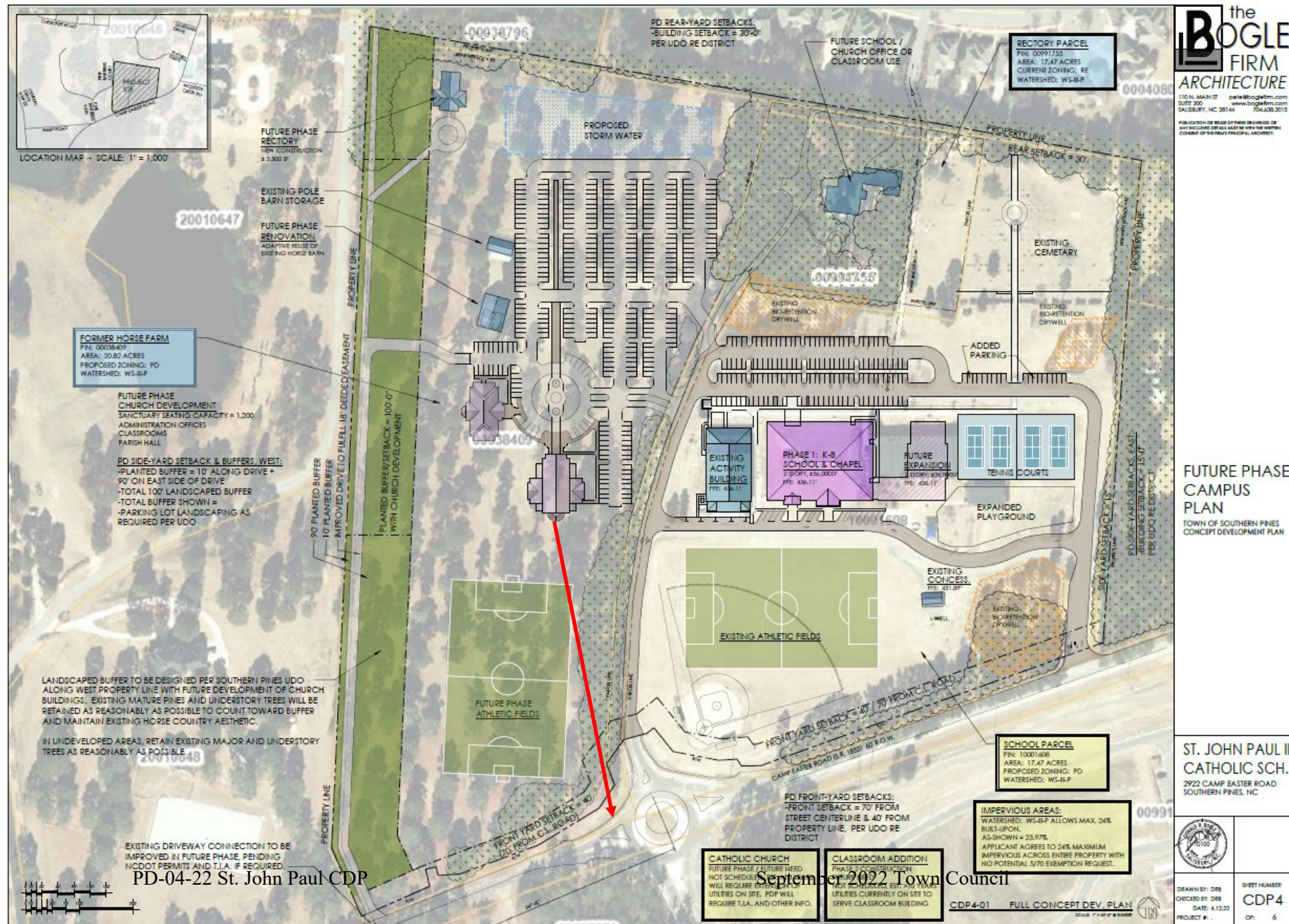




PANO from same spot - 100 feet into site,
parallel to front of Church Development,
viewing toward Currey & Mace house.



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



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

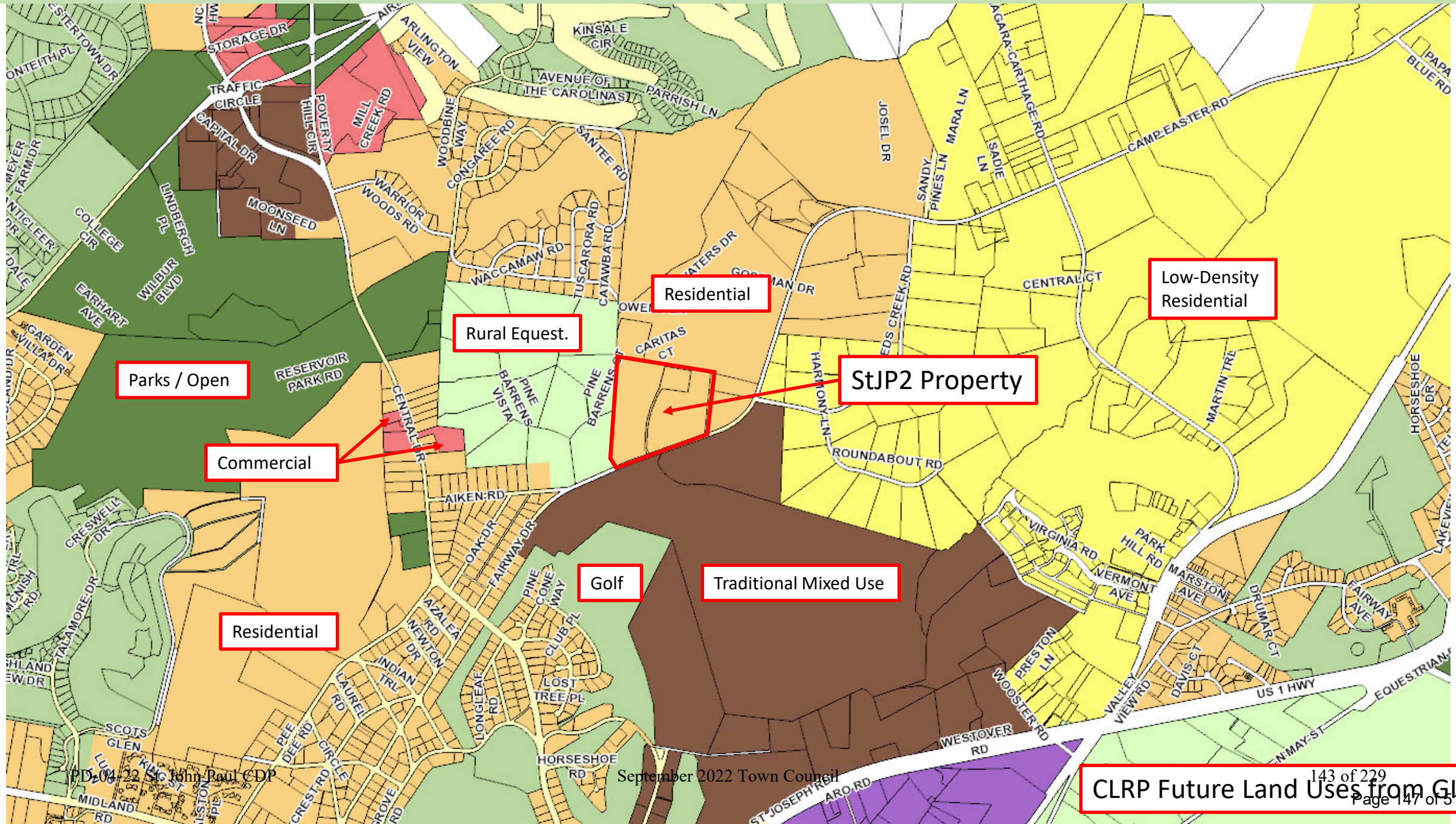


McDeed's
Creek Elem.
PD district

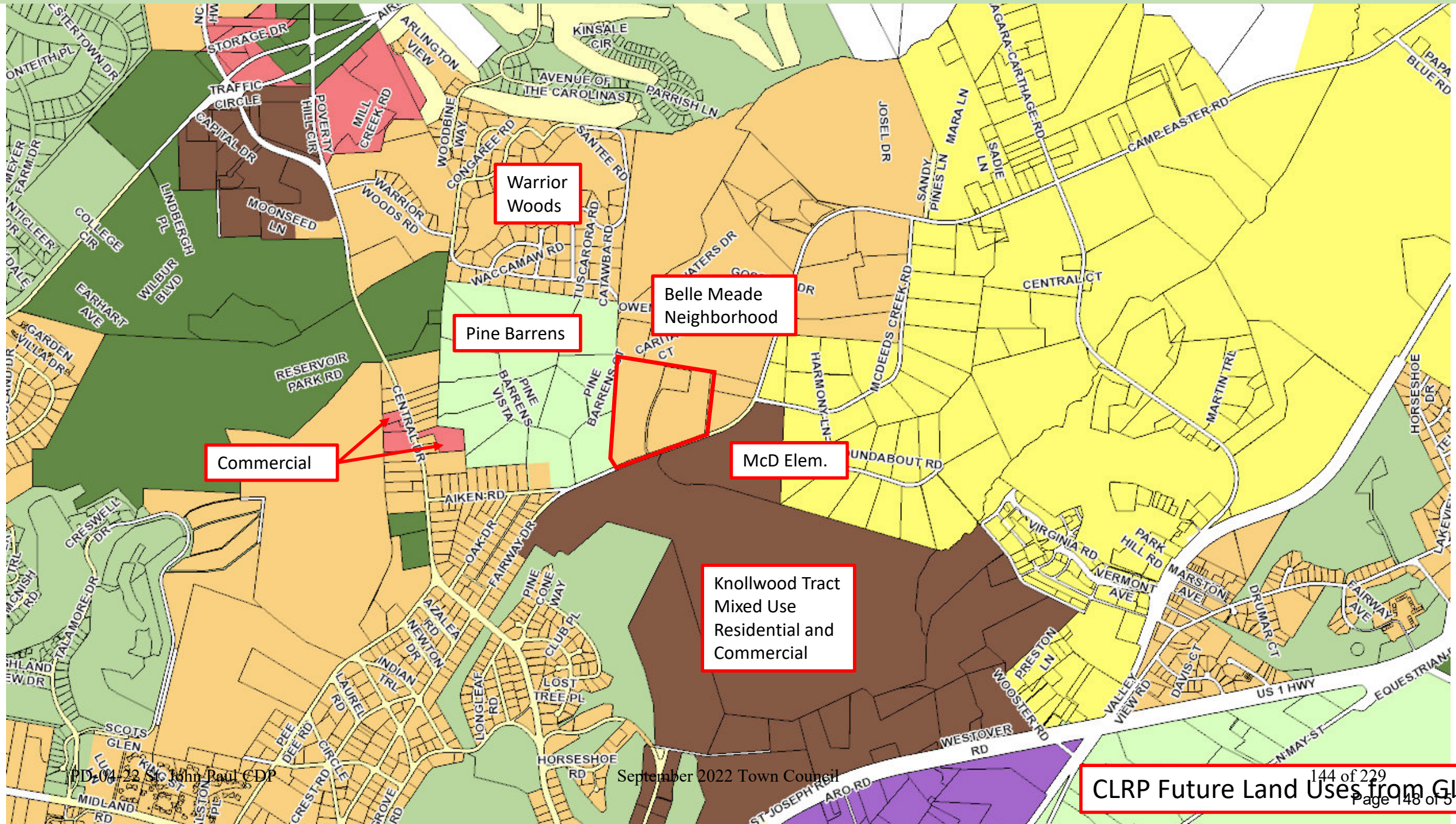
100' buffer

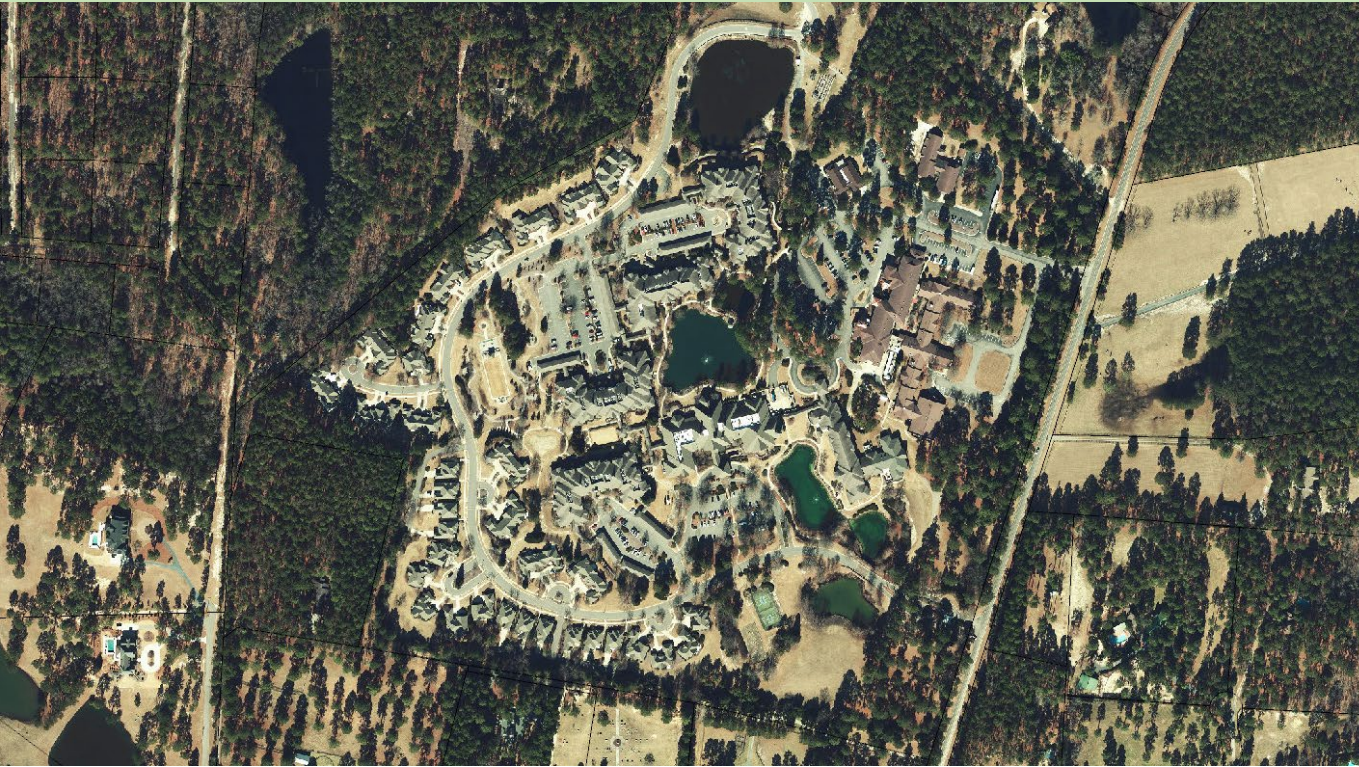
Residential

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



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





ST. JOSEPH of the PINES

Belle Meade:

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

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





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

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

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

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

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



Knollwood Tract / McDeed's Creek Elementary / Planned Housing

- PD zoning district – Mixed Use, 558 acres

2012 Original PUD

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

2017 Updated to PD

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

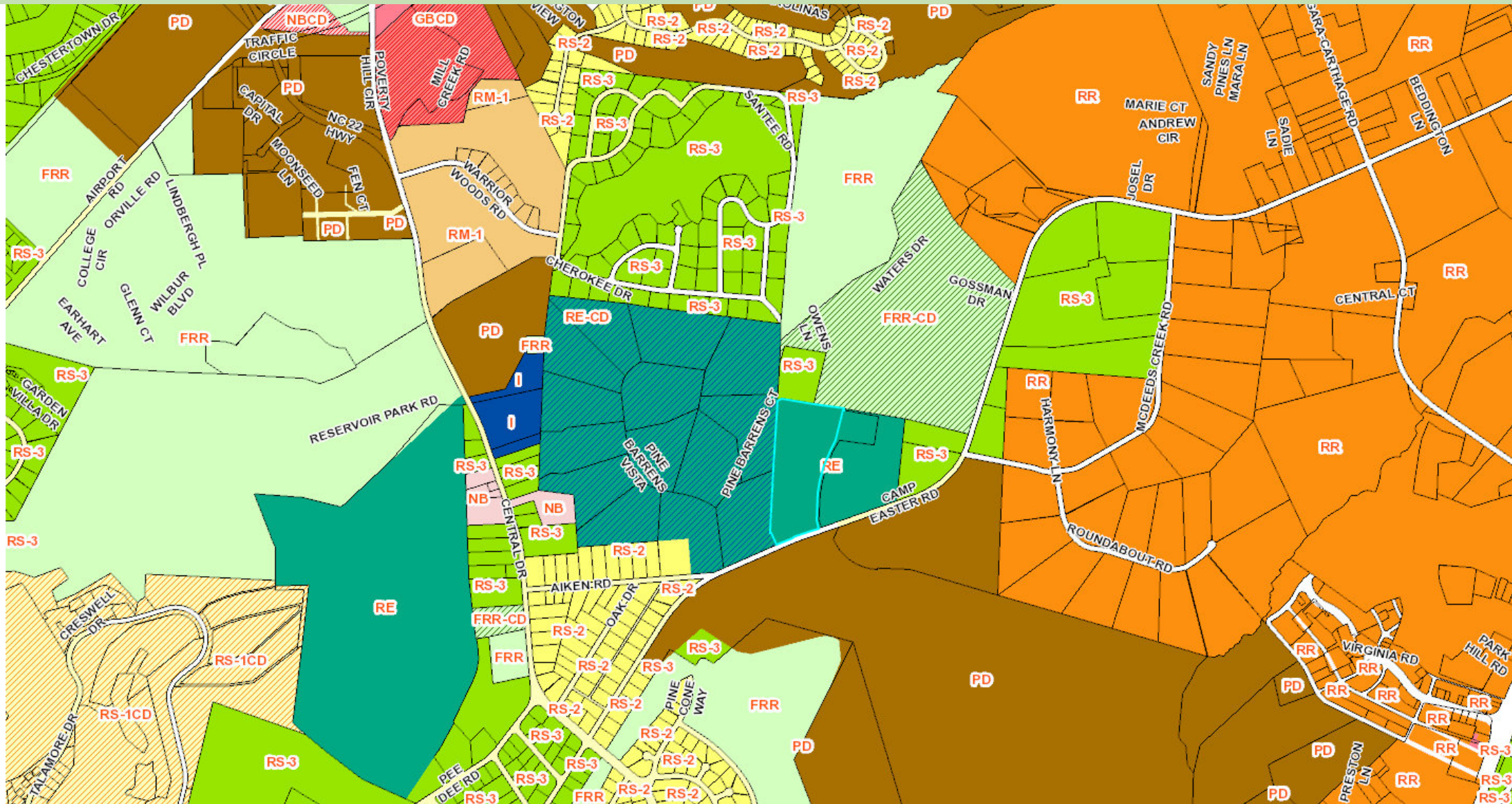
“The elementary school would be a permitted use in the MUA-2 area on ±37 acres and if an elementary school is developed no combination of residential, hotel or assisted living units could exceed **800 units**. The MUA-2 area would include 600 residential units, but with the addition of an elementary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



McDeed's Creek Elementary

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

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



Tax Map Reset

All Groups Expand Collapse All Layers On Off

Base Map On Off

Green Growth Toolbox On Off

Planning On Off

- ☐ Highway Corridors
- ☐ Corridor Morganton Rd
- ☐ Overlay Morganton Rd
- ☐ Historic District
- ☐ Flood Hazard
- ☐ Contours
- ☐ 2012 Annexations
- ☐ 2013 Annexations
- ☐ 2014 Annexations
- ☐ 2015 Annexations
- ☐ 2016 Annexations
- ☐ 2017 Annexations
- ☐ 2018 Annexations
- ☐ 2019 Annexations
- ☐ 2020 Annexations
- ☐ 2021 Annexations
- ☒ Zoning Text
- ☒ Zoning
- ☐ Downtown Overlay
- ☐ Long Range Plan
- ☐ West SP Overlay

Public Works On Off

Transparent Layers On Off

Sewer System On Off

Water System On Off

Zoning By Zone On Off

Zoning by Zone 50% On Off

Information

Legend

Display Labels Results

Display 50

Neighborhood: Zoning from Southern Pines GIS

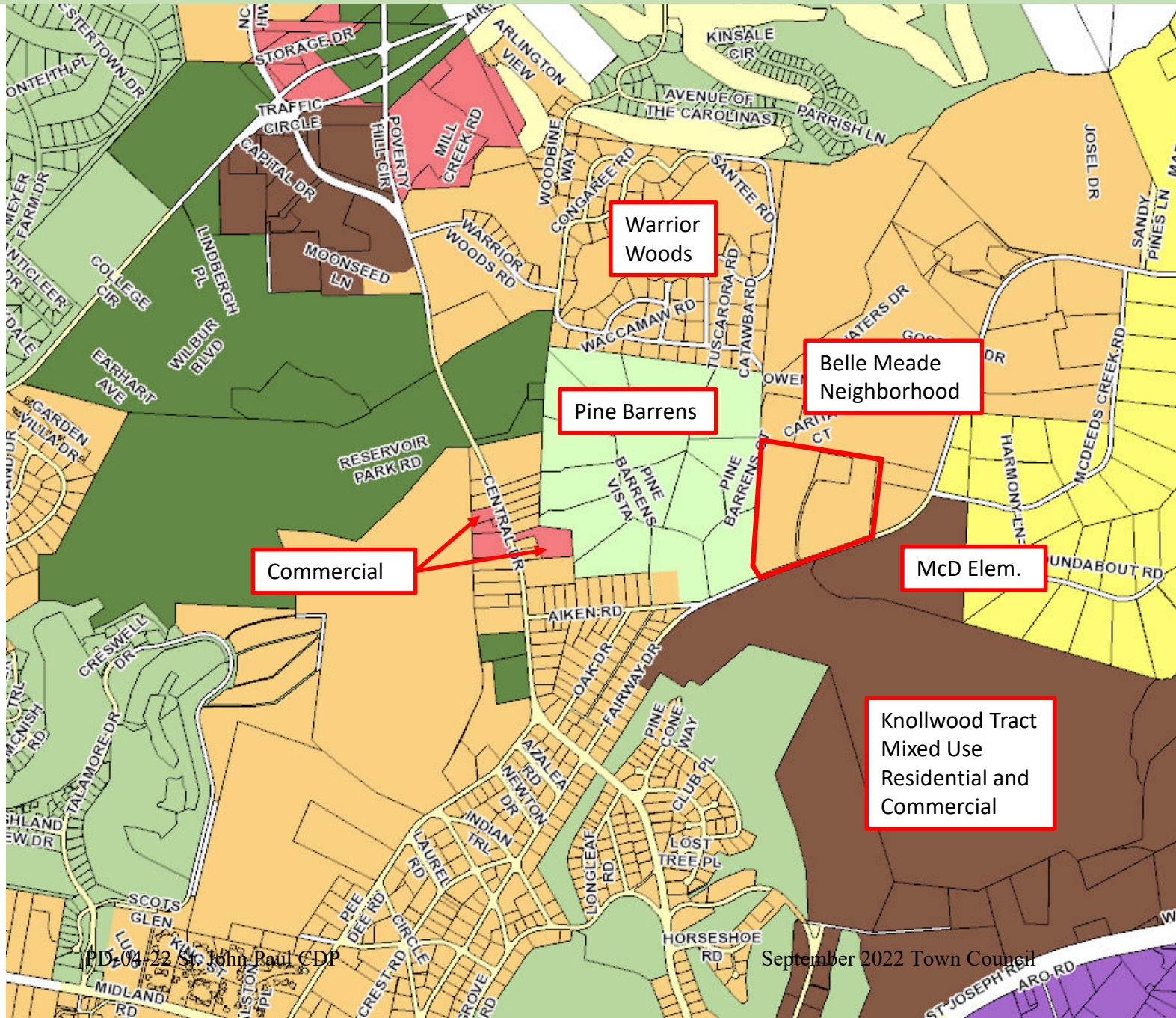
PD-04-22 St. John Paul CDP

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

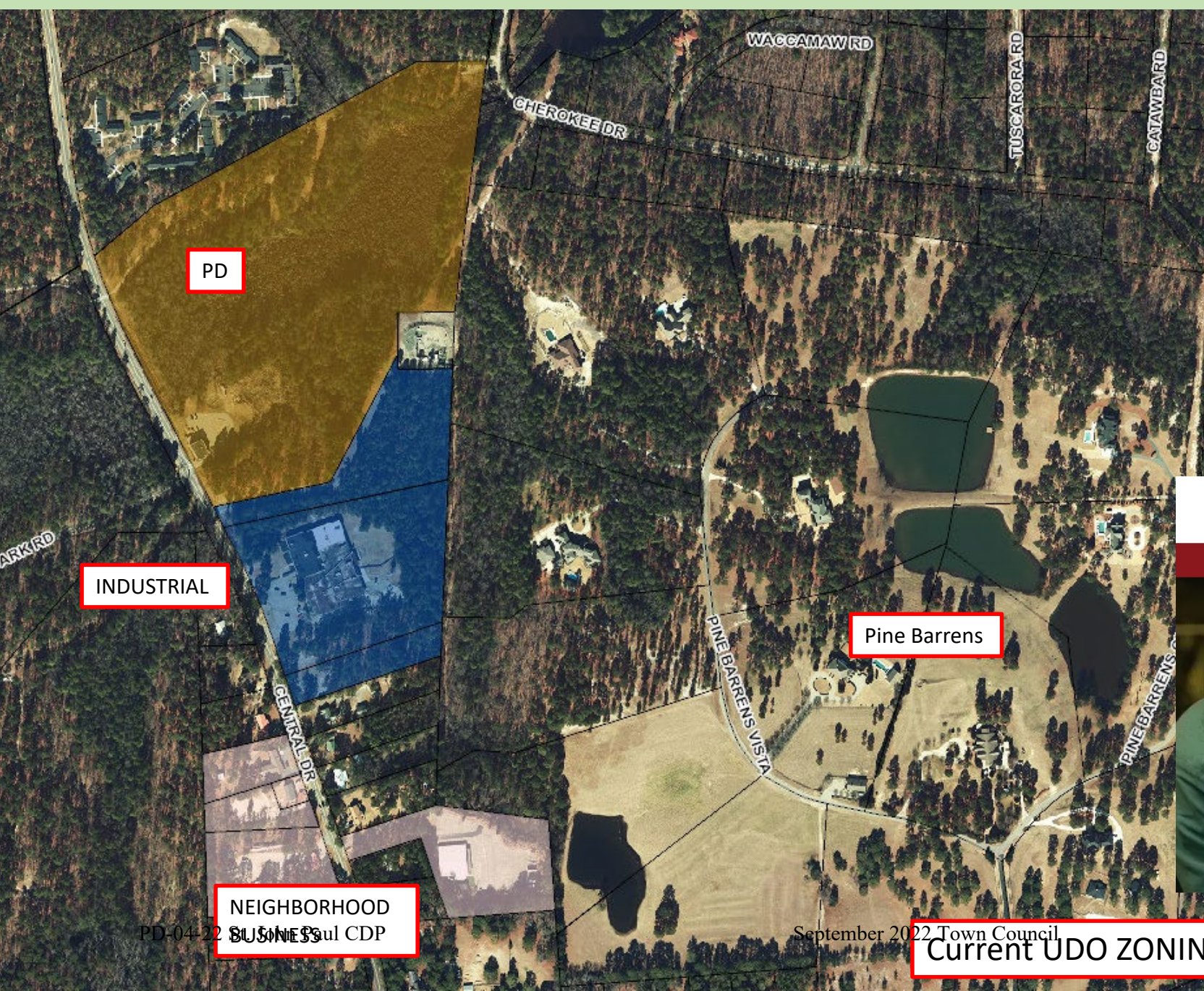
September 2022 Town Council

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

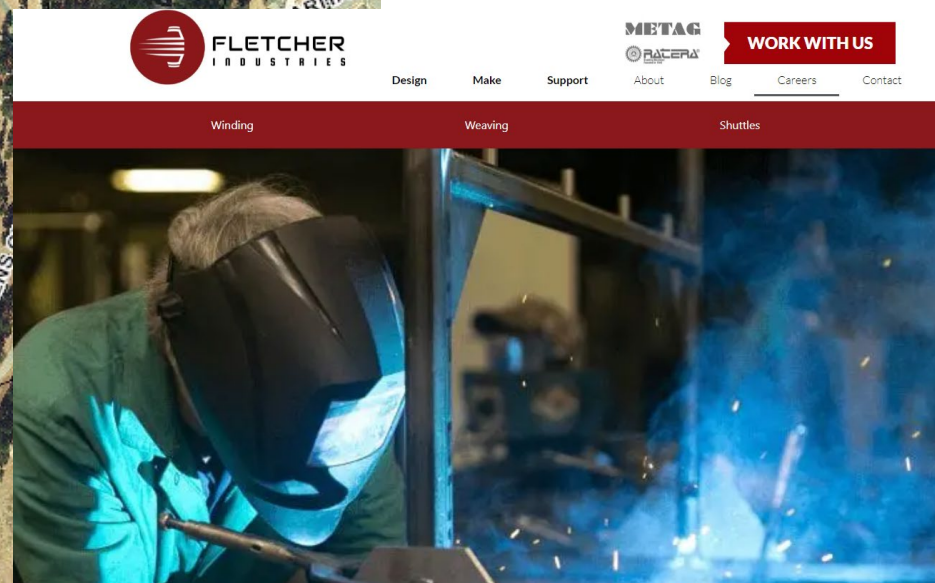


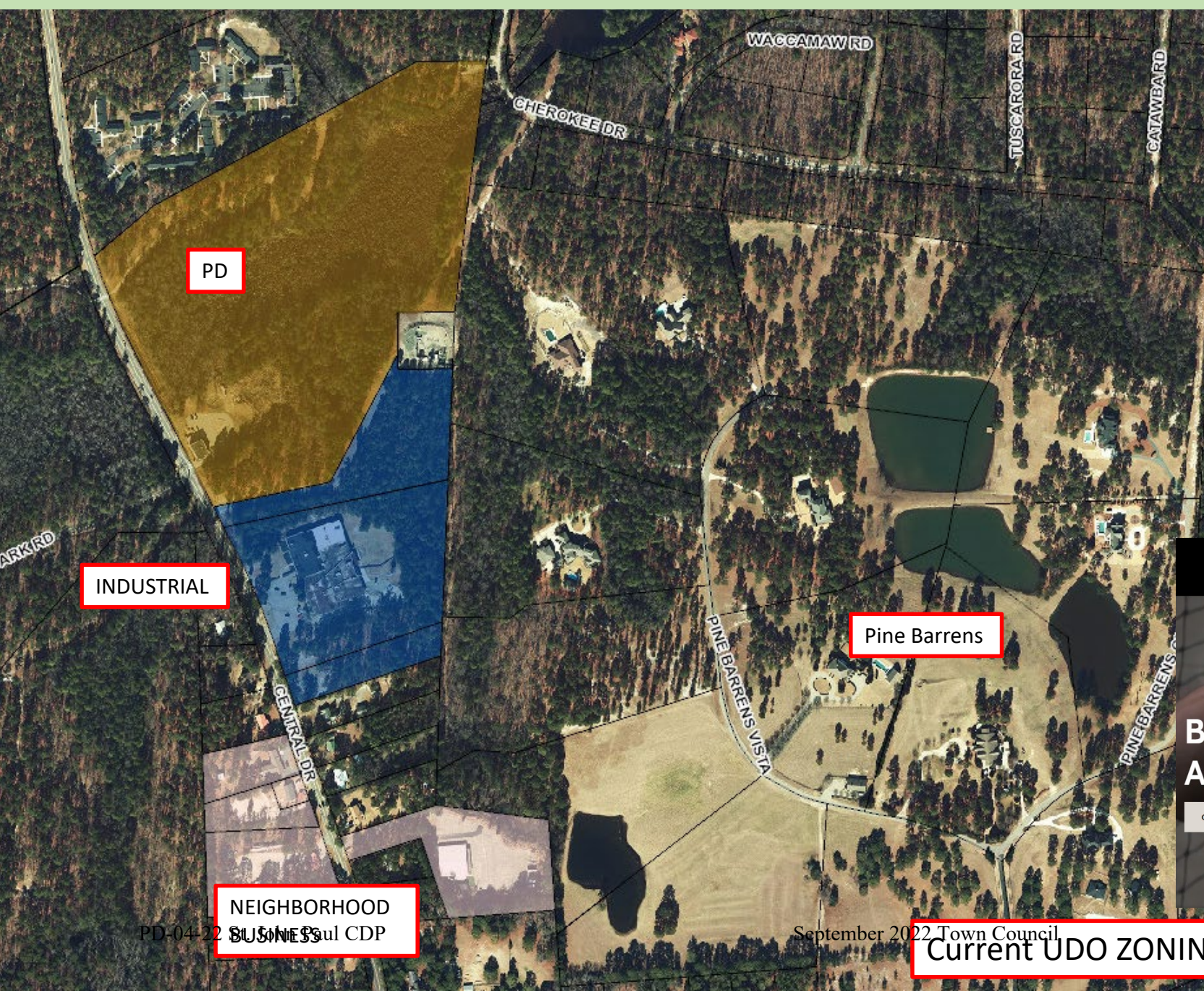
Revised CDP Site Plan / Church Development Scale, Location, and Buffering is consistent with the CLRP future land use AND current land uses AND current neighborhood based on the following:

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

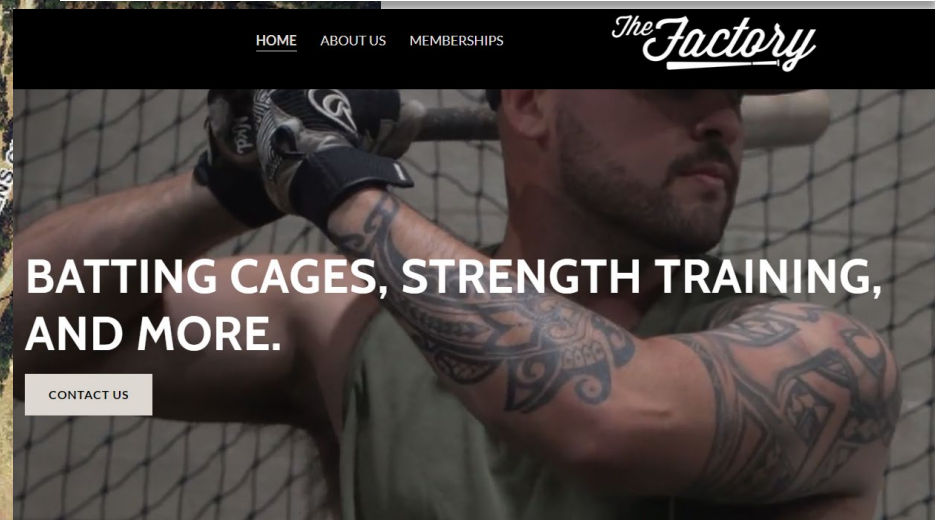


- Other EXISTING Non-Residential Zoning Districts Adjacent to Pine Barrens
- INDUSTRIAL Use
 - Fletcher Industrials – Metal Fabricator
 - 1485 Central Drive
 - 60,000 sf Manufacturing Facility
 - 8 acres w/ 21,000 sf paving
 - *Facilities ALL PREDATE Pine Barrens Development.*
 - *NO Required Buffers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





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



2.18.4(H) Conceptual Development Plan Criteria

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

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

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

Institute of Transportation Engineers

Elementary School
(520)

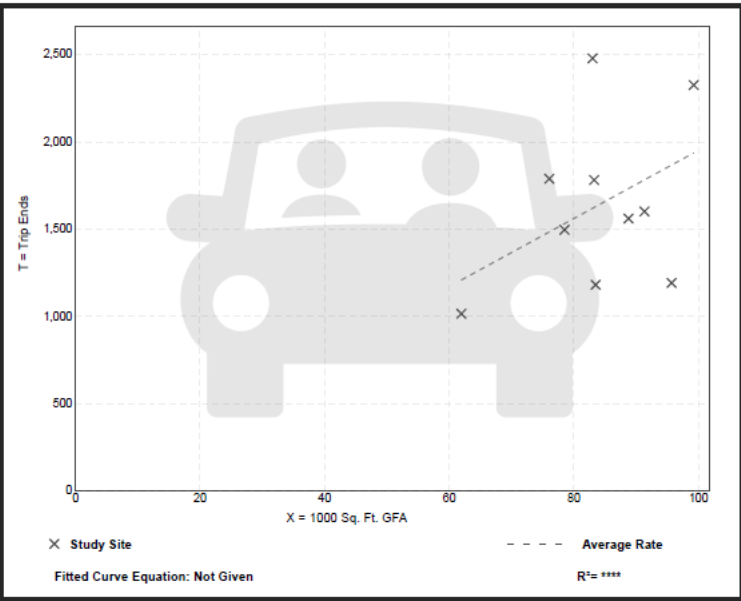
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

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

Vehicle Trip Generation per 1000 Sq. Ft. GFA

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

Data Plot and Equation



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

Church
(560)

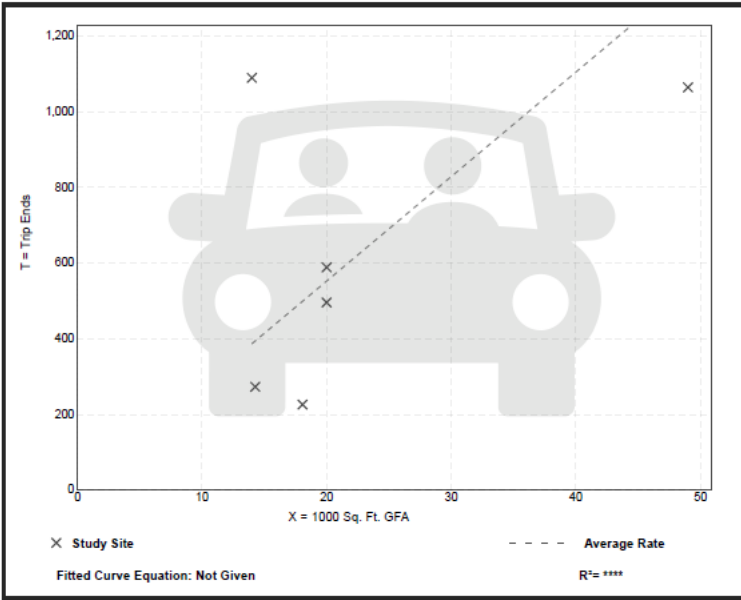
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Sunday

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

Vehicle Trip Generation per 1000 Sq. Ft. GFA

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

Data Plot and Equation



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

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

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

Elementary School
(520)

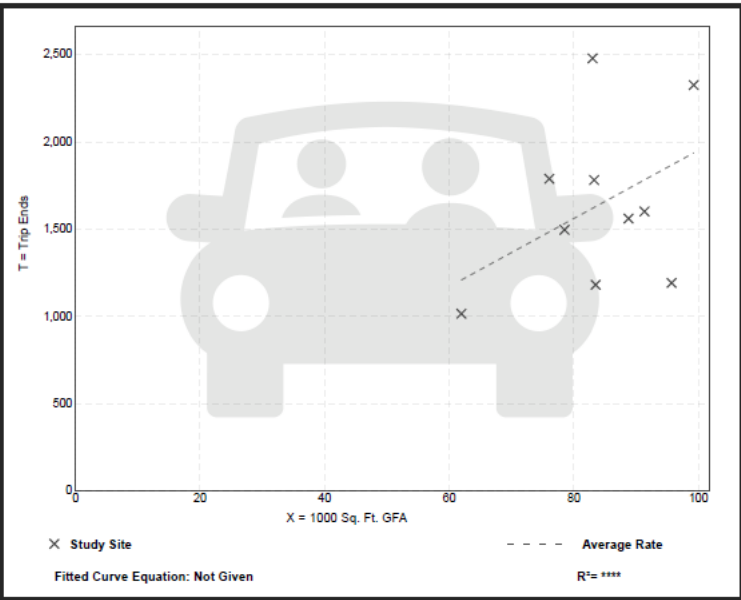
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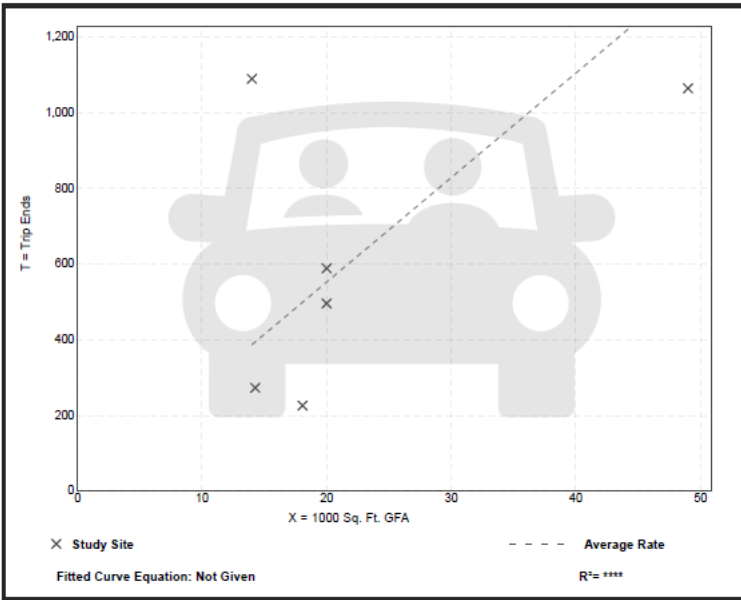
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-
- McDeeds is 800 students and lists 89 employees
 - 89 employees generation 178 trips per day
 - If 1/4 of the students are Parent Drop Off = 200 students x 4 trips = 800 trips per day
 - 600 students on buses (60 per bus) = 10 x 4 trips = 40 trips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

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

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

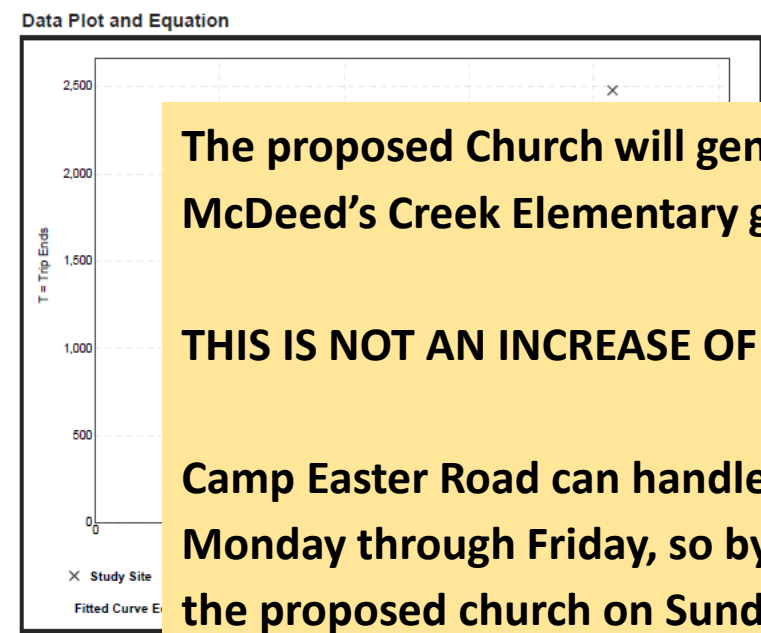
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Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA		
Average Rate	Range of Rates	Standard Deviation
27.63	12.51 - 77.86	19.39



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.

- Current ITE Standard Trip Generation Rates
 - Elementary School Weekday
 - Average Rate is 19.52 trips per 1,000 sf
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ATTACHMENT A

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

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

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

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

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

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

Findings from Planning Board:

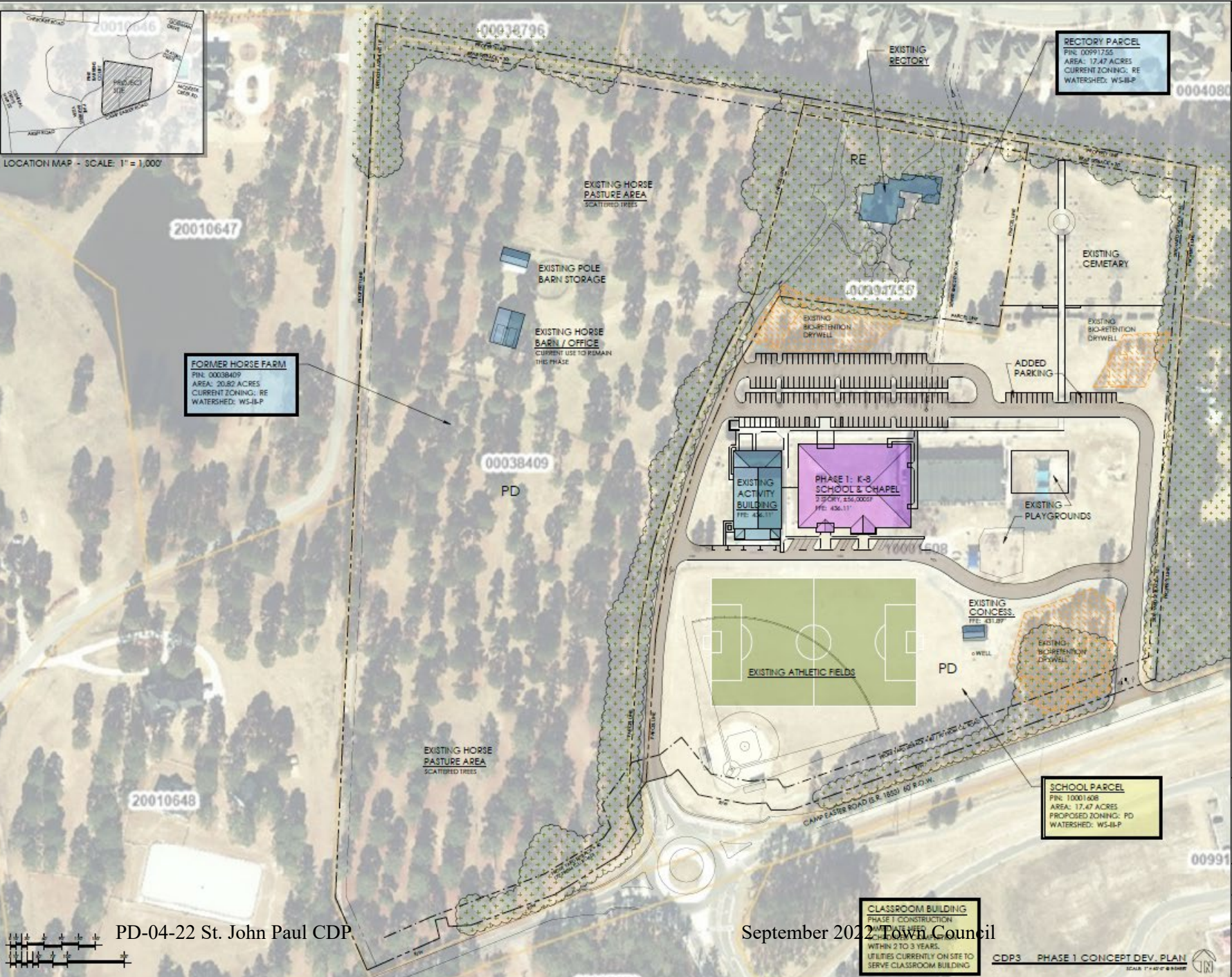
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- 4) Scale, Location, Buffering issues of the future church development "could be inconsistent with the residential future land use designation."
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Answering Planning Board's Identified Findings:

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

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

REVISED CDP SITE PLAN



the BOGLE FIRM
ARCHITECTURE

110 N. MAIN ST. SALESBURY, NC 28144
pelle@boglefirm.com
www.boglefirm.com
DATE: 2007.04.30.2015

PUBLICATION OF THIS SET OF PLANS CONSTITUTES AN ASSURANCE OF THE FIRM'S PROFESSIONAL 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: DBS
CHECKED BY: DBS
DATE: 4.12.22
PROJECT #:

SHEET NUMBER
CDP3
OF: 6

PD-04-22 St. John Paul CDP

September 2022 Town Council

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

CDP3 PHASE 1 CONCEPT DEV. PLAN
SCALE: 1" = 40' @ BORDER



the BOGLE FIRM
ARCHITECTURE
 110 N. MAIN ST. SUITE 200
 SALISBURY, NC 28144
 704.638.3015
 704.638.3015
 PUBLICATION OF THIS OR PART OF THESE DRAWINGS OR ANY INCLUDED DETAILS MUST BE WITHIN 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

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

PD-04-22 St. John Paul CDP

September 2022 Town Council

CDP4-01 OVERVIEW CONCEPT PLAN
 SCALE: 1" = 100' @ 8.5" X 11"

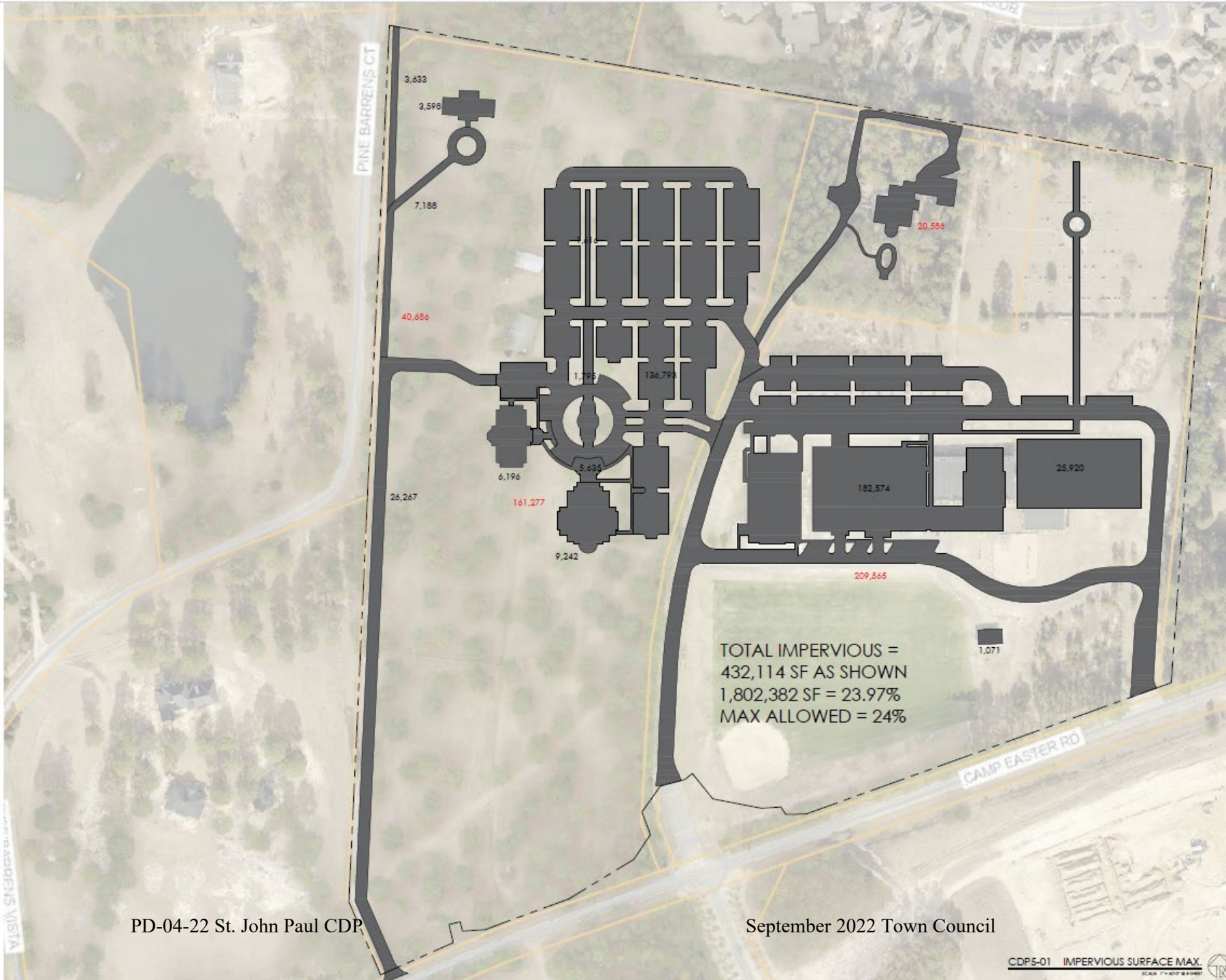
IMPERVIOUS SURFACES AND STORMWATER MANAGEMENT

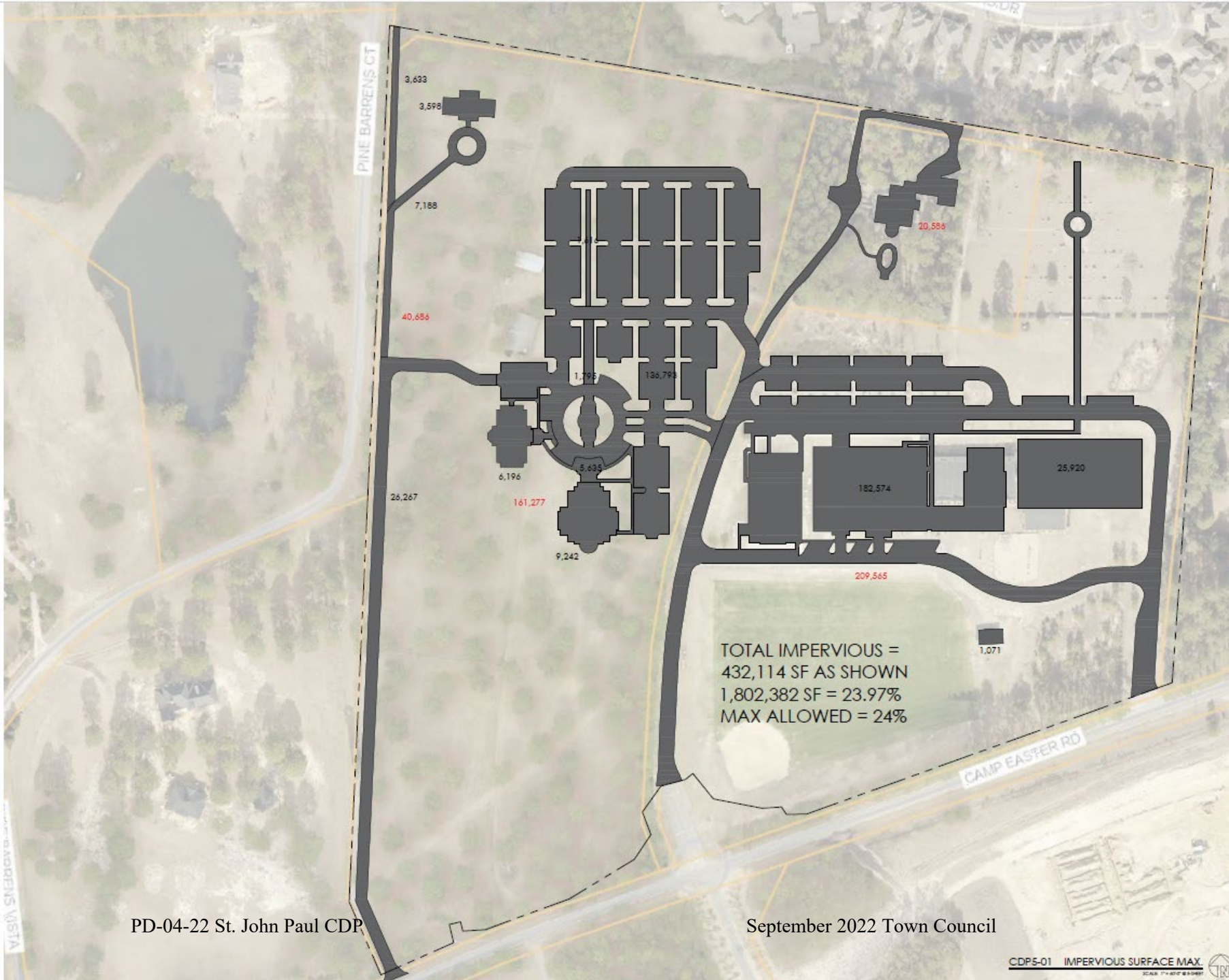
Total allowable impervious surface in
WS-III-P = 24%

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)



MATURE PINE TREE COUNT

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

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

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

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

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

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

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

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

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

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

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Health care facility	6540	Maximum of 25 beds for overnight care									Z	Z			
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child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs									ZS	ZS	ZS		
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emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims									Z	Z			
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Religious Institutions	6600	Churches, temples, synagogues, mosques													
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.

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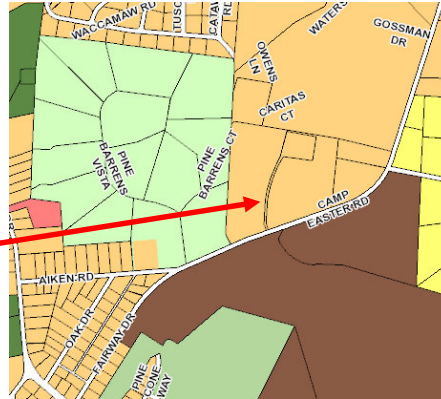
If “Church” is a Civic/Inst. Use, where does the CLRP recommend a large church be located on the Future Land Use Plan?

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CLRP 4 Future Land Use Categories

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

the nine CLRP Future Land Uses



Future Land Use Categories

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

Parks/Open Space/Public Facilities

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

Residential/Golf

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

Rural/Equestrian

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

Southern Pines Comprehensive Long-Range Plan

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

Urban Reserve

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

Low-Density Residential

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

Residential

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

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.

8, 2016

4-2

Adopted

March 8, 2016

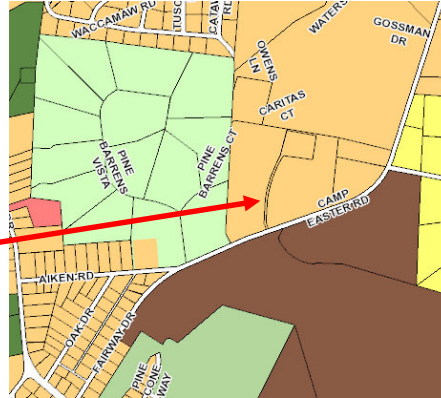
4-3

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- 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?

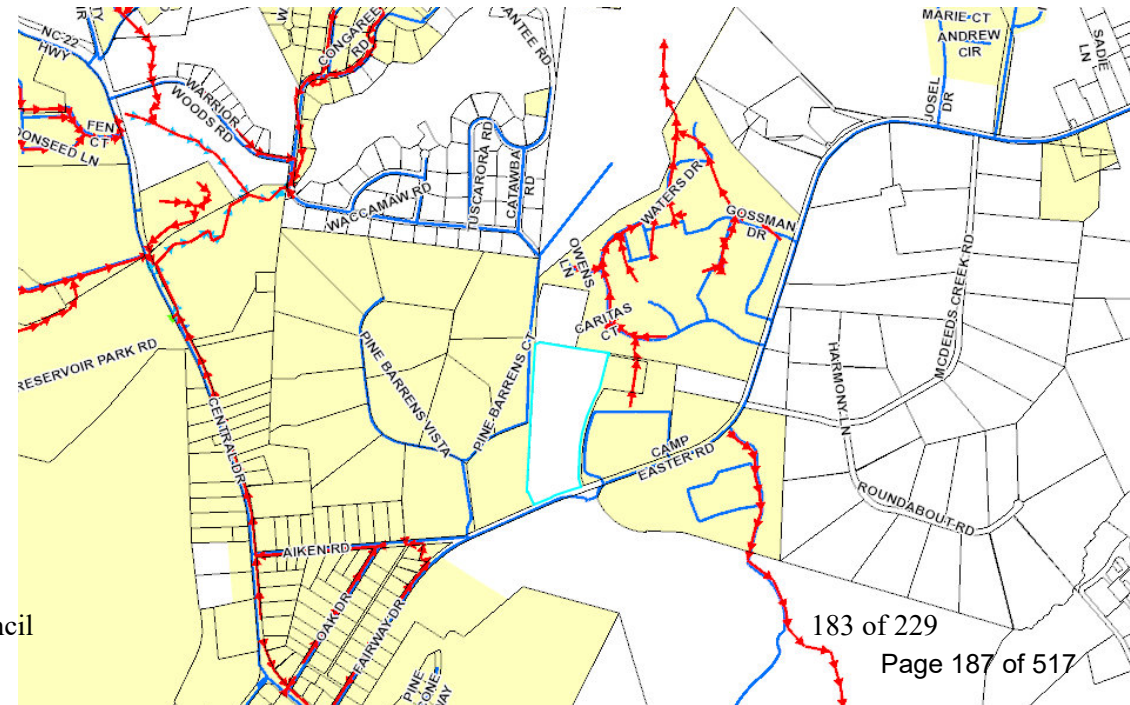
CLRP specifically states that Large Religious Institutions SHOULD BE located within Residential Neighborhoods or General Business

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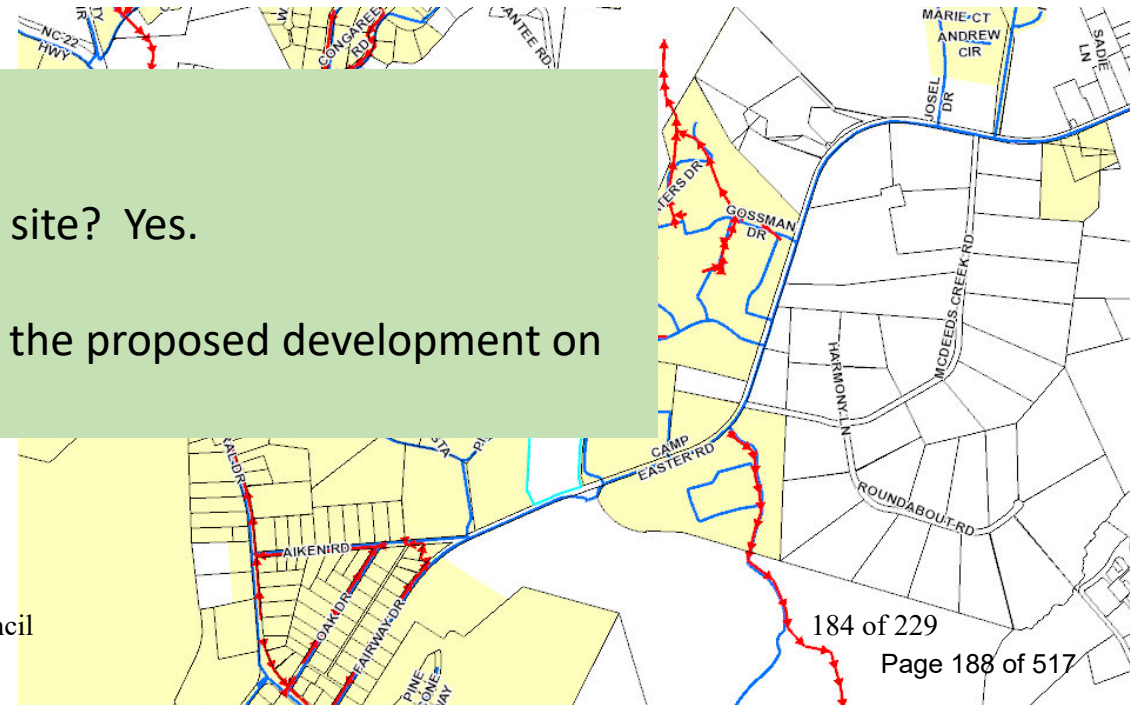
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Is the StJP2 site listed as Residential in the CLRP? Yes.

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

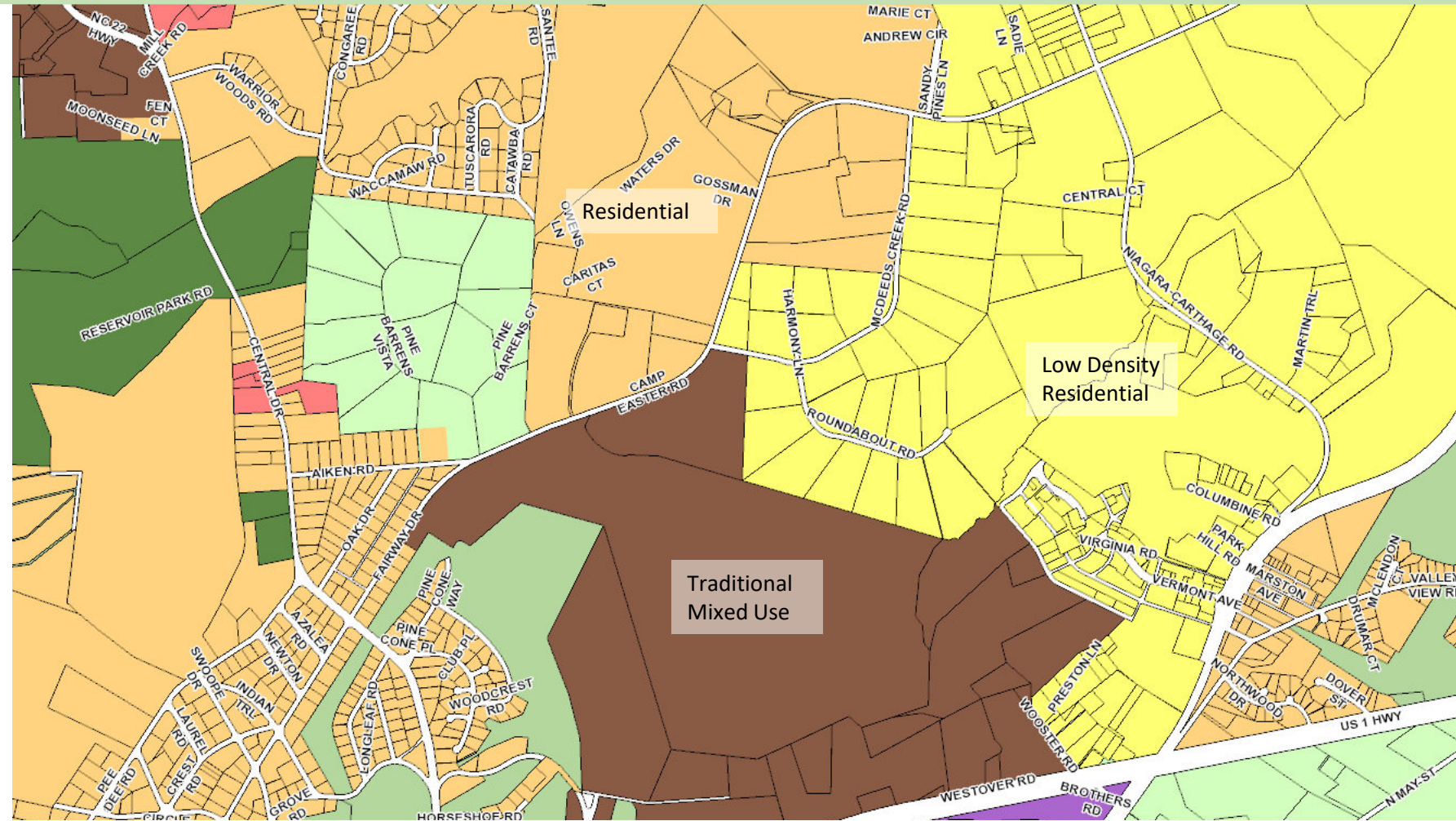


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CLRP says large churches SHOULD BE located in rural residential areas (term)

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

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



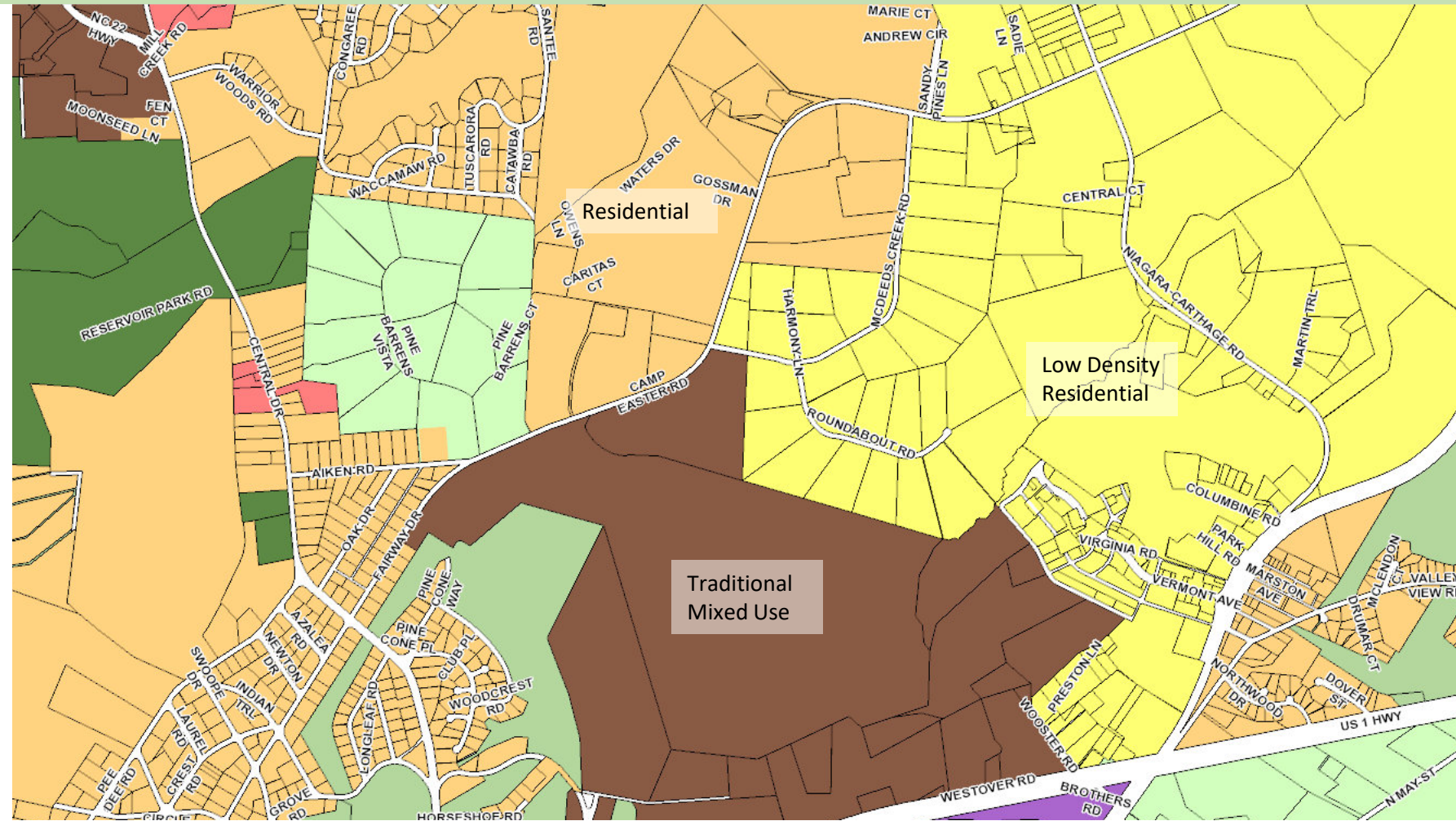
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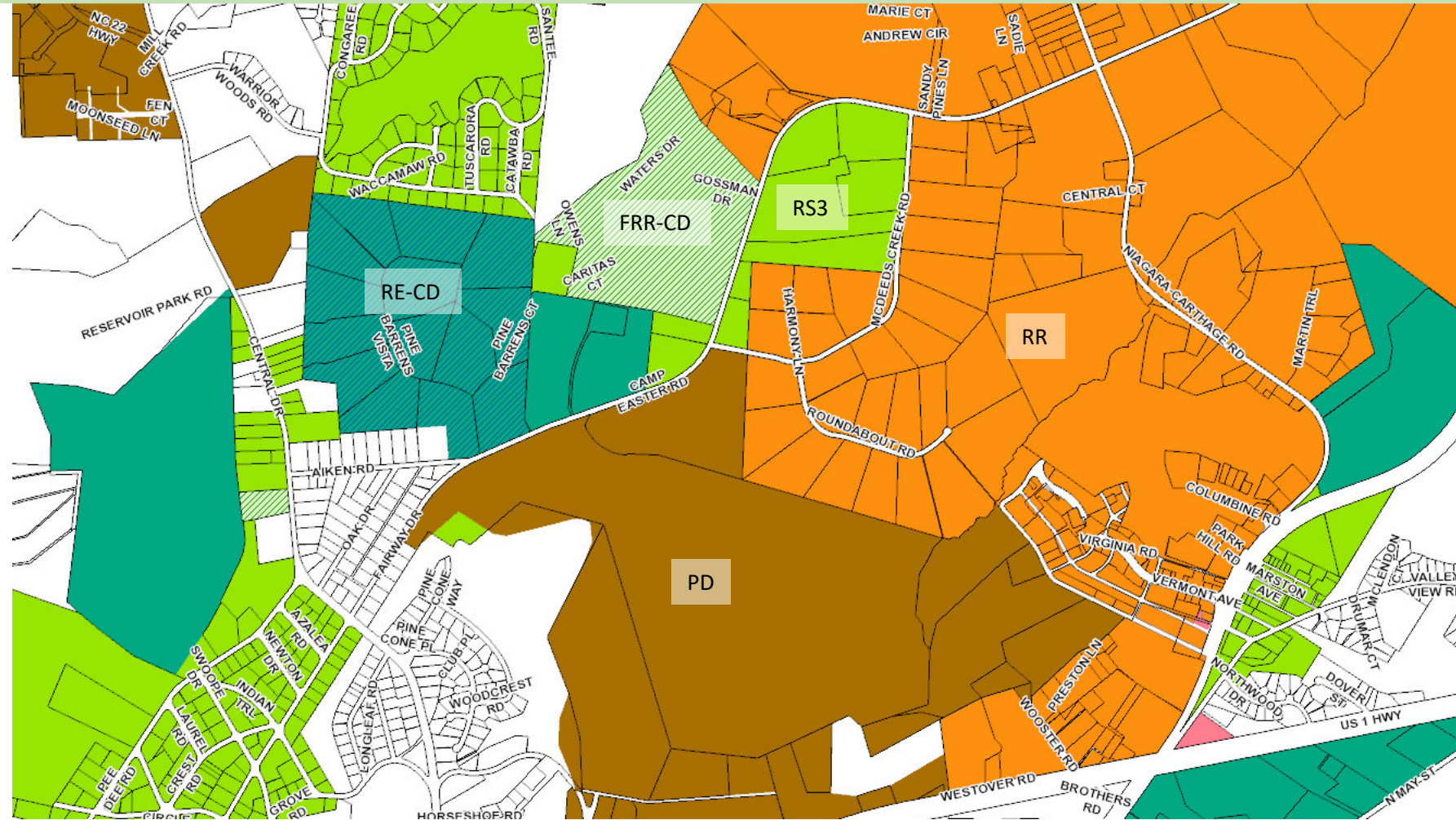
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Do not confuse CLRP “Residential” or even the use of the term “rural residential” within the CLRP document with the UDO Zoning District called “Rural Residential”



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

UDO Zoning Map

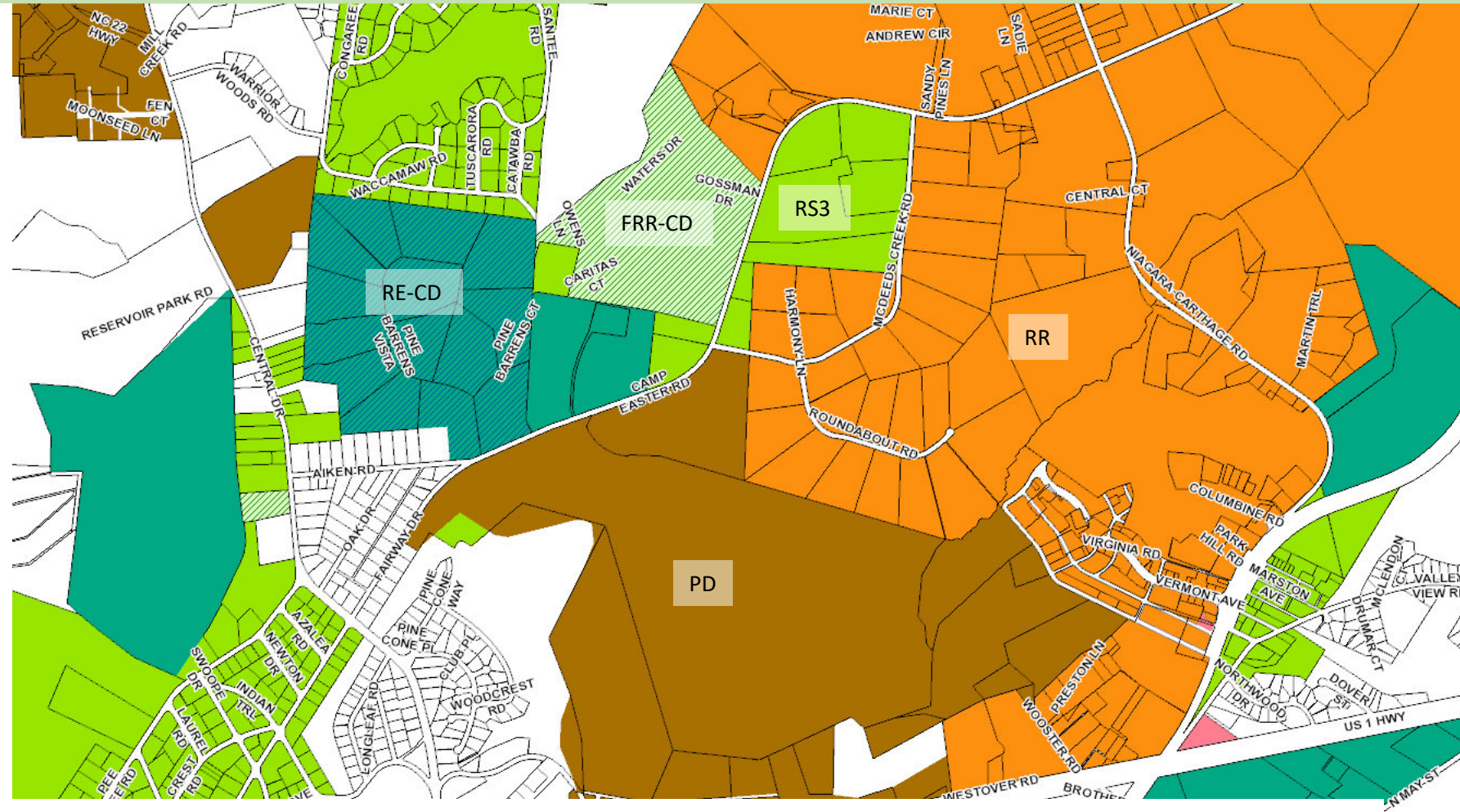


Is “Church” a Civic / Institutional Use or Commercial Use as defined by the CLRP and/or the UDO?

- 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				

UDO Zoning Map



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

- General Business = Pink
- Rural Residential = Orange



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

- PD and RR are clearly well established zoning districts within the area.

UDO – How to make a Large Religious Institution FIT

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

We address these in the submitted CDP Narrative and Design Guidelines

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

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

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

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

5.15. RELIGIOUS INSTITUTIONS

5.15.1. Authorized Locations

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

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

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

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

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

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

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UDO

2.24. VESTED RIGHTS DETERMINATION

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

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

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

Would we meet the requirements of Vested Rights?

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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...?

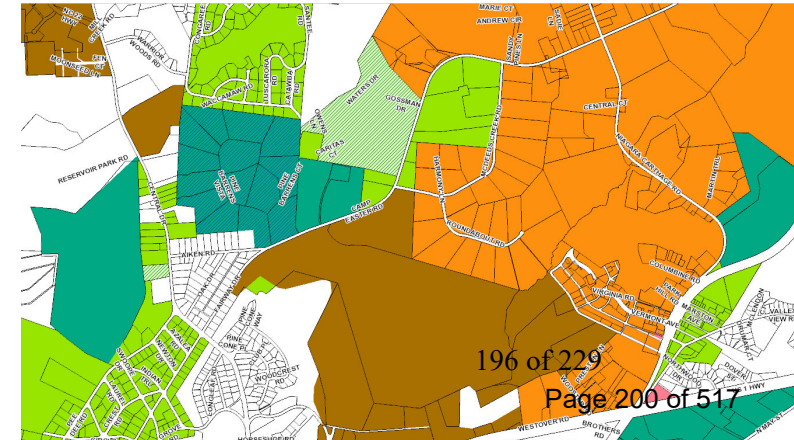
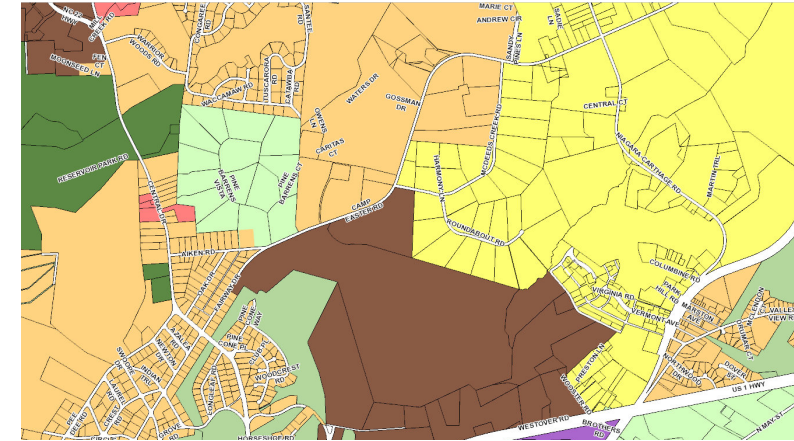
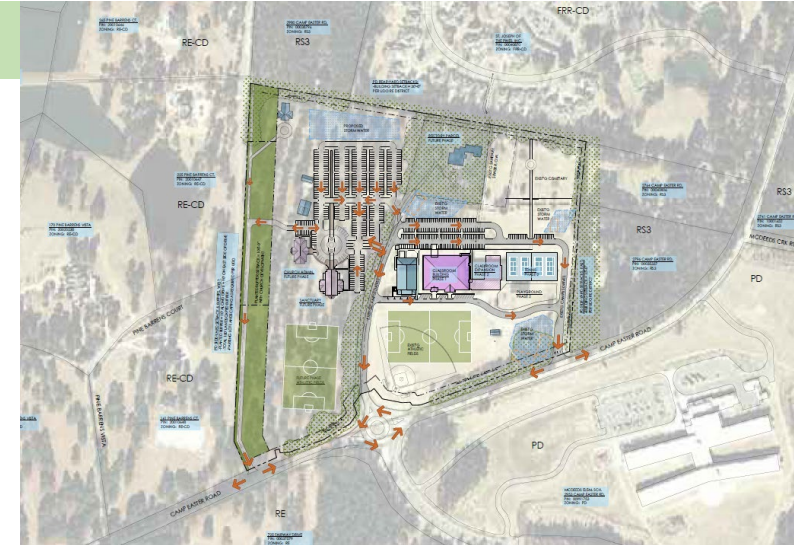
(C = Special Use ; S = Supplemental Conditions)

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

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

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

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



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

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

PD-04-22 St. John Paul CDP

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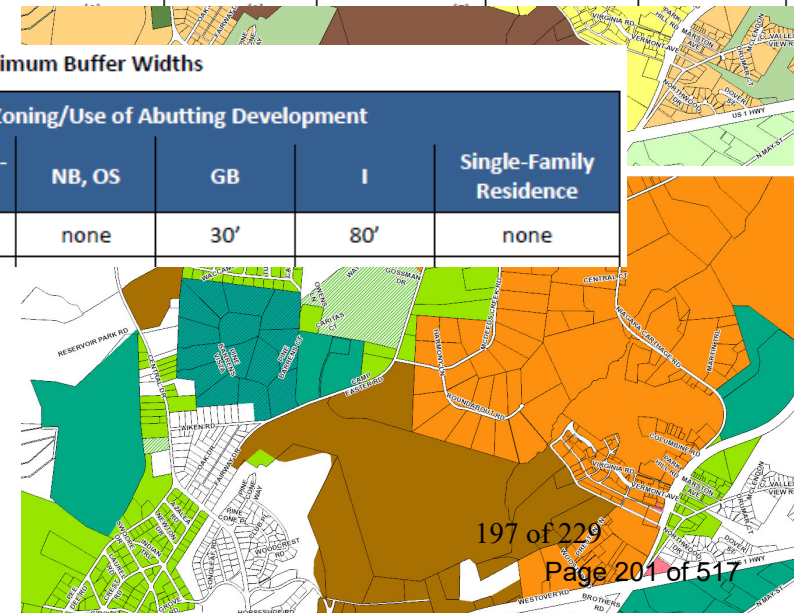


Exhibit 4-1: Building Height, Setbacks and Lot Dimensions

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



September 2022 Town Council

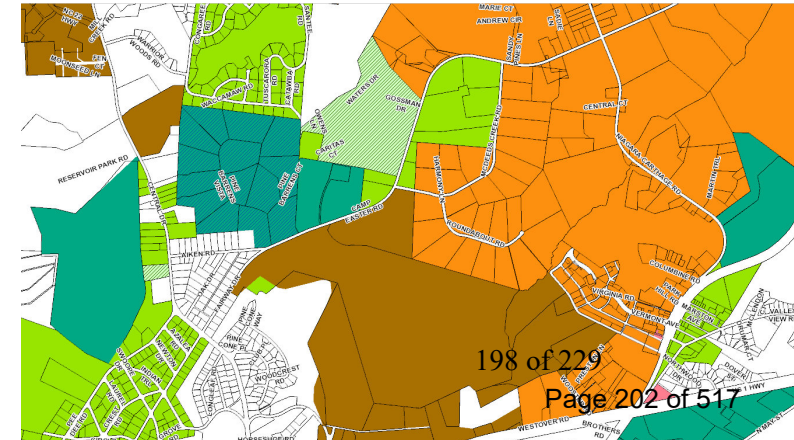
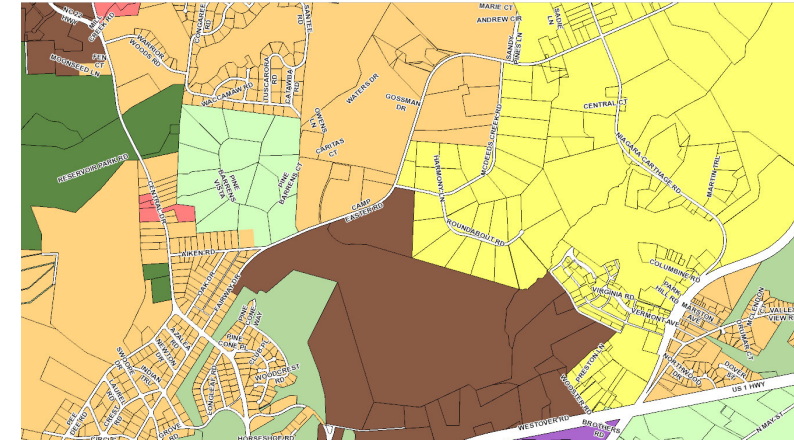
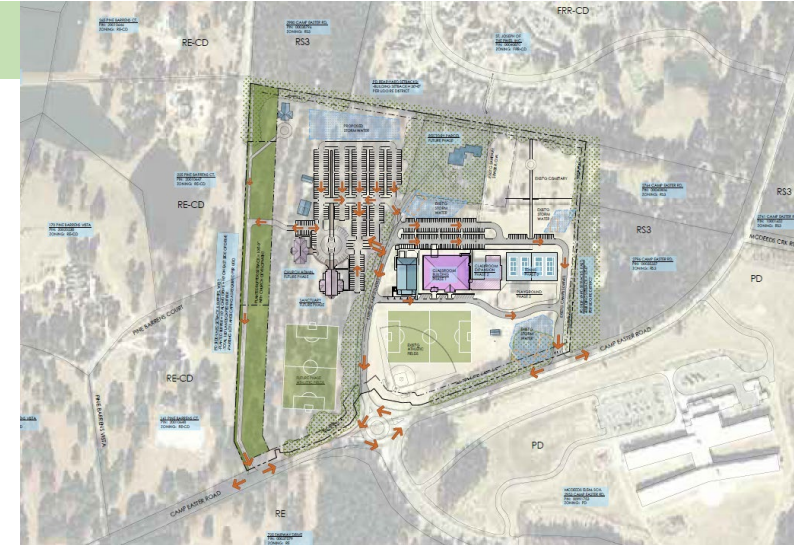
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CONCEPT DEVELOPMENT PLAN CRITERIA - SUMMARY

2.18.4(H) Conceptual Development Plan Criteria

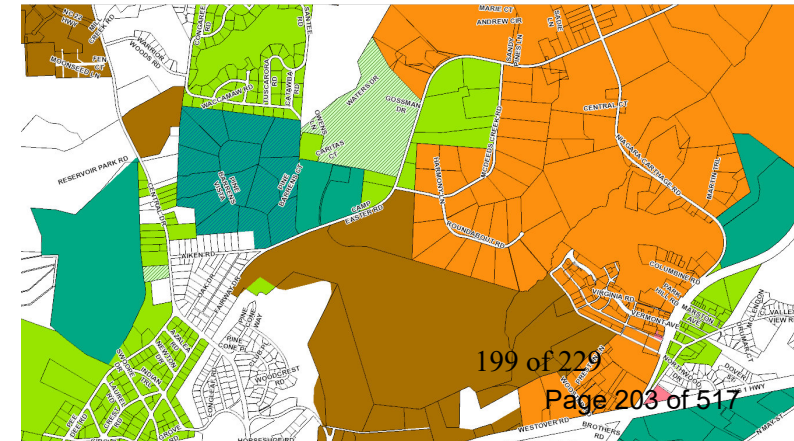
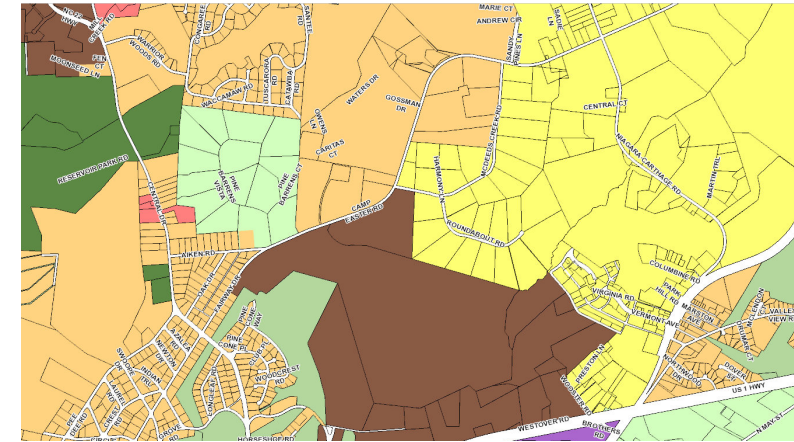
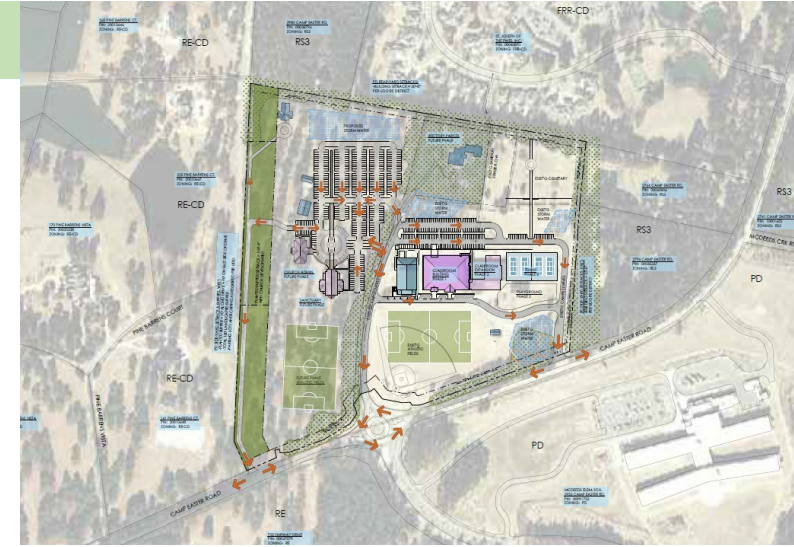
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, 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.



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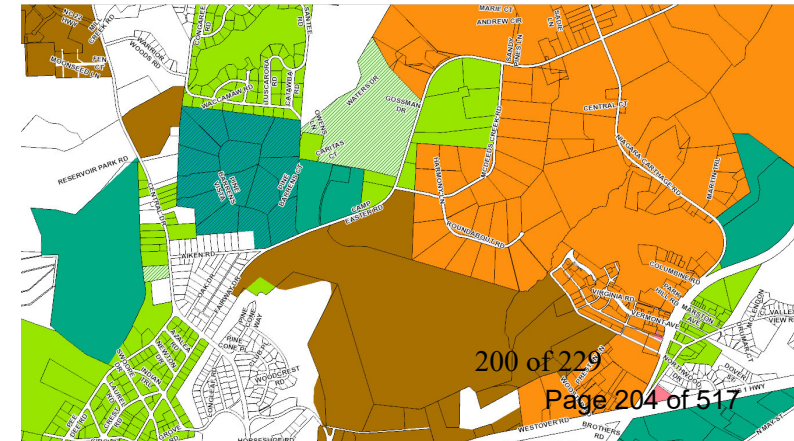
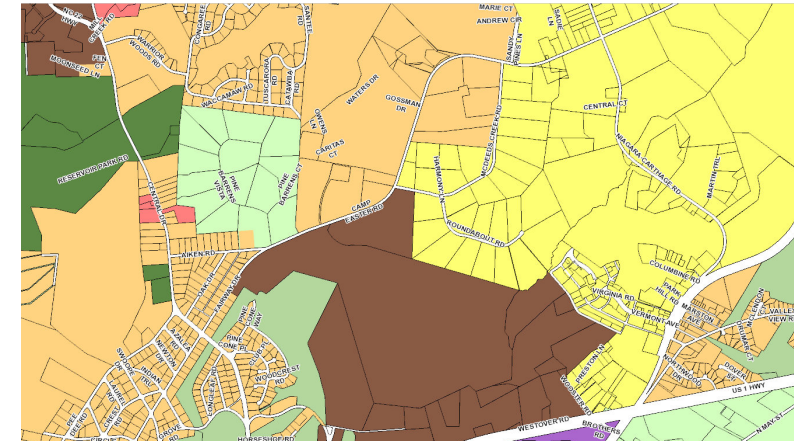
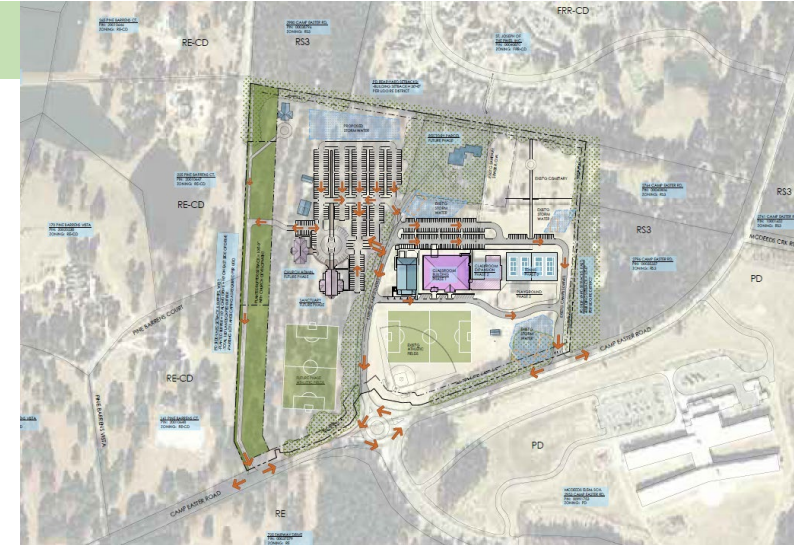
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
 - *Need for Rezoning: Existing Pre-K through 8th grade school is non-compliant with current UDO, which only allows Elementary Schools within RE district. In order to build a permanent Classroom Building and remove mobile units, property must meet current UDO standards. Southern Pines Planning staff recommend rezoning to Planned Development (PD) as is consistent with the recently PD rezoned McDeed's Creek Elementary School directly across Camp Easter Road from the St. John's property. PD will establish zoning criteria to direct future phases of development on the entire 42.2 acre property.*
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town;
3. The proposed Development is appropriate for the area of the Town in which it is located; and
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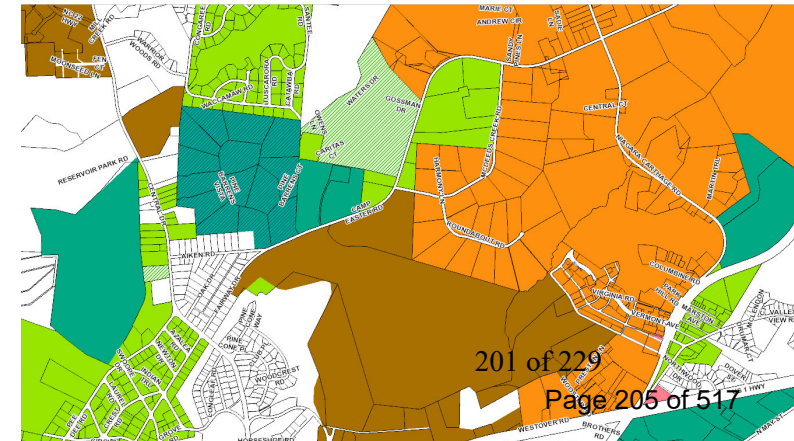
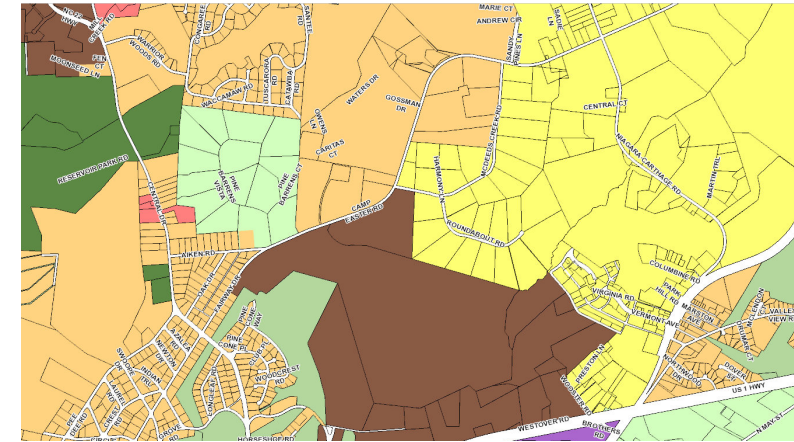
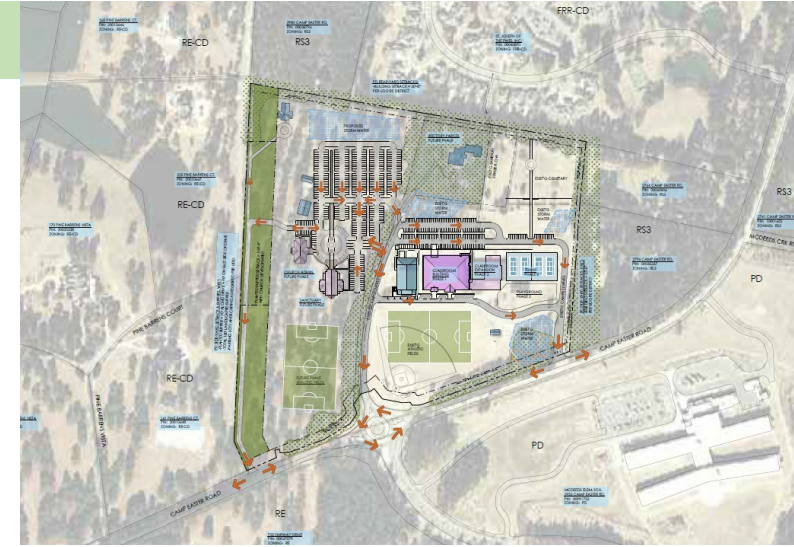
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 - The CDP district supports the existing St. John Paul II Catholic School and provides UDO compliant means for expansions through master planned and phased growth.
 - The CDP limits the potential uses of the site to only those listed within the PD 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
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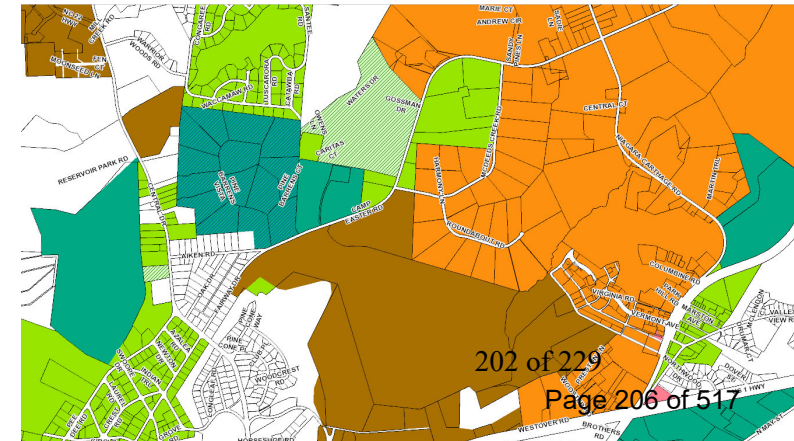
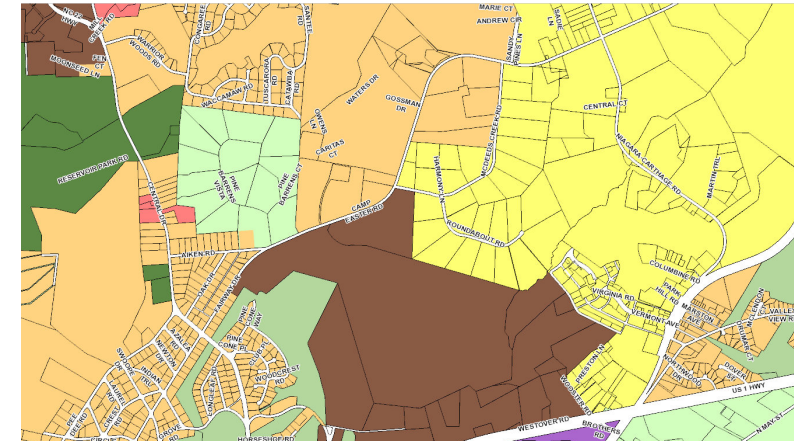
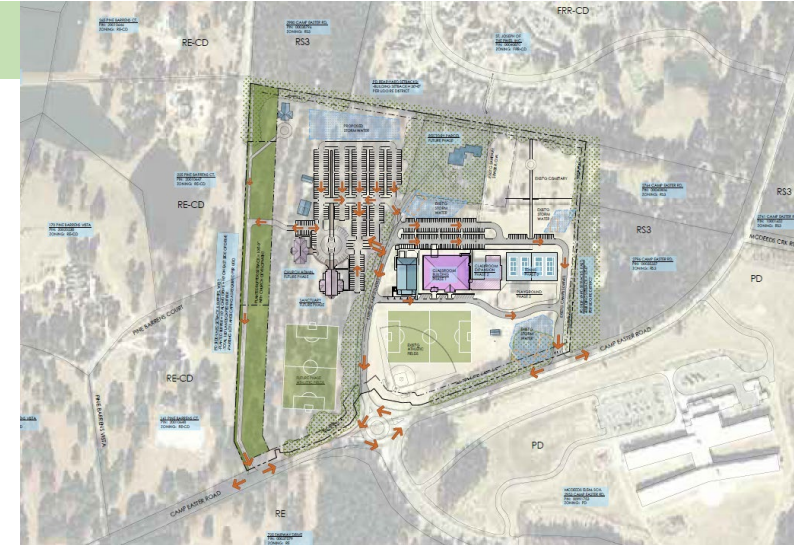
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3. The proposed Development is appropriate for the area of the Town in which it is located; and
 - *The School Development portion of this CDP proposes expansion of the existing Pre-K through 8th grade school. McDeed's Elementary School was recently constructed directly across Camp Easter Road from the St. John Paul II site, thus supporting that area is appropriate for educational facilities.*
 - *Development of a Catholic Church adjacent to the Catholic School is a reasonable and congruous use within the 42.2 acre total site. The proposed future church facilities are an appropriate use within the developing residential zoned neighborhoods. Churches traditionally serve communities and thus are appropriately developed within growing residential areas. Care will be taken to assure that the future church is developed with minimal adverse effects to existing residences.*
 - *Camp Easter Road, the new traffic circle, and the planned extension road from the traffic circle, south, will be studied during the Church Development PDP to assure transportation support is adequate or to identify additional needs, remembering that traffic for Church use is heavy only at very limited times through the week, which are also generally times when other traffic is light.*
4. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.



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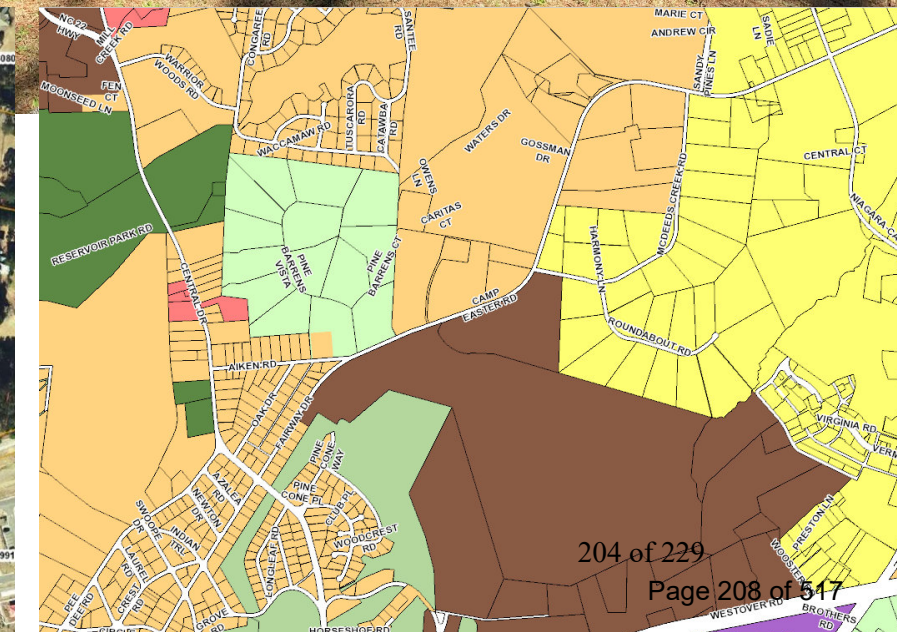
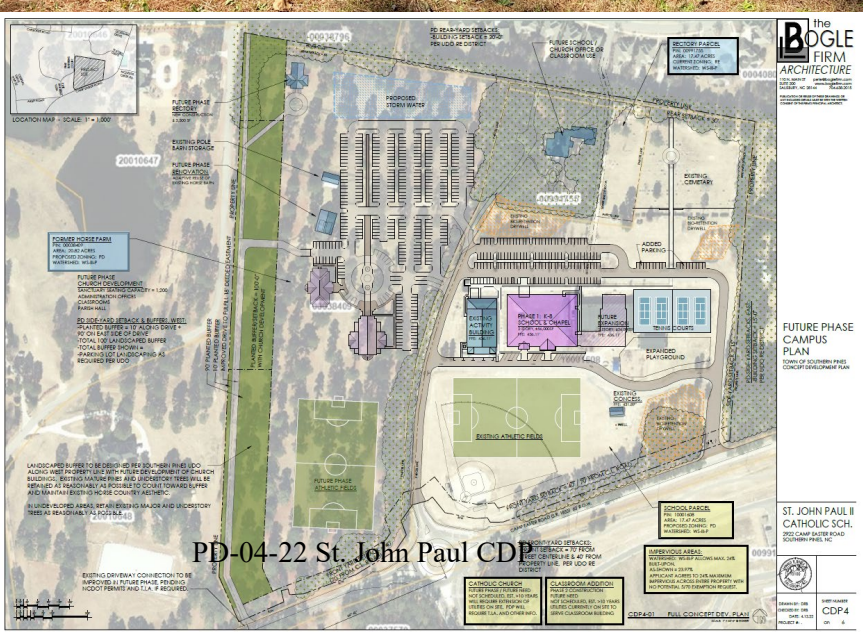
1. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
2. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program,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



SOUTHERN PINES CATHOLIC HERITAGE:

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





Southern Pines Town Council

May 10, 2022 Meeting
Public Hearing

St. John Paul II School and Church
Conceptual Development Plan

Neighbor Opposition to CDP Application & Analysis of UDO and CLRP

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

Prepared on behalf of: Jim and Fran Currey
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LEGEND

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

I. Unified Development Ordinance

Ch. 2 Development Processes

2.18. Planned Development

2.18.4. Conceptual Development Plan

2-25

(H) Criteria¹

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

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

2.17.9. Criteria for Zoning Map Amendments²

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- None submitted.

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

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

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

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

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

2-22, 2-23

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2-27

Ch. 3 Zoning

3.5. Conventional Zoning Districts

3.5.1. RE – Rural Estate

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

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

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

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

3-4

3.5.14. PD - Planned Development District

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

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

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

...

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

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

...

(F) General Provisions

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

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

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

3-19 to 3-22

5.15 Religious Institutions

5.15.2. Special Requirements for Existing Religious Institutions in Certain Districts

- (A) Existing religious institutions that are not authorized shall be considered conforming uses for purposes of reconstruction or expansion, subject to the provisions of this section.
- (B) All new or expanded structures for principal or accessory uses shall be located on a contiguous site.
- (C) Parking for all new or expanded structures for principal or accessory uses shall be located on a contiguous site except that required parking cannot be accommodated on the site may be satisfied by:
1. Parking on an existing parking lot that complies with the UDO requirements for shared or satellite parking. For purposes of this paragraph, existing parking lots include parking lots established prior to adoption of the UDO; or
 2. Parking on a site in a GB district located within 600 feet of the entry to the religious institution; or
 3. Parking on a site further than 600 feet from the entry to the religious institution and the institution establishes and agrees to maintain a shuttle service from the remote parking area.

5-16

5.15.4. General Requirements for Accessory Uses

- (A) Accessory uses shall meet the following requirements:
- (B) Accessory structures and uses shall meet the setback and buffer requirements that apply to the principal structure(s).
- (C) Accessory uses shall be governed by other provisions of these regulations for the underlying district. Where accessory uses such as television stations, radio stations, printing presses, or sports complexes are forbidden in association with nonreligious uses, they shall also be forbidden in association with religious uses. This provision shall in no way restrict accessory use family life centers and multipurpose facilities, a part of whose function may include recreation and sports activities.
- (D) The accessory use shall be owned and operated only by the owner of the primary use.
- (E) The facility housing the accessory use shall meet all local, State or federal standards.
- (F) The owner of the primary use shall obtain any licenses required to conduct the accessory use. Any approval of the accessory use shall be contingent upon receipt of all licenses.

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

(H) Except in the **RR** and **GB** districts, **the following activities shall be prohibited in association with religious institutions:** retreat centers; overnight lodging facilities or other temporary sleeping quarters; **and any use not specifically identified as an allowable accessory use.** Notwithstanding the prohibition of overnight lodging, one (1) residential dwelling unit may be provided as a parsonage pursuant to paragraph J.

(I) Child day care, adult day care, preschool or child nursery uses are allowable accessory use subject to the following standards:

(1) The total floor area allocated to the child day care, adult day care, preschool or nursery Uses shall not exceed ten (10) percent of the total floor area on the site. The calculation of total floor area allocated to the uses shall be cumulative and shall include all child day care, adult day care, preschool, nursery facilities and related mechanical and support facilities.

(2) An off-street drop-off area for persons served by the facility shall be provided. The entrance and vehicle drop off points shall not be located on a street providing primary access to residences, unless such street is classified as a collector or arterial.

(J) A fellowship hall is an allowable accessory use subject to the following standards:

(K) Dining, including dining open to the public as a “soup kitchen,” is permitted between the hours of 8:00 a.m. and 10:00 p.m., provided:

(1) The owner of the religious use ensures that meal recipients remain on the site except during travel to and from the fellowship hall; and

(2) No consideration or value of any kind is given, directly or indirectly, in exchange for the meal.

(L) The total floor area allocated to the fellowship hall, including related mechanical and support facilities, shall not exceed twenty (20) percent of the total floor area on the site.

(M) The entrance to the fellowship hall shall not be located on a Street providing primary Access to residences, unless such Street is classified as a collector or arterial.

(N) One (1) residential Dwelling Unit is allowable to serve as a parsonage, subject to the following standards:

(O) A minimum Lot area for the Dwelling Unit (“parsonage lot”) shall be 6,000 square feet. The parsonage lot shall be used exclusively for the Dwelling Unit and shall not include any primary or other accessory use allowable on the site. the parsonage lot shall not be used for any

support activity to the primary or accessory uses, such as outdoor play areas, storage or parking, other than as specifically provided below.

- (1) Two (2) parking spaces shall be provided within the parsonage lot.
- (2) The maximum building height on the parsonage lot shall be thirty-five (35) feet.
- (3) The parsonage lot may contain children's outdoor play equipment, in a size and quantity typical of a single-family residential use.

5-16 to 5-18

9.3. *Definitions*

Building, Accessory or Accessory Structure: A building or structure that is located on the same Lot as a Principal Building or Structure, used incidentally to a Principal Building or used for purposes that are secondary the Principal Use of the site. For example, a storage shed is considered an Accessory Building when located on a Lot with a Single-Family residence.

Building, Principal or Principal Structure: The building or structure on a Lot that houses the Principal Use. For example, in the example for the previous definition, the Single-Family home would be the Principal Building

Compatible/Compatibility: A condition in which land uses or conditions can coexist in a relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition. Compatibility does not require homogeneity, but does consider the relative scale, design and intensity of nearby structures, uses and activities.

Light Pollution: Any adverse effect of manmade light including, but not limited to, Light Trespass, up-lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky; often used to denote urban sky glow.

Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.

Special Events: Temporary, organized events that:

- (A) Run no longer than two weeks;
- (B) Are intended to or likely to attract substantial crowds; and
- (C) Are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Use, Accessory: A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

Use, Principal: The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

II. Comprehensive Long-Range Plan

Chapter 1: Introduction

Purpose

This Plan is a guide for local decision-makers to help Southern Pines grow and prosper.

Pressures have emerged that seem to threaten the very qualities that have defined Southern Pines for so many years – qualities most residents hope never to lose.

This updated Plan addresses those concerns and identifies opportunities to ensure that change and preservation efforts improve the quality of life for the Town's residents over time.

1-1

Using This Document

The roles of this Plan are to:

- Articulate a common vision, goals and policies that serve as an agreement with the public and establish expectations regarding the Town's actions;
- Guide elected . . . leaders as they make decisions about . . . specific development projects

1-5

Chapter 2: Community Vision, Goals and Policies

The vision may be considered the foundation for everything else in the Plan.

Goals describe desired outcomes or broad public purposes that policies and strategies are intended to help to achieve.

Policies provide operational guidance by describing how the Town will respond to certain circumstances

The Future Land Use Map (FLUM) guides for future zoning and public improvement decisions. The FLUM is intended to be used in concert with the vision, goals and policies to determine whether a specific zoning category is appropriate in time and location

2-1

Goals

While each goal is written as a directive to the Town, most of the goals can only be achieved through coordination with other public and private entities, including the Town's residents and business owners.

- **G-1. Community Well-Being.** Improve the personal health and security of our residents and **promote neighborhoods** and commercial areas **that are safe, secure and healthy**.
[Note: for purposes of this goal, security encompasses both physical and financial security. **Health refers to physical health and mental health**, which includes opportunities for life-long learning.]
- **G-4. Neighborhoods.** **Protect and enhance the civic vitality, function, stability and character of Southern Pines** commercial and **residential neighborhoods**.
- **G-10. Economy.** Achieve a sustainable, resilient, balanced economy, providing community prosperity and fiscal health.
- **G-13. Growth.** Ensure that services, facilities and land resources accommodate anticipated growth **while enhancing the quality of life for Southern Pines' residents**.
- **G-14. Community Involvement.** Involve the community in public decision-making processes to help achieve the Town's vision and goals.

2-6, 2-7

Policies

The following policies are intended to guide the Town's decision-makers as they allocate resources, act on development proposals, create or modify regulations, enter into agreements for the provision of services or public facilities and take other actions affecting the short-term and long-term future of Southern Pines.

- **P-2. Neighborhoods.** **Ensure that new development and redevelopment are compatible** with the overall **scale**, architectural, transportation and public-space characteristics of the neighborhood in which it occurs.
- **P-4. Future Land Use.** **Use the future land use map** in Chapter 4 of this Plan **as a guide for zoning decisions**. Recognizing that the **map accommodates projected growth through the year 2040**, decisions to approve zoning map amendments, proposed development and infrastructure extensions need to consider both the proposed future land use and whether the timing of the action is consistent with the Town's other goals and policies.

2-7, 2-8

Chapter 3: Community Design

Community Design Issues

This section describes community design challenges that will face the Town as it implements this Plan. These issues are intended to help the Town balance competing objectives as it makes decisions about specific regulations, development proposals and resource allocation decisions.

3-3

Protecting Neighborhood Integrity and Vitality

One of the key concerns for residents is ensuring that growth and change do not degrade the quality of existing neighborhoods. In all neighborhoods, this means:

- Maintaining compatible scales and intensities of development;
- Designing and maintaining safe streets that serve motorists, bicyclists and pedestrians at appropriate levels of service;
- Preventing or mitigating potentially blighting influences; and
- Retaining trees.

In suburban areas, densities should remain moderately low and a combination of open space, buffers and limits on building scale should be used as transitions between uses.

3-3, 3-4

Chapter 4: Land Use

Context for Planning

This chapter contains a brief overview of the Town's existing conditions and lists the challenges related to land use. This chapter also describes future land used categories and includes a future land-use map that is intended to be a graphic policy to guide future land use, zoning and public facility decisions. The map generally reflects existing land use patterns in developed areas and recommends land uses in currently vacant and underdeveloped areas that are more than adequate to meet the needs of projected residential and non-residential growth through the year 2040 in a manner that is consistent with the vision goals and policies in Chapter 2 of this Plan.

Change is part of all living communities This chapter recognizes this fact, establishing a pattern of land uses that accommodates anticipated changes while preserving those essential characteristics that make Southern Pines unique.

4-1

Future Land Use Categories

Each of the categories described in this section is intended to describe a range of uses and intensities that are most appropriate for applicable areas.

- ***Rural/Equestrian***

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

- ***Residential***

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

4-2, 4-3

Future Land Use Map

The future land use map (Figure 4.5) is a graphic expression of this Plan's land-use policy. Provided to guide decisions on land use, the map reflects both current uses - categorized more generally than with the Town's zoning map - as well as uses the Town sees as conducive to the community's long-range goals. As opportunity and interest emerge for changes in land use and development regulation, the map should be referenced to ensure those changes meet overall planning goals. In contrast to the Town's parcel-specific zoning map adopted as part of the Town's Unified Development Ordinance, the future land use map is presented with soft-edged use boundaries, which are intended to identify future land use designations but at the same time reflect the fact that as policy, specific boundaries are less critical than the map's overall intent, including development type, intensities and their relative arrangement.

4-4

Land Use Issues

This section describes land use challenges that will face the Town as it implements this Plan. These issues are intended to help the Town balance competing objectives as it makes decisions about specific regulations, development proposals and resource allocation decisions.

4-6

Accommodating Projected Growth

This Plan **anticipates population and employment growth** and allocates adequate land to accommodate a diverse mix of housing, mixed-use and non-residential development required to serve the projected population.

The intent of this Plan is to **accommodate growth, while ensuring that new development and redevelopment are compatible with the desired community character of affected neighborhoods** and consistent with the resources needed to provide public facilities and services in a fiscally responsible manner.

4-6

Establishing Compatible Transitions Between Uses

Mixed-use and infill development at **higher intensities can be detrimental to neighborhood integrity** unless buildings and sites are designed so that there are compatible transitions between uses. This means that the Town will need to **ensure that in mixed-use and on parcels where land uses are transitioning, the scale, orientation and intensity of buildings is compatible with adjacent development** and that higher intensity development sites are **designed to minimize negative visual, noise and traffic impacts on neighboring properties.**

4-6

Chapter 6: Economic Development

The local economy relies on multiple economic sectors, demographic variety in employment, and entrepreneurship.

6-1

Economic Development Issues

- ***Capitalizing on Tourism.***

Tourism will continue to be an important element of Southern Pines' economy. In addition to being a nationally known center for golf and **equestrian activities**, Southern Pines serves as a regional retail center and has an Historic Downtown that is the envy of many communities hoping to attract tourism. **To capitalize on these resources, the Town should support** promotional efforts, as well as **efforts to retain their integrity.**

6-6

Appendix A: Terminology

Definitions

Aesthetic: The visual quality of a place or thing that creates the sensory experience of the sublime. A-2

Buffer: An area contiguous with a critical area, natural resource land, or urban growth area that is required for the integrity, maintenance, function, compatibility and stability of the area or land. A-3

Compatible: Capable of existing without diminishing the use or enjoyment of abutting and adjacent properties. Compatibility is not intended to be construed as homogeneity – it is intended to allow for gradual transitions in the intensity, nature, scale and design of uses. In higher intensity, mixed-use settings, design, orientation and scale can be used to achieve compatibility between dissimilar uses, in lower density areas, buffers may be used to ensure that transitions are compatible. A-3, A-4

Horse Country: That area to the east and northeast of Southern Pines, extending from Weymouth Woods, through the ETJ and into unincorporated Moore County, characterized by large estates and an overall dedication to equestrian use, culture and activities. A-6

Impacts: Consequences (both good and bad) of an action or decision that occur beyond the site under consideration. A-6

Landscaping Buffers: The separation of land uses from other land uses or sensitive environmental areas by a strip of unoccupied land, reducing potential conflicts and negative impacts by putting distance and screening between the two. A-7

Preserve: To save from change or loss and reserve for a special purpose. A-8

Viewshed: The landscape or area that can be seen directly from a defined viewpoint or along a transportation corridor. A-12

CLRP Analysis

This CDP is consistent with the Comprehensive Plan – Southern Pines’ Vision (Chapter 2) ³

- **Recreational opportunities meeting the diverse needs of residents will be met through public and private facilities and services:**

Athletic fields are currently made available to outside groups who are connected to the school or Catholic community.

Use of athletic fields in proximity to RE zoning property raises significant compatibility issues.

- **Goal G4 – Neighborhoods:**

School Development is built within the center of the existing campus and will have no adverse impact on neighboring properties. Proposed PD establishes setbacks, buffers, and landscaping requirements that minimize impact to neighbors for the Church Development phase. Traffic studies will be performed during PDP of Church Development, bearing in mind that heavy traffic for a church happens at minimal hours each week and is generally during low traffic volume days and times.

Not well-considered.

- **Goal G6 – Parks & Open Space:**

The proposed CDP maintains large open spaces to be used as athletic fields, playgrounds, and other outdoor spaces for the school. The existing cemetery will be a permanent open space.

Based on description, use of open space may be detrimental to adjacent RE properties.

³ Applicant’s verbatim responses taken from Application Appendix 3, Part A (Town Council’s April 2022 Agenda Packet pp. 31-32).

- **Goal G10 – Economy:**

The expanded school will employ more teachers, but of greater impact is that the expanded school will provide additional private schooling options to help attract more families to seek jobs within the area. Church development will have a similar economic affect.

Speculative as to the economic effect, but should be balanced with economic contribution from equestrian community, which the CLRP expressly establishes as an essential element of the Town.

- **G-13 Growth:**

The proposed School Development and Church Development will serve as a catalyst for growth of families considering a move to the area as both school and church will be able to serve a larger population.

A conclusory statement without any research or evidence. To the extent that the church and school do contribute to growth, any such value should be weighed against the growth that the Town's commitment to the equestrian community provides.



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

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

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

PIN: 858315538280, 858315635655, & 858315635197

Parcel ID: 00038409, 00991755, & 10001608

Site Size: 20.82, 3.91, & 17.47 acres

Zoning: RE

Applicant:

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

Email: fr.john.forbes@raldioc.org

Phone: 919.353.4960

Mailing Address: 300 Dundee Rd. Pinehurst, NC 29374

Authorized Agent, if different from Applicant:

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

Email: pete@boglefirm.com

Phone: 704.638.2015

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

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

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

Email: Michael.Wengenroth@raldioc.org

Phone: 919.728.7125

Mailing Address: 7200 Stonehenge Drive, Raleigh, NC 27613

Owner's Contact: Michael Wengenroth, AIA

Dir. of Property, Construction and Risk Management

The Catholic Diocese of Raleigh

1/12/22

PD-04-22 St. John Paul CDP

September 2022 Town Council

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

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

The property which is the subject of this application is located on the NORTH side of CAMP EASTER RD. (St./Ave.), between PINE BARRENS VISTA (St./Ave.) and MCDEEDS CREEK (St./Ave.). The property has a frontage of ± 1,435 feet and a depth of ± 925 TO 1,630 feet.

The request is based upon **Section 2.18** of the **Town of Southern Pines Unified Development Ordinance**.

The proposed use of the property is as follows:

Private Catholic School PreK-8th (existing use), Rectory (existing use), Cemetary (existing use),

Athletic Fields (as part of 6120 current use), Religious Institution (existing use - chapel in Rectory and School)

Religious Institution, large church (proposed future use). See below for LBCS.

Date: 5.15.22


Applicant

Proposed Property Uses:

PRIMARY USES:

Private Catholic School PreK-8th Grades (LBCS 6110, 6121, 6122, 6125)
Religious Institution (large church) LBCS 6600
Residential, single family home (Rectory) LBCS 1111

ACCESSORY USES:

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

Other uses not listed here are excluded from this PD.

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

APPOINTMENT OF AGENT

Pete Bogle, AIA
Principal Architect / Owner
Bogle Firm Architecture

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

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

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

Signed this 31ST day of January, 2022.

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

Russell C. Elway
Property Owner

Property Owner

[Signature]
Agent

8-27-21

APPOINTMENT OF AGENT

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

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

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

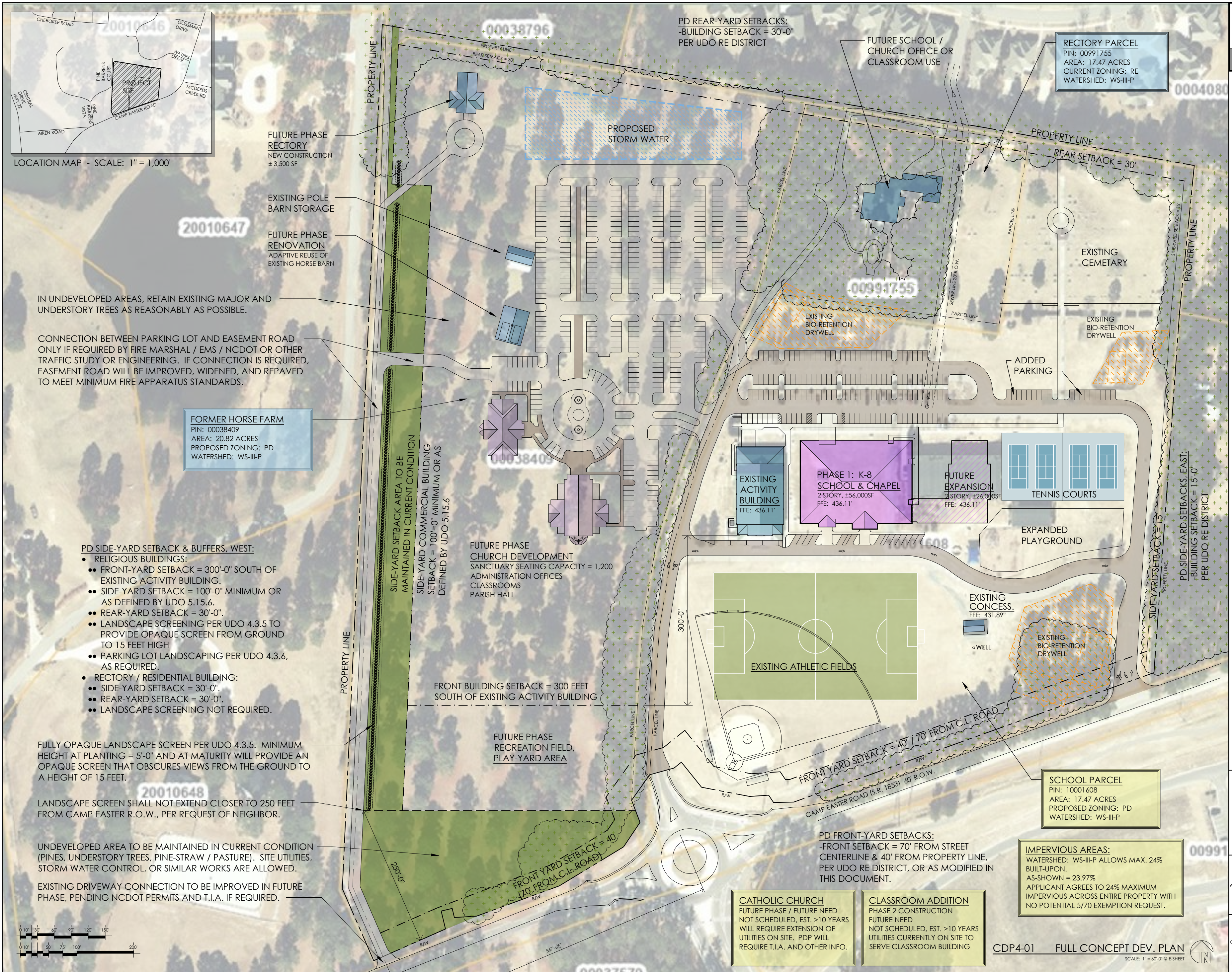
Signed this 31ST day of January, 2022.

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

Russell Celwaga
Property Owner

Property Owner

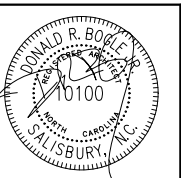
[Signature]
Agent



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: 6.7.22
PROJECT #:

SHEET NUMBER
CDP3
OF: 4

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

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: PD-09-22: Planned Development District - Conceptual Development Plan for Belle Meade Retirement Community, addition of 44 residential units on 94.902+/- acres on the west side of Camp Easter Road on the west side of McDeeds Creek Road.

Date: September 13, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. Dan Jewell, an authorized agent on behalf of St. Joseph of the Pines, Inc., 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 provide an additional 44 senior living townhome units on the north side of the already existing Belle Meade Retirement Community campus. There are two existing commercial buildings on the north side of the Belle Meade campus that will be demolished to make way for the additional 44 senior living townhome units.

The current zoning of FRR-CD (Facilities Resource and Recreation Conditional District) does not allow Continuing Care Retirement Centers. Therefore, an expansion of the existing land use requires rezoning to PD-Planned Development, per UDO Exhibit 3-15, LBCS 1240. The land uses that will be allowed in this proposed Planned Development will continue to be a continuing care retirement center, to include the special service homes and various residential land uses, consistent with the current use FRR-CD (conditional district rezoning in 2007). Development of the subject property will require the extension of Waters Drive which will loop and connect with Gossman Drive which leads to Camp Easter Road. Phase 1 of this proposed PD, as delineated in the submitted Conceptual Development Plan (CDP) is what currently exists onsite, while Phase 2 will be known as the extension of the 44 additional residential units on the north side of the campus.

The subject parcels are identified as PIN: 858315743819 (PARID: 00040807). The property owner according to Moore County Register of Deeds is Saint Joseph of the Pines, Inc.

II. PLANNING BOARD RECOMMENDATION:

On August 18, 2022, the Southern Pines Planning Board held a public hearing and heard from those in attendance regarding application PD-09-22. Planning staff presented a review of the Belle Meade 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 details of the phasing plan and zoning history and concluded with details regarding internal access, the Watershed Protection Overlay and agency comments.

Following staff's comments, Mr. Dan Jewell, landscape architect representing the applicants, stated that the two buildings to be demolished are vacant and have been for some time. He thinks both of the buildings were part of the original development. There will be a net increase – 33% to 36% - built upon area. The new uses will result in a substantial reduction in trip generation as opposed to the former use as a child care facility.

Following the applicant's presentation, the Planning Board asked some clarifying questions of the applicant related to traffic and whether or not the community will be gated. After the conclusion of questions for the applicant, no members of the public spoke regarding PD-09-22. Following public comment, the Planning Board closed the public hearing. The Planning Board briefly discussed support for the project. Following discussion, the Planning Board unanimously found the proposed CDP is consistent with the CLRP as stated in Attachment A to the staff report for PD-09-22, and no further issues were found to be necessary to forward to the Town Council. The Planning Board unanimously recommended approval of PD-09-22.

Please find the signed Planning Board Resolution to Adopt a Written Recommendation for Conceptual Development Plan application PD-09-22 in the attachments section of this report.

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

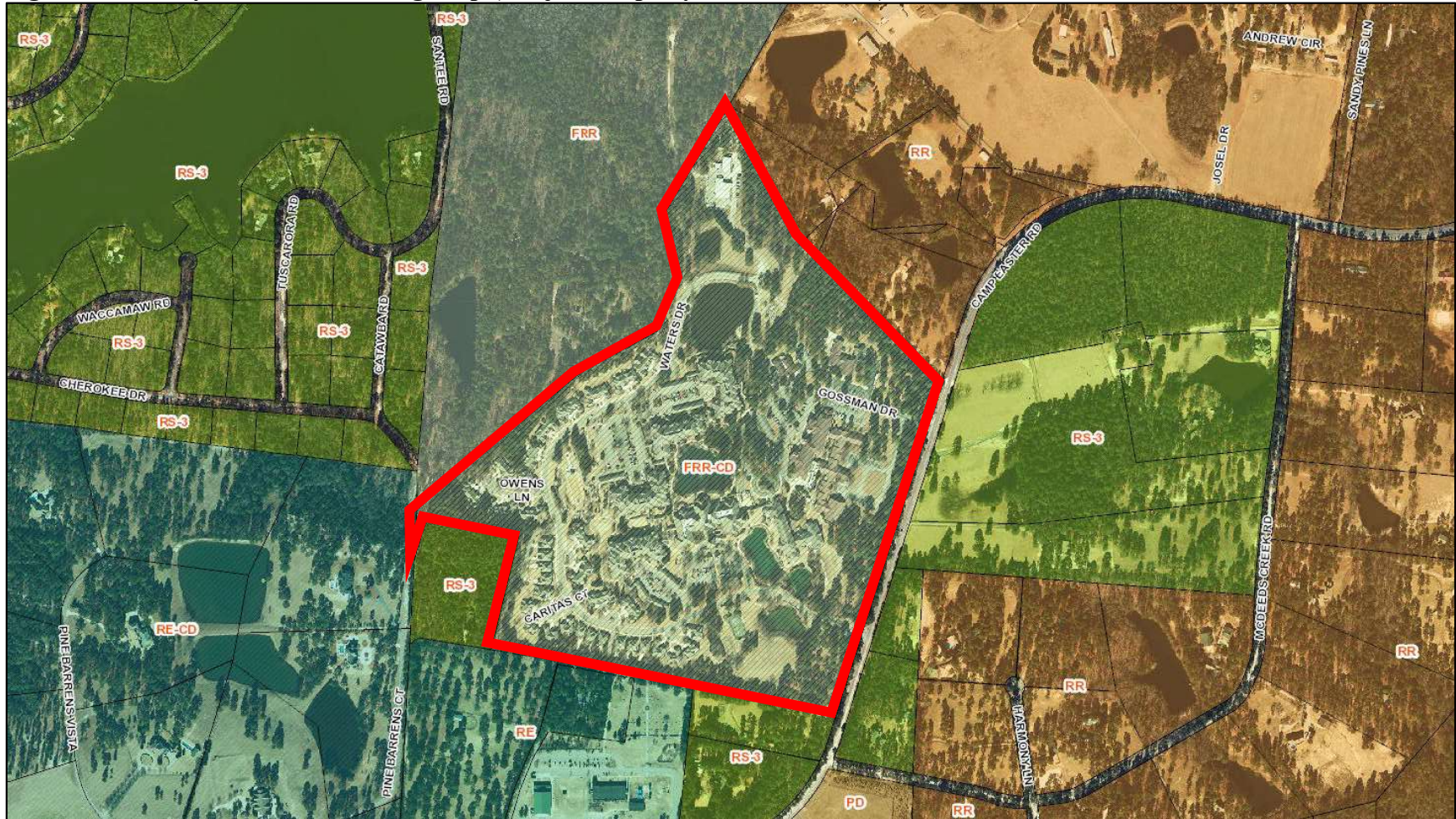


Figure 2: Aerial (Drone) Image of Present Condition of Subject Property (August 4, 2022):



Figure 3: Conceptual Master Plan:

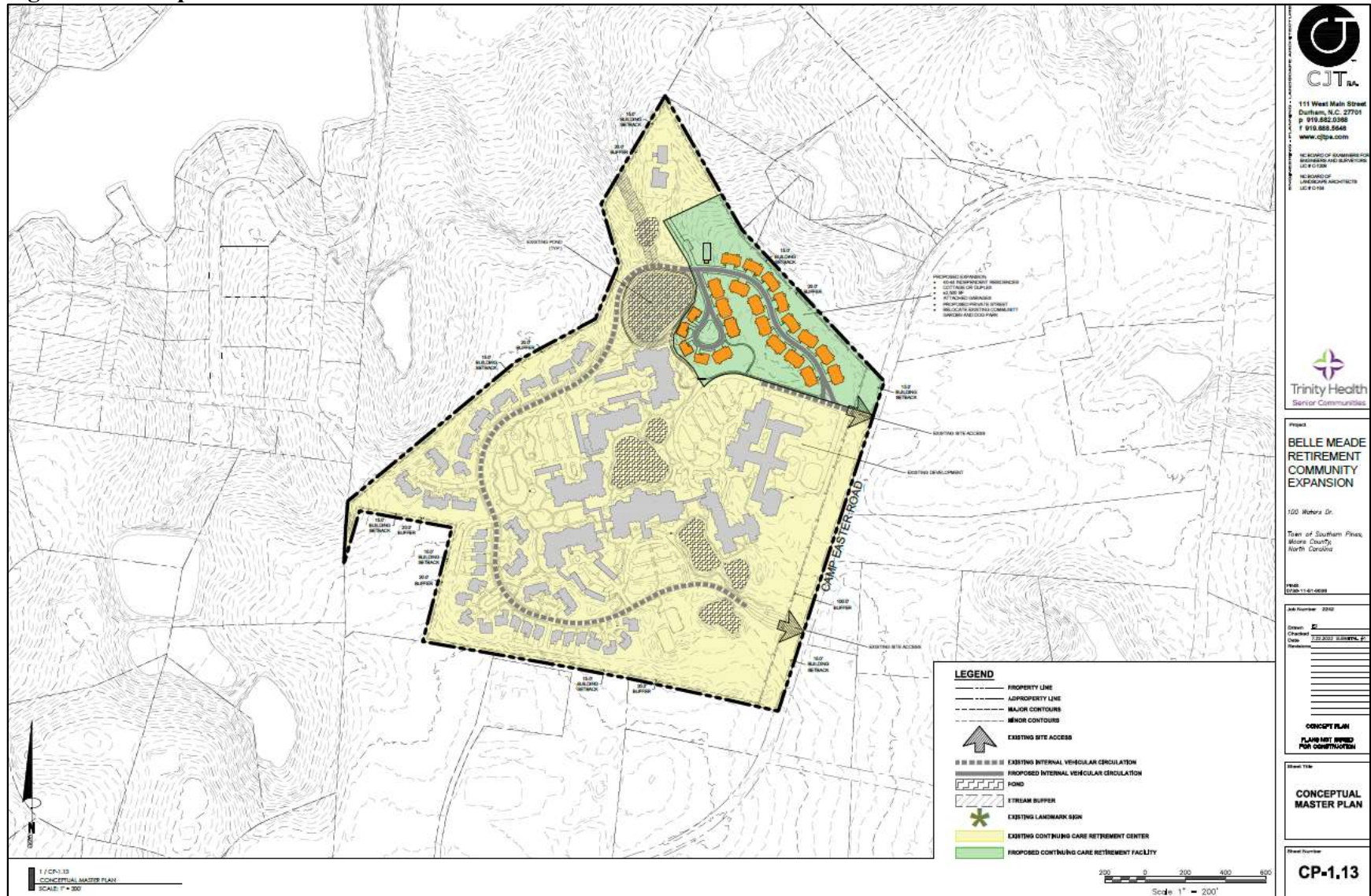
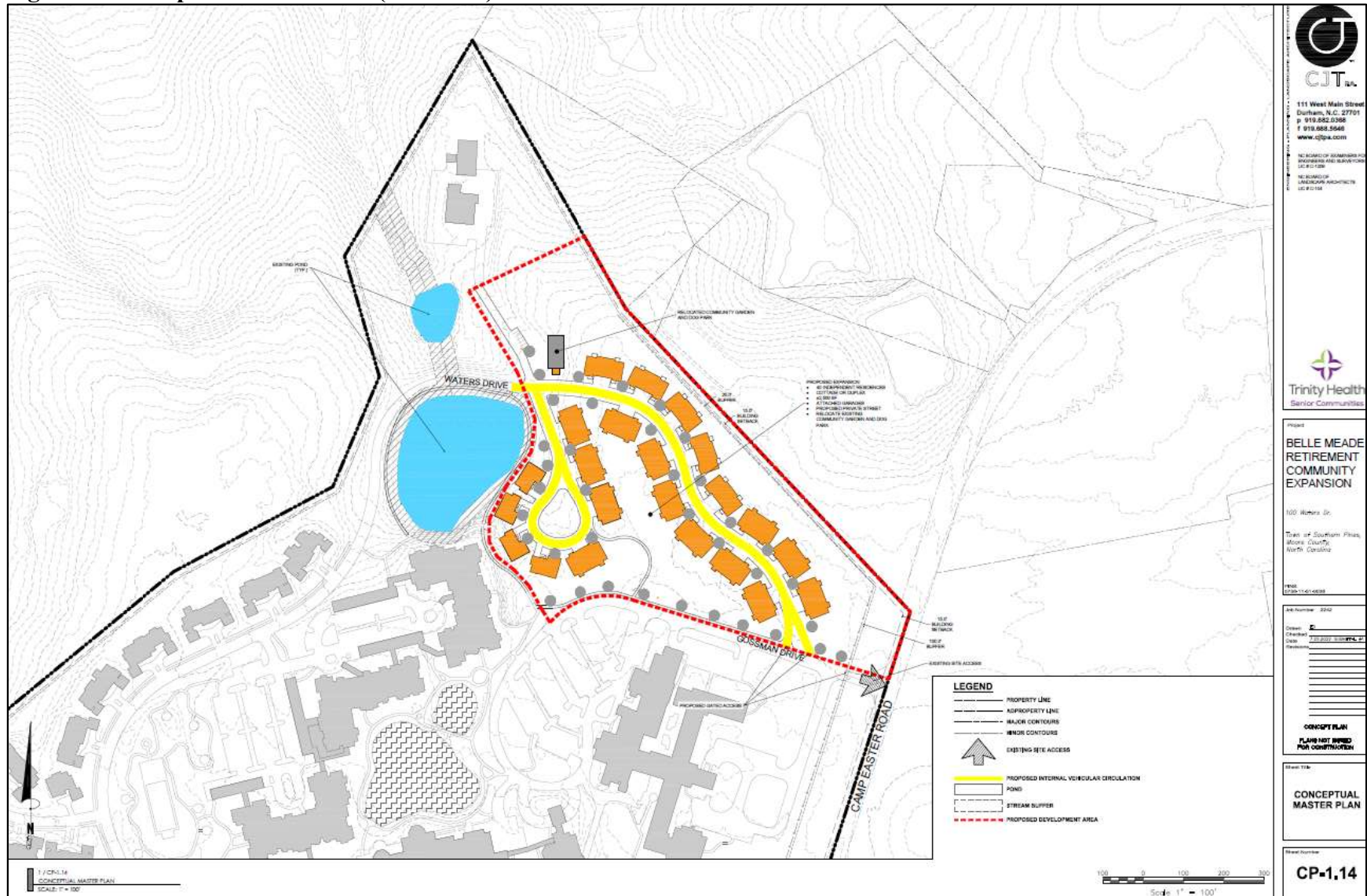


Figure 4: Conceptual Master Plan (PD-09-22):



III. 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:

- The developers held a Neighborhood Meeting on July 7, 2022 in compliance with UDO §2.18.3(D). Meeting minutes, copies of materials presented and a sign-in sheet from the meeting are all attached to this staff report.
- CDP Application Submitted: July 11, 2022
- Application Deemed Incomplete: July 15, 2022
- Application Deemed Complete: July 25, 2022
- Notice of August 18, 2022 Planning Board Public Hearing:
 - Posted On-site: July 27, 2022
 - Mailed: July 25, 2022
 - Publication Dates: August 3 and August 10, 2022
- Planning Board Regular Meeting: August 18, 2022
- Notice of September 13, 2022 Town Council Public Hearing:
 - Posted On-site: July 27, 2022
 - Mailed: August 25, 2022
 - Publication Dates: August 31 & September 7, 2022
- Town Council Regular Meeting: September 13, 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 applicant has provided a narrative addressing consistency of the proposed CDP with the Town's Comprehensive Long-Range Plan in the "Zoning Information" section on page 2 of the CDP. The CLRP designation of the subject property is "Residential" a designation with which the proposed Planned Development generally complies.

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 purpose of a Planned Development per UDO §2.18.4(A), and the CDP document addresses many of the topics covered by the criteria for a CDP per UDO §2.18.4(H). 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 applicant has provided a CDP containing the design standards within the Belle Meade Planned Development. Any development design requirements not specifically modified within the CDP will default to the requirements set forth in the UDO.

The CDP contains one enhancement to the applicable UDO design standards. On page 8 under "Buffers and Landscaping" of the CDP Belle Meade requires a 20-foot-wide perimeter landscape buffer along all property lines and a 100-foot-wide landscape buffer along Camp Easter Road.

Planning staff requested that the applicants included requirements for redevelopment as part of the CDP. However, the applicants were adamant that no redevelopment is planned to take place per the "Introduction" on page 1 of the CDP. Therefore, should redevelopment take place in the future a CDP amendment may be required.

iv. Consultation with Technical Review Committee:

The proposed development was presented to the Town of Southern Pines Technical Review Committee (TRC) on August 2, 2022. Discussion was held regarding any concerns based on the development of the additional 44 units. There were no utility concerns and the concern for connecting Gossman Drive was met, and will be

connected. There were no further concerns from engineering and fire was not present.

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 proposed Planned Development will continue to be used as a Continuing Care Retirement Community as shown in the CDP table on page 6. No new residential units within Phase 2 will contain greater than 2,500 square feet of heated area and the maximum height for the new units is 35 feet. There are a proposed 44 residential units.
- The proposed Planned Development is located within the Little River Intake No. 2 Water Supply Watershed. Since all phases of development of the property will involve built-upon area in excess of 24%, the applicants must have exemption allocation. Exemption allocation was previously granted with the approval of Z-07-10 (rezoning to FRR-CD) from the Town Council on March 8, 2011, which is part of CU-04-94. The current balance of exemption allocation in the Little River Intake No. 2 Water Supply Watershed is approximately 388 acres. The proposed development will be permitted to develop to a maximum of 70% built-upon area, which with the proposed 44 additional residential units will take them to approximately 36% built upon area, up from the existing 33% built upon area.
- 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, which is attached as “Exhibit 7”. A TIA will be required with each phase of development that will be reviewed individually as Preliminary Development Plans (PDP).

IV. 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), Sandhills Community College, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission (RLUAC) on July 25, 2022.

- Dagoberto JuarezPozos with NCDOT did not have any comments, per an email sent July 29, 2022.

- Vagn Hansen with RLUAC did not have any comments, per an email sent July 28, 2022.

V. ATTACHMENTS:

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

1. DRAFT Planning Board Resolution to Adopt a Written Recommendation
2. Conceptual Development Plan (CDP) and Exhibits:
 1. Application Form
 2. Site Location Map
 3. Transportation and Drainage Map/Road Sections
 4. Existing Conditions
 5. Adjacent Property Owners List
 6. Adjacent Property Owners Map T
 7. Trip Generation Memo
 8. Sign Plan
 9. Conceptual Development Plan
 10. Neighborhood Meeting Sign-In Sheet, Report and Graphics
 11. Deed
 12. Proof of Ownership – St. Joseph of the Pines Sr. Management
 13. Built Upon Area
3. RLUAC Comments
4. NCDOT Comments

VI. 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 consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning

for the reasons set forth in the written Planning Board recommendation attached to staff report PD-09-22;

2. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan and is a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-09-22, and as modified by Town Council as follows:
3. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the following reasons:

And, therefore, I move to:

1. Approve PD-04-22 as submitted.
2. Approved PD-04-22 as revised pursuant to the following conditions:
3. Deny PD-04-22.



ATTACHMENT A

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION PD-09-22

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.

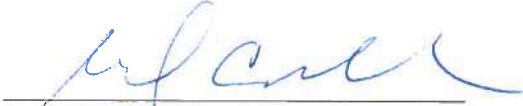
WHEREAS, pursuant to Section 160D-701 of the North Carolina General Statutes, zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare.

WHEREAS, the Planning Board conducted a public hearing on August 18, 2022 for consideration of a Planned Development - Conceptual Development Plan for the Belle Meade Planned Development;

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-09-22 is consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP) because the entire subject property is specifically designated for a future land use of "Residential" and the proposed Conceptual Development Plan (CDP) allows all the land uses permitted in residential zoning districts and that this project will continue as a residential Retirement Care Community. The proposed CDP is adjacent to existing residential development, can be served by existing water and sewer facilities, is accessible via an existing internal private street, known as Gossman Drive. A new proposed road will be built with the additional 44 residential units, internally that will connect with Gossman Drive

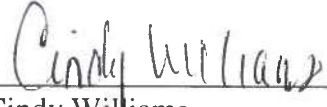
AND, THEREFORE, BE IT FURTHER RESOLVED that no additional matters were considered by the Planning Board as a basis for a recommendation of approval to the Town Council regarding PD-09-22

ADOPTED this the 18th day of August, 2022.



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board

PD DISTRICT CONCEPTUAL DEVELOPMENT PLAN

BELLE MEADE CONTINUING CARE
RETIREMENT COMMUNITY

ST. JOSEPH OF THE PINES INC

SOUTHERN PINES, NC

JULY 11, 2022

Revised July 20, 2022

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List of Exhibits

- 1 Application Form
- 2 Site Location Map
- 3 Transportation and Drainage Map/Road Sections
- 4 Existing Conditions
- 5 Adjacent Property Owners List
- 6 Adjacent Property Owners Map
- 7 Trip Generation Memo
- 8 Sign Plan
- 9 Conceptual Development Plan
- 10 Neighborhood Meeting Sign-In Sheet, Report and Graphics
- 11 Deed
- 12 Proof of Ownership – St. Joseph of the Pines Sr. Management
- 13 Built Upon Area

INTRODUCTION

The purpose of this PD – Conceptual Development Plan application is to:

Rezone the property to Planned Development (“PD”) and establish a Conceptual Development Plan (“CDP”) for the +/-94.902 acres of land, also known as PIN 858315743819 (the “Property”), currently zoned Facilities Resource and Recreation (FRR-CD). This CDP will bring the existing use into compliance with the current Southern Pines Unified Development Ordinance (“UDO”). It will also allow expansion of the existing St Joseph of the Pines Belle Meade Continuing Care Community with up to a total of 44 additional residential units in either single-family and/or duplex buildings. While a CDP is a useful tool for guiding future redevelopment options, at this time the Owner is not planning for future redevelopment.

The Conceptual Development Plan application form is included as Exhibit 1 and the required items, per Section 2.18.4, Conceptual Development Plan of the Town’s Unified Development Ordinance (UDO) are included as a part of this document.

The expansion of Belle Meade is consistent with the Town’s Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Residential. This CDP expands senior residential housing opportunities that are collocated with health services, activities, and amenities in a well-planned community.

PROJECT OVERVIEW

Purpose

St. Joseph of the Pines Belle Meade Continuing Care Retirement Community is an established neighborhood and health care facility in Southern Pines. Development of the skilled nursing facility, Health Center and a new residential living community began in 1990. The Health Center opened in 1996, the residential living community in 1999, and assisted living facility in 2008.

Despite its established history in Southern Pines, the Property’s FRR zone does not list Continuing Care Retirement Center as a permitted use. However, Section 3.5.13.(C) of the Southern Pines Unified Development Ordinance (“UDO”) states “existing uses within the FRR district that are not authorized by right may be allowed to continue as non-conforming uses or allowed to achieve conforming status subject to issuance of a conditional use permit.” Further, Exhibit 3-15 of the UDO indicates that a Continuing Care Retirement Care Center requires PD Zoning. Accordingly, the Applicant and Owner, St. Joseph of the Pines, Inc, requests PD Zoning and CDP approval.

Location

The Subject Property consists of a single parcel and is located north of downtown Southern Pines on the west side of Camp Easter Road, north of its intersection with McDeeds Creek Road. A site location map showing the site and immediate surroundings is included as Exhibit 2. The Property is entirely within the Town of Southern Pines. The site is currently well-served by utilities and there is sufficient capacity to accommodate the proposed development.

Project Vision

The vision for the project is to construct an additional 44 residential units on the northeastern portion of the property. As part of the project, two underused buildings—a clinic and administrative/daycare—and their associated parking lots will be demolished. The residential units may be a mix of single family and/or duplex buildings and will be carefully integrated into the surrounding area. Building architecture will be compatible with the existing community. Landscaping and design elements common to Southern Pines will be used. The plan provides for a mixture of open spaces and amenities that will result in an attractive, active residential community.

Main access to the site will continue to be provided from the two existing driveway entrances on Camp Easter Road and in the same configurations. As part of the next phase of development, within the property, Waters Drive will be extended to Gossman Drive and a new private street will be built to serve the proposed addition. A new gated access is proposed at the intersection of Gossman Drive and Camp Easter Road. Conceptual Road Sections are provided in Exhibit 3. However, the gate will be set back far enough from Camp Easter right-of-way to prevent stacking of cars on to the public street. Additional detail will be provided in the Planned Development Plan phase.

The property will continue to provide a 15-foot building setback along its perimeter, along with a 20-foot landscaped buffer, except along Camp Easter Road where an enhanced 100-foot landscaped buffer will be provided.

Best management practices will be implemented for development, storm water management and erosion control.

A detailed description of the development program, conditions and standards is included in the Conceptual Development Plan section of this document.

Applicant and Project Team

Applicant – St. Joseph of the Pines, Inc.

Consultants currently include

- Architect – Luminaut
- Land Planner & Civil Engineer – CJT, PA
- Traffic Engineer – VHB
- Biologist – Dr. J. H. Carter and Associates Inc.

Zoning Information

The property is designated as Residential in the Town's Comprehensive Long Range Plan, and the proposed expansion of the Continuing Care Community with additional residential units is compatible with that designation. The Property is currently zoned FRR.

Based on the records provided by the Town, in 1989 the Property was zoned to PPC-CD, which allowed a long-term care facility on the Property. Then in 1995, a Conditional Use Permit was approved to allow the property to be used a continuing care community; and in 2007, the property was rezoned from FRR-CD to FRR-CD to include special services homes as a permissible use on the property.

Compliance with UDO

All development within the site must adhere to the approved standards and conditions stated in this document. As allowed under UDO Section 3.5.14, unique conditions and standards, differing from baseline UDO conditions and standards, can be established to facilitate a planned development district to allow for flexibility in design. The conditions and requirements in this document that vary from the UDO shall supersede the UDO. Prior to the issuance of a building permit and start of any construction, a Preliminary Development Plan for each phase must be submitted and approved per Section 2.18.5 of the UDO.

Architectural review, rules and regulations and must be approved by the Town of Southern Pines. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of an application will apply. The development and building permits are subject to all Local, State and Federal regulations and laws.

CONCEPTUAL DEVELOPMENT PLAN APPLICATION

See Exhibit 1

EXISTING CONDITIONS

Existing Neighborhood

The Continuing Care Community is a well-landscaped and maintained facility with a mix of building and housing types as shown below:

Table 1 EXISTING DEVELOPMENT

	Buildings	Units/Beds	SF
Independent Living Apartments	4	172	307,561
Single Family	20	20	39,161
Duplex	14	28	56,442
Assisted Living/Memory Care	1	50	36,098
Club House	1		43,151
Health Center	1		77,560
*Clinic	1		6,715
*Administrative/Day Care	1		11,762
	Total	270	578,450

*To be demolished as part of this project.

Belle Meade offers its residents a continuum of care including rehabilitation, assisted living, long-term care, and home care is available when needed. Fine and casual dining is available for independent living residents. Among its many other existing on-site amenities are:

- Chapel

- Library
- Bank
- Convenience store
- Hair salon
- Indoor pool/spa
- Exercise room
- Woodworking shop
- Putting green
- Tennis court
- Shuffleboard
- Fitness trail
- Community gardens & greenhouse*

*To be relocated as part of this project.

Two man-made ponds exist on the property in the proposed area of development. Several other ponds are provided as amenities on the area of the site not proposed for new development.

Streets, Roads, Parking or Other Structures

The Property has frontage on Camp Easter Road, State Route 1853, on its eastern property line.

Two main private streets serve the property. The longer street, Waters Drive is accessed from the southern driveway and provides access to the south and eastern portions of the property. Several cul-de-sacs serve cottage units on the south side of the property from Waters Drive. Currently, Waters Drive has sidewalks in front of cottage units. Gossman Drive is a shorter road with driveway access to the north. Gossman Drive does not have sidewalks. The roads do not connect at this time. A internal walking paths are provided for the residents of the community.

Storm Water and Drainage

The site currently drains to multiple ponds on site. These ponds provide detention but likely do not provide treatment. There are two existing ponds adjacent to the proposed development that will be studied to determine if they can be retrofitted to meet current standards. If the ponds cannot be retrofitted, then a new stormwater facility will be provided it meets current standards. The overall drainage pattern of the site will not change.

Utilities

The Property is well-served by utilities, with existing utility locations shown on Exhibit 4 – Existing Conditions.

Water & Sewer – The Town provides both water and sewer to the Project.

Electric – Electric power is available for the site and has been installed to serve previous the existing neighborhood. An existing easement for overheard power lines is shown on Exhibit 4 – Existing Conditions.

Gas – Natural gas service is currently available to the site. Natural gas lines may be extended and connected to the development areas.

Telephone/Cable – The site is currently served by telephone and cable service.

Historical Structures

There are no historic structures on the site.

Existing Natural Features

Prevalent Tree Canopy and Vegetation

The site has been previously developed and is well landscaped. Where trees remain on the property, tree species are predominantly Loblolly Pines and Scrub Oaks. The tree canopy type and vegetation of the prevalent tree canopy and vegetation are included in Existing Conditions in Exhibit 4. Existing Conditions. Tree canopy and vegetation will be further identified as required during the Preliminary Development Plan process.

Streams, Wetlands and Floodplain

The Property is within the Cape Fear – Little River intake No. 2—WS-III Watershed. The 94-acre property is exempt from the current UDO requirement limit of 24 percent built-upon area but is limited to 70 percent built-upon area. The built-upon area of the existing facility is 33 percent as shown on Exhibit 13 – Built Upon Area.

The Town's GIS shows a stream connecting the Property's two man-made ponds in the area of the new development. Stream buffers have been shown and no buildings encroach into the buffers.

The project will comply with all State and Local standards for storm water management and use best management practices and engineered storm water facilities as required.

Topographic Features

A topographic map with two-foot contours is included on Exhibit 4 – Existing Conditions Map.

Unique Land Formations, Endangered/Threatened Species

There is no known Red Cockaded Woodpecker habitat on the property. Consulting biologist Dr. J. H. Carter, Inc conducted a site visit to confirm that the development area is free of habitat.

All development and building permits within the site are subject to all Local, State and Federal permitting guidelines, rules and regulations. Additional studies will be conducted as required for permitting.

Adjacent Parcel information

The adjacent parcel owners, zoning, use, pin numbers and Parcel ID numbers are listed on the Adjacent Property Owners List attached as Exhibit 5 – Adjacent Property List.

CONCEPTUAL DEVELOPMENT PLAN

Development Program

Under the PD/CDP the Property will continue to be used as a Continuing Care Retirement Center. This use will include operation of the Special Service Homes authorized by Conditional District Rezoning in 2007. The facility may be increased by up to 44 units in either single family or duplex buildings in the area shown on the Conceptual Development Plan. Under the CDP there will be two phases, Phase I will include the existing development, Phase 2 will include the expansion of 44 units as shown on Exhibit 9 – Conceptual Development Plan. The plan does not currently contemplate redevelopment of the site; however, it does anticipate that uses may change over time to accommodate the needs of the Continuing Care Retirement Center's residents.

Permitted Uses

Under the CDP development on the site will be permitted as shown on Table 2 below. Additionally, any use that is not listed on the chart below but is typically associated with a Continuing Care Retirement Center shall be permitted.

Table 2 EXISTING AND PROPOSED DEVELOPMENT

	Units/Beds	SF
Phase I (Existing Uses)		
Independent Living Apartments	172	307,561
Single Family	20	39,161
Duplex	28	56,442
Assisted Living/Memory Care	50	36,098
Club House		43,151
Health Center		77,560
Total Existing	270	559,973
Phase 2		
New Cottage Units	44	*132,000
Total Proposed	314	*691,973

Phase 1

The property will continue to be used in its existing conditions and based on Table 2 above and other standards specified below.

Phase 2

No new residential units within Phase 2 will contain greater than 2,500 square feet of heated area. The maximum height for the new units will be 35 feet.

Treatment of Onsite Natural and Man-Made Features

Natural Features

The property has been developed for some time and features a well-maintained and manicured landscape. It has large buffer areas and man-made ponds that will largely remain intact as shown on Exhibit 9 - Conceptual Development Plan.

Man Made Features

Power transmission lines will remain on the property. Any new distribution lines will be buried underground.

Berms and increased landscaping will be provided between the existing phases in locations shown on the CDP.

Open Space and Amenities

The required open space is presented below in Table 3 Open Space is further discussed below. Section 3.5.14 (G) requires 20 percent of the gross land area of PD zoned land to be Open Space, and that 50 percent of that open space be Usable Open Space.

Table 3 OPEN SPACE

Category	Required
Overall Open Space	18.80 acres
Usable Open Space	9.40 acres

Per the Town's UDO, Usable Open Space will be provided that meets the following definition:

areas comprised of, but not limited to, any combination of the following: natural areas, wetlands, trails, boardwalks, parks, ball fields for structured recreation, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), buffers (outside of a platted Lot), any water bodies including ponds and lakes, and/or innovative and accessible water quality ponds (that are designed as an amenity).

The Property will continue to offer the following amenities:

- Chapel
- Library
- Bank
- Convenience store
- Hair salon
- Indoor pool/spa
- Exercise room
- Woodworking shop
- Putting green
- Tennis court
- Shuffleboard
- Fitness trail
- Dog park
- Community gardens & greenhouse*

*The community gardens and greenhouse will be relocated to provide space for the proposed new cottages as shown on Exhibit 9 Conceptual Development Plan

Amenities provided may change to any amenity typical of a Continuing Care Retirement Community provided that the overall all amount of open space meets Table 3.

Pedestrian Paths

Pedestrian and non-vehicular circulation facilities in Phase 1 (the existing conditions) are comprised of a series of concrete paved sidewalks and slightly wider all weather surfaced paths suitable for bicycle and golf carts.

Phase 2 (proposed) will have pathways of the same size and material that are well connected and integrated with the Phase 1 network.

The general locations and a typical cross section shown for Phase 1 and Phase 2 pathways are shown Exhibit 3 – Transportation and Drainage Map/Road Sections.

Buffers and Landscaping

Landscape standards will meet or exceed the requirements of the Town of Southern Pines UDO per Section 3.5.14(H)

A 20-foot wide perimeter buffer will be provided along all property lines, except the buffer along Camp Easter Road which will be 100 foot wide.

Generally, the goal will be to preserve existing plantings in the buffer adjacent to new construction, however if in cases where existing plantings are sparse or must be disturbed to accommodate new construction, new buffer plantings will meet the requirements of UDO Exhibit 4-4: Minimum Planting Required in Buffers.

Architectural Standards

Building setbacks along the perimeter lot lines will be 15 feet. No other setbacks will be required, except as required by the building code.

Architectural review by the Town of Southern Pines Council will not be required for new single family or duplex units or, for routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing walls of existing buildings, or for remodeling that involves the change of an exterior portion of an existing building that is not visible from a public right-of-way.

In the event of future redevelopment, the Town of Southern Pines Council will review and approve all multi-family and non-residential building plans for compliance with the Town's architectural standards in Section 4.10 of the UDO.

All development and building permits are subject to all Local, State and Federal permitting guidelines, rules, and regulations.

Trip Generation, Vehicular Circulation, Street Cross Sections, and Parking

Trip Generation

VHB analyzed trip generation for the project and determined that the 44 new senior living dwelling units are expected to generate less daily, AM peak hour, and PM peak hour traffic compared to the clinic and day care uses that will be removed from the site. Therefore, the amount of traffic entering and exiting the site should not increase with the proposed residential expansion. It should be noted that the trip generation estimate for the clinic and day care uses may be conservative since both land uses are within a retirement community. Some trips to and from these land uses may be from residents that are already located within the community. Nevertheless, the estimated number of trips for the proposed senior living homes is expected to be considerably lower than what is proposed to be demolished. As a result, the development will not have a negative effect on the surrounding public street network. A Trip Generation Memo prepared by VHB is attached as Exhibit 7.

Vehicular Circulation and Street Cross Sections

The existing private street network will be extended and modified to accommodate the new residential units. Ingress and egress from the Property will continue to occur from the two existing driveway locations on Camp Easter Road. Two new gated accesses are proposed at the intersections of Gossman Drive and Camp Easter Road and at the intersection of Gossman Drive and proposed extension of Waters Drive. Proposed private street cross sections are provided as Exhibit 3 – Transportation and Drainage and Road Sections.

No new driveway connections to public roads or new public roads are proposed.

Parking

Phase 1 Parking

The existing facilities within Phase 1 are supported by and will continue to be supported by +/-701 parking spaces. The spaces are comprised of a combination of surface parking, carports and residential garages.

Phase 2 Parking

The new residential units within Phase 2 will be provided with at least two spaces per unit in garage and driveway parking. Visitor parking will be provided in a driveway.

Redevelopment

In the unlikely event of redevelopment, parking will comply with UDO ratios at the time for the building use.

Drainage

Drainage associated with any new construction will be designed to meet the requirements of the UDO. Any necessary easement areas will be provided as required by the UDO and applicable regulations and will be designed, detailed, and located during the detailed engineering and permitting of future development phases.

Utilities

Electric, water, sewer and gas utilities are currently available on the property as described in Section 4.1.3 of this document. Any new utility lines will be installed per the policies of the local utility providers and the Town of Southern Pines for underground utilities. Any new service lines will be installed underground

Water and Sewer

Water and sewer utilities are currently provided by the Town of Southern Pines. Utilities may be extended to the proposed development. Design and permitting will meet current Town standards.

Electric

Electrical Power will be provided by Duke Energy; however, other providers may be allowed in the future.

Cable.

Spectrum currently provides cable service; however, other providers may be allowed in the future.

Street Lighting

Street lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. All lighting will be LED lighting. The cost of installation and maintenance of any specialty street lighting shall not be the responsibility of the Town of Southern Pines. Appropriate lighting in parking areas and amenity locations will be provided as required by the UDO.

From time to time, temporary services may be required and shall be allowed as community facilities, temporary construction offices and/or temporary marketing centers.

Signs

There are two existing entryway and wayfinding signs on Camp Easter Road. Other types of signs existing on the Property include wayfinding, building and information signs. All new signs will be consistent with the character of the existing signs and will be designed to maintain consistency throughout the development and enhance the aesthetic character, while providing efficient wayfinding.

Signs will reflect the architectural character of Southern Pines and the architecture of Belle Meade. Locations of new signs, in addition to the two main entry signs are indicated on Exhibit 8 – Sign Plan. Any sign that is not specifically identified in this section will follow the standards of Section 4.6 in the UDO. Sign areas to be computed per Section 4.6.6 of the UDO.

Temporary Uses/Special Events

Temporary construction trailers including, but not limited to real estate, construction and sales offices may be installed during the period of construction and real estate sales.

Any temporary uses or special events, not typical to a Continuing Care Retirement Center, must obtain the appropriate permits from the Town of Southern Pines.

Storm Water Management and Water Quality Management

The site currently drains to multiple ponds on site. These ponds provide detention but likely do not provide treatment. There are two existing ponds adjacent to the proposed development that will be studied to see if they can be retrofitted to meet current standards.

If the ponds cannot be retrofitted, then a new stormwater facility will be provided that will meet current standards. The overall drainage pattern of the site will not be changed. The locations shown on the plan are subject to change during the development of the property based on detailed engineering and grading plans. Stormwater must be maintained on the overall property to meet the Town of Southern Pines, NCDENR, NCDWQ and any other stormwater regulations.

The installation/maintenance of any proposed storm water devices will not be the responsibility of the Town of Southern Pines. As discussed above, the property is subject to the 70 percent. Built-upon area exemption. New and existing development will not exceed the 70 percent limit. The existing development has a built upon area of +/-33 percent. With Phase 2, the built-upon area will be +/-36 percent.

Property Maintenance

The Property is maintained by a professional groundskeeping staff.

Conceptual Transportation Plan

A Conceptual Transportation Plan– Exhibit 3 has been provided as required by the UDO. This plan illustrates the Phase I (existing) and proposed (Phase 2) street and pedestrian network for the CDP area.

The proposed development will result in fewer trips as a result of the removal of the Administrative/Daycare Center and Clinic and construction of age-restricted residential units as discussed in the trip generation memo provided by VHB. (Exhibit 7)

No new access points to the public street network are proposed.

Statement about Dedication of Streets

The proposed streets are private, and no dedications are proposed at this time.

Phasing

The Continuing Care Retirement Community has been constructed over several decades. The existing facility is shown as Phase 1. Phase 2 will be constructed as follows:

Infrastructure for the new units will be constructed upon receiving permits with construction of the individual units occurring after completion of the infrastructure installation. Buildout is

anticipated to take 24-36 months but is dependent on market factors. Phasing will be reviewed at such time as a PDP is submitted.

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**.

1/12/22



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

Project Name: St. Joseph of the Pines Belle Meade

Physical address: 100 Waters Drive, Southern Pines, NC 28387

PIN: 858315743819

Parcel ID: 00040807

Site Size: 94.902 acres

Zoning: FRR

Applicant:

Name(s): St. Joseph of the Pines, Inc.

Email: scott.brewer@trinityhealth.or

Phone: 910.246.3100

Mailing Address: 17410 COLLEGE PARKWAY STE 200, LIVONIA MI 48152

Authorized Agent, if different from Applicant:

Name(s): Dan Jewell, CJT, PA

Email: djewell@cjtpa.com

Phone: 919.682.0368

Mailing Address: 111 West Main Street, Durham, NC 27701

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

Name(s): SCOTT F. BREWTON

Email: SCOTT.BREWTON@TRINITY-HEALTH.ORG

Phone: 910-246-3100

Mailing Address: _____

1/12/22

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council for approval of a Planned Development District – 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 west side of Camp Easter Rd (St./Ave.), between Josef Drive (St./Ave.) and McDeeds Creek Rd (St./Ave.). The property has a frontage of 1722 feet and a depth of 2,359 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:

To allow the continued use of a continuing care retirement community and allow expansion of the community by 40 residential units

Date:

7/7/22



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

APPOINTMENT OF AGENT

The undersigned owner(s), St. Joseph of the Pines, Inc., hereby appoint(s) Dan Jewell of CJT, PA 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 7th day of July, 2022.



Property Owner



Agent

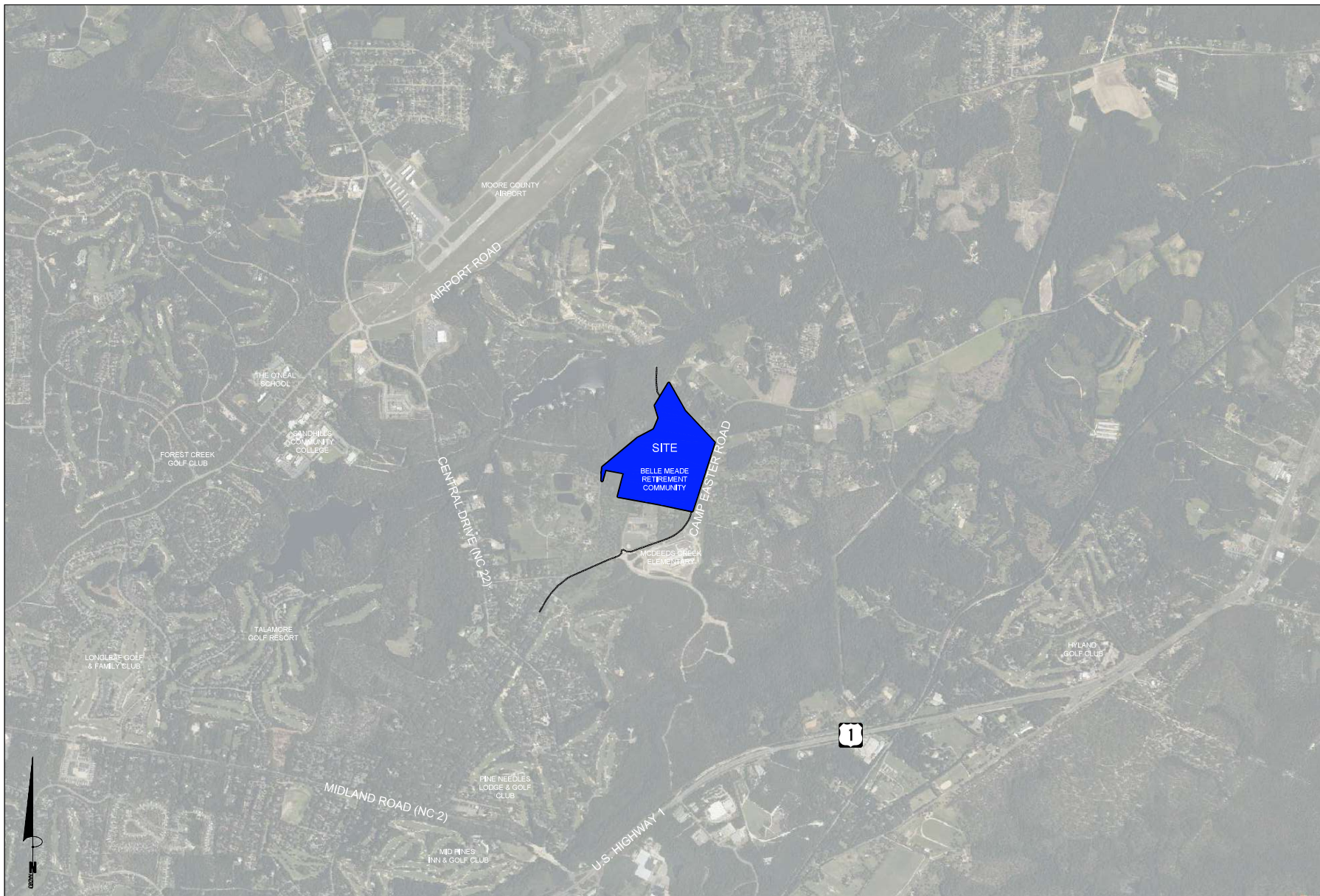
1/12/22

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

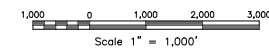
- (1) The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
- (2) The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, 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.

1/12/22



1 / CP-1.10
SITE LOCATION MAP
SCALE: 1" = 1,000'

Exhibit 2
Site Location Map



CJT RA
111 West Main Street
Durham, N.C. 27701
p 919.882.0368
f 919.888.6646
www.cjtpa.com

NC BOARD OF EXAMINERS FOR
ENGINEERING AND SURVEYORS
1E-V-C-1016
NC BOARD OF
LANDSCAPE ARCHITECTS
1E-V-C-104

Project
**BELLE MEADE
RETIREMENT
COMMUNITY**

100 Waters Dr.

Town of Southern Pines,
Moore County,
North Carolina

Project
0725-11-21-2036

Job Number 2242

Drawn ED
Checked 5.25.2022
Date
Revisions

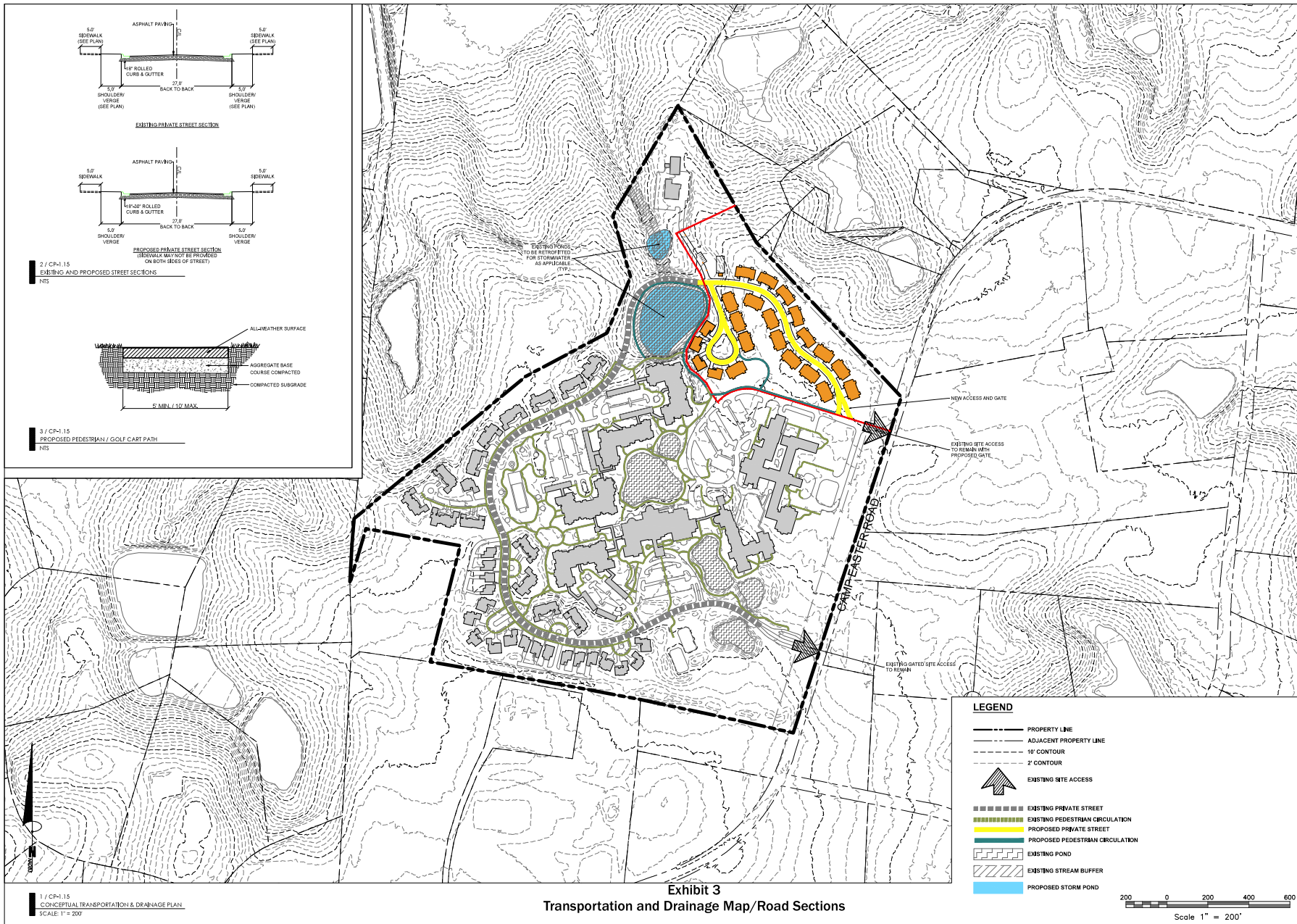
**CONCEPT PLAN
PLANS NOT ISSUED
FOR CONSTRUCTION**

Sheet Title

**SITE
LOCATION
MAP**

Sheet Number

CP-1.10



CJT RA
111 West Main Street
Durham, N.C. 27701
p 919.882.0368
f 919.888.6646
www.cjtpa.com

NC BOARD OF EXAMINERS FOR
ENGINEERS AND SURVEYORS
1E-W-0109
NC BOARD OF
LANDSCAPE ARCHITECTS
1E-W-0104

Trinity Health
Senior Communities

Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

Project
07/26/14-01-0036

Job Number 2242

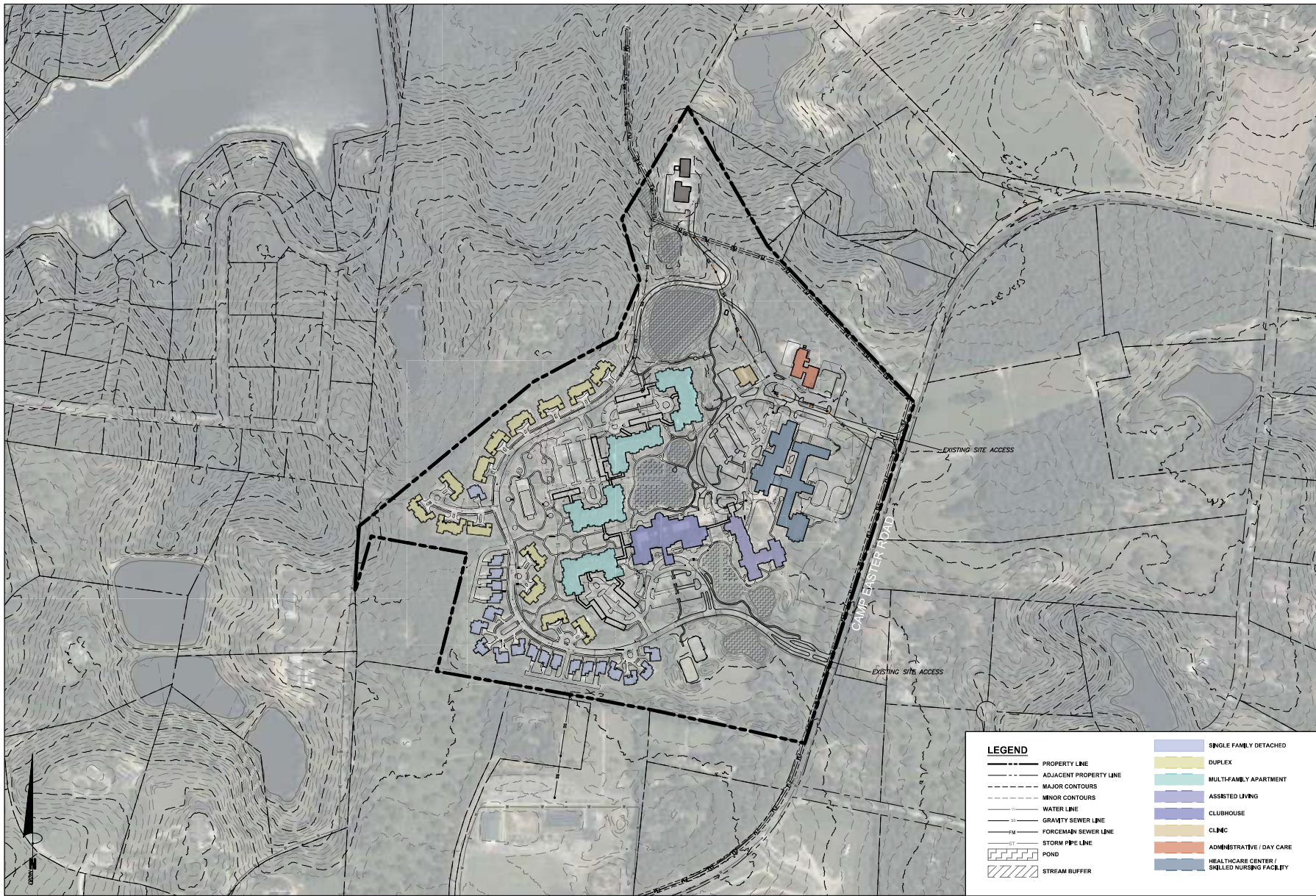
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Date
Revisions

**CONCEPT PLAN
PLANS NOT ISSUED
FOR CONSTRUCTION**

Sheet Title
**CONCEPTUAL
TRANSPORTATION
&
DRAINAGE
PLAN**

Sheet Number

CP-1.15



1 / CP-1.11
EXISTING CONDITIONS
SCALE: 1" = 200'

Exhibit 4
Existing Conditions

200 0 200 400 600
Scale 1" = 200'

CJT RA
111 West Main Street
Durham, N.C. 27701
p 919.682.0368
f 919.688.6646
www.cjtpa.com

NC BOARD OF EXAMINERS FOR
ENGINEERING AND SURVEYING
1E-W-0399
NC BOARD OF
LANDSCAPE ARCHITECTS
1E-W-0164

Trinity Health
Senior Communities

Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

Project
07/26/14-01-0036

Job Number 2242
Drawn ID
Checked Date 7.22.2022
Submitted #1
Revisions

CONCEPT PLAN
**PLANS NOT ISSUED
FOR CONSTRUCTION**

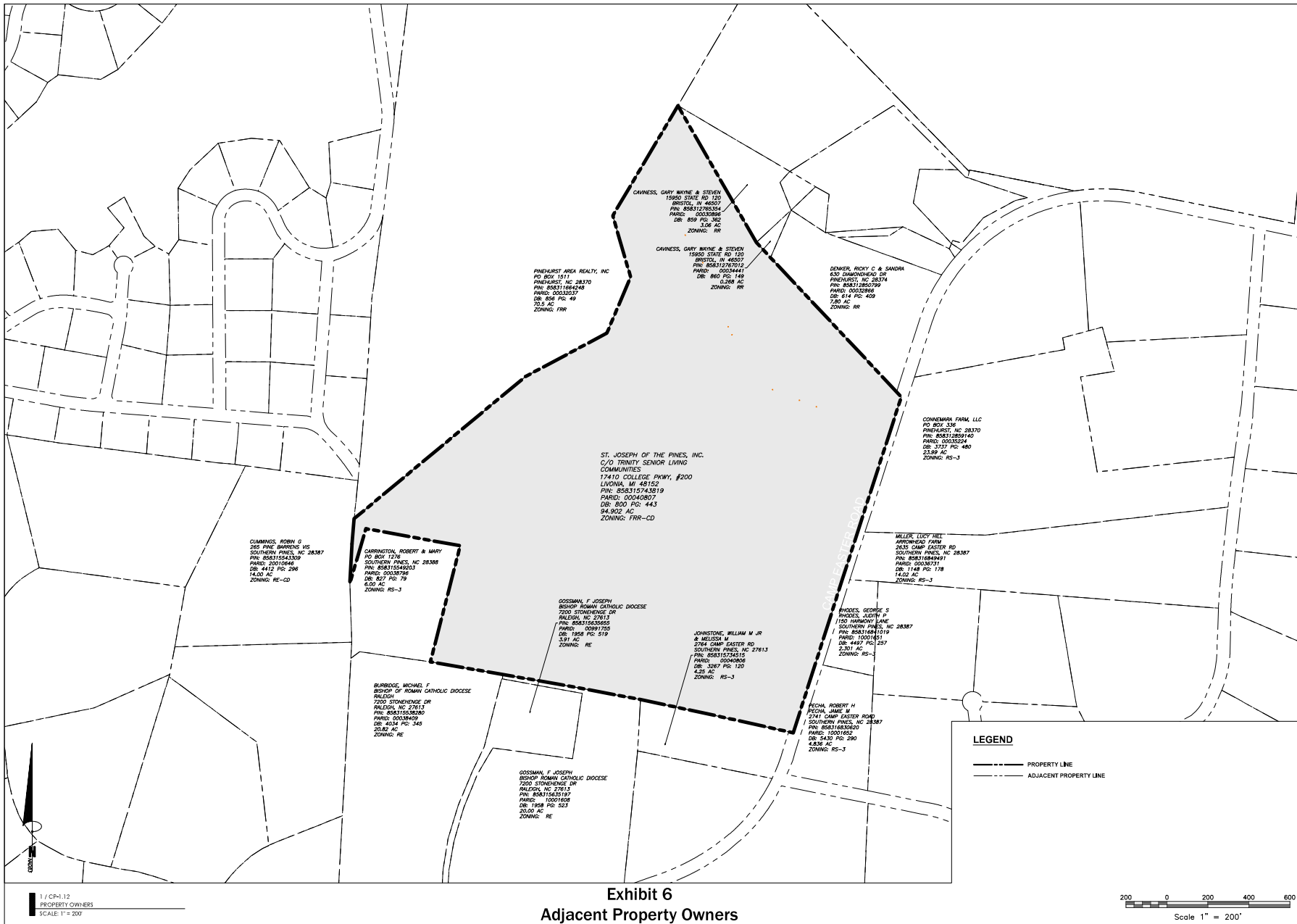
Sheet Title
**EXISTING
CONDITIONS**

Sheet Number
CP-1.11

Exhibit 5

Neighboring Properties

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP
858312765354	00030896	CAVINESS, GARY WAYNE & STEVEN		15950 STATE RD 120	BRISTOL	IN	46507
858311664248	00032037	PINEHURST AREA REALTY, INC		PO BOX 1511	PINEHURST	NC	28370
858312850799	00032866	DENKER, RICKY C & SANDRA		630 DIAMONDHEAD DR	PINEHURST	NC	28374
858312767012	00034441	CAVINESS, GARY WAYNE & STEVEN		15950 STATE RD 120	BRISTOL	IN	46507
858312859140	00035224	CONNEMARA FARM, LLC		PO BOX 336	PINEHURST	NC	28370
858312858784	00036729	MILLER, LUCY HILL	ARROWHEAD FARM	2635 CAMP EASTER RD	SOUTHERN PIN	NC	28387
858316849491	00036731	MILLER, LUCY HILL	ARROWHEAD FARM	2635 CAMP EASTER RD	SOUTHERN PIN	NC	28387
858315544974	00037668	PINEHURST AREA REALTY, INC		PO BOX 1511	PINEHURST	NC	28370
858311556134	00037669	PINEHURST AREA REALTY, INC		PO BOX 1511	PINEHURST	NC	28370
858316844064	00038148	RHODES, GEORGE S	RHODES, JUDITH P	150 HARMONY LANE	SOUTHERN PIN	NC	28387
858312860731	00038366	ROSS, CALVIN J		2460 CAMP EASTER RD	CARTHAGE	NC	28327
858315538280	00038409	BURBIDGE, MICHAEL F BISHOP OF	ROMAN CATHOLIC DIOCESE RALEIGH	7200 STONEHENGE DR	RALEIGH	NC	27613-1620
858315549203	00038796	CARRINGTON, ROBERT & MARY		PO BOX 1276	SOUTHERN PIN	NC	28388-1276
858315734515	00040806	JOHNSTONE, WILLIAM M JR &	MELISSA M	2764 CAMP EASTER RD	SOUTHERN PIN	NC	28387
858315743819	00040807	ST JOSEPH OF THE PINES, INC	C/O TRINITY SENIOR LIVING COMM	ATTN: ACCOUNTS PAYABLE	LIVONIA	MI	48152
858315635655	00991755	GOSSMAN, F JOSEPH	BISHOP ROMAN CATHOLIC DIOCESE	7200 STONEHENGE DR	RALEIGH	NC	27613
858315635197	10001608	GOSSMAN, F JOSEPH	BISHOP ROMAN CATHOLIC DIOCESE	7200 STONEHENGE DR	RALEIGH	NC	27613
858316841019	10001651	RHODES, GEORGE S	RHODES, JUDITH P	150 HARMONY LANE	SOUTHERN PIN	NC	28387
858316830620	10001652	PECHA, ROBERT H	PECHA, JAMIE M	2741 CAMP EASTER ROAD	SOUTHERN PIN	NC	28387
858315543309	20010646	CUMMINGS, ROBIN G	CUMMINGS, REBECCA G	265 PINE BARRENS VIS	SOUTHERN PIN	NC	28387



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1E-1-C-1399

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1E-1-C-104

Trinity Health
Senior Communities

Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

File #
07238-11-01-0036

Job Number 2242

Drawn
Checked
Date
Revisions

1/1/2022

CONCEPT PLAN
**PLANS NOT ISSUED
FOR CONSTRUCTION**

Sheet Title

**PROPERTY
OWNERS**

Sheet Number

CP-1.12

Exhibit 7



To: Daniel A. Jewell, RLA, ASLA
President
Coulter Jewell Thames, PA

Date: July 8, 2022

Memorandum

Project #: 39369.01

From: Andrew Topp, PE, PTOE

Re: Belle Meade Trip Generation Estimate
Southern Pines, NC

Project Background

The Belle Meade Retirement Community in Southern Pines, North Carolina has plans to demolish two buildings on site in order to provide an additional 44 senior living townhome units. An existing 6,715 square foot (sf) clinic and a 11,762-sf day care will be removed to make space for the new townhome units. This memorandum summarizes the estimated number of vehicular trips that will be removed from the site by demolishing the clinic and day care buildings while estimating the number of vehicular trips that will be generated by the 44 senior living townhome units.

Trip Generation Results

Trip generation calculations for all land uses were provided using the *ITE Trip Generation Manual, 11th Edition* and methodology from the *NCDOT Rates vs. Equation Spreadsheet*. ITE Land Use Code (LUC) 565 (Day Care Center) and LUC 630 (Clinic) were used to calculate the number of trips that will be removed from the site. Table 1 outlines the trip generation estimate to be removed from the site with the planned residential expansion.

Table 1: Trips Removed from Site

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
565	Day Care Center	50 students	225	22	19	41	19	21	40
630	Clinic	6,715 sf	276	19	4	23	8	19	27
Development Total			501	41	23	64	27	40	67

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the *NCDOT Rate vs Equation Spreadsheet*

As shown in Table 1, the two buildings to be demolished are assumed to generate 501 daily site trips with 64 trips (41 entering, 23 exiting) occurring during the AM peak hour and 67 trips (27 entering, 40 exiting) occurring during the PM peak hour.

The number of new trips generated by the 44 senior living units were calculated using LUC 252 (Senior Adult Housing – Attached). The trip generation results for the residential expansion are shown in Table 2.

Table 2: Trips Added to Site

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
252	Senior Adult Housing - Attached	44 du	152	3	6	9	6	5	11

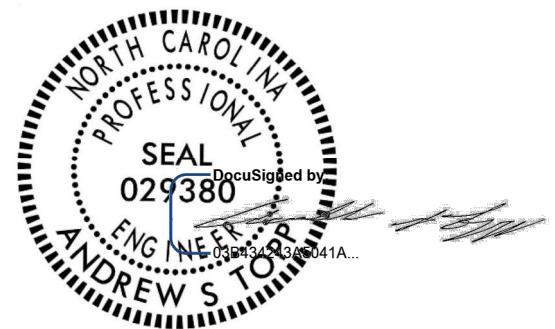
Notes:

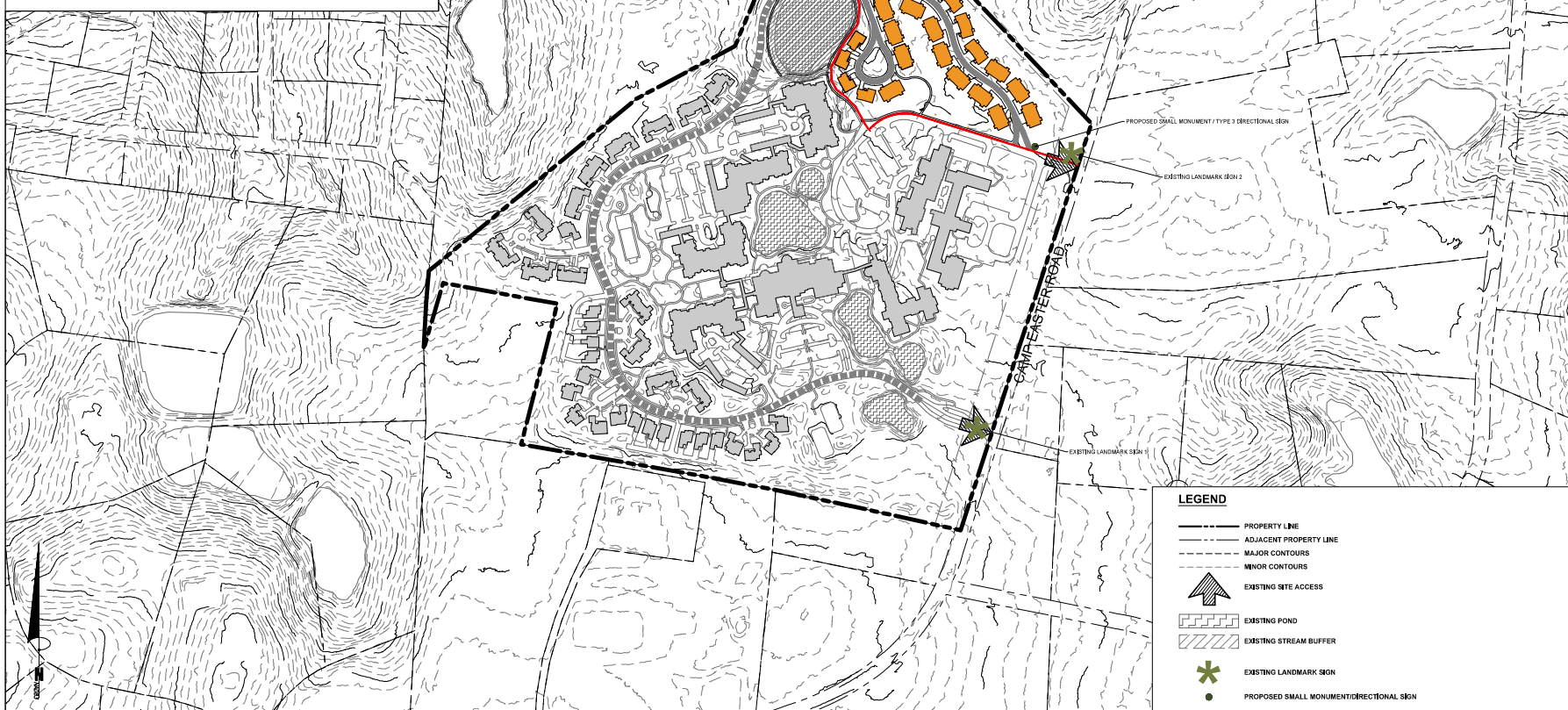
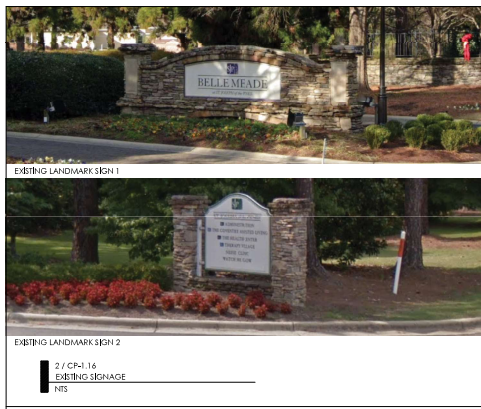
1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate vs Equation Spreadsheet

As shown in Table 2, the new residential units are expected to generate only 152 daily site trips with 9 trips (3 entering, 6 exiting) occurring during the AM peak hour and 11 trips (6 entering, 5 exiting) occurring during the PM peak hour.

Findings and Conclusions

The new senior living dwelling units are expected to generate less daily, AM peak hour, and PM peak hour traffic compared to the clinic and day care uses that will be removed from the site. Therefore, the amount of traffic entering and exiting the site should not increase with the proposed residential expansion. It should be noted that the trip generation estimate for the clinic and day care uses may be conservative since both land uses are within a retirement community. Some trips to and from these land uses may be from residents that are already located within the community. Nevertheless, the estimated number of trips for the proposed senior living homes are expected to be considerably lower than what is proposed to be demolished and as a result, the development will not have a negative effect on the surrounding public street network.





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1E-W-0109

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1E-W-0104

Trinity Health
Senior Communities

Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

Project
07/26/14-01-0036

Job Number 2242

Drawn
Checked
Date
Revisions

CONCEPT PLAN
PLANS NOT ISSUED
FOR CONSTRUCTION

Sheet Title

**CONCEPTUAL
SIGNAGE
PLAN**

Sheet Number

CP-1.16

Exhibit 8
Conceptual Signage Plan

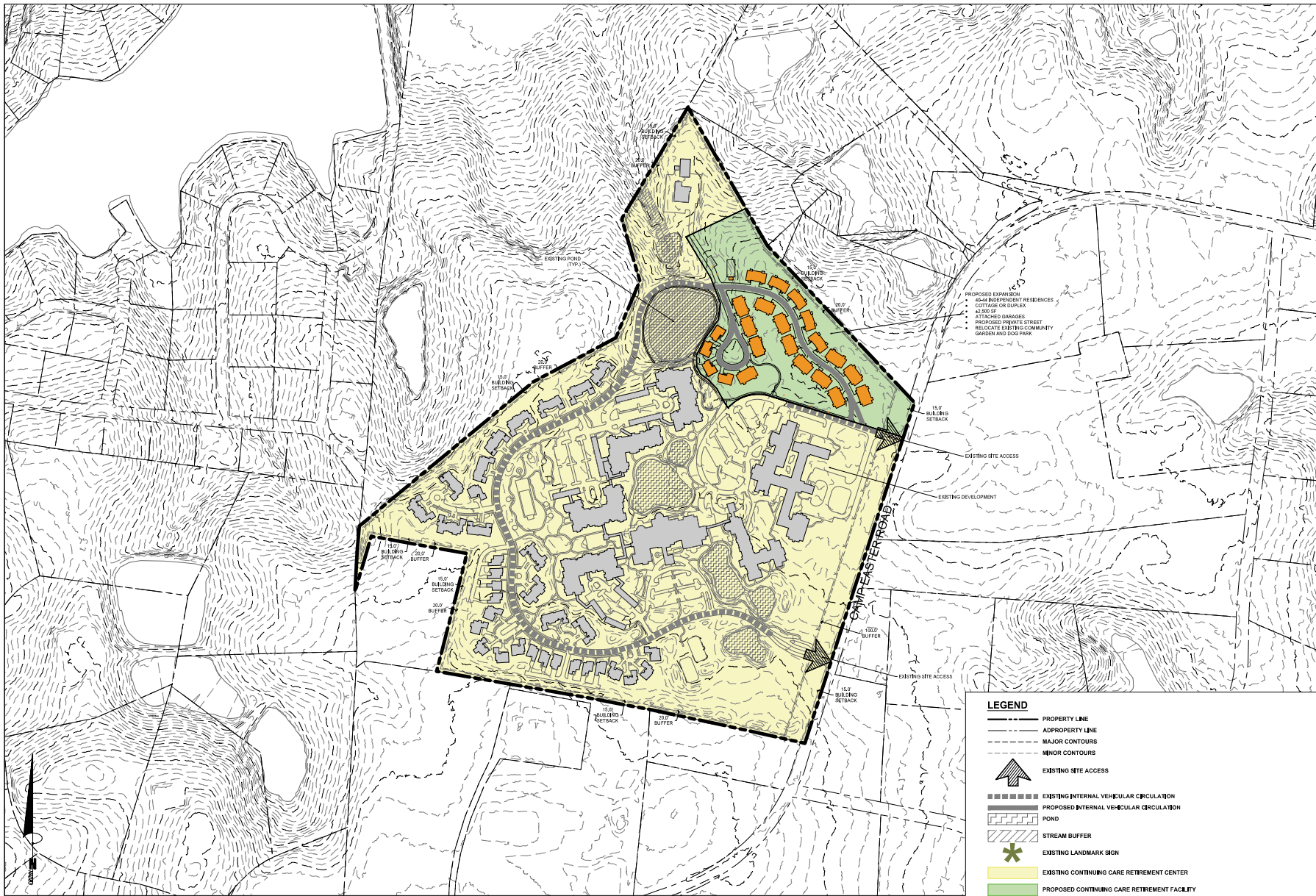


Exhibit 9 Conceptual
Development Plan

200 0 200 400 600
Scale 1" = 200'

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Trinity Health
Senior Communities

Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

Project
07/26/11-01-0036

Job Number 2242

Drawn
Checked
Date
Revisions

7.22.2022
SUBMITTAL #1
Revisions

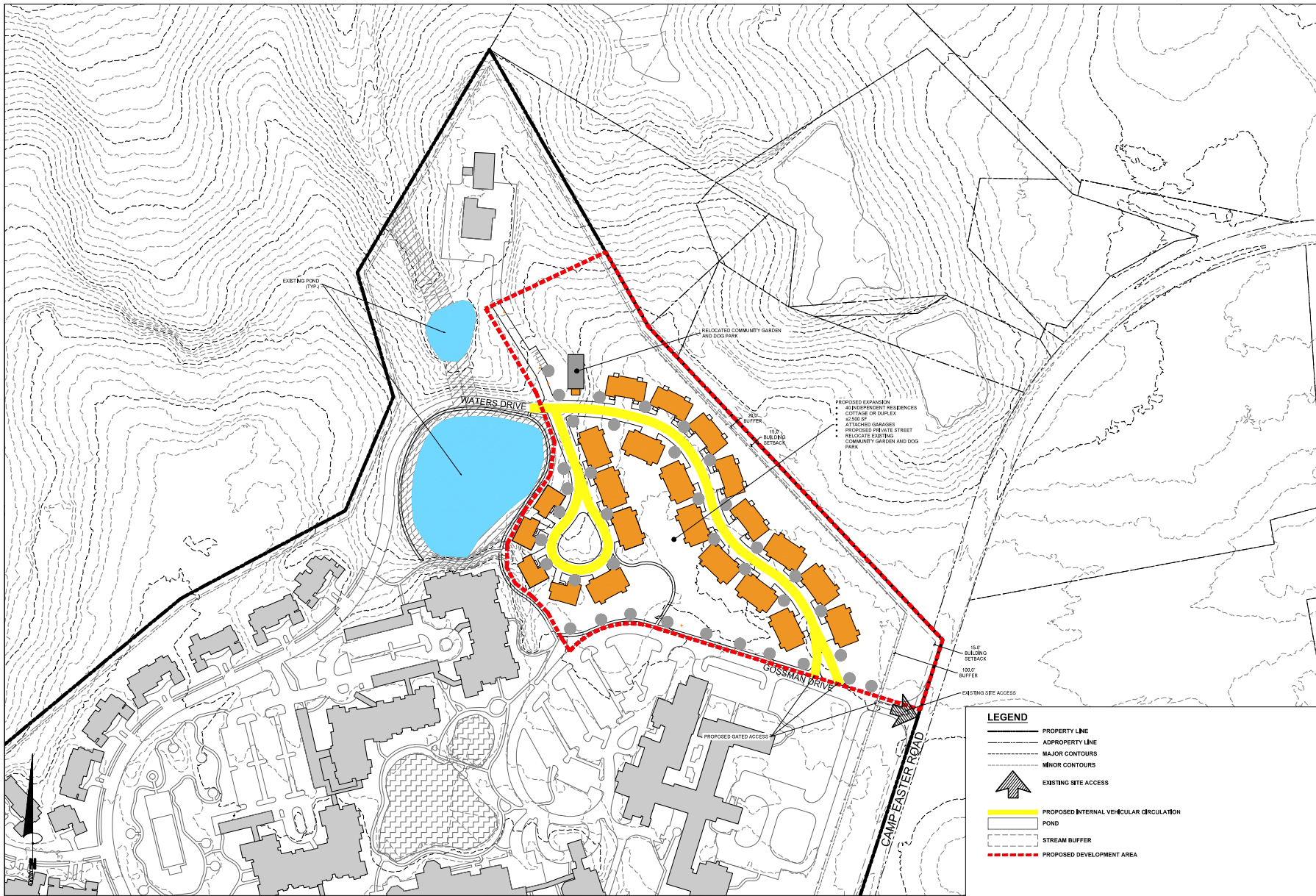
**CONCEPT PLAN
PLANS NOT ISSUED
FOR CONSTRUCTION**

Sheet Title

**CONCEPTUAL
MASTER PLAN**

Sheet Number

CP-1.13



1 / CP-1.14
CONCEPTUAL MASTER PLAN
SCALE: 1" = 100'

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Trinity Health
Senior Communities

Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

Project
07/26/11-01-0036

Job Number 2242
Drawn ID
Checked
Date 7.22.2022
Submitted #1
Revisions

**CONCEPT PLAN
PLANS NOT ISSUED
FOR CONSTRUCTION**

Sheet Title
**CONCEPTUAL
MASTER PLAN**

Sheet Number
CP-1.14

Exhibit 10

Neighborhood Meeting Sign-In,
Report and Graphics

June 22, 2022

**RE: Belle Meade Life Care Retirement Community Center
Rezoning Request to Allow 40 Additional Homes**

Dear Neighboring Property Owner:

You are invited to attend a neighborhood meeting on July 7, 2022 to find out more about the proposed expansion at the Belle Meade. The meeting will be held at the Belle Meade Clubhouse located at 100 Waters Drive, Fordham Room, Southern Pines from 6:30pm to 7:30pm.

The purpose of this meeting is to discuss the proposal to rezone the property to Planned Development ("PD") and establish a Conceptual Development Plan ("CDP") for the +/-94.902 acres of land, also known as PIN 858315743819 (the "Property"). The Property is currently zoned Facilities Resource and Recreation (FRR). The rezoning will allow the expansion of the existing St Joseph of the Pines Belle Meade Continuing Care Community allowing up to 40 additional residential units in either single family or duplex buildings. The CDP will establish permitted uses, density, standards and conditions for the proposed expansion.

The Town of Southern Pines requires that—prior to the submittal of a rezoning application—a neighborhood meeting open to the property owners within 200 feet of the area requested for rezoning be held.

If you have any questions about the rezoning request please contact Dan Jewell at djewell@cjtpa.com.

The full permit application can be reviewed at the office of the Planning Director after July 11th. You may visit southernpines.net or contact the Southern Pines Planning Department at (910) 692-4003 or plan@southernpines.net.



Signs Posted for
Neighborhood Meeting
6/22 – 7/7/2022

Meeting Sign in

Project: Belle Meade Retirement Community – Neighborhood Meeting

Date: July 7, 2022

Location: Belle Meade Retirement Community – 100 Waters Dr., Southern Pines, NC 28387

[illegible]



PD-09-22 Belle Meade CDP
ST. JOSEPH of the PINES

St. Joseph of the Pines

Belle Meade

September 2022 Town Council



Trinity Health
Senior Communities

47 of 71

St. Joseph of the Pines

Belle Meade Existing Site Plan

A Coventry & Kairos Assisted Living

B Healthcare Center

C Administrative Offices

D MD Office

E Cottages

F Independent Living Apartments

G Clubhouse

H PD-09-22 Belle Meade CDP

Maintenance



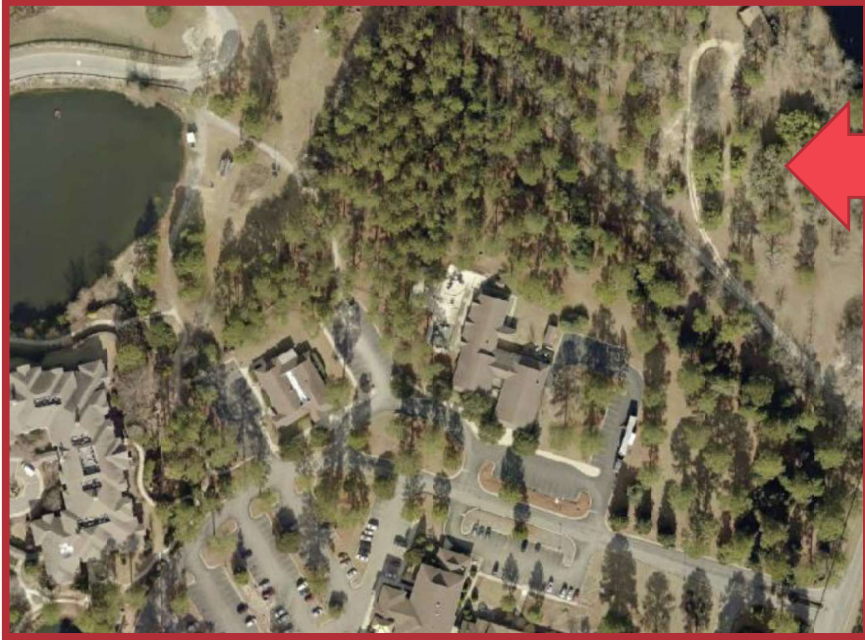
September 2022 Town Council

48 of 71

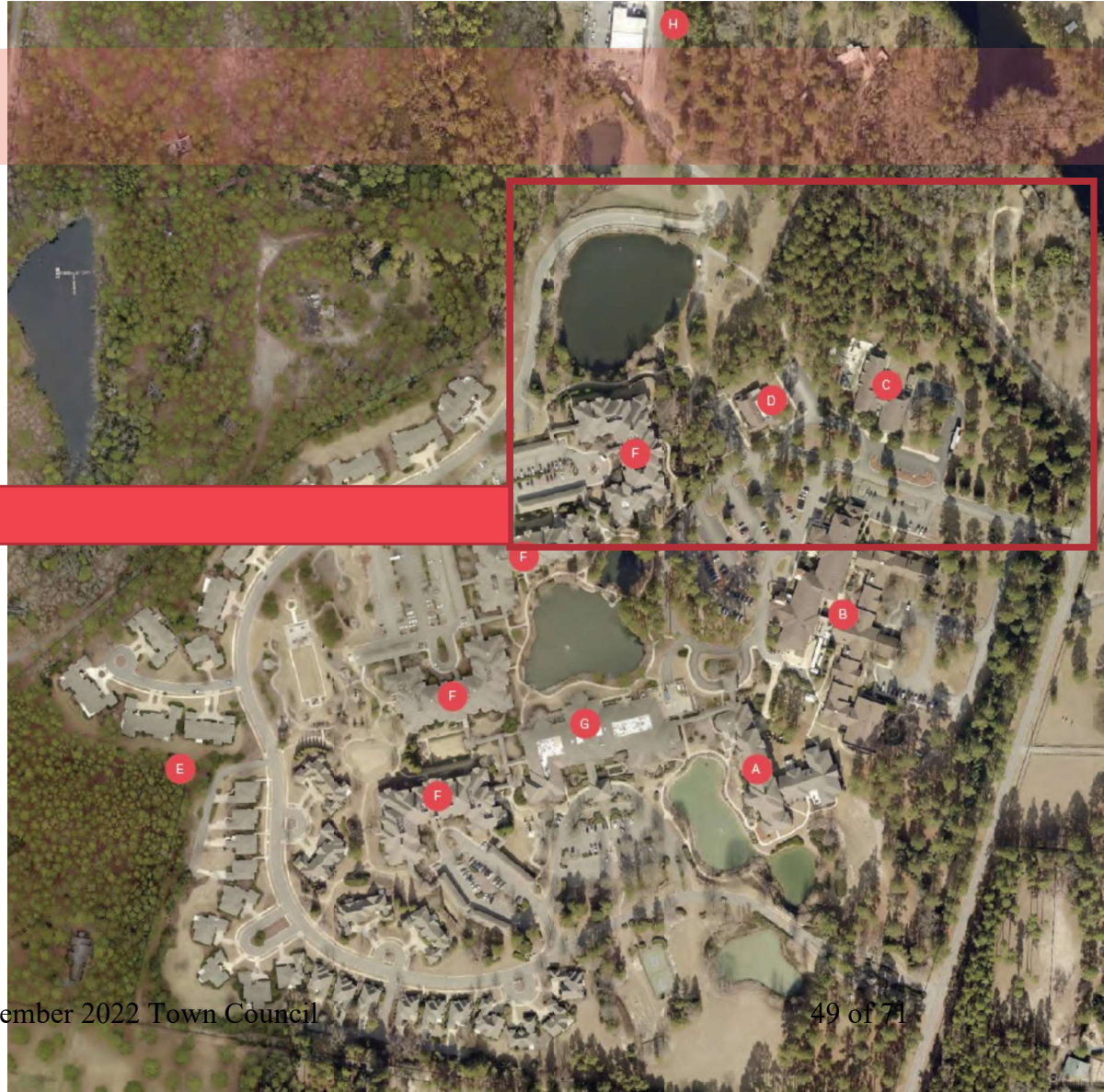
St. Joseph of the Pines

Belle Meade Existing Site Plan

PROJECT AREA



PD-09-22 Belle Meade CDP



September 2022 Town Council

49 of 71

St. Joseph of the Pines

Belle Meade Existing Site Plan

Existing Area Features

- 'Neese Clinic' / Physician's Office



St. Joseph of the Pines

Belle Meade Existing Site Plan

Existing Area Features

- 'Neese Clinic' / Physician's Office
Daycare



St. Joseph of the Pines

Belle Meade Existing Site Plan

Existing Area Features

- 'Neese Clinic' / Physician's Office
- Daycare

SJP Administration Building



St. Joseph of the Pines

Belle Meade Existing Site Plan



Existing Area Features

- 'Neese Clinic' / Physician's Office
- Daycare
- SJP Administration Building
- Resident greenhouse/ gardens
- Resident dog park

St. Joseph of the Pines

Belle Meade Existing Site Plan



Existing Area Features

- 'Neese Clinic' / Physician's Office
- Daycare
- SJP Administration Building
- Resident greenhouse/ gardens
- Resident dog park

St. Joseph of the Pines

Belle Meade Proposed

40 independent residences

- Single Story / 'Ranch'
- Single Cottage or Duplex
- 2500 s.f. +/-
- Attached garages
- Gated at Gossman

PD-09-22 Belle Meade CDP



Questions?





PD-09-22 Belle Meade CDP

September 2022 Town Council

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CJTpa

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DURHAM, NORTH CAROLINA 27701
p919.682.0368 f919.688.5646

Planning for the Future

Belle Meade Neighborhood meeting 7.7.22 6:30 PM

At Belle Meade Clubhouse, Fordham Room

Neighbors

Linda Covington

Calvin Ross

Mrs. Ross

Jamie Pecha

for the Belle Meade Team

Scott Brewton, Nora Wiley, Ed McLean, Dan Jewell

Nora gave an overview of the Existing Campus, Development Proposal and the Entitlement process.

- Existing facilities and parking within the new project area will be removed, and new residential units built.
- Waters Drive will be extended to Gossman Drive for better fire access
- Housing types – single family cottages and duplexes
- New gates

Questions:

Mr. Ross – How close to the northeast property line are we proposing to build? when Belle Meade was originally proposed the neighbor to the northeast was concerned about proximity of buildings to that property line

Response: We will be relatively close but will be buffering

Why was this portion of the property not shown on the original approval and what is different now?

Response - The original campus approvals predated the current zoning requirements for a Planned Development

Are we having to rezone the entirety of the property to bring it into compliance?

Response - yes, and then a subsequent approval to allow the new units

There is an existing runoff issue on the southern portion of the property across Camp Easter Road. The water occasionally runs across the street. That portion of the campus does not drain into the ponds, and we are not proposing new development in that portion of the campus

Mr. Ross said that the existing ponds are actually fed by well water and used for irrigation, and would run dry if not

The lowest "pond" is actually a sediment basin that was installed when the dam above it was rebuilt

Have we done any environmental investigation? Response - Yes. We have had a local biologist look for jurisdictional streams, wetlands, and Red Cockaded Woodpeckers. There are no jurisdictional streams. The only wetlands are the wetted perimeter of the pond. There are no cavity trees or suitable habitat for Woodpeckers.

Where will water and sewer be served from? Is there sufficient capacity? From the Town of Southern Pines and our investigation shows that there is.

FYI There is a Zoning case for a big private school behind Belle Meade. There have been many hours of Council meetings. Impervious surface has been a concern

Look at what the future land use map shows for the area. The Town will be updating that in the next few years.

Recorded by: Dan Jewell and Ed McLean

Exhibit 11 Deed

LAW OFFICES
VAN CAMP, WEST, WEBB & HAYES
THIRD FLOOR SUITE, THE THEATRE BUILDING
VILLAGE GREEN WEST
PINEHURST, NORTH CAROLINA 28374

NORTH CAROLINA
MOORE COUNTY

WARRANTY DEED

THIS DEED, made this 12th day of April, 1990, by ROYAL AND ANCIENT PARTNERSHIP, LTD., a North Carolina Limited Partnership, Grantor, and ^{SAINT} ST. JOSEPH OF THE PINES, INC., of 590 Central Drive, Southern Pines, North Carolina 28387, Grantee;

WITNESSETH:

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 Mineral Springs Township, Moore County, North Carolina, and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated by reference for a metes and bounds description of the property.

This conveyance is made subject to the following: (i) utility easements of record; (ii) right of way of S.R. 1853,; (iii) that certain easement to the Easter Seals Society recorded in Book 387, Page 87, Moore County Registry; and (iv) riparian rights of adjacent property owners in and to creeks and streams on 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 exceptions, reservations and conditions hereinabove referred to.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee 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 and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

3 8221

2 1631

PAGE 00443
BOOK 00800
PAGE 00546
00714
Real Estate
RECORDING TAX
676.50
676.50
APR 12 1990
NORTH CAROLINA
TAX ADDRESS
RECORDING
STAMP
TOTAL

Van Camp
11-00 pd RE-RECORD

VAN CAMP, WEST,
WEBB & HAYES, P.A.
ATTORNEYS AT LAW

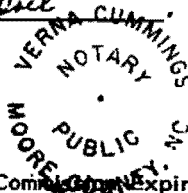
ROYAL AND ANCIENT INVESTORS, LTD.
a North Carolina Limited Partnership

Kelly R. Miller (SEAL)
By: Kelly R. Miller, General Partner

NORTH CAROLINA
Moore COUNTY

I, a Notary Public for said County and State do hereby certify that KELLY R. MILLER, General Partner of Royal and Ancient Investors, Ltd., a North Carolina Limited Partnership Grantor, personally appeared before me this day and acknowledged the due execution of the foregoing Warranty Deed.

Witness my hand and official stamp or seal, this 12th day of April, 1990.



Verna Cummings
Notary Public

My Commission Expires:

July 19, 1990

North Carolina--Moore County

The foregoing certificate(s) of Verna Cummings, Notary/Notaries Public is/are certified to be correct. This instrument and this certificate are duly registered at the date and time in the book and page shown in the first page hereof.

Judith M. Adams, Register of Deeds
Judith D. Martin Deputy

APR 12 4 32 PM '90

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

EXHIBIT "A"

MCNEILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA

A CERTAIN TRACT OF LAND LOCATED ON THE NORTH SIDE OF THE TOWN OF SOUTHERN PINES, FRONTING ON THE WEST SIDE OF STATE ROAD 1853 (CAMP EASTER ROAD) ABOUT ONE MILE EAST OF THE INTERSECTION OF ROAD 1853 WITH HIGHWAY 22, ADJOINING THE LANDS OF CAMP EASTER IN THE PINES, HEARN, J.W. ALSUP, EDWIN LONGCOPE, STEVEN SIEGEL AND THE GRANTOR, DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT ON THE WEST LINE OF A LANE THAT LEADS FROM STATE ROAD 1853 NORTHWARD TO CAMP EASTER, SAID MONUMENT LOCATED ABOUT 700 YARDS NORTH OF STATE ROAD 1853 AND BEING THE BEGINNING CORNER OF THE EDWIN LONGCOPE 275 ACRE TRACT THAT IS RECORDED IN DEED BOOK 184 AT PAGE 116 IN THE OFFICE OF REGISTER OF DEEDS FOR MOORE COUNTY, SAID BEGINNING CORNER ALSO BEING IN THE EAST LINE OF THE KELLY PROPERTY, RUNNING THENCE FROM THE BEGINNING WITH THE LINES OF THE 275 ACRE TRACT N 04 39' 28" E 123.79 FEET TO AN IRON STAKE, THE SOUTH CORNER OF CAMP EASTER PROPERTY; THENCE WITH THE COMMON LINES OF THE CAMP EASTER & LONGCOPE N 50 02' 23" E 1087.31 FEET TO AN IRON STAKE, N 61 36' 24" E 448.69 FEET TO A CONCRETE MONUMENT, N 22 36' 42" E 297.28 FEET TO A CONCRETE MONUMENT, N 16 28' 28" W 311.48 FEET TO AN IRON STAKE AND N 30 20' 14" E 623.64 FEET TO A CONCRETE MONUMENT IN THE CAMP EASTER LINE; THENCE CONTINUING WITH THE 275 ACRE TRACT LINES COMMON TO HEARN AND ALSUP, S 30 07' 47" E 768.91 FEET TO A CONCRETE MONUMENT AND S 43 30' 00" E 1033.27 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF STATE ROAD 1853; THENCE ALONG THE CENTER OF THE ROAD S 17 34' 24" W 938.72 FEET TO AN IRON PIN IN THE CENTER OF THE PAVEMENT, THENCE CONTINUING WITH THE ROAD S 17 28' 21" W 783.36 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT; THENCE LEAVING THE ROAD N 77 46' 07" W 359.76 FEET TO AN IRON STAKE, THENCE N 78 08' 52" W 403.10 FEET TO AN IRON STAKE ON THE NORTH SIDE OF A ROADWAY, THENCE N 79 44' 57" W 376.26 FEET TO AN IRON STAKE ON THE NORTH SIDE OF THE ROADWAY; THENCE N 80 22' 55" W 665.04 FEET TO AN IRON STAKE AT A FENCE CORNER, A COMMON CORNER WITH THE STEVEN SIEGEL SIX ACRE TRACT; THENCE WITH THE LINES OF THE SIEGEL TRACT N 14 06' 53" E 584.66 FEET TO A CONCRETE MONUMENT, N 80 03' 23" W 468.22 FEET TO A CONCRETE MONUMENT AND S 15 56' 43" W 278.26 FEET TO A CONCRETE MONUMENT, SIEGEL'S CORNER IN LONGCOPE'S 275 ACRE LINE; THENCE WITH THE 275 ACRE LINE N 02 46' 48" E 193.04 FEET TO THE BEGINNING, CONTAINING 94.902 ACRES MORE OR LESS AND BEING A PART OF THE EDWIN LONGCOPE 275 ACRE TRACT THAT IS RECORDED IN DEED BOOK 184 PAGE 116 IN THE OFFICE OF REGISTER OF DEEDS FOR MOORE COUNTY, NORTH CAROLINA. BEARINGS IN THIS DESCRIPTION BASED ON THE NORTH CAROLINA GRID SYSTEM 1927 DATUM.

BOOK PAGE
00800 00445

BOOK PAGE
00714 00598

EXPLANATION STATEMENT TO CORRECT ERROR(S) MADE
IN AN INSTRUMENT AS ORIGINALLY RECORDED

RE: Book 714
Page 546

Recorded in the Moore County Public Registry

NAMES OF ALL PARTIES TO THE ORIGINAL INSTRUMENT:

Grantors: Royal and Ancient Partnership, Ltd.

Grantees: St. Joseph of the Pines, Inc.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

We the undersigned, hereby certify and acknowledge that the following corrections are made in the above named recorded instrument as requested by the Beneficiary, for the purpose of adding the following information to the Deed of Trust.

DESCRIPTION OF CORRECTIONS:

This Warranty Deed is being rerecorded to reflect that the name of the Grantee is "Saint" rather than "St." pursuant to N.C.G.S. 47-36.1 ratified June 30, 1986.

DATED this 28th day of October, 1991.

 (SEAL)
L. PENDLETON HAYES
Drafter

This explanation statement together with the attached instrument duly recorded at _____ o'clock _____ M. this the _____ day of _____, 1991, in the Book and Page shown on the first page hereof.

Register of Deeds

BY:
Deputy/Assistant Registrar
of Deeds

D2/ExpStmt4Rerecord

VAN CAMP, WEST,
WEBB & HAYES, P.A.
ATTORNEYS AT LAW

Meet Our Senior Management Team and Board of Directors

< About Us

Careers

Contact Us

Foundation

History & Mission

Leadership

Our Area

News & Events

St. Joseph of the Pines Leadership

At St. Joseph of the Pines in Southern Pines, our goal is to provide a personal experience that exceeds your expectations. From our Board of Directors to our Leadership team, everyone at St. Joseph of the Pines is dedicated to meeting the needs of seniors with top-notch care and hospitality.

St. Joseph of the Pines Senior Management

Scott Brewton, Vice President

Mr. Brewton joined SJP in October 2020. Prior to joining SJP, he served as senior vice president and general manager of Pinehurst Resort and Country Club for sixteen years, where he was responsible for the operations of three hotels, eight restaurants, a spa, and conference center. A trusted and visionary leader, Scott has extensive experience in overseeing successful capital improvement projects and campus enhancements, and is committed to investing in staff education and customer satisfaction training.

Kimberly Wessell, Director of Sales and Marketing

Ms. Wessell is a Hamlet native who joined SJP in June 2017, bringing with her more than two decades of sales and marketing experience. Prior to her arrival, Wessell spent 10 years as a national integrated media sales executive for Valassis, Inc., where she consistently exceeded her annual sales quota and won numerous company awards. Wessell earned a Bachelor of Science Degree in Early Childhood Education with Reading Certification from East Carolina University, where she also studied Fashion Merchandising.

Wanda Avetta, Director Quality and Risk Management

Ms. Avetta joined the SJP team in November 2017 after serving three years as the Infection Preventionist for the Cape Fear Valley Health System. Her professional experience also includes serving as a Quality Director and a Safety Director in the healthcare industry. Ms. Avetta earned a Bachelor of Science degree in Nursing from Southeast Missouri University and a Master of Science degree in Nursing Education from Walden University.

Jackie Jamerson, Human Resources Manager

Ms. Jamerson grew up in Oregon and relocated to North Carolina from Montana. She joined the SJP team in May, 2017 after serving twelve years at FirstHealth Moore Regional Hospital and FirstHealth Richmond Memorial Hospital in the Human Resources Department as a Human Resources Specialist and Benefits Technician. Ms. Jamerson has prior human resources and safety experience in the hospitality industry. Ms. Jamerson earned an Associate Degree in Human Resources Management from Central Carolina Community College in 2016.

Board of Directors

St. Joseph of the Pines

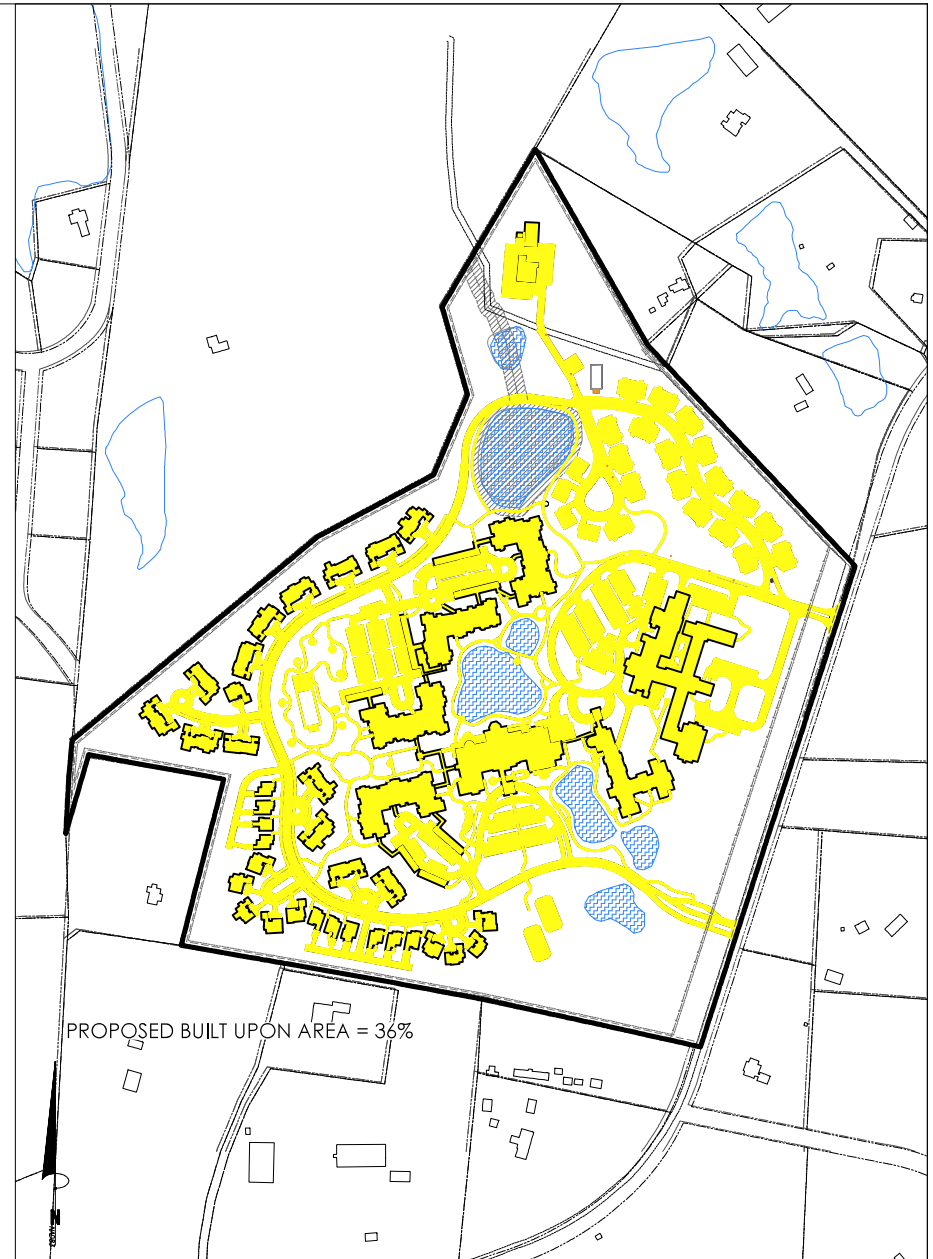
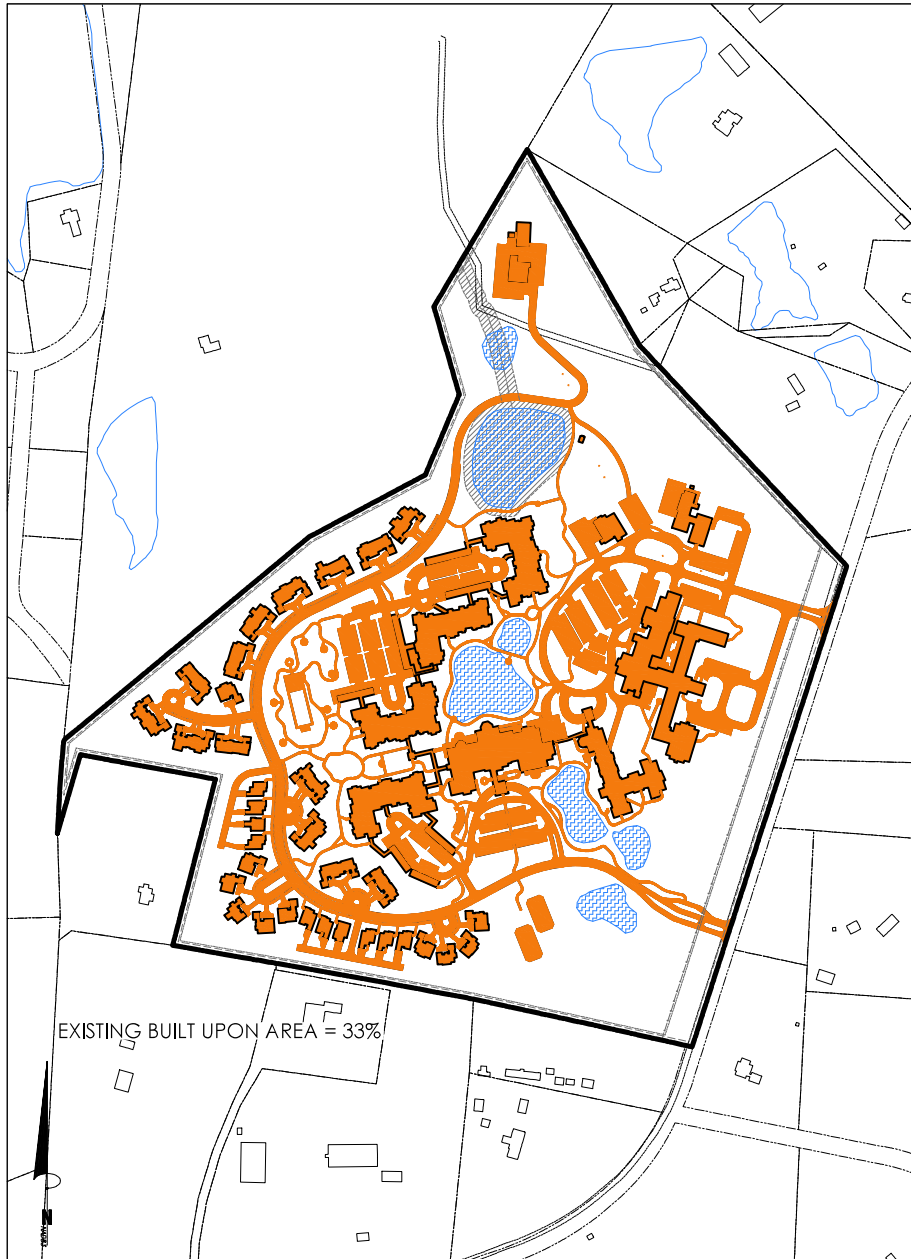
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NC BOARD OF EXAMINERS FOR
BUSINESS AND SURVEYORS
LIC # C-1209

NC BOARD OF
LANDSCAPE ARCHITECTS
LIC # C-104



Project
**BELLE MEADE
RETIREMENT
COMMUNITY
EXPANSION**

100 Waters Dr.
Town of Southern Pines,
Moore County,
North Carolina

PNIS: 0730-1-01-0036

Job Number: 2242

Drawn: ID
Checked: 7.22.2022 SUBMITAL #1
Date: 7.22.2022
Revision:

**CONCEPT PLAN
PLANS NOT ISSUED
FOR CONSTRUCTION**

Sheet Title:
**BUILT UPON
AREA**

Sheet Number:
CP-1.17

From: [RLUAC Executive Director](#)
To: [Cindy Williams](#)
Subject: RE: PD-09-22 St. Joseph of the Pines - Belle Meade
Date: Thursday, July 28, 2022 9:12:04 AM

Cindy,

RLUAC does not have any comments on this case.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Monday, July 25, 2022 3:14 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; Director <director@rluac.com>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Ron Istre <RIstre@southernpines.net>; Ron Maness <rmaness@moorecountyairport.com>
Cc: Jennifer Hunt <jhunt@southernpines.net>
Subject: PD-09-22 St. Joseph of the Pines - Belle Meade

Good afternoon,

Please review the attached Planned Development – Conceptual Development Plan information and respond with any questions or comments at your earliest convenience.

Thank you.

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

From: [Cindy Williams](#)
To: [Jennifer Hunt](#)
Subject: FW: [External] PD-09-22 St. Joseph of the Pines - Belle Meade
Date: Tuesday, August 2, 2022 9:07:27 AM
Attachments: [PD-09-22 PB PHN - agency comments.pdf](#)

Hi Jennifer,

FYI

Cindy Williams

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

From: JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>
Sent: Friday, July 29, 2022 9:43 AM
To: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [External] PD-09-22 St. Joseph of the Pines - Belle Meade

Cindy,

No comments on this one.

Dago

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Monday, July 25, 2022 3:14 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; Director <director@rluac.com>; Michel, James <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; JuarezPozos, Dagoberto <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; ISTRE, RONALD <ristre@southernpines.net>; Ron Maness <rmaness@moorecountyaairport.com>
Cc: Jennifer Hunt <jhunt@southernpines.net>
Subject: [External] PD-09-22 St. Joseph of the Pines - Belle Meade

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Good afternoon,

Please review the attached Planned Development – Conceptual Development Plan information and respond with any questions or comments at your earliest convenience.

Thank you.

Cindy Williams

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.

Exhibit 7



To: Daniel A. Jewell, RLA, ASLA
President
Coulter Jewell Thames, PA

Date: July 8, 2022

Memorandum

Project #: 39369.01

From: Andrew Topp, PE, PTOE

Re: Belle Meade Trip Generation Estimate
Southern Pines, NC

Project Background

The Belle Meade Retirement Community in Southern Pines, North Carolina has plans to demolish two buildings on site in order to provide an additional 44 senior living townhome units. An existing 6,715 square foot (sf) clinic and a 11,762-sf day care will be removed to make space for the new townhome units. This memorandum summarizes the estimated number of vehicular trips that will be removed from the site by demolishing the clinic and day care buildings while estimating the number of vehicular trips that will be generated by the 44 senior living townhome units.

Trip Generation Results

Trip generation calculations for all land uses were provided using the *ITE Trip Generation Manual, 11th Edition* and methodology from the *NCDOT Rates vs. Equation Spreadsheet*. ITE Land Use Code (LUC) 565 (Day Care Center) and LUC 630 (Clinic) were used to calculate the number of trips that will be removed from the site. Table 1 outlines the trip generation estimate to be removed from the site with the planned residential expansion.

Table 1: Trips Removed from Site

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
565	Day Care Center	50 students	225	22	19	41	19	21	40
630	Clinic	6,715 sf	276	19	4	23	8	19	27
Development Total			501	41	23	64	27	40	67

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the *NCDOT Rate vs Equation Spreadsheet*

As shown in Table 1, the two buildings to be demolished are assumed to generate 501 daily site trips with 64 trips (41 entering, 23 exiting) occurring during the AM peak hour and 67 trips (27 entering, 40 exiting) occurring during the PM peak hour.

The number of new trips generated by the 44 senior living units were calculated using LUC 252 (Senior Adult Housing – Attached). The trip generation results for the residential expansion are shown in Table 2.

Table 2: Trips Added to Site

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
252	Senior Adult Housing - Attached	44 du	152	3	6	9	6	5	11

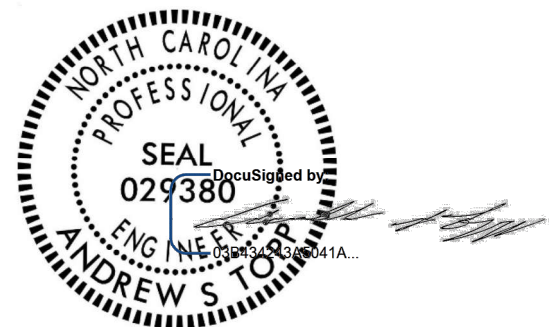
Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate vs Equation Spreadsheet

As shown in Table 2, the new residential units are expected to generate only 152 daily site trips with 9 trips (3 entering, 6 exiting) occurring during the AM peak hour and 11 trips (6 entering, 5 exiting) occurring during the PM peak hour.

Findings and Conclusions

The new senior living dwelling units are expected to generate less daily, AM peak hour, and PM peak hour traffic compared to the clinic and day care uses that will be removed from the site. Therefore, the amount of traffic entering and exiting the site should not increase with the proposed residential expansion. It should be noted that the trip generation estimate for the clinic and day care uses may be conservative since both land uses are within a retirement community. Some trips to and from these land uses may be from residents that are already located within the community. Nevertheless, the estimated number of trips for the proposed senior living homes are expected to be considerably lower than what is proposed to be demolished and as a result, the development will not have a negative effect on the surrounding public street network.



Agenda Item

To: Reagan Parsons, Town Manager

From: Pamela Graham, Principal Planner

Subject: PD-10-22: A Planned Development District - Preliminary Development Plan for Morganton Park North Phase 9; Applicant: DHIC, LLC, Elam Hall; Bob Koontz of KoontzJones Design PLLC, Authorized Agent; Owners: PACN Realty, LLC, and Morganton Park Realty Site 2, LLC

Date: September 13, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz has submitted an application on behalf of DHIC, LLC for a Planned Development - Preliminary Development Plan in association with the Morganton Park North Mixed-use Conceptual Development Plan approved in May of 2018 and known as Phase 9. The application for this phase of the Morganton Park North CDP proposes 300 multi-family residential units and +/- 20,000 square feet of mixed-use retail, restaurant, and/or office space on +/- 25.5 acres. The approved CDP calls for the following:

- Project total acreage = +/- 116.7;
- A range of allowable uses over the CDP site that include public institutional (elementary school), multi-family residential, retail, hotel, service, and office;
- Total open space acreage = 23.34 (11.67 usable open space);
- Pursuant to a Development Agreement, a shared-use path that borders the north side of Morganton Road, within a required forty foot buffer between the development and Morganton Road;
- The extension of S. Carlisle Street to make connection with Tanglewood Drive.

II. PLANNING BOARD REVIEW:

On August 18, 2022. The Planning Board held a Preliminary Forum regarding PD-10-22 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by town staff, the Mr. Paul Saathoff with KoontzJones Design presented an overview of the project and responded to questions and comments from the Planning Board members. Mr. Nick Robinson with Bradshaw, Robinson, and Slawter, LLP and Mr. Travis Fluitt with Kimley Horn were also in attendance and engaged in the discussion.

On a unanimous vote of 6-0, the Planning Board adopted the following list of issues to transmit to the Town Council for that body to consider in applying the criteria for a PDP to application PD-10-22:

1. The TIA studies indicated the rating would go from LOS B to LOS C at the intersection of Brucewood and Morganton Road.
2. The Planning Board had no issues with the building height deviation request due to the topography of the area and the suitability of the location.
3. The applicant has volunteered to improve the walking paths to Town standards (compacted stone).
4. The request for the reduction in width of the S. Carlisle Street extension from 80 feet to 60 feet was deemed acceptable (this issue is described in more detail later in this report).
5. The Planning Board had no problem with losing the sidewalk on the north side of the S. Carlisle Street extension.
6. The Planning Board recommended that Town Council review the details of the parking for the commercial area of the site and that should be defined specifically in the PDP.
7. The Town Council should review consistency with the UDO for multi-family density in OS, GB, and the Morganton Road Overlay.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for Council consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-10-22.

III. PROJECT INFORMATION:

A. Property Owners(s)

1. PIN 857100399573 (PARID 20190270)
Owned by PACN Realty, LLC
205 Page Road
Pinehurst, NC 28374
2. PIN 857100392796 (PARID 20150046)
Owned by Morganton Park Realty Site 2, LLC
5 First Village Drive
Pinehurst, NC 28370

B. Applicant(s)

DHIC, LLC c/o Elam Hall
2000 Aerial Center Parkway Ste. 110
Mooresville, NC 27560

C. Authorized Agent

Bob Koontz
Koontz Jones Design

150 South Page Street
Southern Pines, NC 28387

D. Property Information:

1. Street Address:

The subject property is currently unaddressed. Addresses will be assigned by Moore County following approval of the PDP.

2. Size of Property:

Total acreage in approved CDP:	116.7
Area included in current PDP:	25.5

3. Subject Property Description:

The subject property is known as Phase 9 of the Morganton Park North CDP, based on the order of the components that have come through for approval. However, the Phasing Plan included in the 2018 CDP shows this area to be Phases 1, 4, and 5. (see Figure 4). The project is located north of W. Morganton Road between Brucewood Road and land immediately west of Tanglewood Drive. The project area extends to a currently undeveloped portion of S. Carlisle Street; developed areas and open space set-aside will front S. Carlisle Street following the extension of the road to Tanglewood Drive as agreed upon in this phase. A 4.9-acre area of wetlands west of Tanglewood Drive is included in this phase, and is being set aside as open space (not to be developed). An additional area of wetlands east of Tanglewood Drive is also being preserved as open space.

Figure 1: Aerial image taken over the site, looking north towards Legends Apartments and Mid South (approximate location of current phase shown in yellow)



Figure 2: Aerial image taken over the site, looking southeast towards Legends Apartments and other phases of Morganton Park North. Southern Pines Elementary School is shown at top-center.



[illegible]

Figure 4: Morganton Park North CDP Conceptual Phasing Plan (2018)



4. Jurisdiction

The subject property is currently located in Southern Pines' ETJ. The subject property must be annexed *prior* to connecting to town water and sewer services, including water service during site work and construction.

5. Property Zoning Classification:

The zoning of the subject property is PD-Planned Development (See Figure 5: Vicinity & Zoning Map below) and is included in the Morganton Road Overlay District. A Conceptual Development Plan (CDP) for Morganton Park North was approved by the Town of Southern Pines Town Council on May 15, 2018 as file PD-01-18. The current and all future Preliminary Development Plan (PDP) applications must be consistent with the approved CDP or must request and be granted deviations from the CDP as part of the PDP review and approval process.

Figure 5: Current Zoning Vicinity Map (Overall CDP outlined in Red, current PDP outlined in yellow). Planned Development zoning is shown in transparent brown.



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 second step, PDP, is when a project or phase of a project is reviewed for compliance with the unique zoning standards established in the CDP. An application for approval of a Preliminary Development Plan (PDP) follows the procedure for quasi-judicial decisions by the Town Council. Prior to the Council's decision, the Planning Board may hold a Preliminary Forum to review the project.

B. Summary of Procedural Requirements:

- PDP Application Submitted: July 11, 2022
- PDP Application Complete: July 18, 2022
- Notice of August 18, 2022 Planning Board Public Hearing:
 - Posted On-site: July 27, 2022
 - Mailed: July 27, 2022
 - Internet: July 25, 2022
 - Newspaper: August 3, 2022 and August 10, 2022
- Planning Board Agenda Meeting: August 11, 2022.
- Planning Board Preliminary Forum: August 18, 2022
- Notice of September 13, 2022 Town Council Public Hearing:
 - Posted On-site: July 27, 2022
 - Mailed: August 25, 2022
 - Internet: August 19, 2022
 - Newspaper: August 31, and September 7, 2022
- Town Council Agenda Session: September 7, 2022
- Town Council Regular Meeting: September 13, 2022

C. Applicable Criteria for Review:

The criteria for review and approval of a PDP are found in Chapter 2, §2.18.5(H), of the Town of Southern Pines Unified Development Ordinance. Staff analysis of how the application addresses these criteria begins on the following page of this document.

Preliminary Development Plan:

- 1. The application demonstrates that it will achieve the purposes of the Planned Development District (PDD) and this section of the UDO.*
- 2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*
- 3. The proposed Development is located in an area of the Town that is appropriate; and*
- 4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

D. Town Staff Review and Comments:

- **Consultation with Technical Review Committee**

The proposed development received a pre-application review in June of this year. A formal site plan review for this phase will occur following approval of the PDP by Town Council.

- **Consistency with Criteria for a Preliminary Development Plan:**

The criteria against which a PDP shall be reviewed are found in UDO §2.18.5(H). The applicants have provided a Narrative addressing the criteria for a PDP as required by the UDO, which is enclosed with this report. Staff analysis of the application's ability to meet the criteria is as follows.

1. *The application demonstrates that it will achieve the purposes of the Planned Development District (PDD) and this section of the UDO.*

The purpose, intent, and general requirements for the Planned Development (PD) District are found in Chapter 3, §3.5.14, and are included in the paragraphs that follow.

The stated purpose for the District is “to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5”.

The future land use map indicates Traditional Mixed Use for the subject project area. This land use category is described in the Comprehensive Long-Range Plan as being appropriate to the Morganton Road area with expectations that the area 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.

The stated intent for the District is “to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can readily be extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development.

Public water is available at multiple locations adjacent to the site, including Morganton Road, Brucewood Road, Tanglewood Drive, and the developed portion of S. Carlisle Street. Public gravity sewer is also available, currently transecting the site in the northwest quadrant. Mr. James Michel, Town Engineer, has received a request from the applicant to determine available capacity and is currently evaluating the capacity. Should any deficiencies be identified, it shall be the responsibility of the developer to make necessary improvements.

This phase of the CDP will be bounded by public roads on all four sides, following the extension of S. Carlisle Street to Tanglewood Drive, which the developer has committed to construct with this phase. A traffic impact analysis (TIA) was prepared and reviewed by Mr. Michel, who agrees with the conclusion that no improvements are needed for the project based on all study intersections being expected to operate at acceptable levels. The TIA noted that the proposed extension of S. Carlisle Street to Tanglewood Drive will help address any delays at intersections within the CDP project area.

The UDO's stated intent of the regulations for the District is included in the list below. The applicant has responded to each item in their written Narrative, included as an attachment to this report.

- a. *Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;*
 - b. *Exclude heavy commercial and heavy industrial land uses;*
 - c. *Encourage Development in areas located on major thoroughfares and collector streets;*
 - d. *Encourage vehicular access from service drive and other local streets;*
 - e. *Provide performance standards to help ensure compatible land uses;*
 - f. *Encourage common or shared parking;*
 - g. *Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;*
 - h. *Facilitate clustering of Development thereby increasing the amount of saved land;*
 - i. *Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;*
 - j. *Improve connectivity within and between Developments to promote mobility and enhance walkability;*
 - k. *Integrate public spaces and amenities to promote community gatherings and activities;*
 - l. *Establish coordinated land plan and consistent treatment of common design elements;*
 - m. *Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and*
 - n. *If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.*
2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of the UDO.*

The UDO sets the expectation for uniqueness in the design and development of Planned Developments in §3.5.14, allowing for a significant degree of deviation from the UDO. In §3.5.14(F)(3), the UDO specifically allows for alternative standards as long as the proposal:

- Meets or exceeds the general intent of the UDO standards for the base districts;
- Is appropriate given the specific mix of uses and character of the development; and
- Achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

The CDP for Morganton Park North was originally approved in 2014, and amended in 2018 to accommodate new uses including an elementary school. The 2018 proposal included a Conceptual Land Use Plan identifying the uses for this phase as “General Business/Office Service”, and specified that all development will adhere to the uses, dimensional standards and requirements of either the General Business (GB) or Office Service (OS) zoning classifications. The CDP also committed to adhering to the Morganton Road Overlay standard, with the exception of the location of the multi-use path, which was previously captured in a development agreement between the Town and the developer, and has been constructed in accordance with the agreement.

In comparing the PDP proposal with the approved CDP, staff analyzed the following CDP provisions that are relevant to this phase, as indicated below.

- Uses within the project will comply with those allowed in the General Business (GB) and Office Service (OS) Zoning Districts.*
Multi-family residential uses are permitted in the OS District with a special use permit or if developed as part of a Planned Development. Non-residential uses proposed for the project (retail, restaurant, office) are permitted in the GB and OS Districts.
- Street standards approved in the CDP include five distinct cross-sections.*
No new public streets are proposed within this phase, with the exception of the extension of S. Carlisle Street to make connection with Tanglewood Drive. This extension is proposed as an 80’ right-of-way where it borders the developed portion of this phase, narrowing to a 60’ right-of-way for the western portion, which borders an existing stormwater pond and wetlands. This design constitutes a deviation from the approved CDP, which indicated an 80’ right-of-way along the entirety of S. Carlisle Street.
- The CDP provided for a minimum of 20% open space throughout the community, with 50% of the open space being usable. Open space calculations are to be provided for each PDP submittal, to include the open space provided with the submitted phase, previously provided open space from other phases and the balance*

of open space that must be provided in future phases to meet the requirements of UDO §3.5.14.

The open space calculations provided with the plans for this phase are below, and indicate that the cumulative open space requirements of 20% of the total 116.7 acres contained within the development, with 50% of the open space being usable, will be met with the approval of this phase. The applicant's Open Space Plan is included as an attachment to this report.

Location	Overall	Usable
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.93 acres	3.93 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments Phase II	3.13 acres	2.08 acres
Pinehurst Surgical – 3 North	0 acres	0 acres
Morganton Park North Mixed Use	13 acres	10.52 acres
Total Acreage Provided	26.86	21.12
Total Acreage Required	23.34	11.67

3. *The proposed Development is located in an area of the Town that is appropriate.*

The PDP is proposed for an area with access to major thoroughfares and collector streets, can access existing water and sewer lines in the area, has proximity to nearby residential, commercial, service-related development, as well as a public school, and is not located in a protected watershed. The proposed uses are supported by the property's designation as Traditional Mixed Use in the CLRP.

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

Public water and sewer are available to serve the proposed development and extension of town services such as police and fire protection do not create an undue burden due to the adjacency of properties already served.

o **Requested Deviations from the Approved CDP and/or Morganton Road Overlay:**

1. For the current phase, the following deviation from the CDP is requested:

Current plans show the proposed extension of S. Carlisle Street with an 80' right-of-way where it borders the developed portion of this phase, narrowing to a 60' right-of-way for the western portion, which borders an existing stormwater pond and wetlands. A multi-use path is shown on the

south side of this portion of S. Carlisle; however, no sidewalk or other type of pedestrian facility is shown on the north side. This design constitutes a deviation from the approved CDP, which indicated an 80' right-of-way, with pedestrian facilities on both sides, along the entirety of S. Carlisle Street until it terminates at Tanglewood Drive.

2. For the current phase, the following deviations from the Morganton Road Overlay District are requested:

Parking proposed for the commercial/office portion of the development is 97 spaces, or one space per 206 square feet. UDO §3.6.6(F)(4) caps parking at one space per 250 square feet within the Morganton Road Overlay District, which would limit parking for the nonresidential to 80 spaces. The applicant has stated that, based on experience with other projects, including the adjacent Pavilion Building, this would be inadequate to serve the commercial/office uses. Therefore, a request is being made for flexibility in the final number of spaces, based on the current unknown tenant/use mix for these buildings. Additionally, the applicant requests that he be allowed to adjust this number should the commercial/office square footage be reduced during engineering design or if additional spaces become available.

It should also be noted that the intent is that some sharing of parking be accommodated on site between the residential and commercial/office uses, when needed. This is consistent with UDO §3.5.14(A)(6), which encourages common or shared parking within a Planned Development District. Among the attachments is an email from Mr. Koontz explaining this request in more detail.

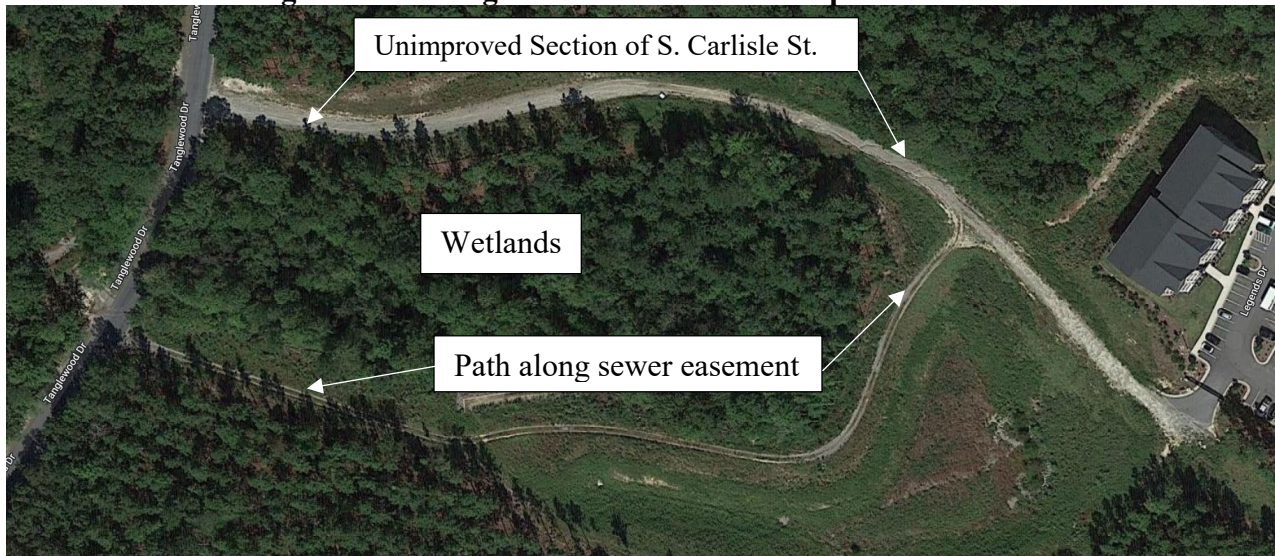
3. The applicant requests a deviation from the 40' maximum building height allowed in the Morganton Road Overlay District, to a maximum of 45'. Per UDO §3.5.14(O)(2), unless an alternative height is proposed and approved by Town Council that does not negatively affect surrounding properties, the building heights in a PD District must adhere to the 40' allowed in the RM-1 District. The topography on the project site is expected to result in the ground floor of much of the development to be below the elevation of the adjacent portion of Brucewood Road, lessening the impact of the additional height of the buildings. GIS indicates a +/- 75' change in elevation between Brucewood Road and Tanglewood Drive.

- **Noteworthy Project Elements for Town Council Consideration**

- Approval of the Morganton Park North Phase 9 PDP will allow 300 multi-family residential units with a clubhouse, associated parking, and other amenities such as a swimming pool and +/- 20,000 square feet of mixed-use retail, restaurant and/or office buildings with associated parking arranged in the manner depicted in Preliminary Development Plan Sheet L1.1 to proceed to engineering plan (site plan) review with town staff and architectural review with Town Council.

- The Morganton Road Overlay District caps residential density at 16 dwelling units per acre. At town staff's request, Mr. Koontz has deducted the portion of the site that is proposed for commercial development from the acreage calculation, and has included an area of +/- 4.9 acres west of Tanglewood Drive. This area of open space has not been used in the density calculation for any of the previous phases and is shown as part of this project area in the 2018 Phasing Plan. The density calculation is as follows:
 - Multi-family area = 18.12 acres
 - Area west of Tanglewood Drive = 4.90 acres
 - Commercial/Office area = 2.48 acres
 - Multi-family area + area west of Tanglewood Drive = 23.02 acres
 - 300 units/23.02 acres = 13.03 dwelling units per acre
- The Town entered into a Development Agreement with the project developer in 2014 that specified the requirements for the Morganton Road multi-use path adjacent to Morganton Park North. The section of path fronting this phase is referred to as Segment One, approximately 1,553 linear feet in length, has been constructed and, per the agreement, has been credited towards the active open space requirements.
- Staff has discussed with the developer's representative the potential for creating a pedestrian loop at the northwestern portion of the site. Plans currently show the following:
 - A multi-use path running along the south side of the S. Carlisle Street extension, tying into an existing greenway trail west of Tanglewood Drive.
 - An existing trail that follows a sewer easement south and east of the wetlands, making connection with the S. Carlisle multi-use path and terminating at Tanglewood Drive. The current condition of this trail consists of a dirt path used by utility vehicles to access the sewer easement, as seen in the 2022 Google Maps image below. Staff's recommendation is for the existing path to be improved to Town standards, which entails either asphalt or compacted stone. Mr. Koontz has agreed to making these improvements and staff requests that this agreement be captured in the PD approval.

Figure 6: Existing Conditions in northern portion of site



- No sidewalk or other pedestrian facility is shown on plans for the north side of the S. Carlisle Street extension, between the western-most Legends Drive access and Tanglewood Drive.

IV. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, Sandhills Community College, Moore County Airport Authority, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission on July 22, 2022.

- Dago Juarez Pozos, NCDOT District Engineer, responded on July 25, 2022 that they have no immediate comments on this development, and that a review of the TIA was in progress.
- Vagn Hansen, RLUAC's Executive Director, responded on July 28, 2022 that the agency had no comments regarding this case.
- The U.S. Fish and Wildlife Service was contacted in 2018 regarding red cockaded woodpecker presence on the property and their email response is included as an attachment to this report. A more recent letter from the agency, less specific to this proposal and containing general recommended conservation measures, is also attached.
- A Traffic Impact Analysis (TIA) prepared and provided by the applicants has been reviewed by Mr. James Michel, Town Engineer. Mr. Michel agrees with the conclusion that no improvements are needed for the project based on all study intersections being expected to operate at acceptable levels. The TIA noted that the proposed extension of S. Carlisle Street to Tanglewood Drive will help address any delays at intersections within the CDP project area.

E. ATTACHMENTS:

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

1. Morganton Park North Phase 9 PDP Application
2. Morganton Park North Phase 9 Existing Conditions Plan
3. Morganton Park North Phase 9 Site Plan
4. Morganton Park North Phase 9 Open Space Plan
5. Applicant's PDP Narrative
6. Morganton Park North TIA Summary and Conclusions, TIA-related emails, and amended Level-of-Service Summary
7. Reference: Morganton Park North CDP Conceptual Transportation Plan
8. Reference: Morganton Park North CDP Conceptual Phasing Plan
9. Reference: Development Agreement – December 14, 2014
10. NCDOT Comments
11. RLUAC Response
12. U.S. Fish and Wildlife Letter (2022)
13. U.S. Fish and Wildlife email (2018)
14. Email from Bob Koontz dated 8/31/22 regarding parking requirements

F. TOWN COUNCIL ACTION:

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

- The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case.
- The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4.
 - Staff has drafted two options for the findings: **Attachment A** (Option 1) assumes a favorable decision by Council, and **Attachment B** (Option 2) assumes an unfavorable decision. Each option also addresses the potential for Council to make modifications to the draft findings at their discretion. The Town Council may also provide an alternative to either of the drafted findings and related motions.

I move to:

1. Adopt **Attachment A** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-10-22.
- OR -
2. Adopt **Attachment A** of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-10-22, with the following changes:

- OR-

3. Adopt **Attachment B** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-10-22.

- OR –

4. Adopt **Attachment B** of the staff report regarding the proposed Preliminary Development Plan PD-10-22, with the following changes:

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

- Requiring that the multi-use path that follows the southern edge of the wetlands be improved to an asphalt or compacted stone condition, per Town specifications.
- Should the Town Council agree to allow “flexibility” in the parking requirements for the commercial/office portion of the site, they may wish to consider creating some parameters on the extent of the flexibility allowed.

I move to:

1. Approve the Preliminary Development Plan for PD-10-22;
2. Deny the Preliminary Development Plan for PD-10-22;
3. Approve the Preliminary Development Plan for PD-10-22 with the following additional conditions:

ATTACHMENT “A”
Draft Town Council Findings of Fact – OPTION 1
Preliminary Development Plan Application PD-10-22

Finding of Fact #1:

The Town Council finds that **the application is complete and that the facts submitted are relevant to the case** because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that **the application complies with UDO §2.18.5(H)** Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section.**

The Town Council finds that the Preliminary Development Plan (PDP) for Morganton Park North Phase 9 implements the purposes of the Planned Development District because the proposed mix of land uses is supported by the stated purpose of the district as being “to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of the UDO. Furthermore, the design of the PDP is consistent with the majority of the fourteen stated intentions of the Planned Development District regulations as set forth in Chapter 3 of the UDO.

2. **The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.**

The Town Council finds that the PDP is consistent with the Morganton Park North Conceptual Development Plan (CDP) with the exception of the deviations specifically requested by the applicant as part of the PDP application. Furthermore, deviations that vary from standards that are contained in the UDO are allowed, to provide for the application of unique conditions and standards during the process of rezoning to a Planned Development District, and that the Town Council deems the requested deviations to **satisfy the following general provisions for the PD District** found in UDO §3.5.14(F)(3):

1. meets or exceeds the general intent of the UDO standards for the base district;
2. is appropriate given the specific mix of uses and character of the development; and
3. achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

3. **The proposed Development is located in an area of the Town that is appropriate.**

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development may be served by existing public utilities and is providing desirable and needed uses along a significant roadway (West Morganton Road). Additionally, the project is located in an area of town with existing access to necessary utility infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

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

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and the Town Engineer has determined that the systems have the capacity to serve the proposed development. Furthermore, the project will include the development of a roadway extension (S. Carlisle Street) that provides an alternate means of accessing the current and existing phases, providing an additional option to drivers that is likely to assist with the dispersal of traffic.

ATTACHMENT “B”
Draft Town Council Findings of Fact – **OPTION 2**
Preliminary Development Plan Application PD-10-22

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that **the application does not comply with UDO §2.18.5(H)** Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. **The application demonstrates that it will achieve the purposes of the PDD and this section.**

The Town Council finds that the Preliminary Development Plan (PDP) for Morganton Park North Phase 9 implements the purposes of the Planned Development District because the proposed mix of land uses is supported by the stated purpose of the district as being “to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of the UDO. Furthermore, the design of the PDP implements the majority of the fourteen stated intentions of the Planned Development District as set forth in Chapter 3 of the UDO.

2. **The Preliminary Development Plan is **not consistent** with the Conceptual Development Plan and **does not** conform to all applicable provisions of this UDO.**

The Town Council finds that the PDP is inconsistent with the Morganton Park North Conceptual Development Plan (CDP) and/or with the UDO with regard to the CDP calling for an 80’ right-of-way for the full length of the S. Carlisle Street extension and the PDP requesting that the western-most portion of the extension be reduced to 60’. Additionally, the PDP has not included a sidewalk on the north side of the S. Carlisle Street extension, across from the wetland area. Lastly, the parking proposed for the commercial/office portion of the site exceeds the one space per 250 square feet parking standard found in the Morganton Road Overlay District requirements, with 97 spaces proposed where a maximum of eighty would be allowed under the standard. The Town Council further finds that these **deviations do not satisfy the following general provisions for the PD District** found in UDO §3.5.14(F)(3):

1. meets or exceeds the general intent of the UDO standards for the base district;
2. is appropriate given the specific mix of uses and character of the development; and

3. achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

3. **The proposed Development is located in an area of the Town that is appropriate.**

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development may be served by existing public utilities and is providing desirable and needed uses along a significant roadway (West Morganton Road). Additionally, the project is located in an area of town with existing access to necessary utility infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

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

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and the Town Engineer has determined that the systems have the capacity to serve the proposed development. Furthermore, the project will include the development of a roadway extension (S. Carlisle Street) that provides an alternate means of accessing the current and existing phases, providing an additional option to drivers that is likely to assist with the dispersal of traffic.



Planned Development District Preliminary Development Plan Application

Fee: \$ _____ Date Received: _____ Case No.: PD- _____ - _____

Project Information:

Project Name: Morganton Park North Mixed Use

Physical Address: W Morganton Rd. between Brucewood & Tanglewood Dr.

PIN: 857100399573; 857100392796

Parcel ID: 20190270; 20150046

Site Size: ±20.6 AC

Zoning: PD

Applicant:

Name(s): DHIC, LLC

Email: rehall@drhorton.com

Phone: 919-618-5164

Mailing Address: 2000 Aerial Center Pkwy Ste. 110, Mooresville, NC 27560

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design - c/o Bob Koontz

Email: bkoontz@koontzjones.com

Phone: 910-684-8487

Mailing Address: 150 S Page St. Southern Pines, NC 28387

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

Name(s): PACN REALTY LLC ; MORGANTON PARK REALTY SITE 2, LLC

Email: cgregg@pinehurstsurgical.com

Phone: 910-235-2993

Mailing Address: 205 Page Road, Pinehurst, NC 28374; 5 First Village Drive, Pinehurst, NC 28374

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

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

The property which is the subject of this application is located on the North side of W. Morganton (St./Ave.), between Brucewood (St./Ave.) and Tanglewood (St./Ave.). The property has a frontage of 1900 feet and a depth of 720 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

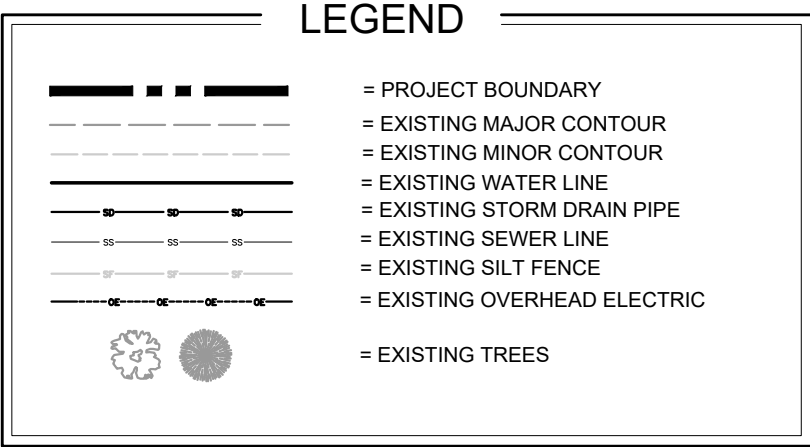
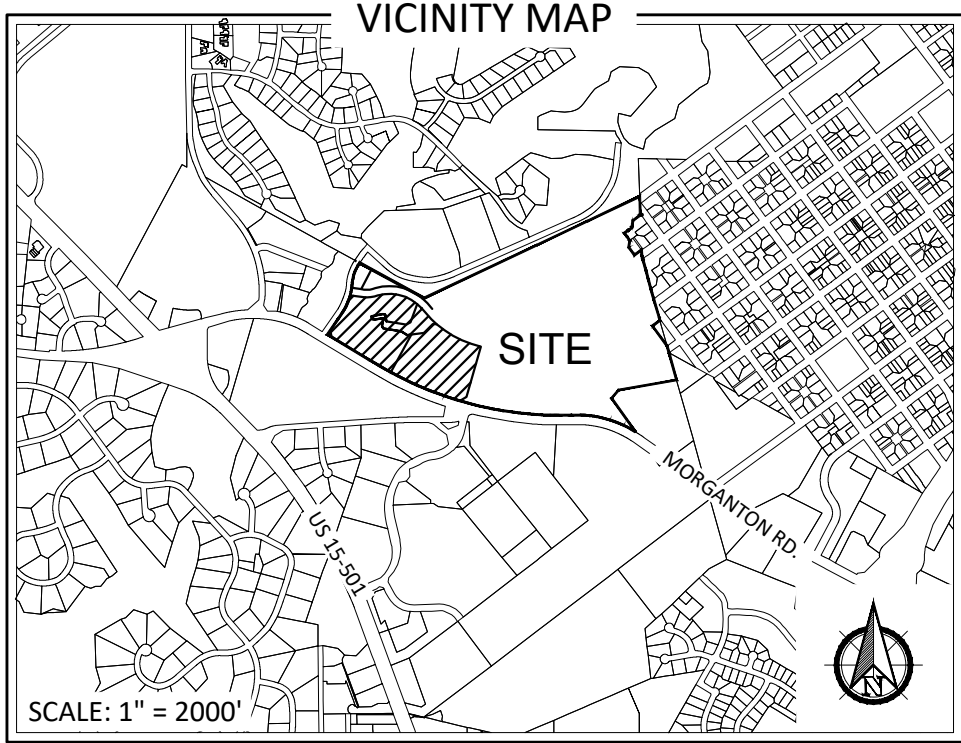
Mixed Use Commercial/Retail/Office & Multi-Family Residential

Date: 7/11/2022



Applicant
Elam Hall - DHIC, LLC

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



ZONING INFORMATION

ZONING CLASSIFICATION:
PD - PLANNED DEVELOPMENT
(WITH APPROVED CDP)

REQUIRED SETBACKS:
FRONT: NO MINIMUM
SIDE-STREET: NO MINIMUM
SIDE INTERIOR: NO MINIMUM
REAR: NO MINIMUM
HCOOD: 40' FROM MORGANTON RD.

MAX. BUILDING HEIGHT: 45'

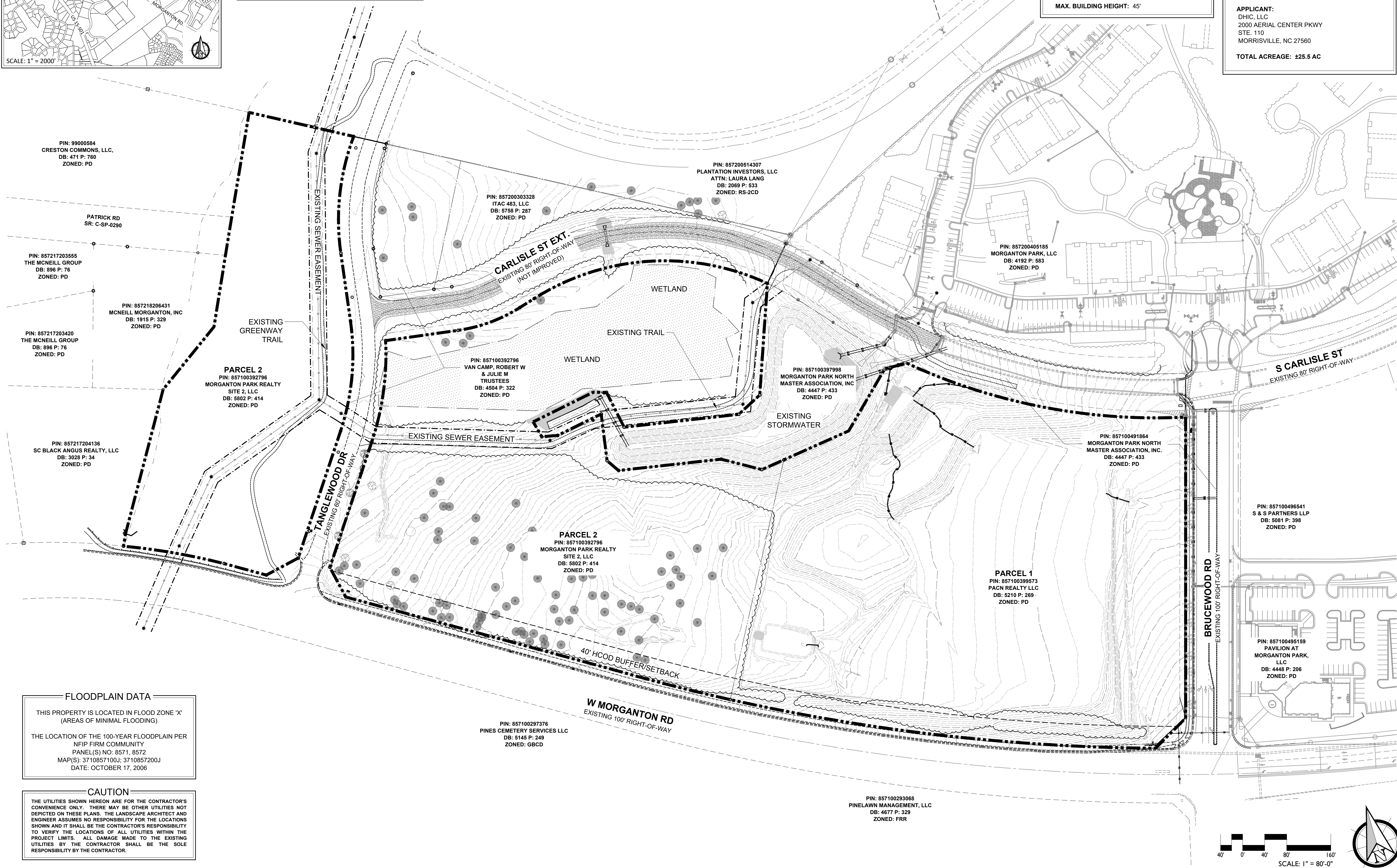
PROPERTY INFORMATION

PROPERTY OWNER(S):
-PARCEL 1
PACN REALTY LLC
205 PAGE RD
PINEHURST, NC 28374

-PARCEL 2
MORGANTON PARK REALTY SITE 2, LLC
5 FIRST VILLAGE DRIVE
PINEHURST, NC 28374

APPLICANT:
DHIC, LLC
2000 AERIAL CENTER PKWY
STE. 110
MORRISVILLE, NC 27560

TOTAL ACREAGE: ±25.5 AC



FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571, 8572
MAP(S): 3710857100J; 3710857200J
DATE: OCTOBER 17, 2006

CAUTION

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

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

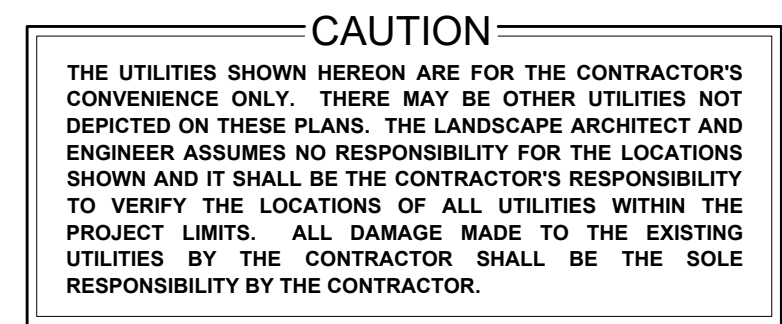
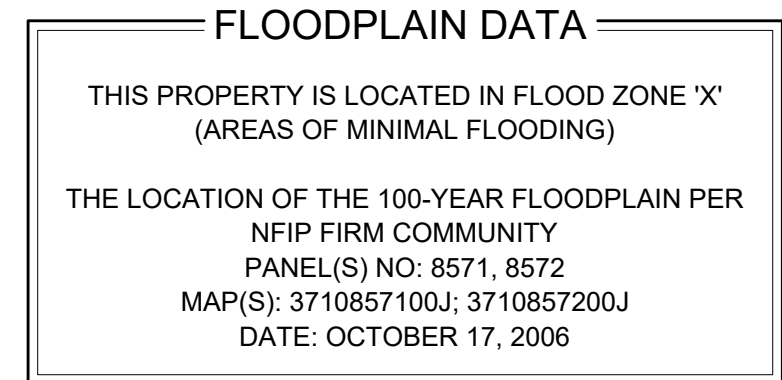
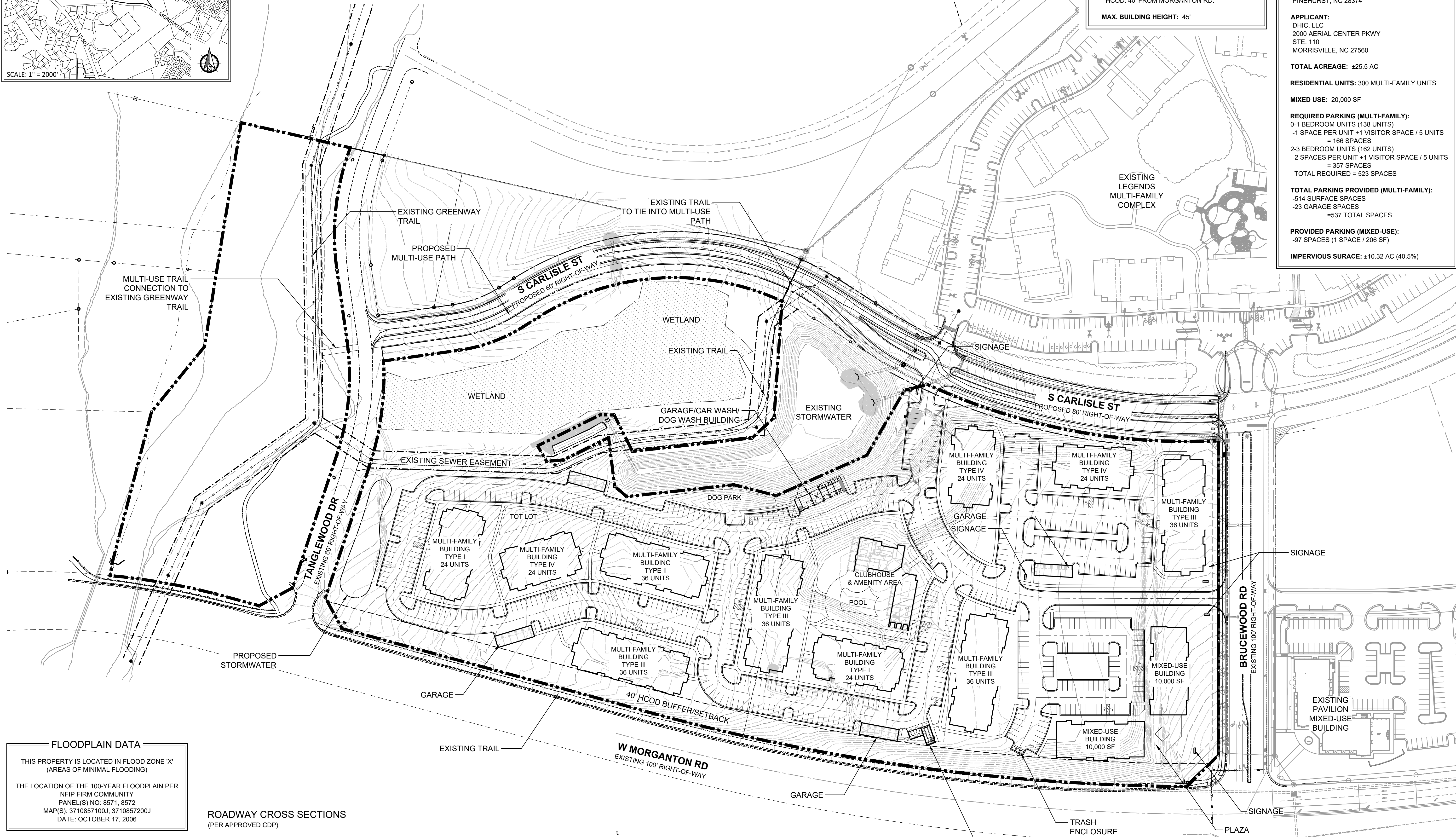
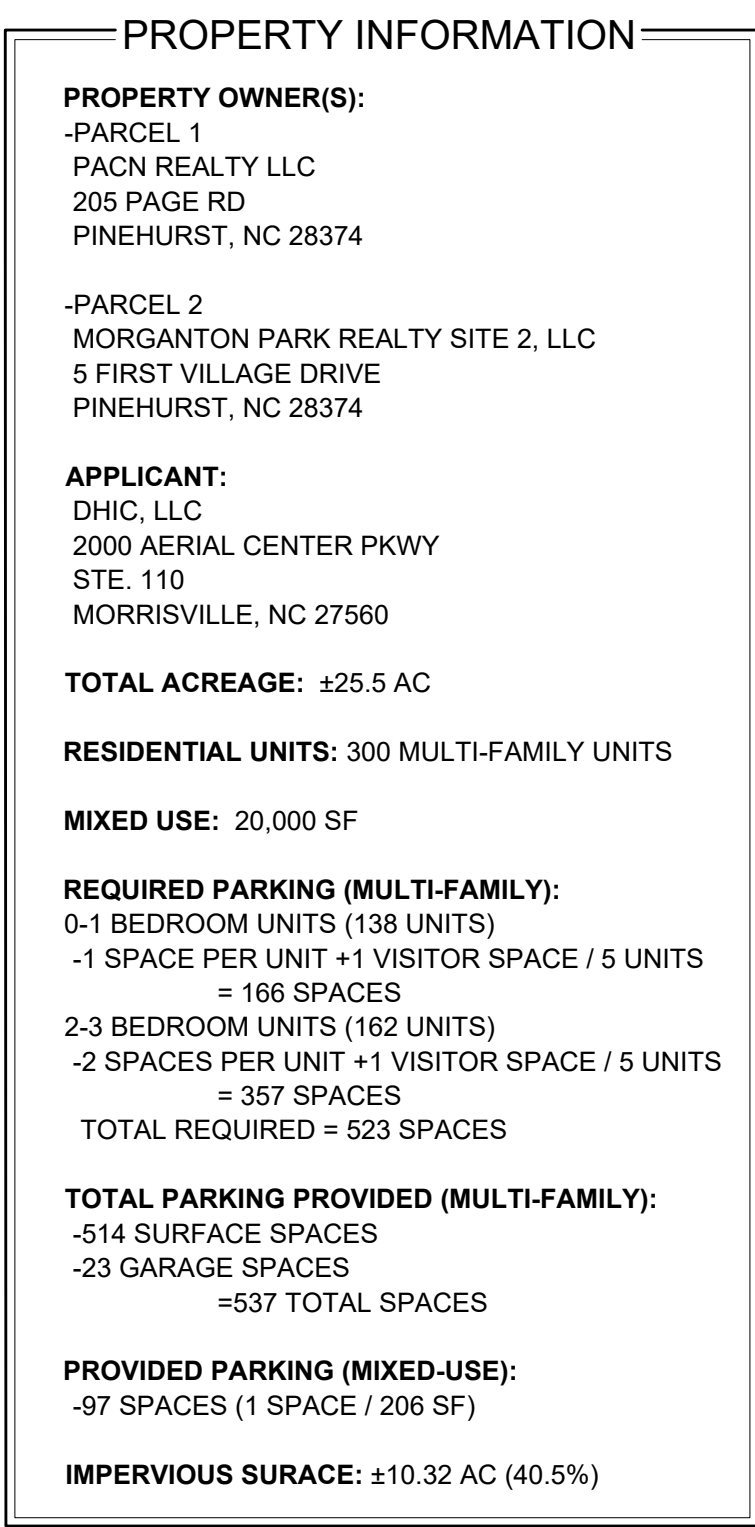
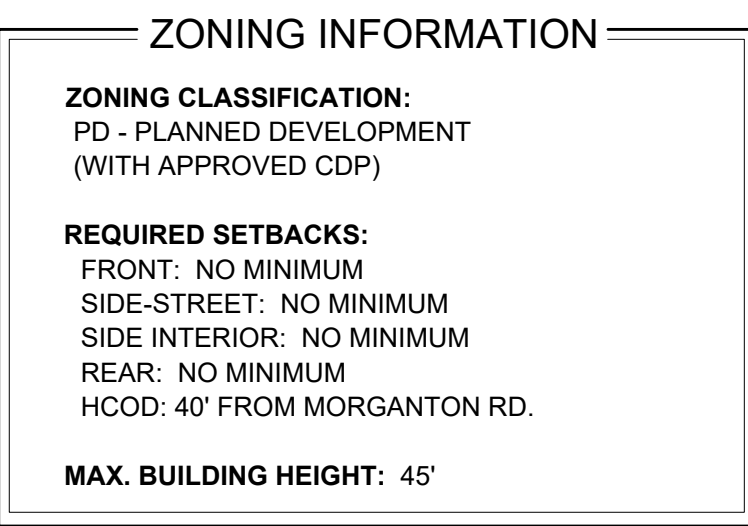
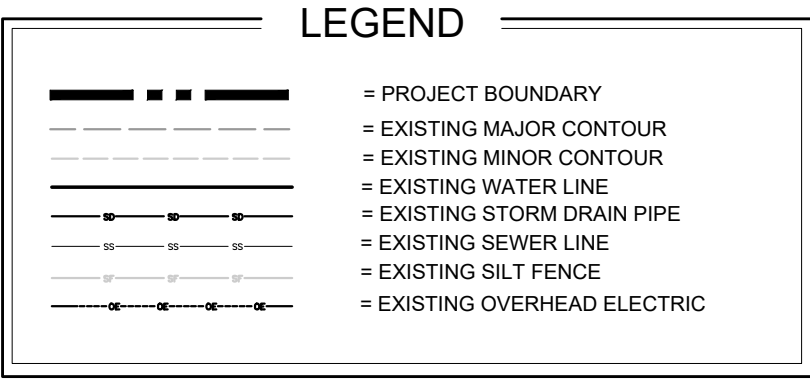
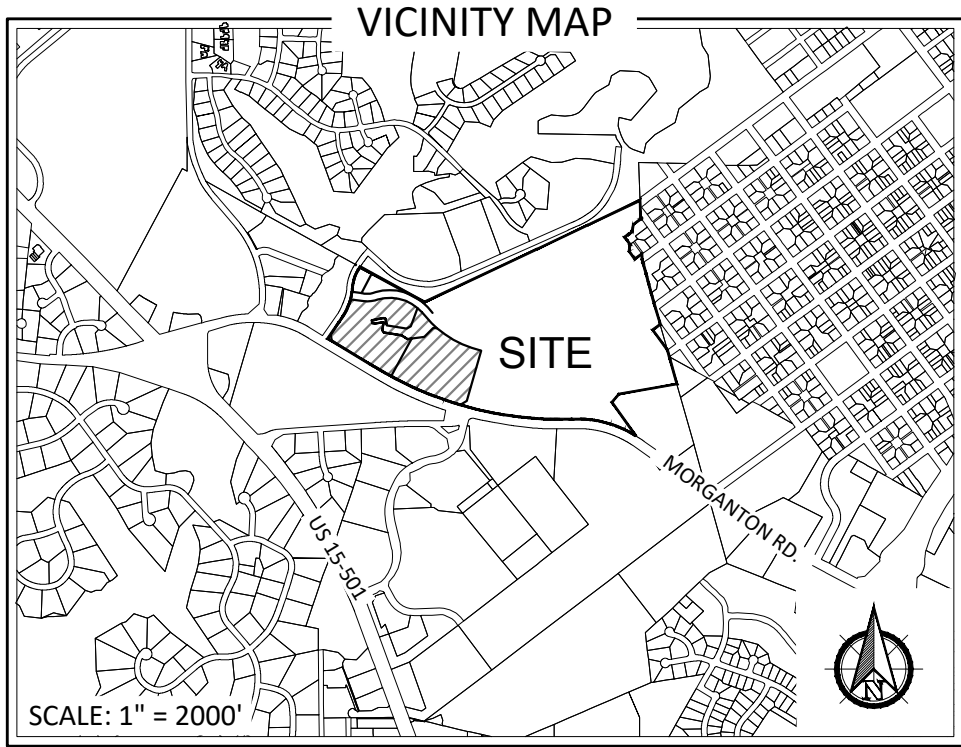
MORGANTON PARK NORTH MIXED USE
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 07.11.2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'
PROJECT #: K1022010
SHEET NUMBER: #
L-1.0

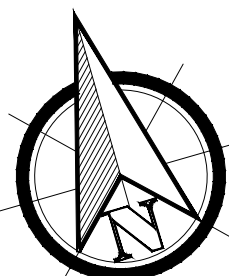
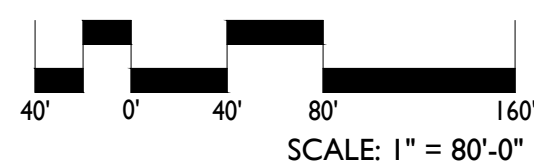
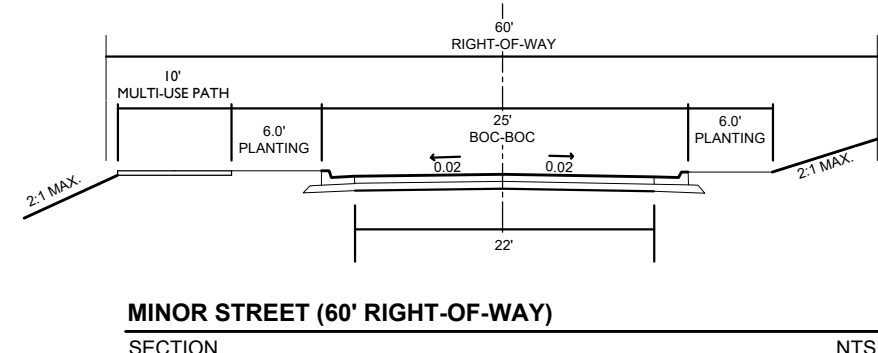
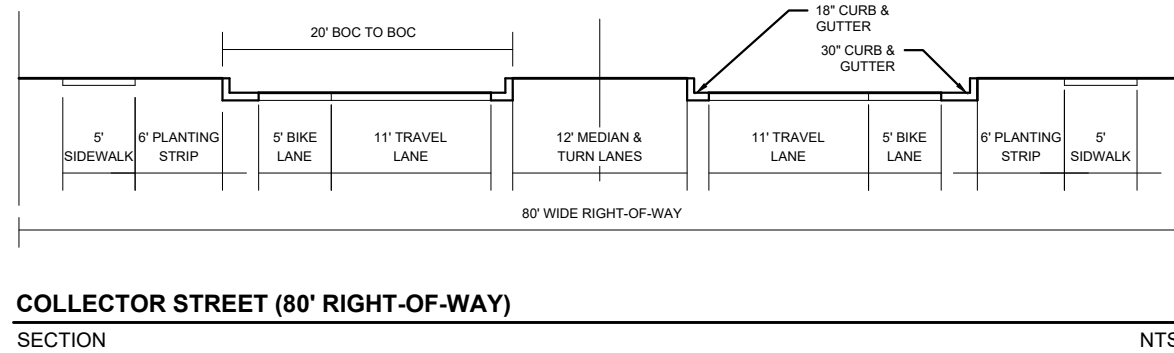
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

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

REVISIONS:



ROADWAY CROSS SECTIONS
(PER APPROVED CDP)



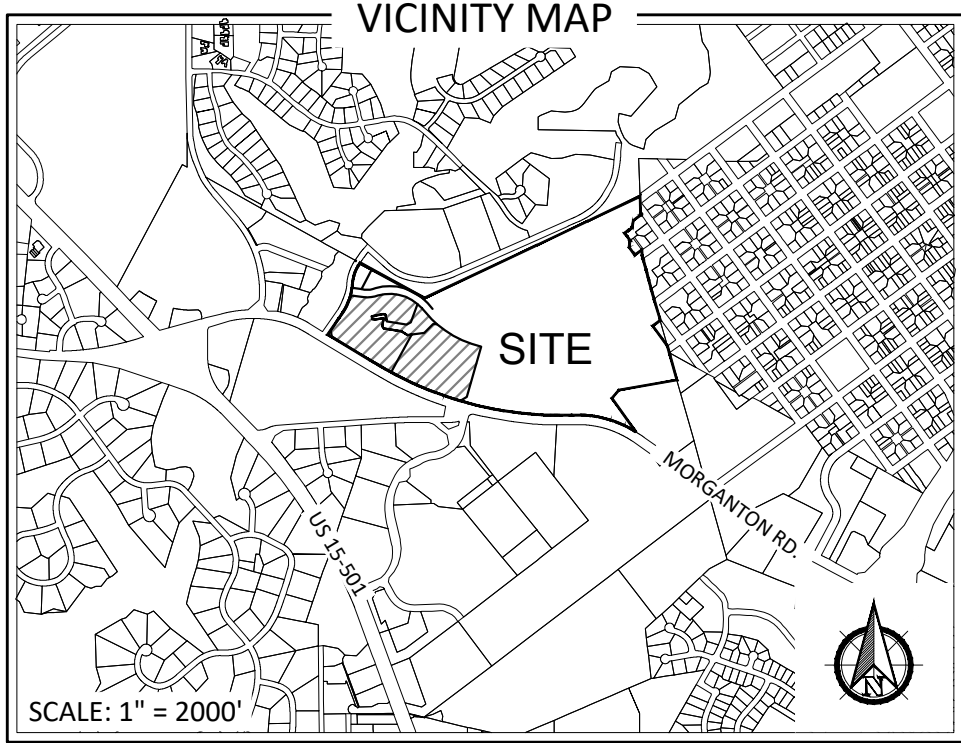
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MORGANTON PARK NORTH MIXED USE
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
SITE PLAN

DATE: 07.11.2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 80'
PROJECT #: KID22011
SHEET NUMBER#:
L-1.1



LEGEND

	= PROJECT BOUNDARY
	= EXISTING MAJOR CONTOUR
	= EXISTING MINOR CONTOUR
	= EXISTING WATER LINE
	= EXISTING STORM DRAIN PIPE
	= EXISTING SEWER LINE
	= EXISTING SILT FENCE
	= EXISTING OVERHEAD ELECTRIC
	= OPEN SPACE
	= USEABLE OPEN SPACE

OPEN SPACE SUMMARY - MORGANTON PARK NORTH

SITE AREA 116.7 acres

CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	26.86 acres	0.00 acres
Usable Open Space	11.67 acres (10%)	21.12 acres	0.00 acres

LOCATION	OVERALL	USABLE
Pavilion	0.08 acres	0.08 acres
Legends Apartments	3.93 acres	3.93 acres
Elementary School	6.36 acres	4.48 acres
Sandhills Pediatrics	0.36 acres	0.03 acres
Pinehurst Medical	0 acres	0 acres
Pinehurst Surgical	0 acres	0 acres
Legends Apartments - Phase II	3.13 acres	2.08 acres
Pinehurst Surgical - 3 North	0 acres	0 acres
Morganton Park North Mixed Use	13 acres	10.52 acres
TOTAL	26.86 acres	21.12 acres

PROPERTY INFORMATION

PROPERTY OWNER(S):
-PARCEL 1
PACN REALTY LLC
205 PAGE RD
PINEHURST, NC 28374

-PARCEL 2
MORGANTON PARK REALTY SITE 2, LLC
5 FIRST VILLAGE DRIVE
PINEHURST, NC 28374

APPLICANT:
DHIC, LLC
2000 AERIAL CENTER PKWY
STE. 110
MORRISVILLE, NC 27560

TOTAL ACREAGE: ±25.5 AC

OPEN SPACE PROVIDED:
TOTAL: ±13.0 AC (50.1%)
USEABLE: ±10.52 AC (80.9%)



FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571, 8572
MAP(S): 3710857100J, 3710857200J
DATE: OCTOBER 17, 2006

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TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE
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UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE
RESPONSIBILITY BY THE CONTRACTOR.

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

MORGANTON PARK NORTH MIXED USE
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
OPEN SPACE PLAN

DATE: 07-11-2022
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 80'
PROJECT #: KID22011
SHEET NUMBER:
L-1.2

REVISIONS:

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

MORGANTON PARK NORTH MIXED-USE PRELIMINARY DEVELOPMENT PLAN NARRATIVE

GENERAL PDP OVERVIEW

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the proposed development phase of the Morganton Park North Conceptual Development Plan (CDP) which is shown on the CDP as Phases 4 and 5, along with the nearby Open Spaces along Carlisle Street Extension and Tanglewood Drive (these two areas were originally shown as part of Phase 1 but at the request of the Town were deferred for subdivision until these phases that include adjoining property within the PDD). This PDP will include the 300 multi-family residential units and +/- 20,000 sf of mixed-use retail, restaurant and /or office buildings. The mixed-use development, as proposed, is consistent with and meets all standards of the Morganton Park North CDP (PD-01-18) as approved on May 15, 2018.

The approved CDP for these Phases permits all uses included in the General Business (GB) and Office Service (OS) zoning districts within the CDP area. The uses proposed are all permitted uses within the UDO for GB and OS zoned properties. Following is a description of the individual phases and overall design elements of the PDP. This proposed PDP will realize the approved CDP opportunities for citizens to live, work, play and send their children to school, all within small area within a larger mixed-use development area. Mixed-use development promotes walkability, alternative transportation, reduces traffic and provides residents with a high quality of life. This PDP accomplishes all of those goals.

PDP APPROVAL CRITERIA

UDO Section 2.18.5(H)(1-4) establishes the four (4) applicable criteria for approval of a PDP; namely:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;
2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;
3. The proposed Development is located in an area of the Town that is appropriate; and
4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

1. Achieving Purposes of PDD.

The stated Purposes of a Planned Development District are set out in UDO Section 3.5.14(A) as follows:

- (1) Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses. *The continued development of these phases of the Morganton Park Planned Development District, in accordance with the terms of the CDP for Morganton Park*

North is, by nature, consistent with the overall large tract Development which includes service, office, commercial, and residential uses.

(2) Exclude heavy commercial and heavy industrial land uses. *There are no heavy commercial or heavy industrial uses in this proposed PDP.*

(3) Encourage Development in areas located on major thoroughfares and collector streets; This *PDP is along Morganton Road and includes internal collector streets.*

(4) Encourage vehicular access from service drive and other local streets. *A Traffic Impact Assessment (TIA) has been provided showing the proposed exterior roadway improvements required. Carlisle Street will be extended from the Brucewood Road intersection to Tanglewood Drive. This project will be accessed from both Brucewood Road and the Carlisle Street extension. Interior circulation and pedestrian traffic within the Planned Development District will facilitate reduction of traffic on Morganton Road.*

(5) Provide performance standards to help ensure compatible land uses. *All performance standards of the UDO, as modified within this approved PDD will be met.*

(6) Encourage common or shared parking. *Because this section of the PDD is mainly comprised of multi-family residential, the shared parking aspects of the PDD are met elsewhere in the commercial sections of the PDD.*

(7) Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features. *The integration of commercial, retail, office and residential uses within the area designated for this PDP provides a mixed-use development with appropriate relationships that promote walkability within the development. Coupled with the remainder of the Morganton Park North CDP area uses, including a school, office buildings and additional mixed-use areas, the development proposed in the PDP provides an innovative solution to community development by providing live, work and play opportunities for the Southern Pines community.*

(8) Facilitate clustering of Development thereby increasing the amount of saved land. *The entire Morganton Park PDD accomplishes this objective by reserving 20% of the land for Open Space. Open space is not required for each individual parcel within Morganton Park North; however, this particular PDP nevertheless will provide 19.7 % open space as indicated on the site plan. In accordance with Note 9 on the approved CDP, an updated 'running' tabulation for the overall Morganton Park North property has been provided on Sheet L.1.1 of the submission set and includes previously developed parcels. With the development of the Morganton Park North Mixed-Use project, all requirements for usable and overall open space for the Morganton Park North CDP will be met.*

(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; *Again, this is built into the approved PDD and this particular PDP serves to connect the Open Spaces by the envisioned greenway and walkability elements to be constructed within this PDP.*

(10) Improve connectivity within and between Developments to promote mobility and enhance walkability. *Walkability is an important component of the proposed mixed-use development. Concrete sidewalks are provided throughout the community to provide convenient access from the residential community to the mixed-use buildings and the rest of the Morganton Park North mixed-use area. An interconnected network of walkways and sidewalks provide access throughout the community.*

All units within the residential community are connected through pedestrian pathways to the open spaces, clubhouse, children's play area, and other amenity areas throughout the property. In addition to connections within the community, connections will be made to the existing Town of Southern Pines greenway trail system which is located along Morganton Road and across Tanglewood Drive from the proposed development. Carlisle Street will be extended from Brucewood to Tanglewood Drive. Concrete sidewalks will be provided from the Brucewood Road and Carlisle Street intersection to the western access to the Legends community and the proposed residential community. From this location the pedestrian path will change to an asphalt multi-use path to the Tanglewood intersection. From this location a connection will be made to the greenway trail on the western side of Tanglewood Drive, thereby connecting Morganton Park North pedestrian and recreational travelers to the Open Space on the western side of Tanglewood Drive.

In addition, an existing gravel service drive for the sewer line in the middle of the property will be extended and connected to the greenway trail area. This interconnectivity will provide a recreational opportunity for the residents of the new residential community and the rest of Morganton Park North residents, visitors and office workers.

(11) Integrate public spaces and amenities to promote community gatherings and activities. *Amenities will be provided throughout the residential community. Amenities will include a community clubhouse, pool, fitness center and other community rooms, a dog park, children's playground, car wash area, passive park spaces and connect to the Town of Southern Pines greenway system. The site's location within the Morganton Park North area provides residents with additional recreational opportunities and community activities. The proposed development connects to adjacent retail and dining opportunities as well as provides new destinations.*

(12) Establish coordinated land plan and consistent treatment of common design elements. *The overall Morganton Park North CDP area is an integrated mixed-use development. Land uses have been coordinated throughout the development area and establish uses that complement each other. Through a coordinated system of sidewalks, multi-use paths, greenway trails and bike lanes, the Morganton Park North area is linked together and connects to the greater Southern Pines circulation network. These common design elements create a coordinated and unified plan for the area.*

(13) Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments. *This PDP is a response to market conditions just as envisioned for PDDs under the UDO.*

(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. *The approved PDP for Morganton Park North was never intended to include single family lots.*

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO

The proposed PDP is entirely consistent with the approved CDP in that the uses proposed are allowed uses within these phases on the CDP and all of the other

applicable development notes established on the face of the approved CDP. In addition, the PDP is consistent with the UDO provisions where applicable within this PDD. All uses are consistent with the proposed development program and allowable uses in the CDP contained in Section 5.1 – Table 1.1 of the approved document. The development of a 300-unit multi-family residential community and 20,000 sf of commercial/office development is consistent with the vision described in the approved CDP. The uses proposed follow all standards of the CDP. The following UDO requirements merit specific mention:

Parking Areas

The UDO Section applicable to Planned Development Districts addresses parking in Section 3.5.14(M). That Section defers to Section 4.5 of the UDO, which establishes the general UDO parking requirements based on applicable use. However, Section of the UDO. Section 4.5.1 provides “administrative flexibility for the Planning Director to adjust the number required spaces and the design of spaces to provide for adequate parking. .” Applicant seeks an adjustment of the number of spaces required as follows. Parking for the multi-family residential buildings will be provided through a combination of surface parking and free-standing garages. The base UDO standards are as follows from Section 4.5 of the Town’s UDO:

Land Use	Minimum Vehicle Parking Spaces	Minimum Bicycle Parking Spaces
Multi-Family		
0-1 bedrooms	1 space per Dwelling Unit	
2-3 bedrooms	2 spaces per Dwelling Unit	1 space per 10 Dwelling Units
Visitor Parking	1 space per 5 units	

Based on the parking standards above, the proposed multi-family portion of the development would require 523 parking spaces (1.874 spaces per unit). In consultation with the Planning Staff, Applicant seeks to reduce the minimum required number of parking spaces from 523 to 514 (1.71 spaces per unit) + garages. With garages, the Town standard is met.

Proposed parking for the multi-family portion of the development is as follows:

Parking Proposed: Total = 537 (1.79/Unit)
Surface Parking = 514
Garage Parking = 23

Retail parking areas will be parked as follows:

Retail parking will be provided 97 spaces (1 space per 206 sf), which meets the standard retail and office development numbers included in the Town’s UDO.

Architectural Character

A modification to the building height limitation is requested for the proposed multi-family residential portion of the project. The current ordinance and zoning limits buildings within the Highway Corridor Overlay District (first 300' of the property) to 35' in height. Due to the site grading conditions and understanding that the lower floor of the building(s) will be significantly below the level of Morganton Road in most areas, the applicant requests that the permitted building height be increased to a 45' maximum for the buildings to allow for sloped roof conditions rather than a flat roof on all buildings. The sloped roof and request are consistent with other multi-family projects developed within the Morganton Park North CDP area, which have slope roof pitches and were granted additional height modifications.

At such time as engineering drawings and/or Final Development Plans are submitted for the project or any construction begins, architectural elevations will be submitted as required for all commercial and mixed-use buildings for review by the Town of Southern Pines Architectural Review Board. Mixed-use buildings will follow the maximum 35' height building height permitted in the HCOD.

Lighting

All lighting on the property will follow Section 4.8 of the UDO. Lighting levels in parking areas and throughout the community will be provided to meet the UDO standards for safety. All light will be projected downward to limit any light spilling onto adjacent properties.

Signage

In accordance with Note 18 of the approved CDP, signage for the mixed-use buildings located at the corner of Morganton Road and Brucewood Road will follow the UDO Section 4.6 standards for retail, commercial and office building signage. A unified sign plan will be created for the buildings and submitted for review at a later date, once more detailed architectural plans and building design is prepared. The mixed-use building will also include up to 2 shopping center signs, one on Brucewood Road and one at Morganton Road. The multifamily development will also have two subdivision signs, one to be located along Morganton Road and one on Brucewood Road as permitted by the UDO. All signs will indicate the name of the community and/or business. Any additional directional or on-site signage for parking areas, parks or amenities will follow the Town of Southern Pines sign standards in Section 4.6 for size, materials, and height.

Environmental and Endangered Species

The project area is located outside of any high-quality watershed and 100-year floodplain areas. There are no threatened or endangered species on the property as most of the site has been previously cleared. All requirements of federal, state and local agencies for environmental standards will be met and any permits or authorization to proceed obtained prior to construction.

3. The proposed Development is located in an area of the Town that is appropriate.

Given that the Morganton Park North PDD was previously approved in this location, this proposed PDP is inherently located in an appropriate location within the Town. The uses that are proposed in these phases are allowed uses and all development standards are met, thereby integrating these phases appropriately into the previously approved location within the Town. The PDP is consistent with the CDP, surrounding community and the Morganton Park North mixed-use development which includes a mixed-use office, retail and restaurant building, medical office facilities, multi-family residential and an elementary school. The CLRP, which considers surrounding land uses, designates this property as traditional mixed-use. The continued development of the Morganton Park North CDP, as described by the PDP documents is consistent with the surrounding land uses and appropriate for this area. With the development standards set forth in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

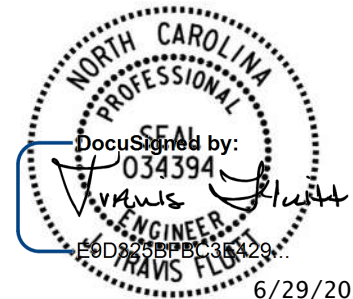
4. The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.

Water and sewer utilities are readily available to serve the project and are readily connected to this site from Brucewood Road and other areas of the existing development. Utilities were constructed to serve this site with the initial development phase of the CDP area. No additional extension of public utilities will be necessary to connect to this property. Stormwater management facilities to serve this property were designed in a regional facility which was constructed with phase 1 of the CDP area. The majority of stormwater will be maintained in this facility. Any additional small stormwater management devices required to control runoff will be provided on the property.

In summary, the proposed PD – PDP meets the UDO Criteria for approval of a PDP. In addition, it is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Traditional Mixed-Use. This PDP contains +/- 20,000 sf of mixed-use buildings and a 300-unit multi-family residential community as permitted in the approved CDP. The proposed community design meets the standards of the approved CDP. The development as proposed in this PDP is the commencement of the next phase of development for the Morganton Park North CDP area. The proposed PDP will create new shopping, dining and office opportunities adjacent to a new residential community within a larger mixed-use development as prescribed in the approved Morganton Park North CDP.

June 29, 2022

James Michel, P.E.
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387



6/29/2022

RE: Morganton Park North Apartments, Southern Pines, NC – Traffic Impact Analysis

Kimley-Horn has performed a Traffic Impact Analysis (TIA) for the proposed Morganton Park North Apartment development located on the northwest quadrant of the intersection of Morganton Road at Brucewood Road in Southern Pines, NC. The site is proposed to consist of up to 300 low-rise multifamily units and approximately 3 acres of commercial space (assumed to be up to 20,000 square-feet of commercial space). The site is proposed to be accessed by a driveway on Brucewood Road aligning with Pavilion Way and a driveway on the extension of Carlisle Street across from the Legends Apartments Driveway. The development has a projected build-out year of 2025.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the projected (2025) build-out year and the projected (2032) ten-year horizon condition per the Town's UDO. The site location is shown on **Figure 1**, while **Figure 2** shows the proposed site plan. The existing roadway laneage at the study intersections is shown on **Figure 3**.

Existing and Background Traffic

AM and PM peak hour (7-9 AM and 4-6 PM) turning movement counts were collected on June 1, 2022 at the following intersections:

- Morganton Road at Felton Capel Lane
- Morganton Road at Tanglewood Drive
- Morganton Road at Brucewood Road
- Morganton Road at Patriot Boulevard
- Brucewood Road at Old Morganton Road
- Brucewood Road at Pavilion Way
- Brucewood Road at Carlisle Street
- Carlisle Street at Patriot Boulevard
- Patriot Boulevard at Pavilion Way

Based on historic daily traffic volumes in the area, an annual growth factor of 2% was applied to existing volumes up to the 2025 and 2032 study years.

Traffic from seven approved developments was included in the analysis as follows:

- Sandhills Pediatrics
 - o 22,600 SF medical office building on the northeast quadrant of the intersection of Brucewood Road at Pavilion Way
 - o Traffic volumes obtained from *Morganton Park North Medical Office Building TIA* (Kimley-Horn, November 2018)

- Pinehurst Surgical
 - o Newly constructed medical office building on the northeast quadrant of the intersection of Morganton Road at Patriot Boulevard
 - o When the traffic counts were collected, Pinehurst Surgical Center was determined to be operating at 1/3 capacity. To simulate full build out conditions, all traffic entering and exiting the east leg of Pavilion Way at Patriot Blvd was tripled and the additional trips carried through the network
- Morganton Park North Site 3
 - o 60,000 SF medical office building on the northwest quadrant of the intersection of Pavilion Way at Patriot Boulevard
 - o Traffic volumes obtained from *Morganton Park North Site 3 Medical Office Building TIA* (Kimley-Horn, December 2021)
- Legends Apartments Expansion
 - o 144 additional units on the east side of the Legends Apartments development
 - o Traffic volumes obtained from *Legends Apartments Expansion TIA* (Kimley-Horn, March 2021)
- Morganton Park South Outparcels
 - o Two commercial outparcel buildings totaling 13,760 SF within the Morganton Park South Lowe's Foods shopping center
 - o Trips were generated and assigned to the network
- Pine Ridge Commercial
 - o 260 multifamily dwelling units and 240,000 SF of commercial space within the Morganton Park South development between Morganton Road and US 15-501
 - o Traffic volumes obtained from *Pine Ridge Commercial TIA* (Kimley-Horn, July 2021)
- Morganton Park South Master Plan (2032 only)
 - o 50-acre multi-use development assumed to consist of 300 multifamily dwelling units, 122,500 SF of office space, and 259,500 SF of retail space
 - o Traffic volumes obtained from *Pine Ridge Commercial TIA* (Kimley-Horn, July 2021)

With the addition of approved development traffic, the effective annual background growth rates range 5-8% to 2025 and 3-4% to 2032.

Existing and projected (2025) background peak hour traffic volumes, which include historic growth traffic and approved development traffic are shown on **Figures 4 and 5**. Projected (2032) background traffic volumes are shown on **Figures 6 and 7**.

Trip Generation

The trip generation potential of the development was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017). Table 1 summarizes the estimated traffic generation potential of the site.

Table 1 ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
220	Multifamily Housing (Low-Rise)	300	units	999	999	28	88	95	55
822	Strip Retail Plaza (<40k)	20,000	s.f.	537	537	27	18	64	63
<i>Internal Capture Total</i>				-179	-179	-2	-2	-22	-22
<i>Pass-By Capture</i>				-152	-152	-0	-0	-20	-16
Total Net New External Trips				1,205	1,205	53	104	117	80

Table 1 shows that the site has the potential to generate 2,410 new trips on a typical weekday, 157 new trips during the AM peak hour, and 197 new trips in the PM peak hour.

Trip Distribution and Assignment

The proposed generated trips were assigned to the surrounding roadway network based according to the distribution below. The directional distribution and assignment were based on land uses, existing travel patterns, and engineering judgement.

- 20% to/from the west along Morganton Road
- 20% to/from the east along Morganton Road
- 10% to/from the south along Brucewood Road
- 10% to/from the north on Felton Capel Lane
- 10% to/from the east on Carlisle Street
- 10% to/from the east on Pavilion Way
- 10% to/from Morganton Park South
- 5% to/from the north on Tanglewood Drive
- 5% to/from Legends Apartments

The site traffic distribution and percent assignment are shown on **Figure 8**.

Carlisle Street is planned to be extended from Brucewood Road to Tanglewood Drive as part of this development. Diversions were applied to some existing movements to account for this new street connection. Diverted traffic volume calculations are detailed on intersection spreadsheets and are shown on **Figures 9 - 12**.

The attached **Figures 9** and **10** show the year 2023 AM and PM peak hour site and build-out traffic volumes at the study intersections, respectively. **Figures 11** and **12** show the year 2031 AM and PM peak hour site and build-out traffic volumes at the study, respectively.

Capacity Analysis

Capacity analyses were performed using Synchro Version 10.3 software. Existing signal timings were obtained from NCDOT. Existing peak hour factors (PHF) were used for all traffic conditions at all study intersections except for new intersections or approaches where a PHF of 0.90 was used. Synchro

intersection level-of-service (LOS) reports are attached. The LOS and delay for the study intersections are summarized in [Table 2](#).

Table 2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Felton Capel Lane/Beverly Lane (Signalized)		
Existing (2022) Traffic	B (14.4)	B (19.7)
Background (2025) Traffic	B (15.6)	C (21.5)
Build-out (2025) Traffic	B (15.9)	C (21.9)
Background (2032) Traffic	B (17.1)	C (24.1)
Build-out (2032) Traffic	B (17.4)	C (24.8)
Morganton Road at Tanglewood Drive (Unsignalized)		
Existing (2022) Traffic	SB – C (23.6) EBL – A (9.8)	SB – D (27.1) EBL – B (10.2)
Background (2025) Traffic	SB – D (31.0) EBL – B (10.2)	SB – E (44.1) EBL – B (11.3)
Build-out (2025) Traffic w/ Carlisle Street Extension	SB – D (26.4) EBL – B (10.3)	SB – E (37.6) EBL – B (11.7)
Background (2032) Traffic	SB – E (45.5) EBL – B (11.0)	SB – F (67.6) EBL – B (12.4)
Build-out (2032) Traffic w/ Carlisle Street Extension	SB – E (38.0) EBL – B (11.2)	SB – F (58.5) EBL – B (12.8)
Morganton Road at Brucewood Road (Signalized)		
Existing (2022) Traffic	B (14.8)	B (19.0)
Background (2025) Traffic	B (18.4)	C (24.2)
Build-out (2025) Traffic	C (20.5)	C (25.9)
Background (2032) Traffic	B (19.8)	C (27.4)
Build-out (2032) Traffic	C (22.9)	C (29.2)

Table 2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Patriot Boulevard (Unsignalized)		
Existing (2022) Traffic	NB – B (11.0) SB – B (11.2) WBL – A (9.5)	NB – B (13.4) SB – B (11.7) WBL – B (10.9)
Background (2025) Traffic	NB – B (11.5) SB – B (11.8) WBL – A (10.0)	NB – C (15.5) SB – B (13.6) WBL – B (12.4)
Build-out (2025) Traffic	NB – B (11.6) SB – B (11.9) WBL – B (10.1)	NB – C (15.7) SB – B (13.8) WBL – B (12.6)
Background (2032) Traffic	NB – B (12.3) SB – B (12.6) WBL – B (10.7)	NB – C (17.5) SB – B (14.9) WBL – B (14.0)
Build-out (2032) Traffic	NB – B (12.4) SB – B (12.7) WBL – B (10.9)	NB – C (17.8) SB – B (15.2) WBL – B (14.2)
Brucewood Road at Old Morganton Road (Unsignalized)		
Existing (2022) Traffic	EB – B (10.9) WB – A (9.6) NBL – A (7.6) SBL – A (7.6)	EB – C (17.5) WB – B (12.7) NBL – A (7.8) SBL – A (8.4)
Background (2025) Traffic	EB – B (12.1) WB – B (10.6) NBL – A (7.6) SBL – A (7.7)	EB – C (24.7) WB – C (15.3) NBL – A (8.0) SBL – A (8.6)
Build-out (2025) Traffic	EB – B (12.5) WB – B (10.6) NBL – A (7.6) SBL – A (7.8)	EB – D (26.5) WB – C (15.8) NBL – A (8.0) SBL – A (8.7)
Background (2032) Traffic	EB – B (12.8) WB – B (11.1) NBL – A (7.7) SBL – A (7.9)	EB – D (29.5) WB – C (18.6) NBL – A (8.1) SBL – A (8.9)
Build-out (2032) Traffic	EB – B (13.3) WB – B (11.3) NBL – A (7.7) SBL – A (7.9)	EB – D (32.2) WB – C (19.6) NBL – A (8.2) SBL – A (9.0)

Table 2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Brucewood Road at Pavilion Way/Site Driveway (Unsignalized)		
Existing (2022) Traffic	WB – B (11.9) SBL – A (7.9)	WB – B (11.1) SBL – A (7.6)
Background (2025) Traffic	WB – C (18.1) SBL – A (8.6)	WB – B (17.6) SBL – A (7.8)
Build-out (2025) Traffic	EB – C (15.4) WB – D (29.5) NBL – A (8.4) SBL – A (8.6)	EB – B (10.6) WB – F (84.2) NBL – A (7.7) SBL – A (7.8)
Background (2032) Traffic	WB – C (18.7) SBL – A (8.6)	WB – C (18.2) SBL – A (7.8)
Build-out (2032) Traffic	EB – C (15.8) WB – D (31.1) NBL – A (8.4) SBL – A (8.6)	EB – B (10.7) WB – F (94.2) NBL – A (7.7) SBL – A (7.8)
Brucewood Road at Carlisle Street (Unsignalized)		
Existing (2022) Traffic	WB – C (15.6) SBL – A (7.7)	WB – A (9.6) SBL – A (7.5)
Background (2025) Traffic	WB – C (20.7) SBL – A (7.8)	WB – B (10.2) SBL – A (7.6)
Build-out (2025) Traffic w/ Carlisle Street Extension	EB – B (10.4) WB – C (24.8) NBL – A (7.4) SBL – A (7.8)	EB – A (9.8) WB – B (11.4) NBL – A (7.3) SBL – A (7.6)
Background (2032) Traffic	WB – C (22.3) SBL – A (7.8)	WB – B (10.3) SBL – A (7.6)
Build-out (2032) Traffic w/ Carlisle Street Extension	EB – B (10.5) WB – D (27.8) NBL – A (7.4) SBL – A (7.8)	EB – A (9.9) WB – B (11.6) NBL – A (7.3) SBL – A (7.6)
Carlisle Street at Patriot Boulevard (Unsignalized)		
Existing (2022) Traffic	NB – B (10.9) WBL – A (7.8)	NB – A (9.0) WBL – A (7.4)
Background (2025) Traffic	NB – B (10.9) WBL – A (7.9)	NB – A (9.2) WBL – A (7.4)
Build-out (2025) Traffic	NB – B (11.3) WBL – A (7.9)	NB – A (9.3) WBL – A (7.4)
Background (2032) Traffic	NB – B (10.9) WBL – A (7.9)	NB – A (9.2) WBL – A (7.4)
Build-out (2032) Traffic	NB – B (11.4) WBL – A (7.9)	NB – A (9.3) WBL – A (7.4)

Table 2 (cont.) Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Pavilion Way at Patriot Boulevard (Unsignalized)		
Existing (2022) Traffic	EB – B (10.1) WB – B (10.0) NBL – A (7.3) SBL – A (7.5)	EB – A (9.0) WB – A (9.4) NBL – A (7.3) SBL – A (7.3)
Background (2025) Traffic	EB – B (12.1) WB – B (11.2) NBL – A (7.4) SBL – A (7.6)	EB – B (10.1) WB – B (11.5) NBL – A (7.5) SBL – A (7.3)
Build-out (2025) Traffic	EB – B (12.3) WB – B (11.2) NBL – A (7.4) SBL – A (7.6)	EB – B (10.1) WB – B (11.5) NBL – A (7.5) SBL – A (7.3)
Background (2032) Traffic	EB – B (12.1) WB – B (11.2) NBL – A (7.4) SBL – A (7.6)	EB – B (10.1) WB – B (11.5) NBL – A (7.5) SBL – A (7.3)
Build-out (2032) Traffic	EB – B (12.1) WB – B (11.2) NBL – A (7.4) SBL – A (7.6)	EB – B (10.1) WB – B (11.5) NBL – A (7.5) SBL – A (7.3)
Carlisle Street Extension at Tanglewood Drive (Unsignalized)		
Build-out (2025) Traffic	WB – A (9.0) SBL – A (7.3)	WB – A (9.0) SBL – A (7.4)
Build-out (2032) Traffic	WB – A (9.0) SBL – A (7.3)	WB – A (9.0) SBL – A (7.4)
Carlisle Street Extension at Legends Apts. Driveway/Site Driveway (Unsignalized)		
Build-out (2025) Traffic	NB – A (8.9) SB – A (8.9) EBL – A (7.3) WBL – A (7.2)	NB – A (9.0) SB – A (9.0) EBL – A (7.2) WBL – A (7.3)
Build-out (2032) Traffic	NB – A (8.9) SB – A (8.9) EBL – A (7.3) WBL – A (7.2)	NB – A (9.0) SB – A (9.0) EBL – A (7.2) WBL – A (7.3)

Analysis indicates that almost all of the study intersections are expected to operate at an acceptable LOS in the projected 2025 and 2032 build-out traffic conditions with minimal increases in delay due to the addition of site traffic. SimTraffic simulations show no queuing issues at any of the study intersections in any of the build-out traffic conditions.

Synchro indicates that the unsignalized intersection of Morganton Road at Tanglewood Drive is projected to operate with moderate delays for the minor street approach (Tanglewood Drive) in the 2025 background and build-out conditions and with moderate to long delays in the 2032 background

and build-out conditions. However, with the extension of Carlisle Street from Brucewood Road to Tanglewood Drive, the minor street delays are expected to be lower in the build-out condition than in the background condition. The Carlisle Street Extension will also allow for residents on Tanglewood Drive another means of ingress and egress with access to the east on Carlisle Street and to the traffic signal at the intersection of Morganton Road at Brucewood Road. SimTraffic simulations also show much shorter delays for the minor street approach than Synchro as Synchro does not adequately account for gaps in traffic created by adjacent traffic signals. Therefore, no roadway improvements are recommended at this intersection.

Synchro also indicates that the unsignalized intersection of Brucewood Road at Pavilion Way/Site Driveway is expected to operate with long delays for the Pavilion Way approach at project build-out. This has more to do with the addition of the fourth leg of the intersection than the additional of projected site traffic. SimTraffic simulations also show much shorter delays for the minor street approaches than Synchro as Synchro does not adequately account for gaps in traffic created by adjacent traffic signals. Therefore, no roadway improvements are recommended at this intersection.

The build-out roadway laneage with the Carlisle Street Extension in place is shown on **Figure 13**.

Pedestrian Infrastructure

Pedestrian trips to and from the site were estimated by generating person trips for the proposed site and then applying a pedestrian mode split of 6% based on existing mode split data for this area obtained from Replica software.

Table 3 Pedestrian Traffic Generation									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
220	Multifamily Housing (Low-Rise)	300	units	65	65	2	6	6	4
822	Strip Retail Plaza (<40k)	20,000	s.f.	53	53	3	2	7	6
Total Pedestrian Trips				118	118	5	8	13	10

Table 3 shows the site has the potential to generate 236 new pedestrian trips on a typical weekday, 13 new trips during the AM peak hour, and 23 new trips in the PM peak hour. Detailed person trip and mode split calculations are included in the Appendix.

It is anticipated that the pedestrian trips will predominantly be to/from the existing and planned commercial developments on the east side of Brucewood Road and the commercial development on the south side of Morganton Road with some trips coming to the proposed retail space from the Legends Apartments.

Existing pedestrian infrastructure surrounding the site includes a multi-use path on the north side of Morganton Road and a sidewalk on the west side of Brucewood Road. There are existing crosswalks at the intersections of Morganton Road at Brucewood Road and Brucewood Road at Carlisle Street. A sidewalk is also planned along the northern side of the Carlisle Street Extension with a multi-use path along the southern side of Carlisle Street Extension. This will provide people living along Tanglewood

Drive convenient access to the existing and proposed commercial development within Morganton Park North.

Conclusions

Analysis indicates that all but two of the study intersections are projected to operate with acceptable levels of service at project build-out and for the 10-year horizon. The intersection of Morganton Road at Tanglewood Drive is expected to operate at LOS E or F for the stop-controlled approach of Tanglewood Drive in both the background and build-out conditions, but with lower average delays in the build-out condition than in the background condition.

The intersection of Brucewood Road at Pavilion Way/Site Driveway is expected to operate at LOS F for the stop-controlled approach of Pavilion Way in the build-out conditions. Increases in delay are common when the 4th leg is added to a 3-leg intersection. It should also be noted that traffic for the approved Sandhills Pediatrics and Morganton Park North Site 3 developments is likely overestimated given the traffic currently being generated by Pinehurst Medical and Pinehurst Surgical.

The extension of Carlisle Street from Brucewood Road to Tanglewood Drive being provided by this development will help address the delays at both of these locations by providing more connectivity and access options for drivers, pedestrians, and bicyclists in this area. To present a conservative analysis, no traffic was diverted off Tanglewood Drive or Pavilion Way, but it is anticipated that traffic flows and delays will even out with this connection in place. Therefore, no additional roadway improvements are recommended based on the analysis presented herein.

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Sincerely,



Travis Fluitt, P.E.

Senior Project Manager

Attachments: Figures 1-13, Assumptions Memorandum, Traffic Count Data, Trip Generation Calculations, Approved Development Information, Volume Development Worksheets, Synchro LOS Reports, Signal Plans

From: [James Michel](#)
To: [Pam Graham](#)
Subject: FW: Morganton Park North Apartments TIA
Date: Wednesday, August 10, 2022 1:46:09 PM
Attachments: [MPN Apartments SimTraffic LOS.pdf](#)
[SimTraffic Reports.pdf](#)
[Morganton Park North Apartments TIA 6-29-2022.pdf](#)
[RE External RE Morganton Park North Apartments TIA.msg](#)

Pam,

Attached is the TIA, below is an email with my questions and Travis's responses, and email from NCDOT. There are no recommended improvements for this project based on the TIA.

Thanks

James Michel, PE, MBA

Town of Southern Pines
Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983

From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Sent: Saturday, August 6, 2022 11:14 PM
To: James Michel <JMichel@southernpines.net>; mwkitchen@ncdot.gov
Cc: BJ Grieve <BJGrieve@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>; Pam Graham <PGraham@southernpines.net>
Subject: RE: Morganton Park North Apartments TIA

James,

Please see responses below. I'm on vacation this week, but glad to discuss since I know we have planning board the 18th.

Matt, any comments on your end?

Thanks,
Travis

From: James Michel <JMichel@southernpines.net>
Sent: Wednesday, July 27, 2022 1:55 PM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>; mwkitchen@ncdot.gov
Cc: BJ Grieve <BJGrieve@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>; Pam Graham <PGraham@southernpines.net>
Subject: RE: Morganton Park North Apartments TIA

Travis,

I have reviewed the TIA and have the below noted questions which need to be addressed.

1. The synchro report for Buildout Morganton/Brucewood intersection (and some others) indicates queue length exceeds capacity and that the queue may be longer. What does this mean for the analysis?

Synchro notes a # next to a queue at a signalized intersection where it does not think the movement gets enough green time to serve the projected demand. In these cases, queues can compound if there is not enough green time to clear the queue. SimTraffic simulations were used to visually confirm that queuing will not be an issue at any of these locations or elsewhere throughout the network. SimTraffic queuing reports are attached.

2. How does the pedestrian traffic impact the light at Morganton/Brucewood which does have a pedestrian signal?

Pedestrian traffic is anticipated to utilize the existing pedestrian signals at Morganton/Brucewood. A pedestrian call will increase the green time for the Brucewood approaches by approximately 12 seconds over what it normally receives (i.e. approximately 12 additional seconds of delay for vehicles on Morganton Road. From the pedestrian traffic generation, it is projected that a pedestrian may cross Morganton Road every 3rd or 4th cycle. This is not anticipated to have a significant impact to the signal operation as both approaches of Morganton Road and the intersection overall are projected to operate at LOS C in the AM and PM peak hours in the year 2032.

3. The report needs to discuss the available options to improve the LOS at the Morganton/Tanglewood and Brucewood Pavilion intersections. The TIA should also address why the improvements are not practical, ie not enough land for a turn lane, etc, if the alternatives are in fact not practical. Please note that section 4.12.8 (c) describes multiple options for addressing LOS deficiency, including methods that don't include physical improvements.

As shown in the attached SimTraffic Reports, delays at these intersections are projected to be much shorter than shown in the Synchro reports because SimTraffic is able to account for gaps provided by adjacent signals, which Synchro does not do. For the intersection of Morganton/Tanglewood, the delay also decreases due to the addition of the Carlisle Extension. At the intersection of Brucewood at Pavilion, there are no improvements short of a traffic signal that will sufficiently mitigate the side street delays, and it is unlikely that a traffic signal would be warranted at this location. It is also anticipated that the projected site traffic for MPN Site 3 is significantly overestimated based on the current traffic generated by the Pinehurst Medical and Surgical buildings. It is our opinion that the extension of Carlisle Street is the mitigation to address these LOS deficiencies due to the enhanced connectivity that it provides to this area. The attached LOS table compares the delays from SimTraffic (shown in red) to those from Synchro.

4. Is it appropriate to limit left outs at the Tanglewood intersection and force this movement to the light?

As noted above, SimTraffic shows that the delays on Tanglewood are expected to be much lower than what is shown in the Synchro reports. Left turns out off of Tanglewood do not have a problem finding gaps. While the left-turn volume is low, prohibiting it would force more traffic out to the signal at Morganton and Brucewood. Therefore, unless that left-turn

movement becomes a safety issue, we do not see the need to restrict that left-turn movement.

5. Comments from NCDOT need to be received prior to this TIA being deemed complete.
We will follow up with NCDOT.

Let me know if you wish to talk through any of the above.

Thanks

James Michel, PE, MBA

Town of Southern Pines
Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983

From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Sent: Wednesday, June 29, 2022 9:28 PM
To: James Michel <JMichel@southernpines.net>; mwkitchen@ncdot.gov
Cc: BJ Grieve <BJGrieve@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>
Subject: Morganton Park North Apartments TIA

James/Matt,

Attached is a PDF of the TIA for the proposed Morganton Park North Apartments site along with the Synchro files (hopefully in Version 10). It's a lot of analysis to arrive at the recommendation of no additional improvements beyond the extension of Carlisle Street. Please let us know if you need hard copies or have any questions.

Thank you,

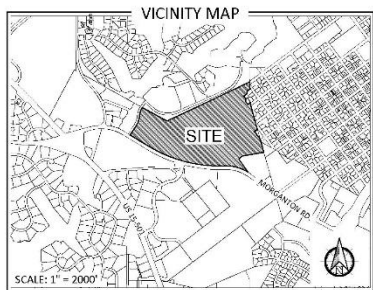
Travis Fluitt, P.E.

Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2948 | Mobile: 919-649-0759 | Main: 919-677-2000

Morganton Park North Apartments Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Morganton Road at Tanglewood Drive (Unsignalized)		
Existing (2022) Traffic	SB – C (23.6) EBL – A (9.8)	SB – D (27.1) EBL – B (10.2)
Background (2025) Traffic	SB – D (31.0) EBL – B (10.2)	SB – E (44.1) EBL – B (11.3)
Build-out (2025) Traffic w/ Carlisle Street Extension	SB – D (26.4) B (13.2) EBL – B (10.3)	SB – E (37.6) C (19.6) EBL – B (11.7)
Background (2032) Traffic	SB – E (45.5) EBL – B (11.0)	SB – F (67.6) EBL – B (12.4)
Build-out (2032) Traffic w/ Carlisle Street Extension	SB – E (38.0) B (16.9) EBL – B (11.2)	SB – F (58.5) C (23.7) EBL – B (12.8)
Brucewood Road at Pavilion Way/Site Driveway (Unsignalized)		
Existing (2022) Traffic	WB – B (11.9) SBL – A (7.9)	WB – B (11.1) SBL – A (7.6)
Background (2025) Traffic	WB – C (18.1) SBL – A (8.6)	WB – B (17.6) SBL – A (7.8)
Build-out (2025) Traffic	EB – C (15.4) A (7.0) WB – D (29.5) A (8.3) NBL – A (8.4) SBL – A (8.6)	EB – B (10.6) A (6.1) WB – F (84.2) B (16.0) NBL – A (7.7) SBL – A (7.8)
Background (2032) Traffic	WB – C (18.7) SBL – A (8.6)	WB – C (18.2) SBL – A (7.8)
Build-out (2032) Traffic	EB – C (15.8) A (6.9) WB – D (31.1) A (8.1) NBL – A (8.4) SBL – A (8.6)	EB – B (10.7) A (7.9) WB – F (94.2) C (20.0) NBL – A (7.7) SBL – A (7.8)

SimTraffic delays based on 10 simulations

Morganton Park North Apartments Queuing Summary		
Condition	AM Peak Hour SimTraffic Max Queue	PM Peak Hour SimTraffic Max Queue
Morganton Road at Tanglewood Drive (Unsignalized)		
Build-out (2025) Traffic w/ Carlisle Street Extension	SB – 82'	SB – 80'
Build-out (2032) Traffic w/ Carlisle Street Extension	SB – 91'	SB – 77'
Brucewood Road at Pavilion Way/Site Driveway (Unsignalized)		
Build-out (2025) Traffic	EB – 63' WB – 59'	EB – 68' WB – 212'
Build-out (2032) Traffic	EB – 67' WB – 72'	EB – 56' WB – 267'



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



PHASING LEGEND	
PHASE 1	Orange dashed line
PHASE 2	Green dashed line
PHASE 3	Blue dashed line
PHASE 4	Purple dashed line
PHASE 5	Black dashed line
PHASE 6	Red dashed line
PHASE 7	Yellow dashed line
PHASE 8	Dark blue dashed line
PHASE 9	Pink dashed line

PHASING PLAN NOTES

1. DUE TO THE UNCERTAINTY OF ECONOMIC FACTORS THAT INFLUENCE LAND DEVELOPMENT, SOME FLEXIBILITY IN THE SEQUENCING OF PHASES IS NECESSARY AND IS TO BE BASED ON MARKET DEMANDS AND NECESSARY INFRASTRUCTURE IMPROVEMENTS.
2. RATHER THAN TYING THE PHASING TO SPECIFIC DATES AND SEQUENCING, PHASING IS TIED TO REQUIRED INFRASTRUCTURE IMPROVEMENTS, INCLUDING ROADWAY, WATER LINE, AND SEWER LINE CONSTRUCTION ADEQUATE TO SERVE THE PHASE TO BE DEVELOPED. PHASES AND SUBPHASES ARE NOT REQUIRED TO DEVELOP SEQUENTIALLY WITHIN THIS PLAN BUT COULD NOT DEVELOP UNTIL ADEQUATE INFRASTRUCTURE IS PROVIDED TO ACCOMMODATE THE PROPOSED PHASE. PHASES MAY ALSO BE DEVELOPED AND COMBINED WITH OTHER PHASES AND SUBPHASES.

OPEN SPACE REQUIREMENTS:		
OVERALL SITE	OPEN SPACE CATEGORY	REQUIRED
116.7 acres	Overall Open Space (20%)	23.34 acres
	Usable Open Space (10%)	11.67 acres

- LEGEND**
- PROPERTY BOUNDARY
 - EXISTING PARCELS
 - EXISTING MINOR CONTOUR
 - EXISTING MAJOR CONTOUR
 - EXISTING BUILDING
- GENERAL NOTES**
1. ALL DEVELOPMENT ON THE PROPERTY WILL ADHERE TO THE USES, DIMENSIONAL STANDARDS AND REQUIREMENTS OF EITHER THE GENERAL BUSINESS (GB) OR OFFICE SERVICE (OS) ZONING CLASSIFICATIONS PER THE TOWN OF SOUTHERN PINES UDO. THESE USES MAY BE MIXED ON INDIVIDUAL PROPERTIES OR WITHIN INDIVIDUAL BUILDINGS TO PROMOTE A MIXTURE OF USES THROUGHOUT THE PROPERTY.
 2. DEVELOPMENT WILL ALSO ADHERE TO THE MORGANTON ROAD OVERLAY STANDARDS AS DESCRIBED IN SECTION 3.6.6 OF THE UDO, EXCEPT FOR THE LOCATION OF THE MULTI-USE PATH ALONG MORGANTON ROAD. A WAIVER FROM SECTION 3.6.6(H)(4) WOULD BE AS FOLLOWS: A TRAIL MEASURING EIGHT (8) FEET IN WIDTH WILL BE INSTALLED ALONG THE EDGE OF MORGANTON ROAD. PHASE ONE AND TWO OF THE TRAIL HAVE BEEN CONSTRUCTED WITHIN THE RIGHT-OF-WAY OF MORGANTON ROAD AND CONNECT TO THE GREENWAY IN FRONT OF THE TOWN OWNED PARCELS NEAR HENLEY STREET. ANY REMAINING PHASES OF THE TRAIL SHALL CONNECT TO THE EXISTING TRAIL, REFLECT THE SAME TRAIL DESIGN AND BE LOCATED WITHIN THE RIGHT-OF-WAY ALONG MORGANTON ROAD PER THE PREVIOUS DEVELOPMENT AGREEMENT. THE THIRD AND FINAL SEGMENT OF THE MULTI-USE TRAIL SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARDS AND TIMEFRAME DESCRIBED IN THE DEVELOPMENT AGREEMENT FOR MORGANTON PARK NORTH.
 3. ALL DEVELOPMENT AND BUILDING PERMITS ARE SUBJECT TO ALL LOCAL, STATE AND FEDERAL PERMITTING GUIDELINES, ARCHITECTURAL REVIEW, RULES AND REGULATIONS AND MUST BE APPROVED BY THE TOWN OF SOUTHERN PINES.
 4. SMALL AREAS OF WETLANDS EXIST ON THE SITE. MOST OF THE PROPERTY'S WETLANDS WILL REMAIN UNDISTURBED. AS REQUIRED BY LAW, ANY IMPACTS MUST BE PERMITTED AND MITIGATED PER THE REQUIREMENTS OF THE ARMY CORPS OF ENGINEERS AND THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.
 5. AS REQUIRED BY US FISH AND WILDLIFE, ANY POTENTIAL RED COCKADED WOODPECKER FORAGING HABITAT WILL BE MANAGED DURING THE DEVELOPMENT PROCESS AND APPROVALS OBTAINED FROM THE AGENCY IF NECESSARY.
 6. THE COMMUNITY LIES OUTSIDE OF ANY PROTECTED WATERSHED DISTRICT ESTABLISHED BY NCOWD. THE PROJECT WILL COMPLY WITH ALL STATE AND LOCAL STANDARDS FOR STORMWATER MANAGEMENT. THE PROJECT WILL UTILIZE BEST MANAGEMENT PRACTICES AND ENGINEERED STORMWATER FACILITIES.
 7. STORMWATER WILL BE PROVIDED IN THE EXISTING STORMWATER BASIN AND OTHER STORMWATER BASINS LOCATED ON THE PROPERTY. THE EXISTING BASIN WAS DESIGNED TO PROVIDE STORMWATER MANAGEMENT FOR A SIGNIFICANT PORTION OF THE PROPERTY. ADDITIONAL STORMWATER BASINS WILL BE ADDED AS NECESSARY TO MANAGE THE BALANCE OF THE PROPERTY. STORMWATER BASINS WILL BE PROVIDED ON THE SCHOOL SITE TO PROVIDE ADEQUATE MANAGEMENT OF THE SITE'S RUNOFF.
 8. ALL ROADWAYS, MULTI-USE PATHS, SIDEWALKS AND ANY POTENTIAL TRAILS WILL BE DEDICATED TO THE TOWN OF SOUTHERN PINES.
 9. OPEN SPACE WILL BE PROVIDED THROUGHOUT THE COMMUNITY AS REQUIRED BY THE TOWN'S UDO. A MINIMUM OF 20% OF THE SITE MUST BE DEDICATED TO OPEN SPACE WITH 50% OF THE OVERALL OPEN SPACE BEING USABLE OPEN SPACE AS DESCRIBED IN SECTION 3.5.14 OF THE UDO. EACH PRELIMINARY DEVELOPMENT PLAN (PDP) PREPARED FOR ANY AREA OF THE OVERALL MORGANTON PARK NORTH PROPERTY SHALL PROVIDE A TABULATION ILLUSTRATING THE OPEN SPACE BEING PROVIDED WITH THEIR PHASE, PREVIOUSLY PROVIDED OPEN SPACE FROM OTHER PHASES AND THE BALANCE OF OPEN SPACE THAT MUST BE PROVIDED IN FUTURE PHASES TO MEET THE OPEN SPACE REQUIREMENTS OF SECTION 3.5.14.
 10. OPEN SPACE WITHIN THE SCHOOL AREA INCLUDING OPEN PLAY FIELDS, PLAYGROUNDS OR OTHER STUDENT RECREATION AREAS WILL BE CREDITED TOWARD USABLE OPEN SPACE REQUIREMENTS.
 11. THE TOWN OF SOUTHERN PINES ARCHITECTURAL REVIEW BOARD WILL REVIEW AND APPROVE ALL NON-RESIDENTIAL BUILDING PLANS FOR COMPLIANCE WITH THE TOWN'S ARCHITECTURAL STANDARDS.
 12. ALL DEVELOPMENT AND BUILDING PERMITS ARE SUBJECT TO ALL LOCAL, STATE AND FEDERAL PERMITTING GUIDELINES, ARCHITECTURAL REVIEW, RULES AND REGULATIONS.
 13. LANDSCAPE STANDARDS WILL MEET OR EXCEED THE REQUIREMENTS OF THE TOWN OF SOUTHERN PINES UDO PER SECTION 3.5.14(H).
 14. SCHOOLS MAY BE PERMITTED A REDUCTION IN LANDSCAPING REQUIREMENTS. THIS REDUCTION IN LANDSCAPING WILL BE ILLUSTRATED ON ANY PRELIMINARY DEVELOPMENT PLAN SUBMITTED FOR A SCHOOL AND CONSIDERED BY TOWN COUNCIL.
 15. ELECTRIC, WATER, SEWER AND GAS UTILITIES ARE READILY AVAILABLE FOR THE SITE. NEW UTILITY LINES WILL BE INSTALLED PER THE POLICIES OF THE LOCAL UTILITY PROVIDERS AND THE TOWN OF SOUTHERN PINES FOR UNDERGROUND UTILITIES.
 16. FROM TIME TO TIME TEMPORARY SERVICES MAY BE REQUIRED AND SHALL BE ALLOWED AT COMMUNITY FACILITIES. TEMPORARY CONSTRUCTION OFFICES, TEMPORARY SALES CENTERS, TEMPORARY CONSTRUCTION OFFICES, AND OTHER COMMON AMENITIES SUCH AS PARKS.
 17. STREET LIGHTING WILL BE DESIGNED IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 4.8 IN THE TOWN OF SOUTHERN PINES UDO.
 18. SIGNAGE WILL BE DESIGNED ON A PARCEL BY PARCEL BASIS AND ADHERE THE STANDARDS PROVIDED IN SECTION 4.6 OF THE UDO. UNIFIED SIGN PLANS MAY BE PROVIDED FOR EACH OF THESE PARCELS. HOWEVER, NO OVERALL UNIFIED SIGN PLAN WILL BE PROVIDED FOR THE OVERALL PROPERTY.

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

REVISIONS:

COONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PACE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-8487
W: www.coontzjonesdesign.com

MORGANTON PARK NORTH
CONCEPTUAL DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA
CONCEPT PLAN / PHASING PLAN

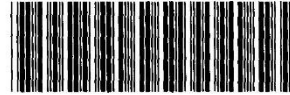
DATE: 03.23.2018
DESIGNED BY: REK
CHECKED BY: REK
C.C. BY: REK
PROJECT #: KOT1803
SHEET NUMBER:
L-1.2

Van Camp

BOOK4448 - PAGE422

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
February 02, 2015 10:21:47 AM
Book 4448 Page 422-429
FEE: \$26.00
INSTRUMENT # 2015001260

gc



INSTRUMENT # 2015001260

DEVELOPMENT AGREEMENT FOR
MORGANTON PARK NORTH

**DEVELOPMENT AGREEMENT
For MORGANTON PARK NORTH
PEDESTRIAN/BICYCLE USE PATH And SITE IMPROVEMENTS**

This Development Agreement (the "Agreement") is made this 14 day of December, 2014 (the "Effective Date") by and between Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M. Van Camp Living Trust under trust agreement dated December 22, 1998 (the "Owner"), Kuester Development Corporation, a North Carolina corporation (the "Developer") and the TOWN OF SOUTHERN PINES (the "Town").

WHEREAS, the Owner owns a tract of land containing approximately ninety-six (96) acres, more or less, located in the town of Southern Pines, North Carolina and more particularly described as Parcel ID #857100498818, together with all appurtenances thereunto appertaining and intended to exclusively serve such land (the "Property"); and

WHEREAS, the Developer has contracted to purchase a portion of the Property from Owner totaling approximately two and one-quarter (2.25) acres (the "Developer's Parcel"); and

WHEREAS, the Town has required, as part of its Unified Development Ordinance adopted October 8, 2013 and amended from time to time thereafter (the "UDO"), the construction of a pedestrian/bicycle use path measuring eight (8) feet in width along the north side of Morganton Road at the edge of a forty (40) foot buffer (the "Path"); and

WHEREAS, Developer has petitioned the Town for final site plan approval of the Developer's Parcel and the Town has required, among other conditions, completion of certain site improvements to be constructed on and near the Property (the "Improvements") prior to granting final site plan approval.

NOW THEREFORE, for and in consideration of the mutual promises, covenants and agreements hereinafter contained, it is agreed by and between the parties hereto as follows:

ARTICLE I – PEDESTRIAN/BICYCLE USE PATH

1. **Modification of Path Requirement.** The Town, Owner, and Developer agree that, except as set forth herein, this Development Agreement relieves the Owner, the Developer, and their successors of any requirement to construct along Morganton Road any pedestrian/bicycle use path that otherwise would be required. They further agree that while there is any failure to comply with the provisions of this agreement the Town shall issue no development permit

or certificate of occupancy for any further development anywhere on the Property.

2. **Location of Path.** The Path shall be constructed at a suitable location as determined by Owner provided, however, that said location falls within the above mentioned forty (40) foot buffer along the north side of Morganton Road, between Tanglewood Drive and the eastern most point of the Owner's Property. All land included as part of the Path shall be credited toward the Town's active open space requirements.
3. **Method of Path Installation.** The Path shall be divided into and constructed as three (3) separate Sections:
 - Segment One shall include approximately fifteen hundred fifty-three (1,553) linear feet running from the east side of Tanglewood Drive and continuing to the west side of Brucewood within Section One depicted on Attachment A.
 - Segment Two shall include approximately nine hundred eighty-two (982) linear feet running from the east side of Brucewood Road and continuing to the west side of proposed Morganton Park Boulevard North within Section Two depicted on Attachment A.
 - Segment Three shall include approximately six hundred thirty-one (631) linear feet running from the east side of proposed Morganton Park Boulevard North and continuing to the eastern most boundary of the Property within Section Three depicted on Attachment A.
4. **Timing of Path Construction**
The owner shall cause each segment to be completed at the earliest of the following: a) five years after the date that any Segment is first required to be completed; b) one year after the conveyance by the Owner of any portion of the Section within which the Segment lies; c) 90 days after the issuance of a certificate of occupancy for a structure in the Section within which the Segment lies.
5. **Material and Composition of Path.** The path shall be eight (8) feet in width and constructed with asphalt paving. The base composition shall generally comply with requirements evidenced in an independent geotechnical report.
6. **Cost of Path Completion.** Owner shall complete or cause to complete all required Sections of the Path associated with future development of the Property, in accordance with the provisions contained herein, at no cost to the Town.
7. **Dedication and Maintenance of Path.** Upon completion of a Segment, the owner of the property upon which the Segment is located shall dedicate that Segment to the

Town, and if the segment conforms to the requirements of this agreement, the Town shall accept the dedication promptly.

8. **Duration of Agreement to Construct Path.** This Agreement shall commence on the Effective Date and continue in full force and effect until the last remaining Section of the Path is completed or caused to be completed by the Owner and accepted by the Town.
9. **No Recourse Against Developer.** Developer is not responsible for any of the above provisions or conditions outlined in Article I relating to the Path or its completion and the Town hereby acknowledges it shall not pursue any recourse, financial or otherwise, except as provided in this agreement, against Developer for Owner's failure to satisfy any provisions or conditions outlined in Article I relating to the Path or its completion.

ARTICLE II – COMPLETION OF IMPROVEMENTS

1. **Permitted Land Uses.** The Property is currently zoned PD-Planned Development and part of the Morganton Road Overlay District. Permitted land uses are shown on the Property's approved conceptual master plan and include office, retail, multi-family and single family residential.
2. **Location of Improvements.** Refer to previously submitted engineered drawings.
3. **Timing and Method of Installation of Improvements.** Construction of the Improvements shall commence within one hundred twenty (120) days after Town approval of the final site plan for the Developer's Parcel. All Improvements shall be completed within eighteen (18) months after construction of the Improvements commences.
4. **Cost of Improvements.** Developer shall complete or cause to complete all required Improvements, in accordance with the previously submitted engineered drawings, at no cost to the Town.
5. **Duration of Agreement to Construct Improvements.** This Agreement shall commence on the Effective Date and continue in full force and effect until all required Improvements, as shown on the previously submitted engineered drawings, have been completed.
6. **No Recourse Against Owner.** Owner is not responsible for any of the above provisions or conditions outlined in Article II relating to the Improvements or the completion of the Improvements and the Town hereby acknowledges it shall not pursue any

recourse, financial or otherwise, except as provided in this agreement, against Owner for Developer's failure to satisfy any provisions or conditions outlined in Article II relating to the Improvements or the completion of the Improvements.

This Development Agreement is accepted and agreed as of the date shown above by the parties:

Robert W. and Julie M. Van Camp Living Trust

By: Thomas VanCamp
Name: Thomas Van Camp
Title: POA for Owner

Kuester Development Corporation

By: _____
Name: _____
Title: _____

Town of Southern Pines

By: Reagan D. Parsons
Name: Reagan D. Parsons
Title: Town Manager

recourse, financial or otherwise, except as provided in this agreement, against Owner for Developer's failure to satisfy any provisions or conditions outlined in Article II relating to the improvements or the completion of the improvements.

This Development Agreement is accepted and agreed as of the date shown above by the parties:

Robert W. and Julie M. Van Camp Living Trust

By: Thomas Van Camp
Name: Thomas Van Camp
Title: POA for Owner

Kuester Development Corporation

By: [Signature]
Name: Kuester Development
Title: Vice President

Town of Southern Pines

By: _____
Name: _____
Title: _____

Notary Block for the Morganton Park North Development Agreement

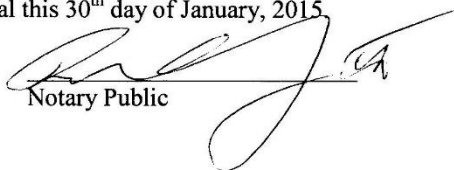
STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Richard Lee Yelverton III, a notary public for Henderson County and State aforesaid, certify that Thomas Van Camp personally appeared before, and

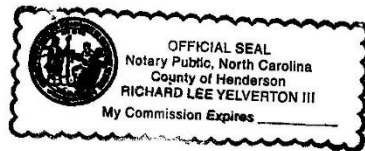
- a) ☒ I have personal knowledge of the identity of the principal(s)
- b) ☐ I have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principle's photograph in the form of a _____
- c) ☐ a credible witness has sworn to the identity of the principal(s)

acknowledged to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated.

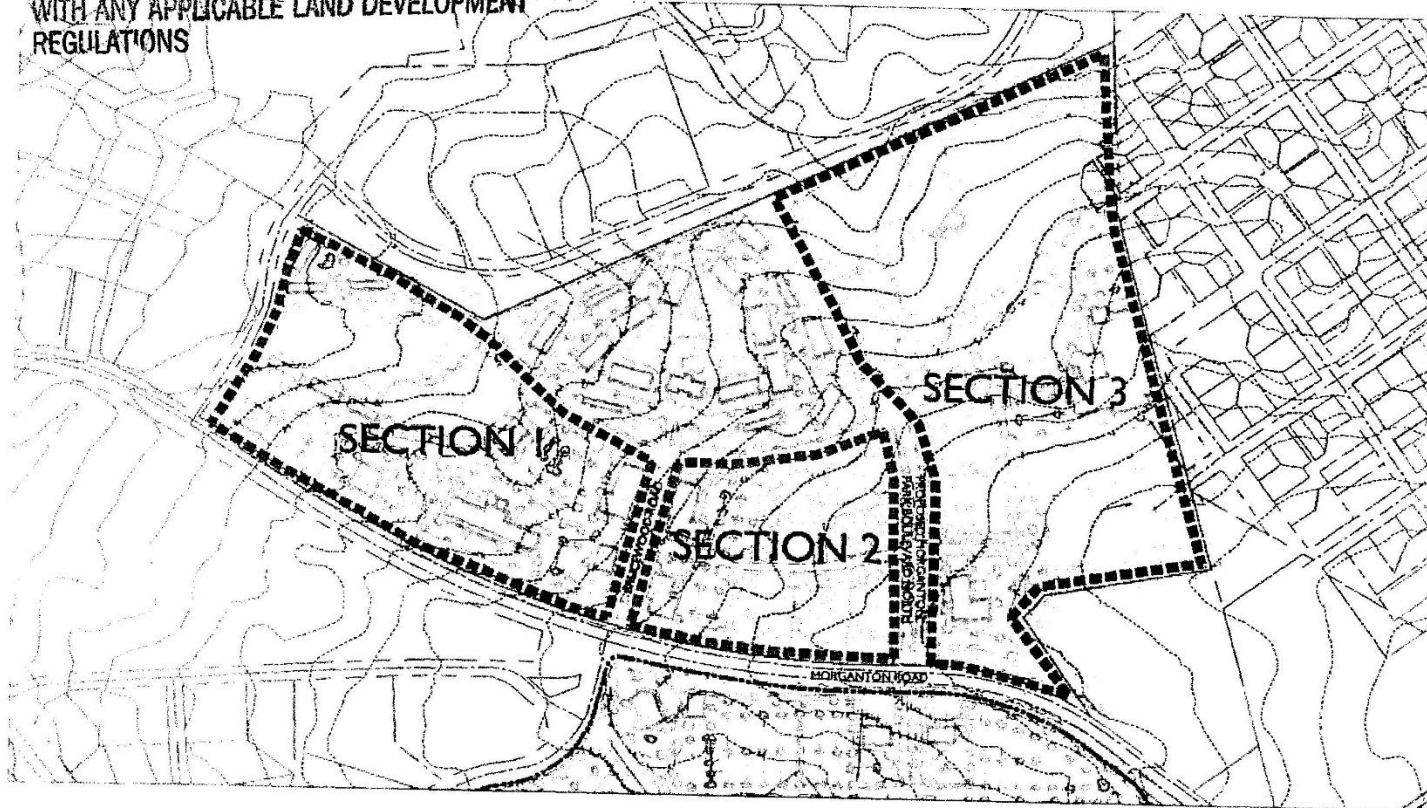
WITNESS my hand and seal this 30th day of January, 2015.


Notary Public

My Commission Expires: 17 November 2015



THIS MAP IS NOT A CERTIFIED SURVEY
AND HAS NOT BEEN REVIEWED BY A
LOCAL GOVERNMENT AGENCY FOR COMPLIANCE
WITH ANY APPLICABLE LAND DEVELOPMENT
REGULATIONS



KOONTZDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

MORGANTON PARK NORTH
EXHIBIT A TO DEVELOPMENT AGREEMENT FOR MORGANTON
PARK NORTH PEDESTRIAN/BICYCLE USE PATH

NOVEMBER 20, 2014

From: [JuarezPozos, Dagoberto](#)
To: [Cindy Williams](#)
Subject: RE: [External] PD-10-22 Morganton Park North PDP
Date: Monday, July 25, 2022 8:30:09 AM
Attachments: [image001.png](#)

Cindy,

We do not have any immediate comments on this one. A TIA was submitted by the applicant and is being reviewed now.

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: Friday, July 22, 2022 1:34 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; Michel, James <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: Pam Graham <PGraham@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: [External] PD-10-22 Morganton Park North PDP

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

Good afternoon,

Please review the attached request and respond with any questions or comments at your earliest convenience.

Thank you.

Cindy Williams

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

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

From: [RLUAC Executive Director](#)
To: [Cindy Williams](#)
Subject: RE: PD-10-22 Morganton Park North PDP
Date: Thursday, July 28, 2022 9:15:55 AM

Cindy,

RLUAC does not have any comments on this case.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Friday, July 22, 2022 1:34 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; Maurice Holland <mbholland63@gmail.com>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Pete Campbell <director@rluac.com>; Ron Istre <RIstre@southernpines.net>; Scotty Malta <smalta@moorecountyairport.com>
Cc: Pam Graham <PGraham@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: PD-10-22 Morganton Park North PDP

Good afternoon,

Please review the attached request and respond with any questions or comments at your earliest convenience.

Thank you.

Cindy Williams

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

DATE: 6/13/2022

**RED-COCKADED WOODPECKER
SELF-CERTIFICATION LETTER #1**

Project Name: Morganton Park North Mixed Use

Project Address (Parcel Number and Street Address if Available):
W. Morganton Rd. between Brucewood and Tanglewood
20190270; 20150046; 20150044; 20150043701

Dear Applicant:

Thank you for using the U.S. Fish and Wildlife Service (Service) Sandhills online project review process for red-cockaded woodpecker (RCW). By printing this letter in conjunction with your project review package, you are certifying that you have completed the online project review process for the project named above in accordance with all instructions provided, using the best available information to reach your conclusions for RCW. This letter, along with your project information, completes the review of your project for RCW in accordance with section 9 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (ESA). This letter does not complete the review of your project for other listed species. If there are other federally listed species that may be affected by your project, please use the Service's general online review process at this link or contact the Service for further guidance.

Retain this letter and project information for your records and submit a copy of this letter to the Service at ncsandhills@fws.gov for this certification to be valid.

PLEASE NOTE: This letter is not to be used for self-certification of projects that fall within the Red Zone on the map at <https://www.fws.gov/raleigh/NCRCW1.html>. This letter is for projects located in the **Clear Zone and will not take place within 50 feet of an RCW cavity tree**. If your project falls within a Red Zone, or if you can't check both boxes below, please refer to the Service's website for additional information or contact our office at 919-812-2954.

CERTIFICATION:

To use this form to self-certify compliance with the ESA for RCW, the box in Number 1 AND the box in Number 2 must be checked.

1. The box below must be checked:

☒ I have reviewed the most recent online map and the project is **in a Clear Zone.**

2. Read the entire letter and check this box:

☒ I certify that I have read this letter in its entirety and will abide by the listed Conservation Measures herein to the extent practicable.

The red-cockaded woodpecker is endemic to open, mature and old growth pine ecosystems in the southeastern United States. It depends on mature live pine trees for its nesting and roosting sites (called clusters) and for foraging habitat. The Service's Recovery Plan defines the cluster as the aggregation of cavity trees used and defended by a group of red-cockaded woodpeckers and a 200-foot buffer of continuous forest. The Recovery plan also outlines the minimum acreage, distribution, and stocking levels of foraging habitat (stands of southern yellow pine) required to conserve a family group of woodpeckers. Requisite foraging habitat must be found in pine stands contiguous with the cluster and within a 1/2 - mile radius of the cluster center (foraging partition). Property development within a cluster and associated foraging habitat, if not carefully conducted is potentially harmful to the species and may violate the ESA if not specifically authorized by the Service.

Recovery efforts for this species are underway and may result in groups becoming reestablished in areas currently unoccupied by this species. The cumulative loss of foraging and nesting habitat caused by residential and commercial construction is one of the primary threats to the continued existence of the RCW in the North Carolina Sandhills area. The Conservation Measures listed below will help minimize the threats to the RCW.

Recommended Conservation Measures

1. Planners and builders are encouraged to shift proposed development to avoid removing large pine trees.
2. To maintain suitability of the habitat, take measures to prevent damage to the bole and root system of the remaining longleaf pines.
3. Retain turpentine trees and all old growth longleaf pines that may be on the property.
4. Where cutting is necessary, large branches should be removed or trimmed as a first option instead of complete tree removal.
5. Landscaping should use species native to the Sandhills ecosystem that do not exceed seven feet in height. Exotic invasive plants should be avoided.

This certification letter is valid for one (1) year. However, this determination must be reconsidered if the project design is subsequently modified, or if new information becomes available. If an RCW constructs a cavity in a pine tree on the subject property within the one-year time frame, this letter does not allow disturbance (within the drip line) or removal of the cavity tree, and additional review and approval should be requested. Information about the online project review process including instructions, species information, and other information regarding project reviews within North Carolina is available at our website <https://www.fws.gov/raleigh/pp.html>. If you have any questions, please contact Caroline Krom at (919-812-2954).

Sincerely,

/s/ Pete Benjamin

Pete Benjamin
Field Supervisor
Raleigh Ecological Services

Cindy Williams

From: susan_miller@fws.gov on behalf of NC Sandhills RCW, FW4 <ncsandhillsrcw@fws.gov>
Sent: Thursday, March 29, 2018 11:07 AM
To: Cindy Williams
Cc: Jim Dougherty; tlmorgan@ncdot.gov; BJ Grieve
Subject: Re: [EXTERNAL] P-01-18 Request for Planned Development

These parcels all fall outside of any known red-cockaded woodpeckers. However, the landowners should carefully survey for any red-cockaded woodpecker cavity trees IF any mature pine trees are to be removed (https://www.fws.gov/ncsandhills/pine_tree_removal.html). A link to the survey protocol from the red-cockaded woodpecker recovery plan is available here: https://www.fws.gov/rcwrecovery/files/RecoveryPlan/survey_protocol.pdf

On Wed, Mar 28, 2018 at 11:43 AM, Cindy Williams <CWilliams@southernpines.net> wrote:

Good morning,

Please see the attached rezoning request and respond with any comments or concerns at your earliest convenience.

Thank you very much.

Sincerely,

Cindy Williams

Planning Department

Town of Southern Pines

(910) 692-4003

From: [Bob Koontz](#)
To: [Pam Graham](#)
Cc: [Paul Saathoff](#)
Subject: Morganton Park Mixed Use - Parking text
Date: Wednesday, August 31, 2022 11:45:56 AM

Pam,

See information below regarding parking. Is an email sufficient for this or would you like a letter for the parking information? I am working on the density calculation and will get that to you this afternoon, but it is what we discussed yesterday and I will send in an email with acreages.

The applicant would request a waiver from the Morganton Park Overlay District parking standards in Section 3.6.6(F)(4) of the Unified Development Ordinance (UDO). This section limits parking within Morganton Park to 1 space per 250 square feet of gross floor area, or 80 spaces for the proposed commercial, restaurant and office building. Parking standards for retail, restaurant and office uses under Section 4.5.3(D) of the UDO would all vary by the individual use. Based on experience with other projects of this type, including the adjacent Pavilion Building, the applicant believes that this parking would be inadequate for the project tenants and patrons.

Proposed parking provided on the site plan included in the Preliminary Development Plan (PDP) for corner of Morganton Park Mixed-Use commercial and office area totals 97 parking spaces, or 1 space per 206 square feet. This total is based upon the proposed building square footage included in the PDP of +/- 20,000 sf and a general number of 1 space per 200 sf, which is the requirement for general retail uses in the UDO. The applicant would request the ability to increase the parking within the project area to a maximum of the UDO's recommended specification for commercial, retail and office uses, based on the ultimate tenant mix for the commercial and office buildings. This total number of spaces would serve as the maximum cap number for the commercial and office area. Should the +/- 20,000 sf be reduced during the site planning process or additional spaces become available during the detailed engineering design process, the applicant would like to adjust per the UDO requirements.

If the overall number of UDO required parking spaces cannot be met on site, shared parking would be provided with the multi-family development up to an amount adequate to serve the commercial and office building. Shared parking could include staff parking and patron parking for the tenants.

We appreciate consideration of this proposed parking for the Morganton Park – Mixed-Use building and would request that the building be permitted to construct parking as requested in this document. Please let me know if any additional information is necessary.

Thanks,

Bob

Bob Koontz, PLA
Principal

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 SOUTH PAGE STREET | SOUTHERN PINES, NC 28387 | P: 910-639-4058

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

Date: September 13, 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). Town staff have previously determined, and advised Town Council, that there is no Rhode Island Ave. right of way to abandon on the subject property. The Town of Southern Pines is therefore holding a public hearing on the possible abandonment of portions of Mechanic Street right of way.

II. STAFF REVIEW:

A. Notice and Dates of Action:

- Resolution of Intent approved by the Town Council: August 9, 2022
- Notice of Public Hearing:
 - Posted on site: August 15, 2022
 - Publication dates: August 17, August 24, August 31 & September 7, 2022
 - Mailed: August 12, 2022

B. Review Process:

A request to vacate a Town right-of-way is reviewed pursuant to NCGS §160A-299 and UDO §2.29

C. Criteria:

When reviewing a request for abandonment of a Town right-of-way, the hearing body shall consider and be guided by the following criteria, as set forth in UDO §2.29.4:

“ (...) If it appears to the satisfaction of the Town Council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the Council may adopt an order closing the street or alley (...).”

D. Staff Comments:

Staff presented research going back to the 1920's on the requested abandonments at the August 9, 2022 Town Council meeting. Upon recommendation from the Town Attorney 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, Council voted to set a public hearing for the Mechanic Street ROW only. The sections of the Mechanic Street 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 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 Resolution of Intent to Vacate was adopted at the August 9, 2022 Town Council meeting, setting a date of September 13, 2022 for a public hearing.

Figure 1: Vicinity Map (approximate location of right-of-way outlined in red)



III. ATTACHMENTS:

1. Request to abandon the right-of-way
2. Map of the subject right of way

IV. TOWN COUNCIL ACTION:

The Town Council shall vote on whether the request to vacate the proposed sections of right-of-way does or does not deny adjacent property owners their rights or means of reasonable access and whether or not the closure is in the public interest. The Town Council may make one of the following motions, or any alternative they wish:

I move that the proposed right-of-way vacation request...

- 1) **is not contrary** to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...
- 2) **is contrary** to the public interest, and those individuals owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property, therefore...

Therefore, I further move to:

- 1) **approve** the Order to Vacate Sections of Town Right-of-Way as drafted;
- 2) **approve** the Order to Vacate Sections of Town Right-of-Way with the following modifications ...; or
- 3) **deny** the request to vacate sections of Town right-of-way for portions of Mechanic Street.

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.

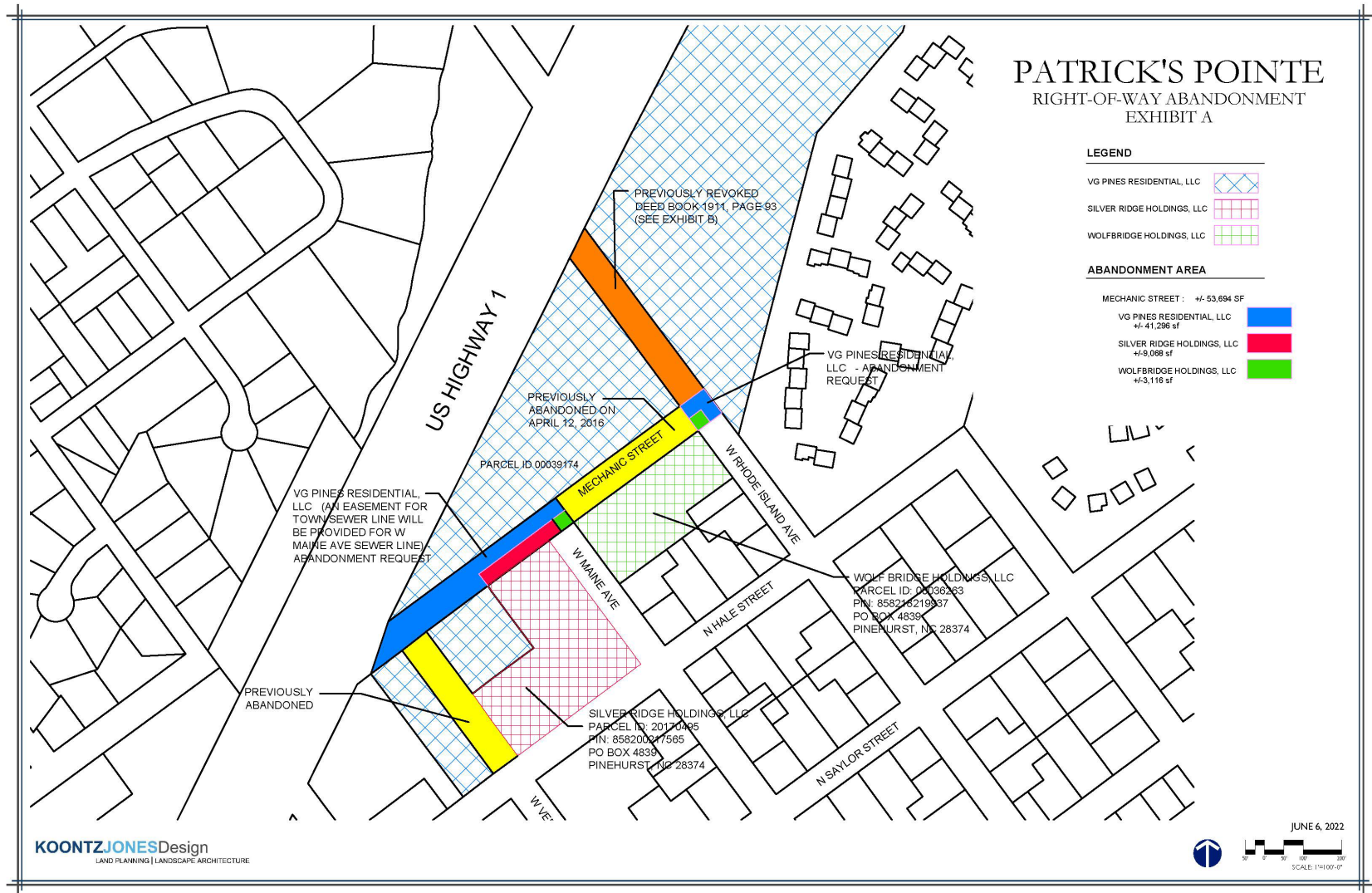
VG Pines Residential, LLC requests the abandonment of the Mechanic Street right of way and the alleged Rhode Island right-of-way (as described above) be considered by the Town Council pursuant to Section 2.29.2 to advertise and conduct a public hearing at its next available business meeting.

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,

A handwritten signature in black ink, appearing to read "R. Koontz", with a stylized flourish at the end.

Robert Koontz, PLA



Agenda Item

To: Reagan Parsons, Town Manager
From: Pamela Graham, Principal Planner
Subject: AR-19-22 Morganton Park South Phase 1 Amendments
Date: September 13, 2022

I. SUMMARY OF APPLICATION REQUEST:

Mr. John Silverman of Midland Atlantic Properties is requesting approval of amendments to a previously issued Architectural Compliance Permit on behalf of property owner Hyperactive Commercial Investments, LLC for the retail component of the Morganton Park South development known as Phase 1. An Architectural Compliance Permit was approved on November 9, 2021; a resubmittal including revisions to the approved design now requires review and approval by Town Council. The property is located on the north side of US Highway 15-501 and south of Morganton Road, and will be accessed by a proposed connector roadway that will be constructed in conjunction with the Phase 1 project development. (See Figure 1)

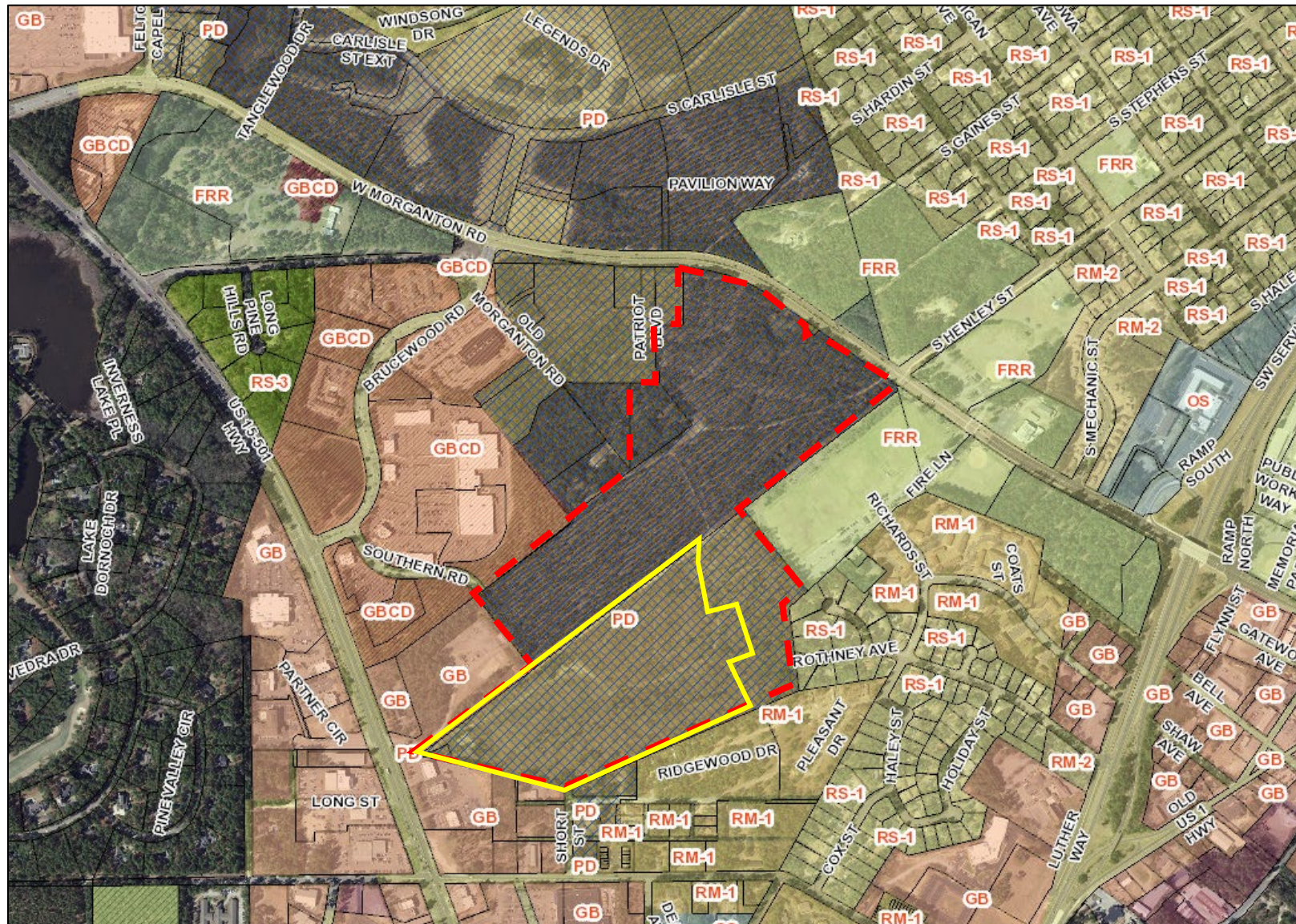
II. PROJECT INFORMATION:

1. PARID 00049222 and 20070558; **PIN** 857100562348 and 857100357805

2. Applicant:

John Silverman
Midland Atlantic Properties
8044 Montgomery Road Suite 370
Cincinnati, OH 45236

Figure 1: Vicinity Map for Subject Property Outlined in Yellow; Morganton Park South CDP in Red



III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: August 1, 2022

Application Complete: August 8, 2022

Town Council Agenda Meeting: September 7, 2022

Town Council Meeting: September 13, 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.*

UDO §2.26.8 addresses the procedures for reviewing amendments to a previously approved architectural compliance permit, calling for such amendments to be classified as either a minor (staff-approved) or major (Town Council-approved) amendment. The Planning Director has determined the revisions submitted by the applicant to fall within the major amendment category.

4. Staff comments based on revisions to design as they relate to Retail Development Building Design Requirements:

✓ = compliant ✗ = not compliant ? = compliance has not been determined

UDO §4.10.4 sets out building design requirements for commercial development. This report details revisions to the architectural design that have occurred since the November 2021 architectural compliance permit approval for this project, known as AR-06-21.

- UDO §4.10.4 (B) *states the width of the buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as*

changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

Requesting a Deviation:

- ✘ Building segmentation is well-incorporated into the design; however, the total building width for Building “F” of 561’-6” creates significant challenges with achieving this standard. Only in one instance does the design meet the standard, with the width of the segment at the western end being 1.3 times the height. Widths of other building segments range from approximately 2.5 times the height to nearly 6 times the height.
- ✓ With regard to the other buildings proposed for the project, all of the buildings except one were granted deviations from this standard in the prior Architectural Review and are either unchanged from that time or have been reduced in width.
 - Building C is a new building to this proposal. It includes two tenants, and multiple building segments, with the widest segment measuring +/- 70’ and a height of 35’, the building demonstrates compliance with the standard.
- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

Requesting a Deviation:

- ✘ The 2021 Architectural Compliance Permit granted deviations from this standard, and the redesign will necessitate the same. The chart below details the changes in building material percentages between the 2021 design and the current one being reviewed.

Please note that UDO 4.10.4 (C) (2) permits the use of CMU or other building materials on building faces that are not visible from a street. Material boards keyed to building elevations have been provided by the applicant and are attached to this staff report.

Building	2021 Proposed Materials	Current Proposed Materials*
A – North Elevation (front)	75% brick, 25% glazing	43% brick, 23% glazing, 23% wood, 5% stone, 1% CMU, 1% metal
A – West Elevation	50% brick, 40% glazing, 10% wood	57% brick, 21% glazing, 11% wood, 6% stone, 1% CMU, 1% metal

A – South Elevation (rear)	Not provided	68% CMU, 12% brick, 8% wood, 4% stone, 2% glazing, 1% metal
B – North Elevation (front)	27% brick, 47% glazing, 26% EIFS	27% brick, 31% glazing, 34% EIFS, 5% metal, 2% wood, 1% CMU
B – South Elevation (rear)	Not provided	100% CMU
B – West Elevation	Not provided	95% CMU, 4% brick, 1% metal
C – North Elevation (front)	83% brick, 9% glazing, 8% EIFS	37% brick, 24% metal, 18% glazing, 14% stone, 8% EIFS
C – South Elevation (rear)	Not provided	100% CMU
C – West Elevation	Not provided	92% CMU, 7% stone, 2% metal
D – North Elevation (front)	67% brick, 9% wood, 24% glazing	There is no Building “D” in the current plan
D – West Elevation	73% brick, 7% glazing, 20% wood	There is no Building “D” in the current plan
D – South Elevation (rear)	Not provided	There is no Building “D” in the current plan
E – North Elevation (front)	55% brick, 16% glazing, 29% EIFS	65% brick, 22% glazing, 11% EIFS, 3% metal
E – South Elevation (rear)	Not provided	100% CMU
F – North Elevation (front)	59% brick, 21% glazing, 20% architectural panel	21% red metal panel, 21% EIFS, 19% brick, 19% glazing, 12% limestone, 4% wood, 3% metal
F – West Elevation	Not provided	80% EIFS, 31% brick, 27% limestone, 7% glazing, 2% red metal panel, 1% brick, 1% metal, <1% concrete
F – East Elevation	92% brick, 8% wood, 44% EIFS	31% EIFS, 31% brick, 27% limestone, 7% glazing, 2% red metal panel, 1% metal, <1% concrete
F – South Elevation (rear)	Not provided	99% EIFS, <1% limestone
G – West Elevation (front)	60% brick, 22% glazing, 15% wood, 5% EIFS	37% wood, 25% glazing, 14% brick, 10% EIFS, 3% CMU, 1% stone

G – East Elevation (rear)	50% brick, 8% wood, 44% EIFS	36% EIFS, 28% wood, 27% brick, 8% CMU, 1% stone
G – North Elevation	56% brick, 25% glazing, 10% wood, 9% EIFS	32% wood, 26% glazing, 14% brick, 1% CMU, 1% EIFS, <1% stone
G – South Elevation	70% brick, 27% glazing, 3% wood, 2% EIFS	38% wood, 25% brick, 14% glazing, 3% CMU
H – West Elevation (front)	50% brick, 26% glazing, 24% EIFS	36% brick, 29% glazing, 17% EIFS, 12% wood, 3% stone, 1% CMU, <1% metal
H – East Elevation (rear)	54% brick, 6% wood, 40% EIFS	45% brick, 30% EIFS, 16% wood, 6% CMU, 4% stone, <1% metal
H – North Elevation	95% brick, 5% glazing	28% brick, 26% glazing, 18% wood, 1% CMU, 1% stone, 1% metal
H – South Elevation	50% brick, 6% wood, 40% EIFS	51% brick, 16% wood, 5% glazing, 4% CMU, 2% stone, 1% metal

* 2022 calculations provided by the applicant included roof materials, where visible on an elevation. Staff removed the references to roof materials, causing percentages to be calculate to less than 100% in some cases.

- 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.*

x Requesting a Deviation:

No depiction of window fenestration between 2’ and 10’ on building elevations has been provided.

The applicant has provided the following response to this requirement: “We comply with the exception of the large box stores over 25,000 sf.”

- 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.*

x Requesting a Deviation:

Though the design features several canopies of various styles, awnings are relatively few. Metal awnings of various designs requiring Town Council approval are proposed on Buildings C and F. Awning designs are depicted on the attached building elevations provided by the applicant, sometimes described as “overhangs”.

- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100'. For buildings that are wider than 100', changes in rooflines shall be used to avoid uninterrupted planes of longer than 200'.*"

x Requesting a Deviation:

Building F, as viewed from Pine Ridge Parkway utilizes changes in roofing elevations to avoid uninterrupted planes of longer than 200' in all segments except one. This segment measures 203'-2" in length with no change in the roof design. While the building, including this segment, incorporates a layering of façade treatments in the form of canopies and extrusions of the front façade, the continuation of the roofline, without changes in height or design for more than 200 feet constitutes a deviation from the standard and requires Town Council approval. All other buildings are compliant with this standard.

- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*
- ✓ All wall signs depicted on Buildings A-H will require sign permits demonstrating compliance with UDO §4.6.

Building F is allowed to have additional wall signage per the approved PDP, in the form of an additional Target logo on the north elevation. A logo sign on the east elevation of Building F was denied in the 2021 approval and has been removed from the design. A new additional logo is proposed in the current application, described as an "internally illuminated signage behind glass" on the north elevation of the building (front). This additional sign has been included due to the expansion of the building frontage (the building's square footage has increased from 108,985 to 147,000 square feet). The new logo appears to fall into a category that has traditionally been exempted from signage approval, due to the fact that it is interior to the building. In order to maintain this exemption, the applicant must agree that the logo will not be "affixed" to the glass of the window, but will be supported by other means (i.e., hanging or standing), independently of the window.

5. Noteworthy Project Elements for Town Council Consideration

Changes in the design compared to the prior approval include the following:

1. The footprint for Building F (Target) has increased from 108,985 square feet to 147,000 square feet. Two other buildings (B and E) have been moderately decreased in size.
2. A new building to the proposal, Building C, will house Dick's Sporting Goods and Golf Galaxy.

3. An opening +/- midway in the layout of the primary string of buildings (Buildings A, B, C, E, and F) has been removed and filled in with building frontage, with the expectation of specific retailers occupying the units (Target, Home Goods, Five Below, Dick's Sporting Goods, and Golf Galaxy). This change has an impact on the massing of this portion of the shopping center. The designer has responded to this by making alterations to the front facades of the buildings to create a "layering" effect that results in more variety in the appearance.
4. The current plan view drawing does not show the "Outdoor Patio Space" between Buildings G and H that appeared on the plan previously submitted. The applicant should clarify if this feature no longer is part of the development program.
5. The current plan does show the full-movement, roundabout-style intersection that was required in the previous approval for the intersection of the Parkway Connector roadway and the primary entrance into the shopping center (at the future extension of Southern Road). All other intersection designs appear to be consistent with those required by the previous approval.
6. Several new deviations have been requested, and are identified on previous pages of this report. These requests are:
 - a. Building F exceeds the standard in UDO §4.10.4(B) requiring that the width of building segments not exceed twice the height.
 - b. While a wide range of exterior building materials are employed in the design, none of the buildings in the proposal are compliant with UDO §4.10.4(C), which requires that building facades be constructed of at least 80% brick.
 - c. Large box stores over 25,000 square feet do not comply with UDO the §4.10.4(D) requirement that windows and doors comprise at least 25% of street facing building facades between the elevations of 2 and 10 feet above the grade of the building entry.
 - d. Metal awnings are included in the design for Buildings C and F. Pursuant to UDO §4.10.4(E), Town Council may approve awning materials other than canvas or similar-type materials.
 - e. Building F exceeds the standard in UDO §4.10.4(G) requiring changes in rooflines to avoid uninterrupted planes of greater than 200'. This building includes a section measuring 203'-2" that does not include a change in the roofline.
 - f. Though not requested as a deviation, an additional "internally illuminated signage behind glass" logo warrants a description as to how it is supported (affixed to the glass or by other means) in order to determine if it requires approval by Town Council as an additional sign.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Updated Architectural Compliance Permit Presentation provided by applicant, dated 8/24/22, addressing Building Design Requirements per UDO §4.10.4
3. Architectural renderings of proposed Target building (Building “F”)
4. Deed
5. Appointment of Agent

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 amendments comply 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-19-22;
2. Approve AR-19-22 with the following conditions:

3. Deny AR-19-22.



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____ - ____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Morganton Park South
Street Address: US Hwy 15-501 across from Partner Circle
PIN: 857100562348 & 857100357805 Parcel ID: 00049222 & 20070558 Zoning: PD - Planned Development
Type of building (retail, office, etc.): Retail Total square footage: 264,700 SF

Applicant:

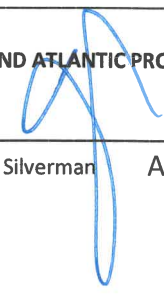
Name: John Silverman - Midland Atlantic Properties
Email: jsilverman@midlandatlantic.com Phone: (513) 792-5000
Mailing Address: 8044 Montgomery Road, Suite 370, Cincinnati, Ohio 45236

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

Name(s): Hyperactive Commercial Investments, LLC
Email: nconti@pinehurstsurgical.com Phone: (910) 315-8414
Mailing Address: #5 First Village Dive, Pinehurst, NC 28374

Date: July 28, 2022

MIDLAND ATLANTIC PROPERTIES



John I. Silverman Applicant

8-27-21

MORGANTON PARK SOUTH

SOUTHERN PINES, NC

MORGANTON PARK SOUTH

RSP ARCHITECTS

ARCHITECTURAL COMPLIANCE NARRATIVE

It is Midland Atlantic Properties' intention to develop an approximate 264,700 sf "open air" retail development generally located at the southeast corner of US Highway 15-501 and Pine Ridge Parkway in Southern Pines, North Carolina. This ground up shopping center will be anchored by Target, other national anchor stores, smaller boutique retailers, and a combination of food and beverage. The various retail stores will be inter mixed to create a variety of pedestrian and visual experiences throughout the center. Pedestrian connections to the linear park along the parkway and future developments to the northwest will also provide a neighborhood experience.

The architectural articulation and aesthetic will reference and relate to the character and experience of the Southern Pines Central Business District. With the goal of creating a charming street scape ambiance, intermixed with various retailers and restaurants, the heights, materials, and details at the pedestrian level will reflect aesthetics similar to Southern Pines. The primary building material will be a collection of various colors of brick, used to delineate between each tenant while also maintaining a cohesive visual experience of the center. Building parapets will include brick detailing, storefronts will include wood sills and framing, and the side walks will include brick pavers. This will be reminiscent of the small shops on Broad Street. Areas of low level landscaping and flower pots will interweave around fountains and outdoor patio seating areas. Wall mounted and festoon lighting will give nightly ambiance at the pedestrian level. The center will include a clock tower, which will become the iconic visual beacon for Morganton Park South.

The new retail development will follow the Town design requirements as closely as feasible and will be aesthetically integral to the classic, southern charm of the downtown Southern Pines.

Below is a narrative of how the building complies with section 4.10.4 of the Unified Development Ordinance Commercial Building Design Standards.

4.10.4. Building Design Requirements

(A) Building Orientation and Entries

(1) The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. **The main portion of in-line buildings will all have customer entrances facing the Parkway. Buildings G and H will form a "L-shape" with entrances facing the main shopping center and the central courtyard providing a transition to the future multi-family property.**

(2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15. **We comply.**

(B) Building Dimensions

(1) In the CB and DTO districts, buildings or building segments shall be taller than wide. **N/A**

(2) In other districts, the width of buildings or building segments shall not be more than twice the building height. **We Comply**

(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. **Building segments and individual tenants are defined by different steps, piers, and cornice lines in the profile and depth of the facade as well as material changes, canopies and lighting elements.**

(4) Large scale retail structures shall comply with Section 4.10.6. **We Comply**

(C) Building Materials. The exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

(1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.

(2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.

The exterior design of this development complies on an overall use of materials. Individual tenants may deviate from the required percentage of stucco used on the main facade with respect to the tenant prototype design and the compositional break up of materials on either side. The architectural design on either side of the tenant prototype is primarily comprised of brick and accomplishes the aesthetic goals of the center. On the east facades of building G and H, the service side and least visible facade, have a higher percentage of EIFS than in the requirements but will not take away from the over building design.

(D) Windows

(1) Windows shall be glazed in non-reflective, clear glass. **We comply.**

(2) 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. **N/A**

(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. **N/A**

(c) Window height shall be at least one and one-half (1.5) times the width. **N/A**

(3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry. **We comply with the exception of the large box stores over 25,000 sf.**

(E) Awnings

(1) Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts. **We comply.**

(2) The minimum clearance between the lowest point of an awning and sidewalk shall be eight (8) feet. **We comply.**

(3) Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council. **We comply.**

(F) Galleries and Arcades

(1) Galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way. **Several arcades and canopies have been designed to reflect the character of arcades in the Central Business District, including the train depot canopy.**

(2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade. **We comply.**

(G) Roofs

(1) In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings. **N/A**

(2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet). **Parapets of varying heights are used to screen mechanical equipment and to give variety to the building facade. Buildings greater than 25,000 sf will comply with section 4.10.6**

(3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited. **Dark shingle roofs similar to the downtown aesthetic will be used and will comply.**

(H) Mechanical Equipment

Mechanical equipment shall be screened from view from the street and shall not be located between the street and the building. Mechanical equipment shall be on the roof and screened from view with parapets.

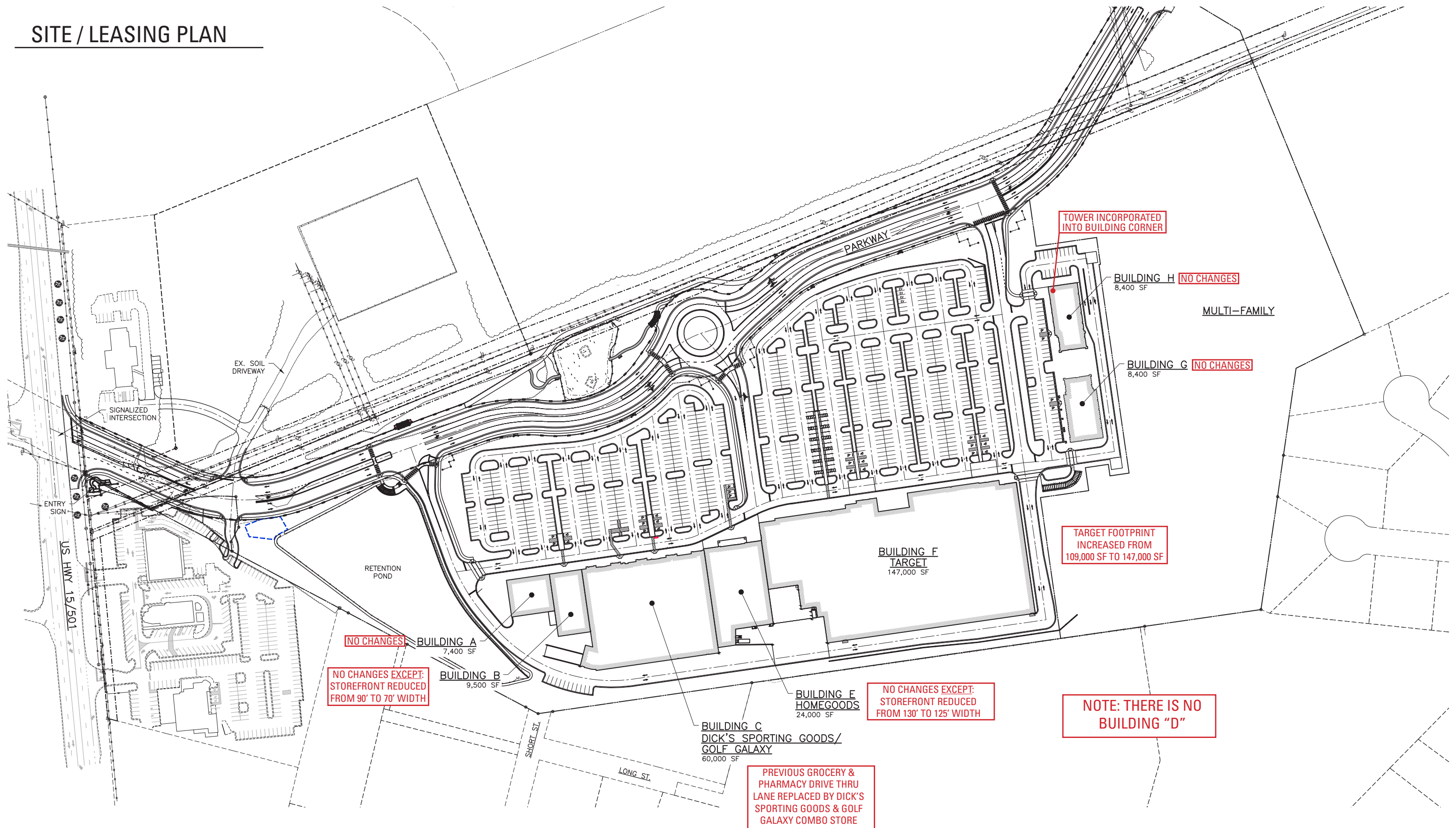
(I) Loading Zones and Garage Bays

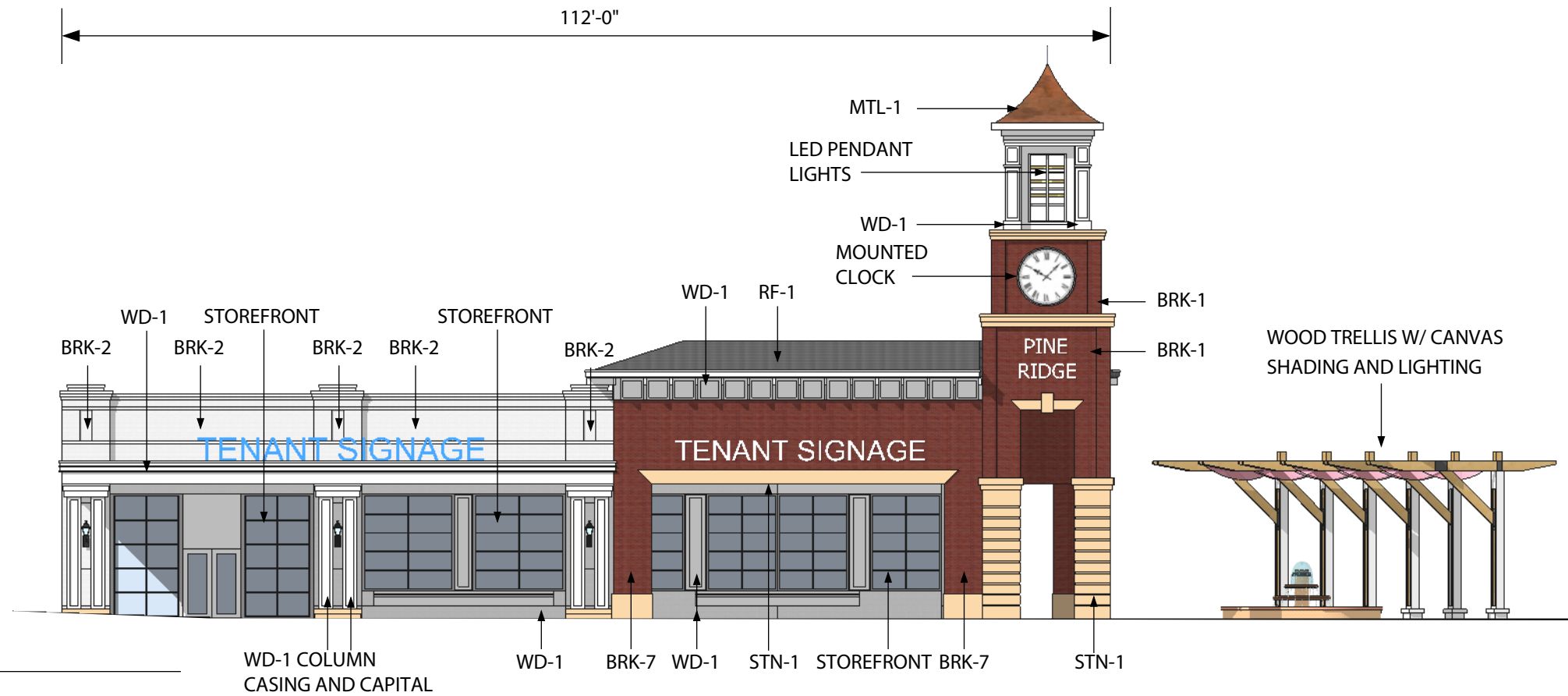
Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5. Garage doors and loading bays typically face a service drive and will be screened per CDP requirements where adjacent to any residential district. Buildings G and H will have dumpster enclosures which will face the interior of the lot and the enclosure shall be constructed of the same materials as the building.

(J) Signage

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards. Will comply, unless otherwise requested during review of a Unified Shopping Center Sign Plan or previously approved Preliminary Development Plan PD-09-21 application.

SITE / LEASING PLAN





NORTH ELEVATION - BUILDING A
1/16" = 1'-0"

T.O. PITCH	59'-4"
CORNICE	41'-6"
ROOF RIDGE	29'-8"
PARAPET	24'-0"
B.O. CANOPY	14'-5"
T.O. SLAB	0'-0"
FFE=507'	

T.O. PITCH
59'-4"

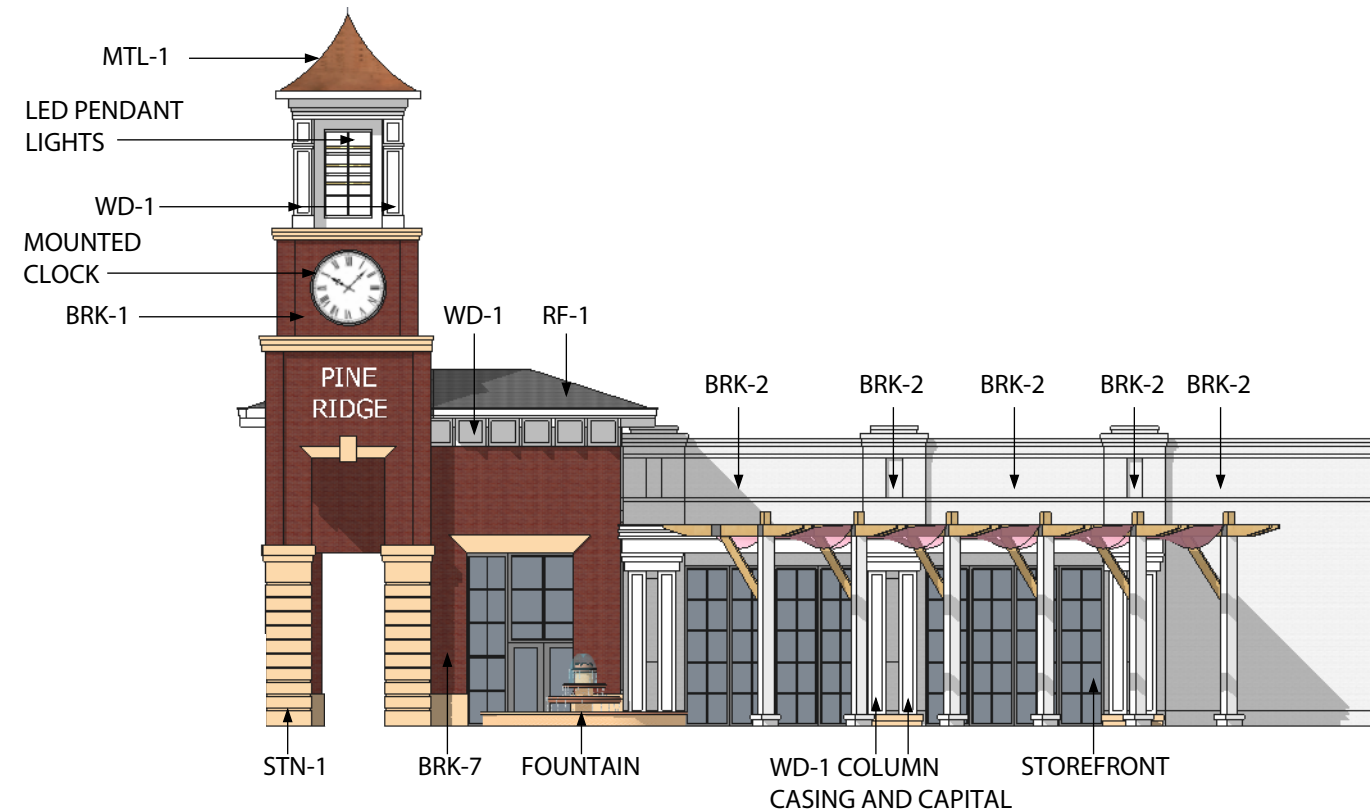
CORNICE
41'-6"

ROOF RIDGE
29'-8"

PARAPET
24'-0"

B.O. CANOPY
14'-5"

T.O. SLAB
0'-0"



WEST ELEVATION - BUILDING A
1/16" = 1'-0"

NO CHANGES

T.O. PITCH
59'-4"

CORNICE
41'-6"

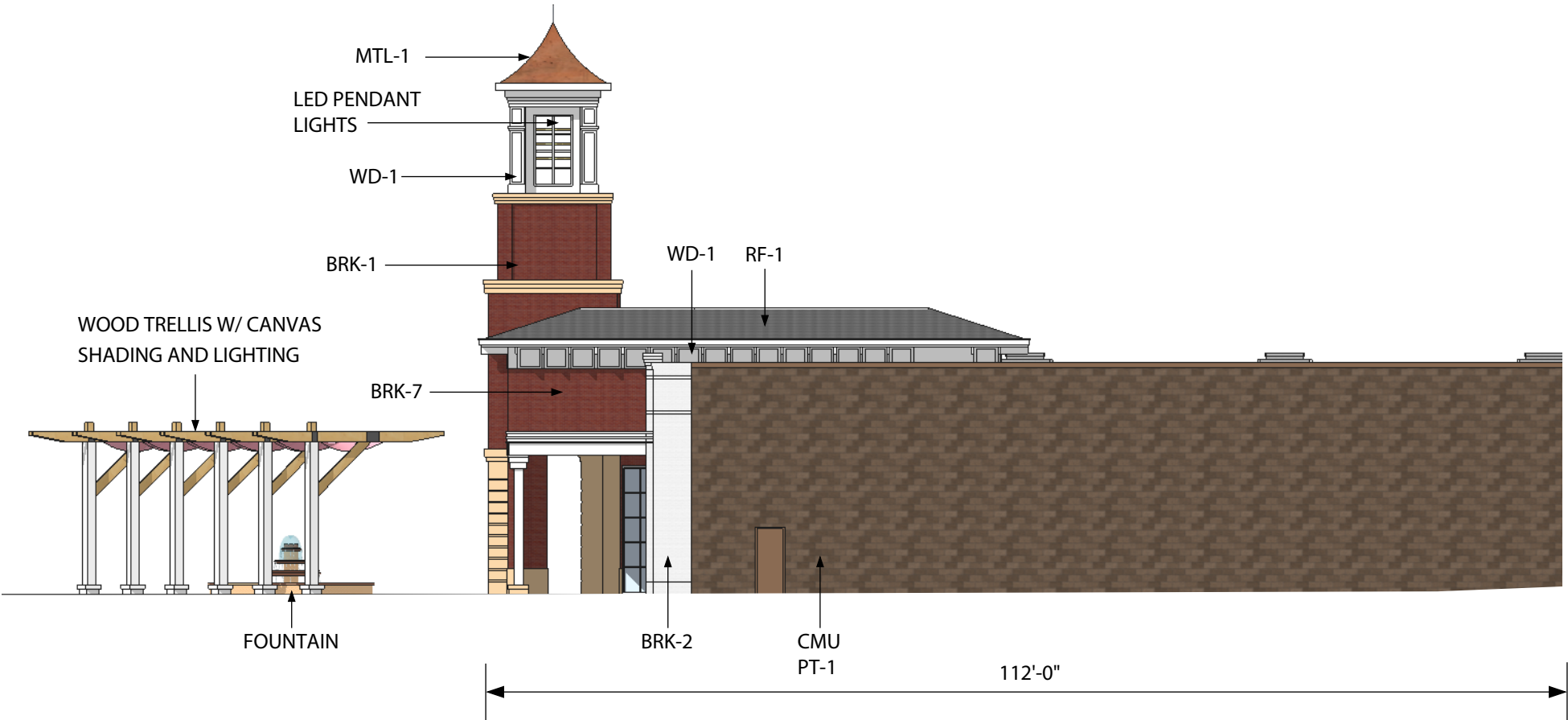
ROOF RIDGE
29'-8"

PARAPET
24'-0"

B.O. CANOPY
14'-5"

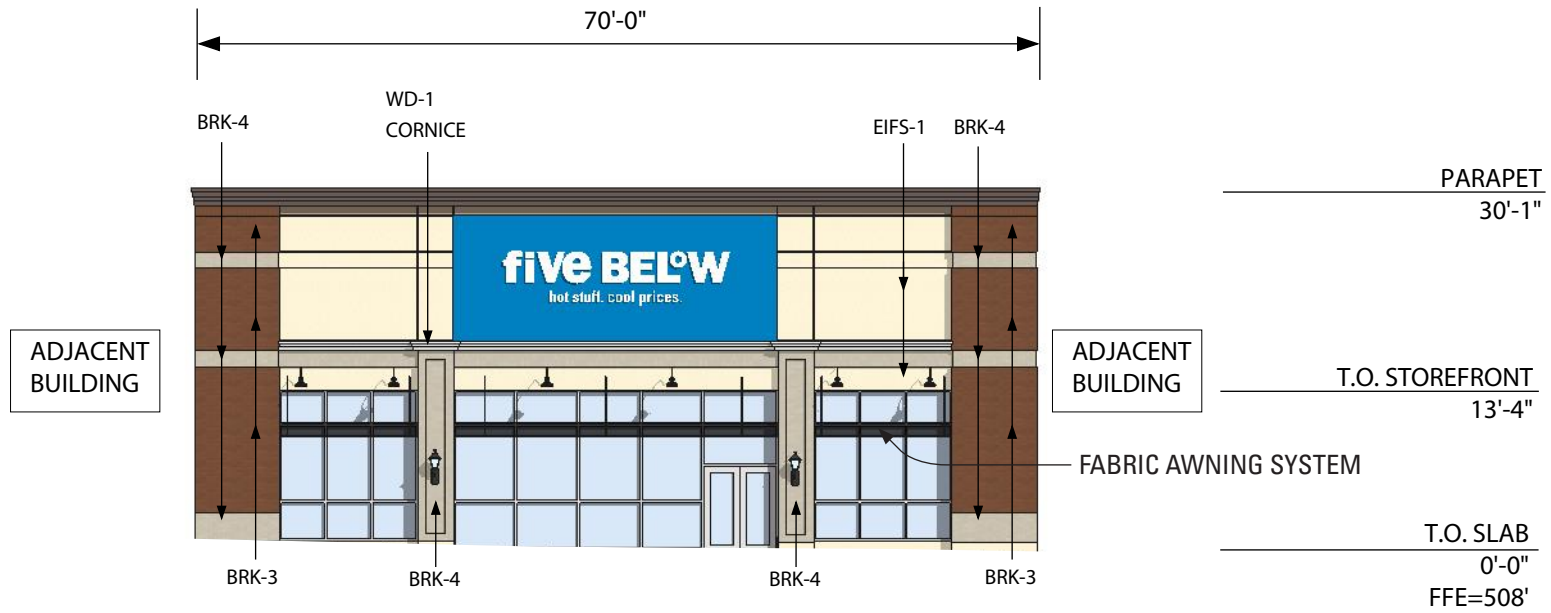
T.O. SLAB
0'-0"

FFE=507'

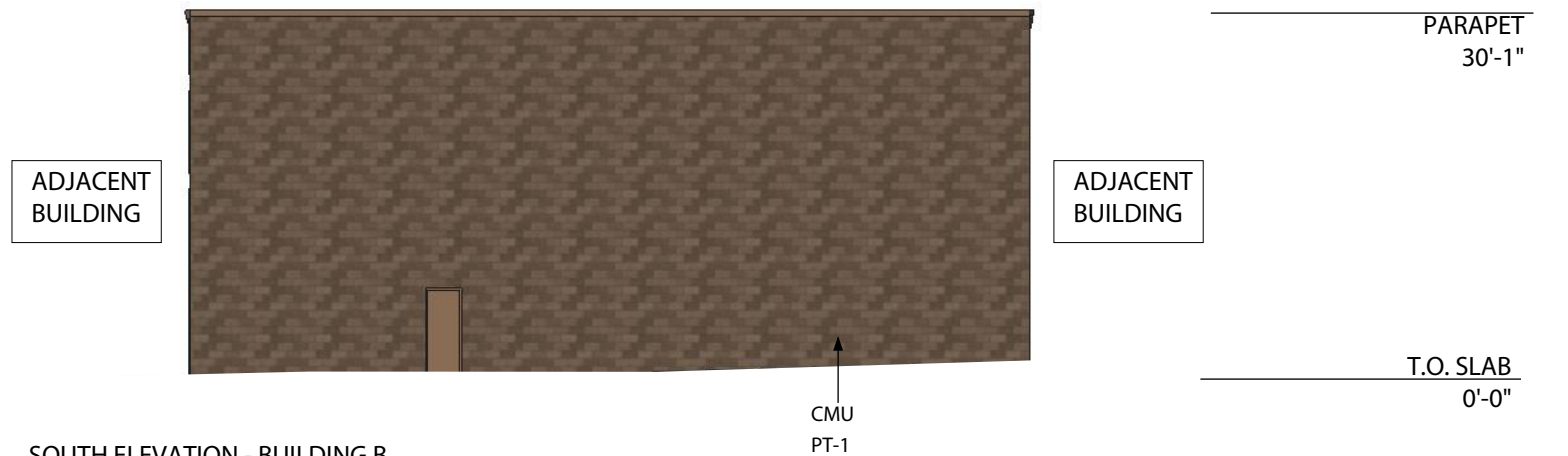


SOUTH ELEVATION - BUILDING A
1/16" = 1'-0"

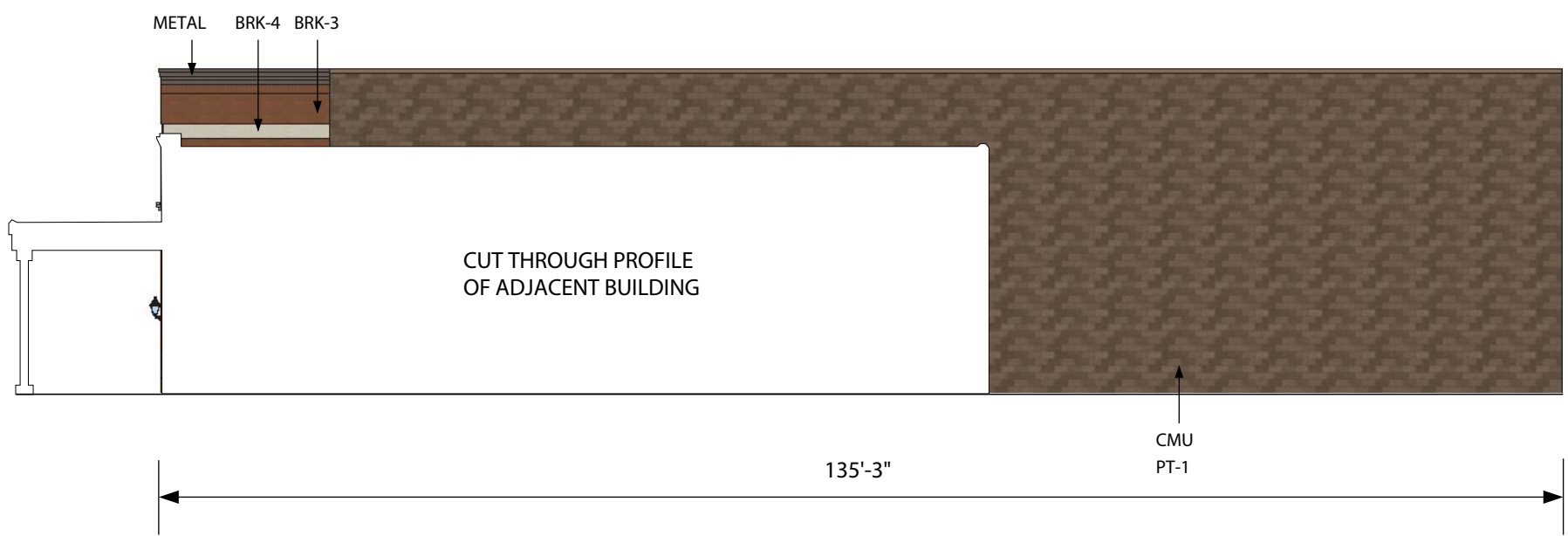
NO CHANGES



NORTH ELEVATION - BUILDING B
1/16" = 1'-0"

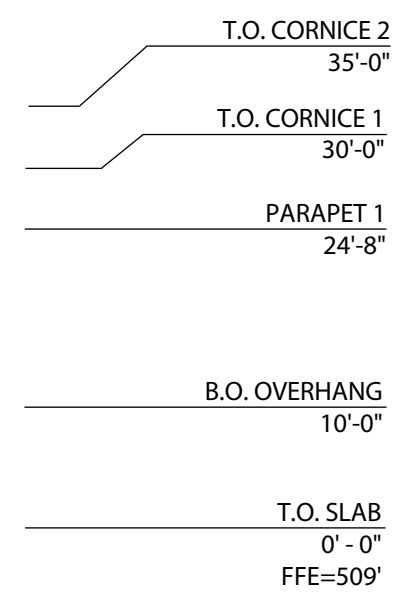
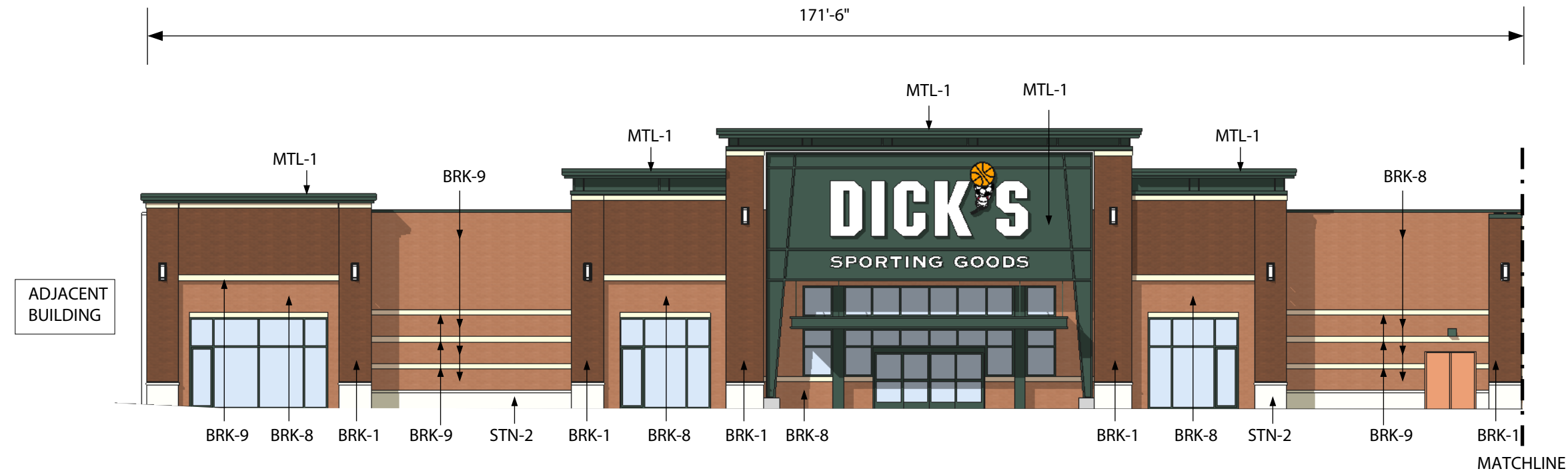


SOUTH ELEVATION - BUILDING B
1/16" = 1'-0"



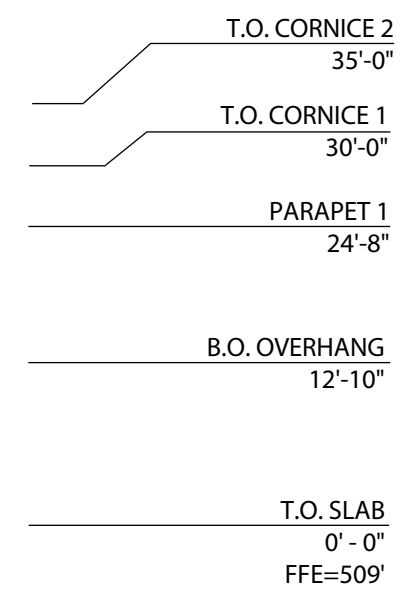
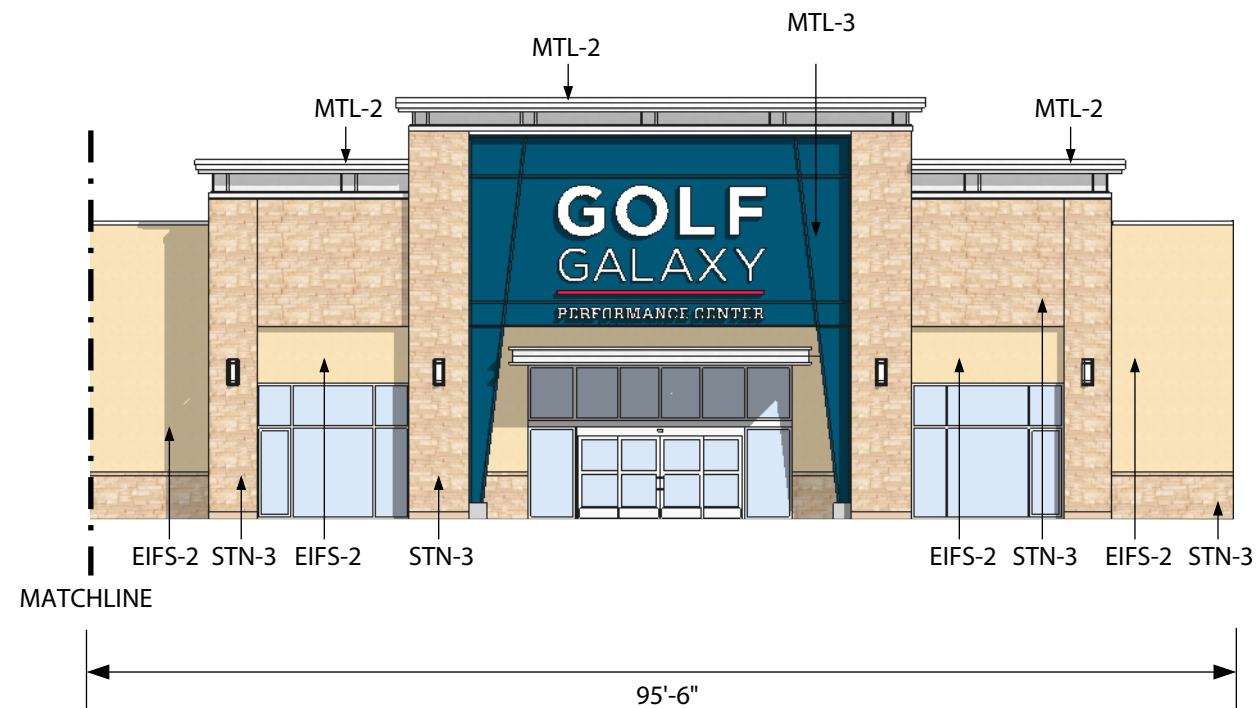
WEST ELEVATION - BUILDING B
1/16" = 1'-0"

NO CHANGES EXCEPT:
STOREFRONT REDUCED
FROM 90' TO 70' WIDTH

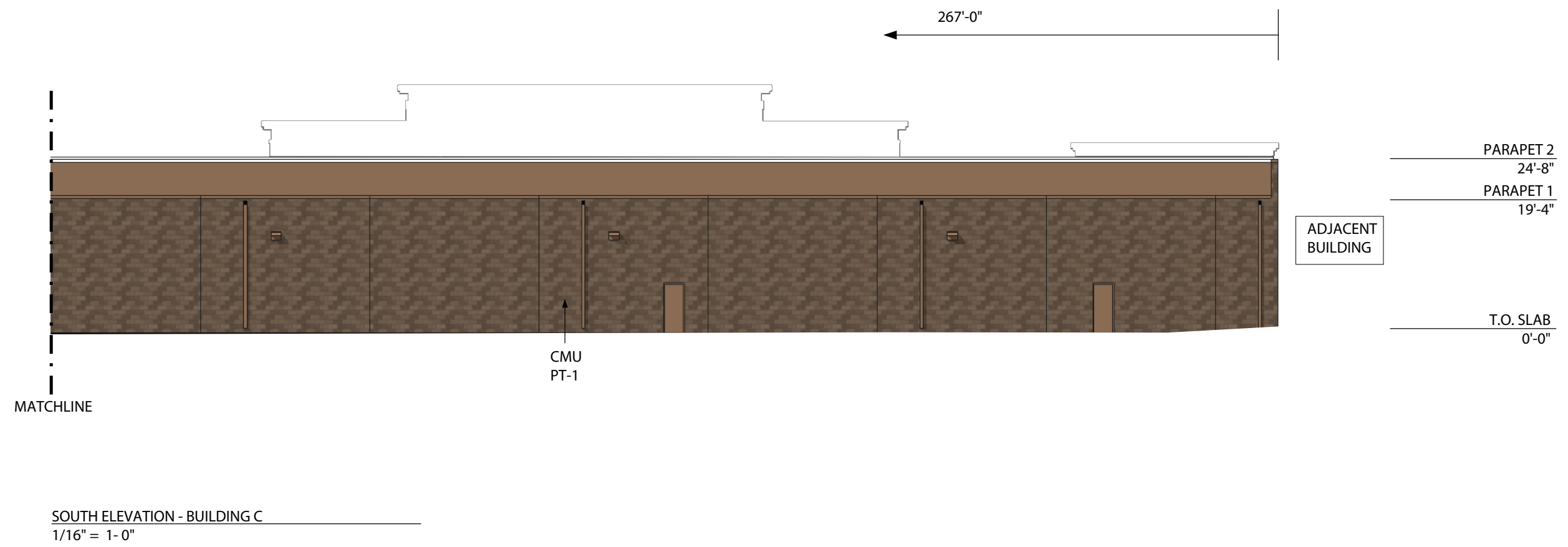
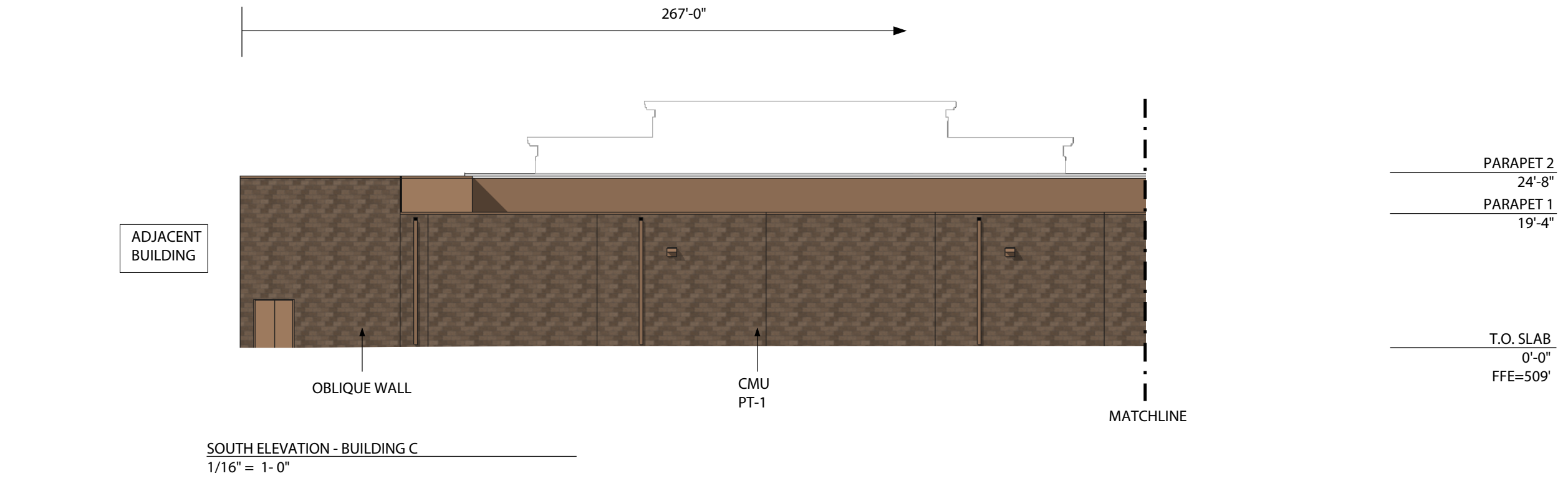


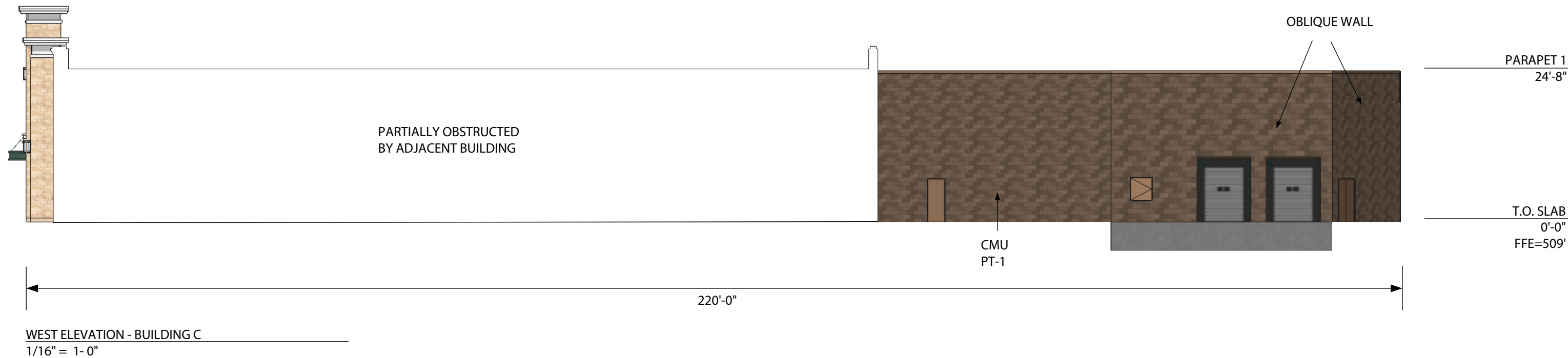
NORTH ELEVATION - BUILDING C
1/16" = 1'-0"

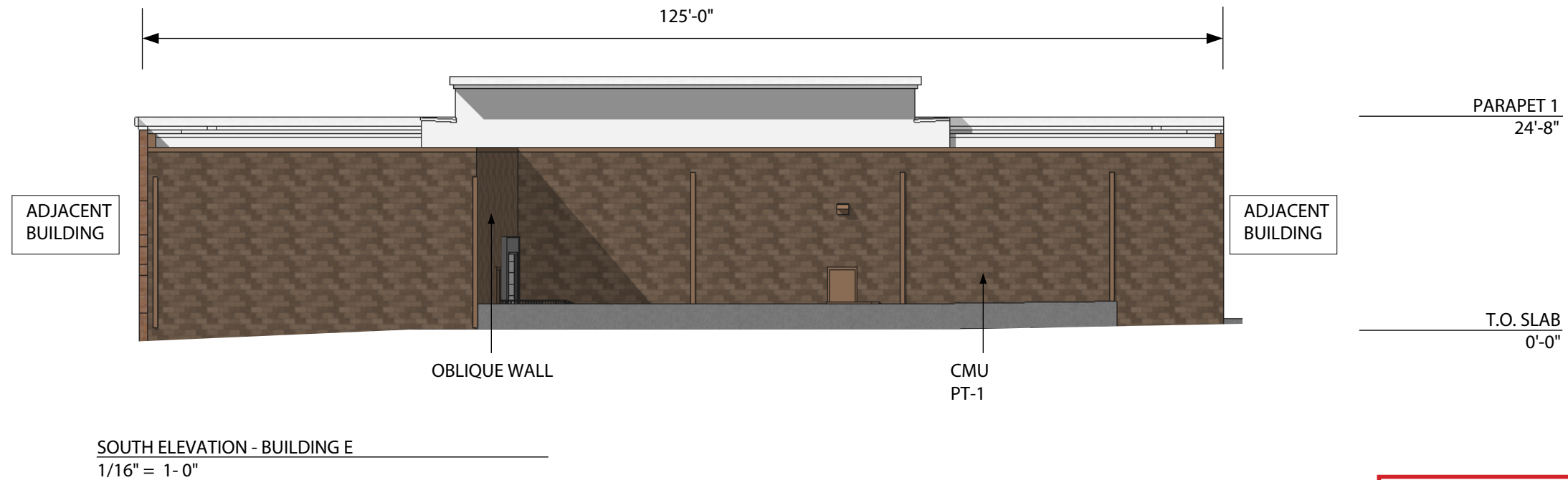
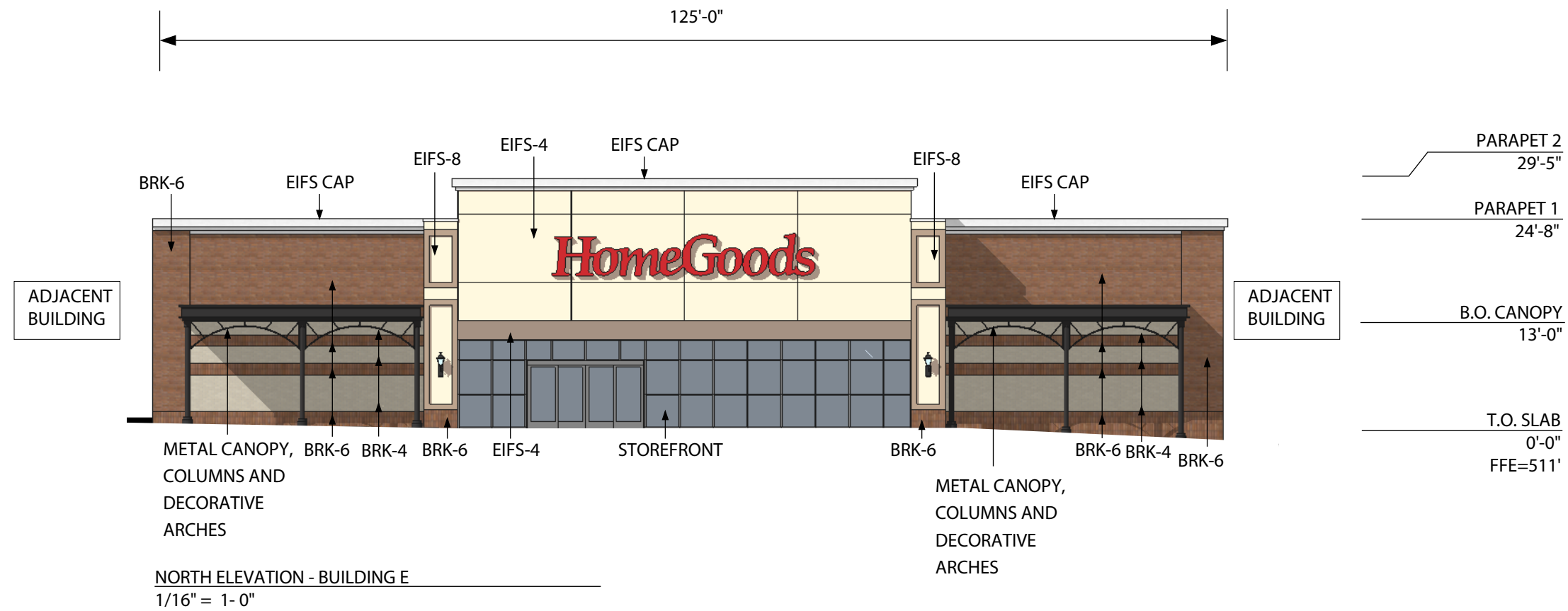
PREVIOUS BUILDINGS C&D AND
PHARMACY DRIVE THRU LANE REPLACED
WITH NEW DICKS SPORTING GOODS
AND GOLF GALAXY COMBO STORE



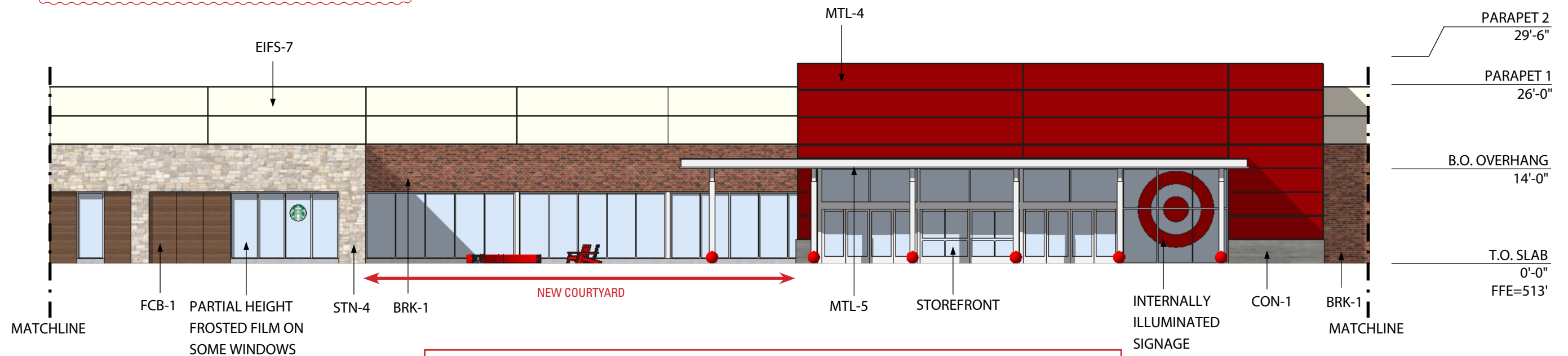
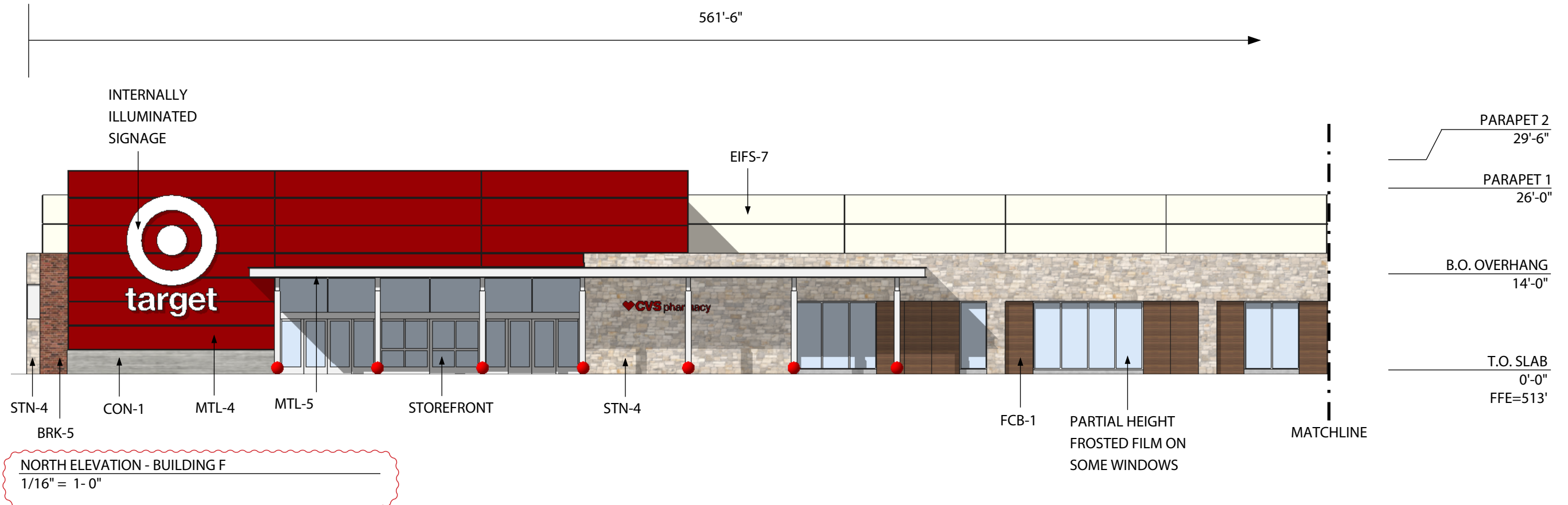
NORTH ELEVATION - BUILDING C
1/16" = 1'-0"



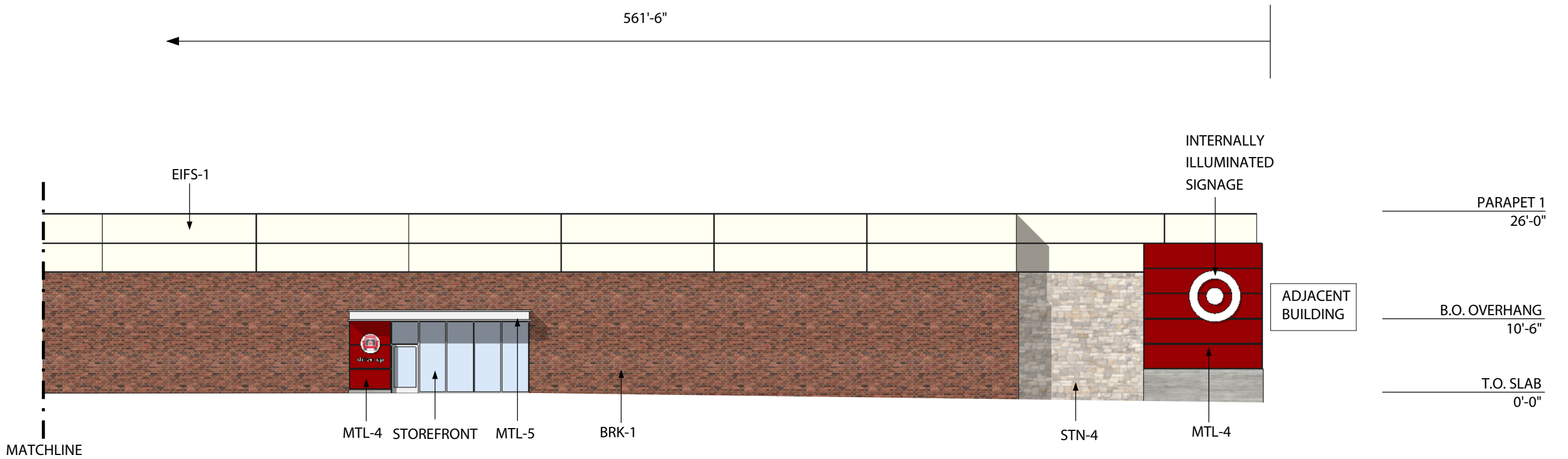




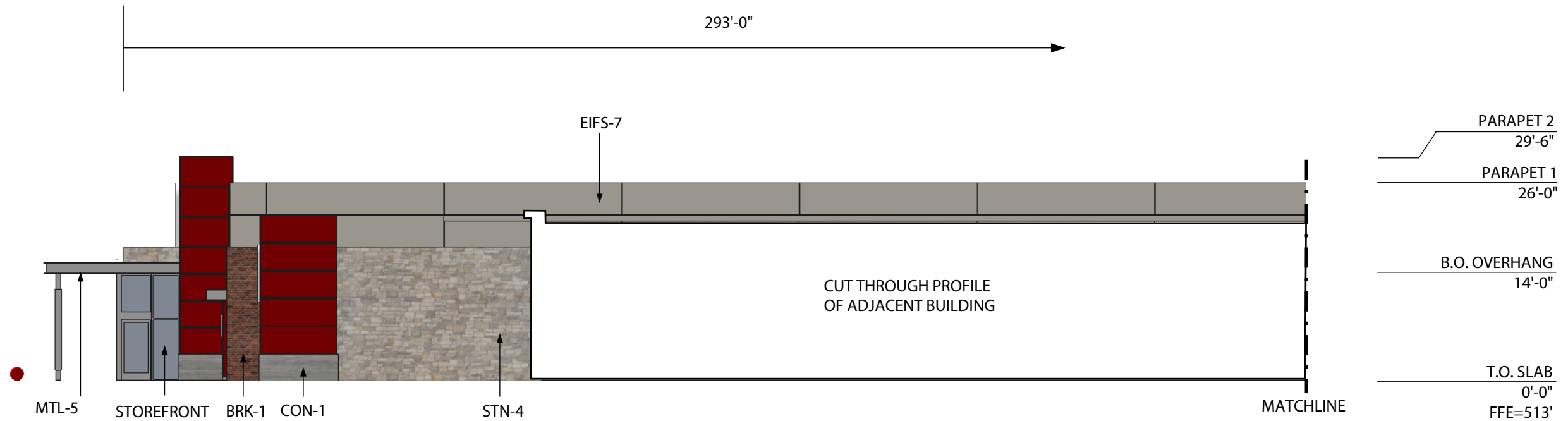
**NO CHANGES EXCEPT:
STOREFRONT REDUCED
FROM 130' TO 125' WIDTH**



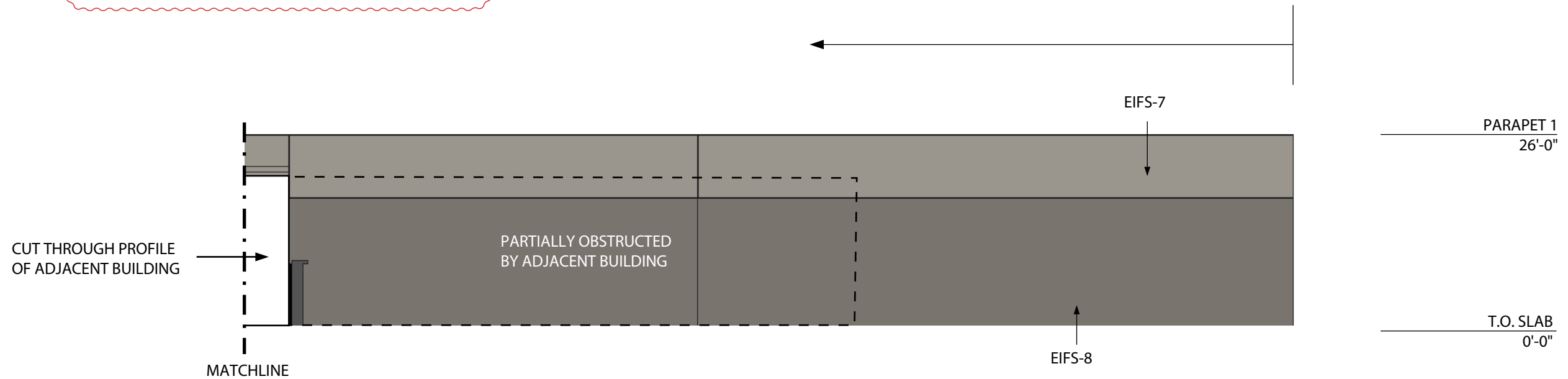
- TARGET FOOTPRINT INCREASED FROM 109,000 SF TO 147,000 SF
- SECOND CUSTOMER ENTRANCE WITH CANOPY ADDED
- ARCHITECTURAL CHARACTER & MATERIALS MAINTAINED
- PREVIOUSLY APPROVED BUILDING SIGNAGE MAINTAINED
- FRONT FACADE HAS MORE OFFSETS



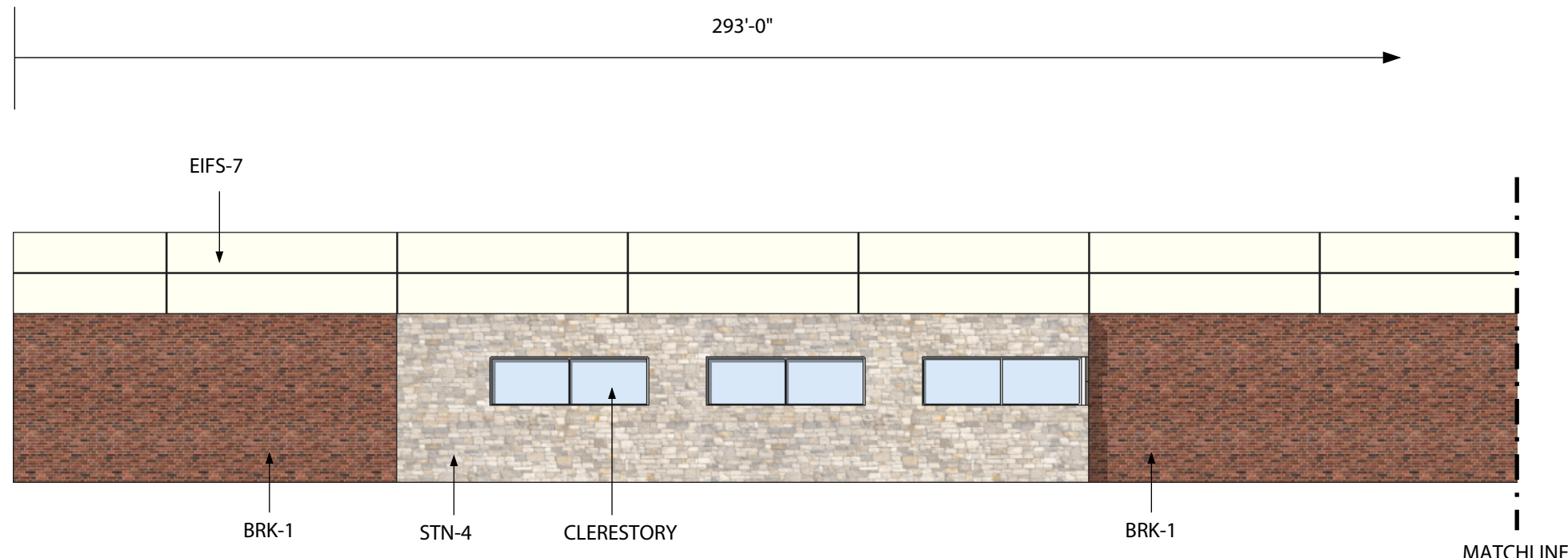
NORTH ELEVATION - BUILDING F
1/16" = 1'-0"



WEST ELEVATION - BUILDING F
1/16" = 1'-0"

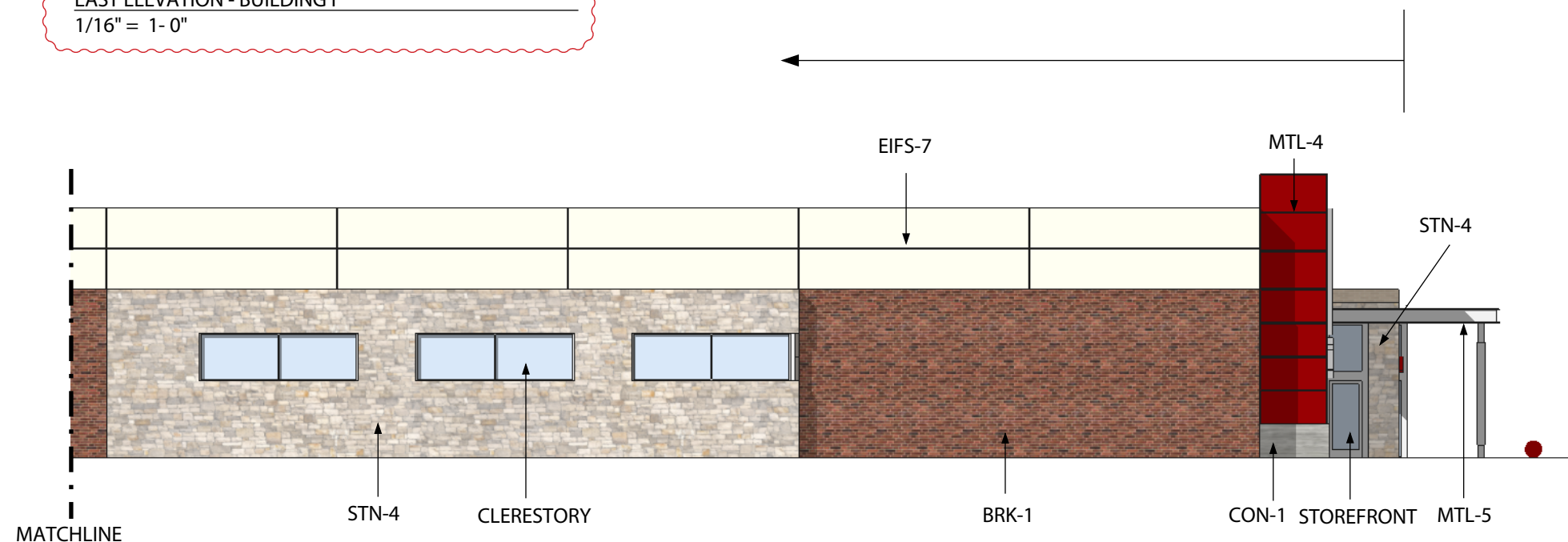


WEST ELEVATION - BUILDING F
1/16" = 1'-0"

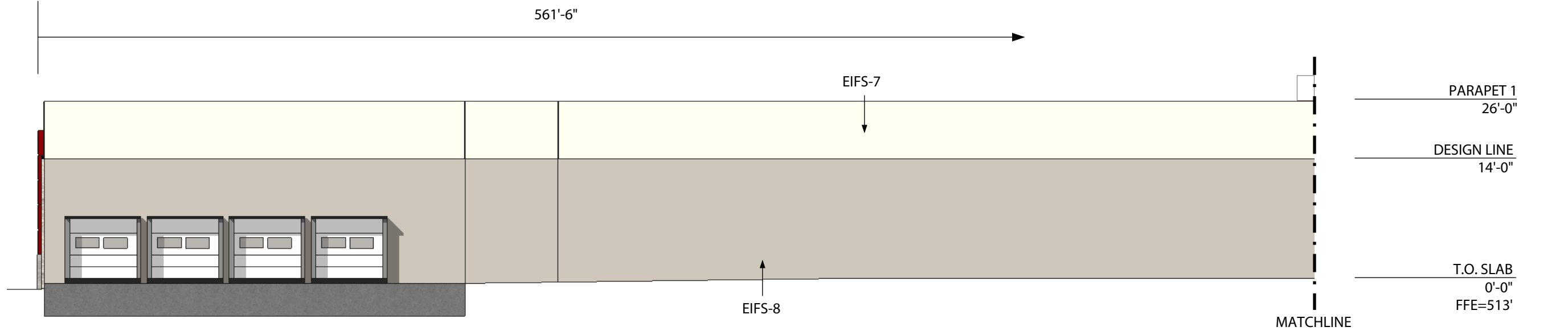


CLERESTORY WINDOWS
AND UPGRADED MATERIALS
ADDED TO EAST FACADE

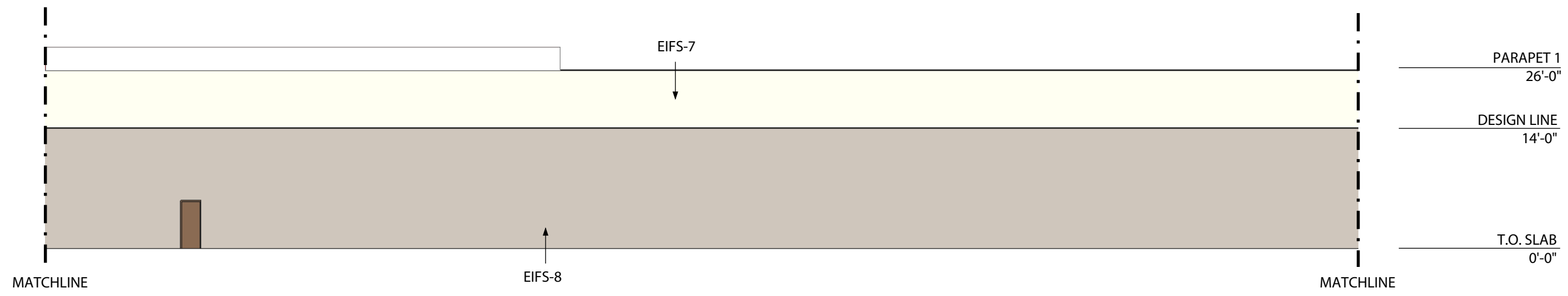
EAST ELEVATION - BUILDING F
1/16" = 1'-0"



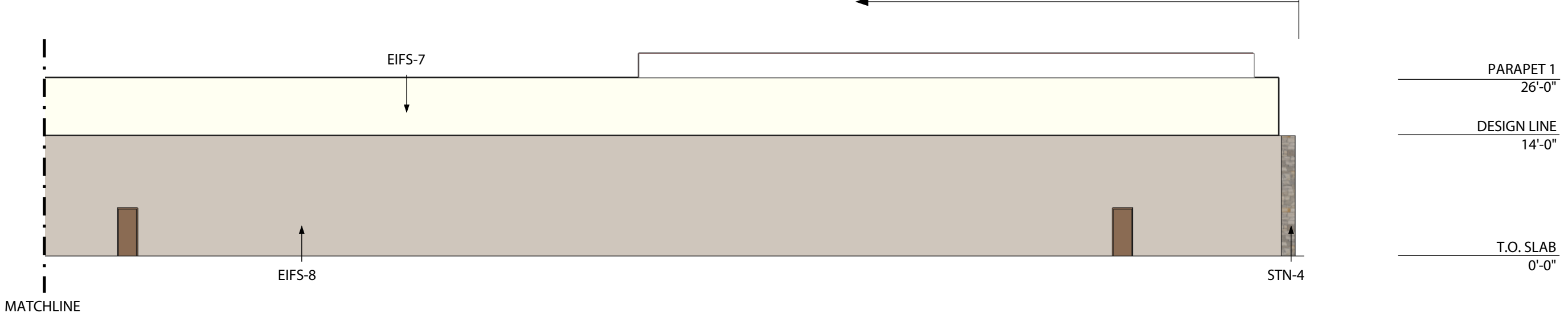
EAST ELEVATION - BUILDING F
1/16" = 1'-0"

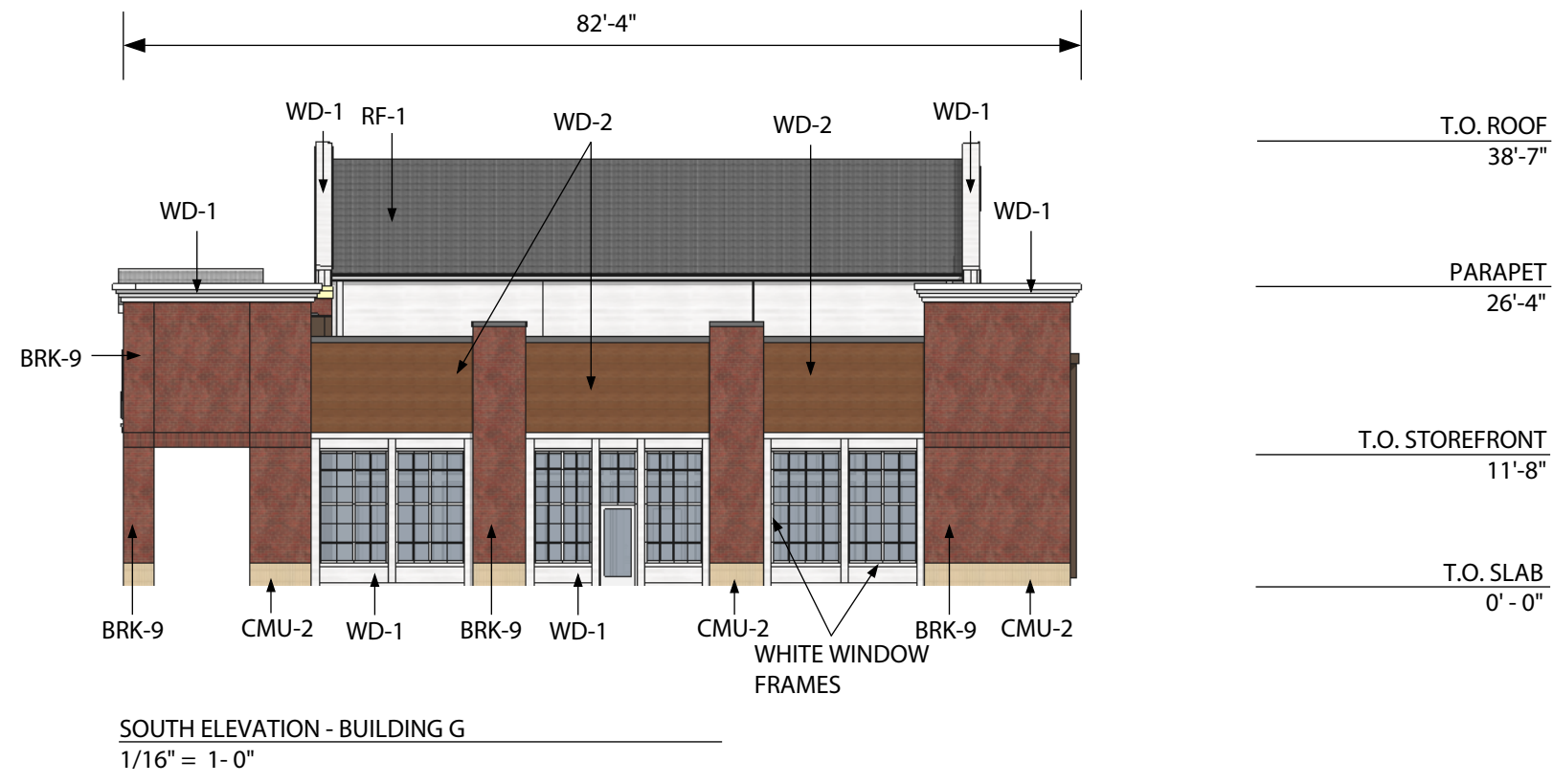
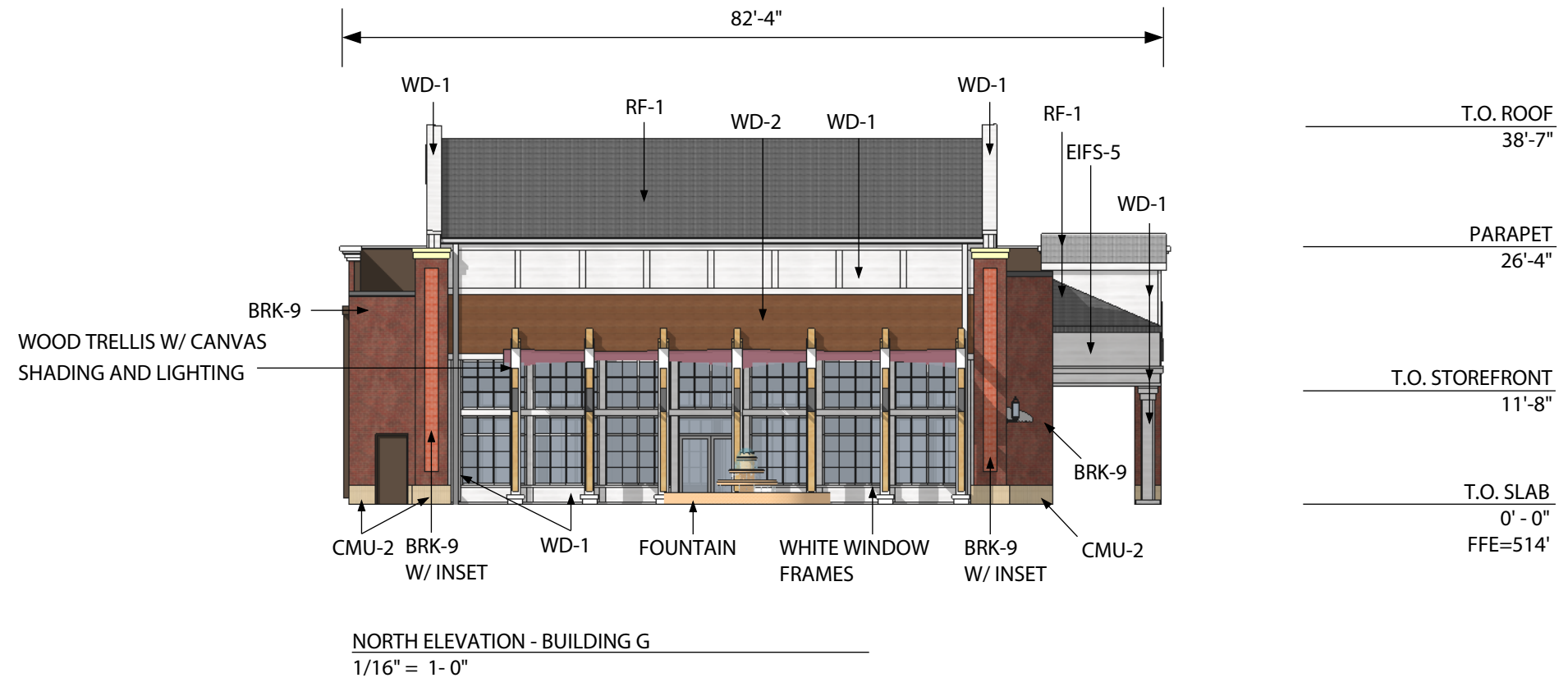


SOUTH ELEVATION - BUILDING F
1/16" = 1'-0"



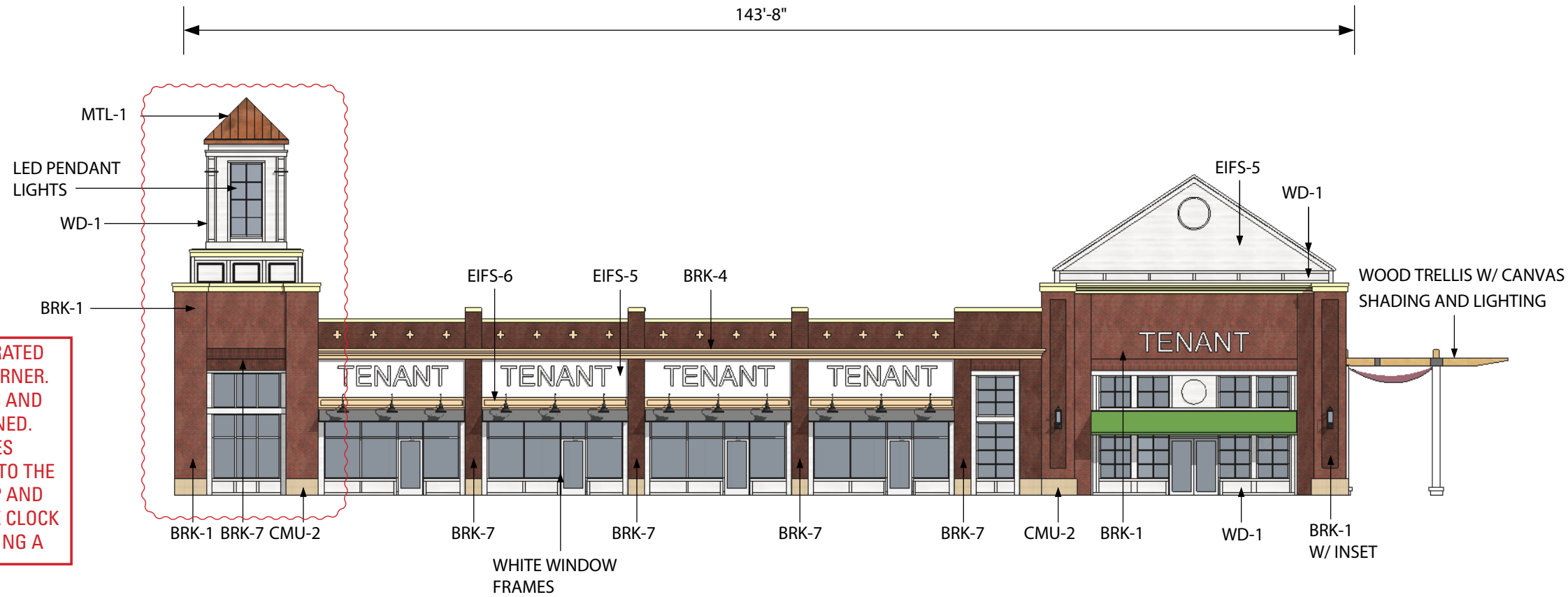
SOUTH ELEVATION - BUILDING F
1/16" = 1'-0"





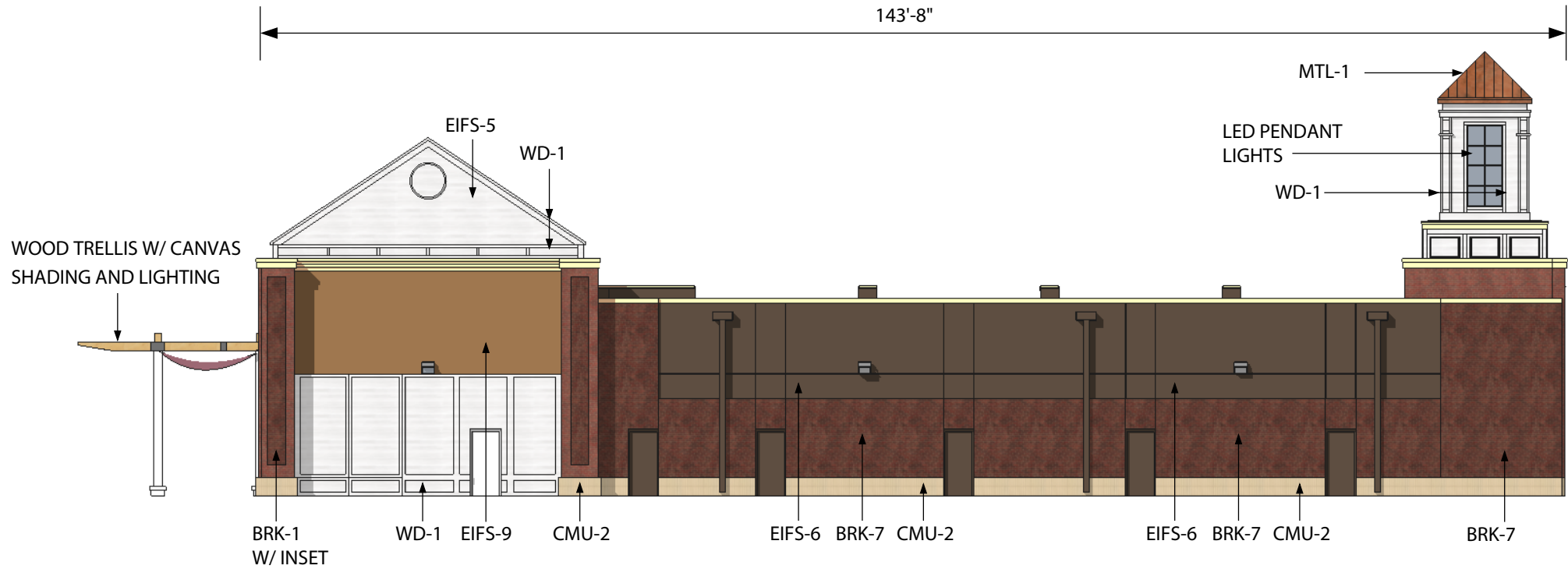
NO CHANGES

TOWER INCORPORATED INTO BUILDING CORNER. SAME MATERIALS AND SCALE MAINTAINED. STILL PROVIDES VERTICAL ENDCAP TO THE BUILDING LINE UP AND COMPLEMENTS THE CLOCK TOWER ON BUILDING A



WEST ELEVATION - BUILDING H
1/16" = 1'-0"

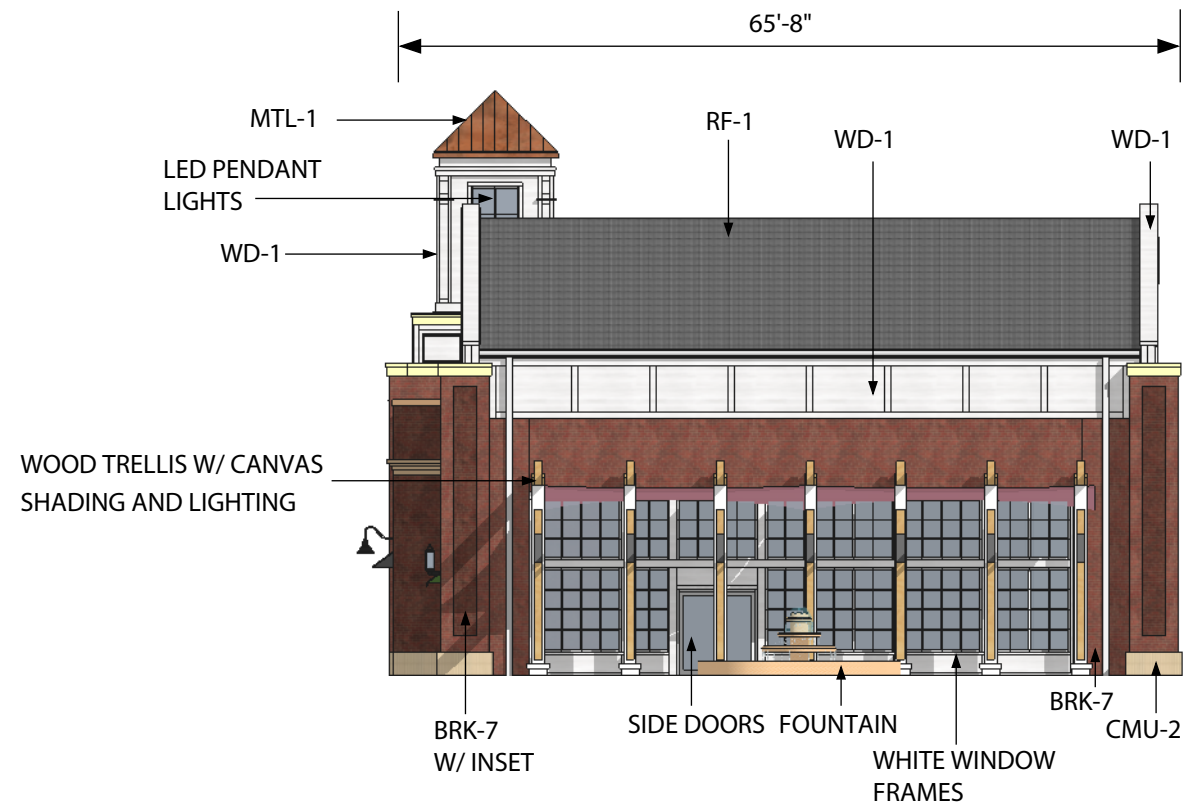
T.O. TOWER	48'-8"
T.O. ROOF	39'-3"
PARAPET	26'-0"
T.O. STOREFRONT	10'-6"
T.O. SLAB	0' - 0"
FFE=514'	



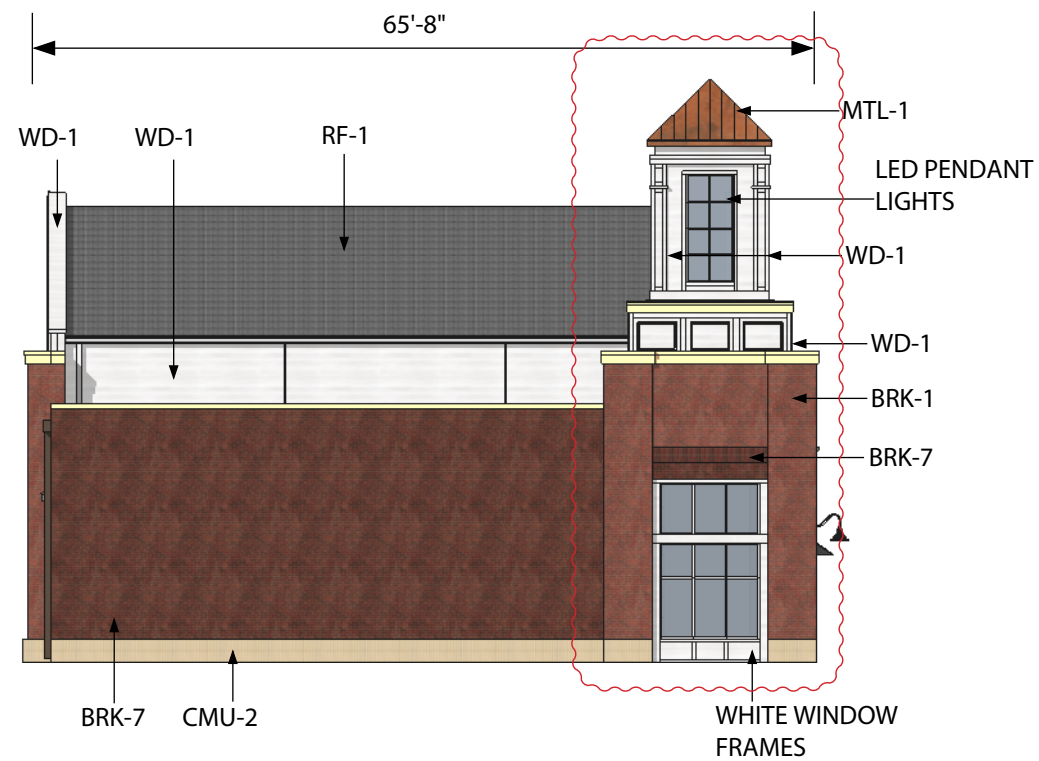
EAST ELEVATION - BUILDING H
1/16" = 1'-0"

T.O. TOWER	48'-8"
T.O. ROOF	39'-3"
PARAPET	26'-0"
T.O. STOREFRONT	10'-6"
T.O. SLAB	0' - 0"

NO CHANGES



NORTH ELEVATION - BUILDING H
1/16" = 1'-0"



SOUTH ELEVATION - BUILDING H
1/16" = 1'-0"

T.O. TOWER
48'-8"
T.O. ROOF
39'-3"
PARAPET
26'-0"
T.O. STOREFRONT
10'-6"
T.O. SLAB
0' - 0"
FFE=514'

T.O. TOWER
48'-8"
T.O. ROOF
39'-3"
PARAPET
26'-0"
T.O. STOREFRONT
10'-6"
T.O. SLAB
0' - 0"

BUILDING MATERIAL PERCENTAGES

BUILDING A

NORTH: 43% BRICK, 23% GLAZING, 23% WOOD, 5% STONE, 3% ROOF, 1% CMU, 1% METAL
WEST: 57% BRICK, 21% GLAZING, 11% WOOD, 6% STONE, 2% ROOF, 1% CMU, 1% METAL
SOUTH: 68% CMU, 12% BRICK, 8% WOOD, 5% ROOF, 4% STONE, 2% GLAZING, 1% METAL

BUILDING B

NORTH: 34% EIFS, 31% GLAZING, 27% BRICK, 5% METAL, 2% WOOD, 1% CMU
SOUTH: 100% CMU
WEST: 95% CMU, 4% BRICK, 1% METAL

BUILDING C (DICK’S SPORTING/GOLF GALAXY)

NORTH: 37% BRICK, 24% METAL, 18% GLAZING, 14% STONE, 8% EIFS
SOUTH: 100% CMU
WEST: 92% CMU, 7% STONE, 2% METAL

NOTE: THERE IS NO
BUILDING “D”

BUILDING E (HOMEGOODS)

NORTH: 65% BRICK, 22% GLAZING, 11% EIFS, 3% METAL
SOUTH: 100% CMU

BUILDING F (TARGET)

NORTH: 21% RED METAL PANEL, 21% EIFS, 19% BRICK, 19% GLAZING, 12% LIMESTONE, 4% WOOD, 3% METAL
WEST: 80% EIFS, 8% LIMESTONE, 6% RED METAL PANEL, 2% GLAZING, 1% BRICK, 1% CONCRETE, 1% METAL
EAST: 31% EIFS, 31% BRICK, 27% LIMESTONE, 7% GLAZING, 2% RED METAL PANEL, 1% METAL, <1% CONCRETE
SOUTH: 99% EIFS, <1% LIMESTONE

BUILDING G

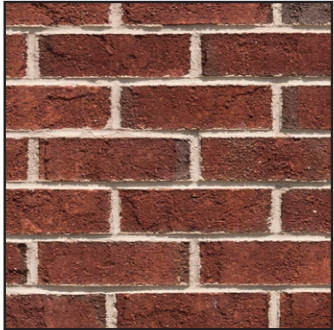
WEST: 37% WOOD, 25% GLAZING, 14% BRICK, 10% EIFS, 9% ROOF, 3% CMU, 1% STONE
EAST: 36% EIFS, 28% WOOD, 27% BRICK, 8% CMU, 1% STONE
NORTH: 32% WOOD, 26% GLAZING, 25% ROOF, 14% BRICK, 1% CMU, 1% EIFS, <1% STONE
SOUTH: 38% WOOD, 25% BRICK, 19% ROOF, 14% GLAZING, 3% CMU

BUILDING H

WEST: 36% BRICK, 29% GLAZING, 17% EIFS, 12% WOOD, 3% STONE, 1% CMU , <1% METAL
EAST: 45% BRICK, 30% EIFS, 16% WOOD, 6% CMU, 4% STONE, <1% METAL
NORTH: 28% BRICK, 26% GLAZING, 25% ROOF, 18% WOOD, 1% CMU, 1% STONE, 1% METAL
SOUTH: 51% BRICK, 21% ROOF, 16% WOOD, 5% GLAZING, 4% CMU, 2% STONE, 1% METAL

BUILDING A

BRK-1



OXFORD - TRIANGLE

STN-1



SANDSTONE STONE/CONCRETE

BRK-2



DOVER WHITE - TRIANGLE

WD-1



WHITE WOOD - SW 7006

RF-1



DARK SHINGLES

BRK-7



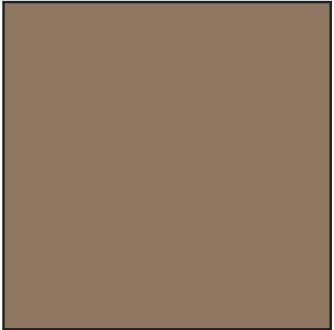
KINGSMILL - PALMETTO

MTL-1



COPPER ROOFING

PT-1



NUTHATCH - SW 6088

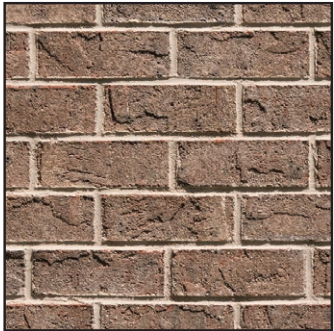
BUILDING B

BRK-4



IVORY STONE - PALMETTO

BRK-3



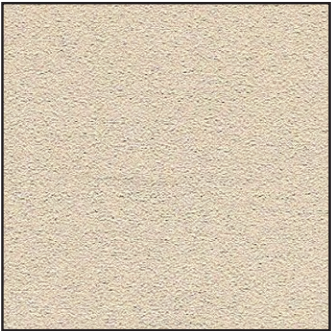
BESSEMER - TRIANGLE

WD-1



WHITE WOOD - SW 7006

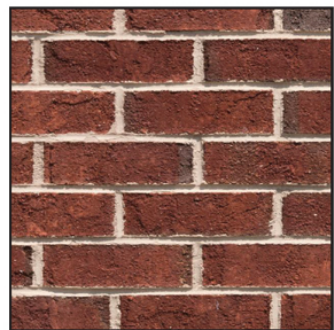
EIFS-1



TAN EIFS - DRYVIT

BUILDING C

BRK-1



OXFORD - TRIANGLE

BRK-9



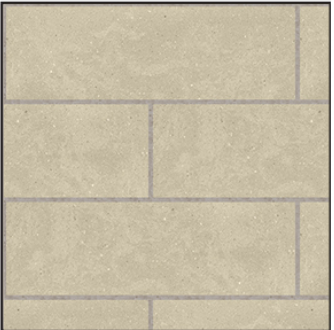
BUFFSTONE - PALMETTO

BRK-9



CREAM SMOOTH - SOLDIER COURSE

STN-2



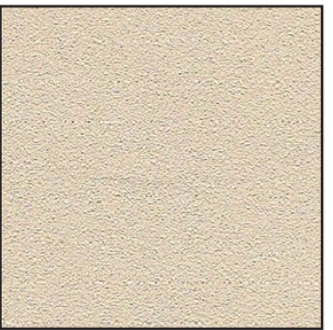
CAST STONE - RENAISSANCE - TAN ARRISCRAFT

STN-3



LAURIER - IVORY WHITE - ARRISCRAFT

EIFS-2



TAN EIFS - DRYVIT

MTL-1



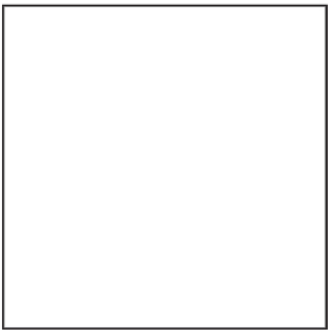
DSG GREEN METAL

MTL-3



GGXY BLUE METAL

MTL-2



WHITE METAL



CLEAR ANODIZED METAL

BUILDING E



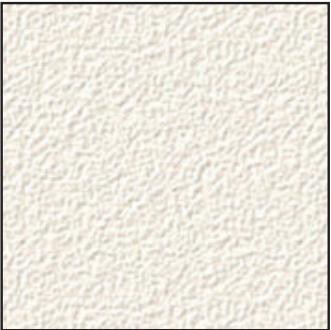
BRK-4
IVORY STONE - PALMETTO



BRK-6
OXFORD - TRIANGLE



EIFS-4
BLACK METAL



EIFS-4
EIFS - DRYVIT - SW 7006

NOTE: THERE IS NO BUILDING "D"

BUILDING F



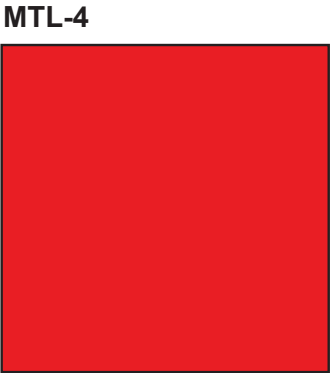
BRK-6
OXFORD TRIANGLE BRICK



STN-4
THIN VENEER LIMESTONE



CLEAR ANODIZED METAL



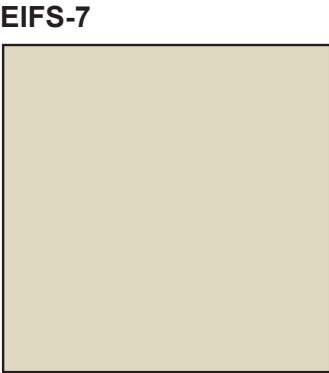
MTL-4
METAL PANEL - TARGET RED



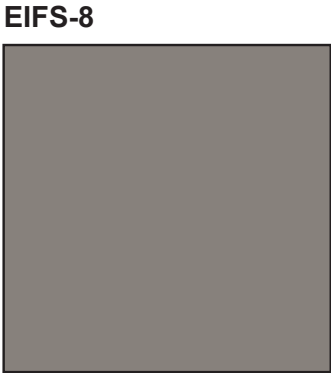
CON-1
BOARD FORM CONCRETE



FCB-1
NICHIBA WOOD LOOK SIDING



EIFS-7



EIFS-8

BUILDING G



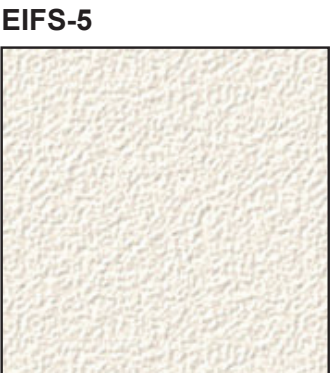
BRK-9
NORTHAMPTON - TRIANGLE



WD-2



WD-1



EIFS-5



RF-1



CMU BASE



EIFS-6



EIFS-9

BUILDING H



BRK-1



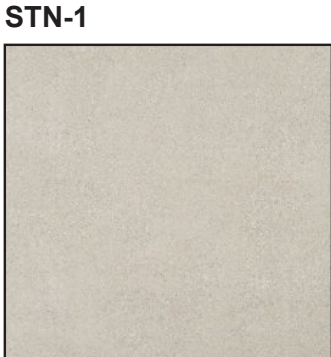
BRK-7



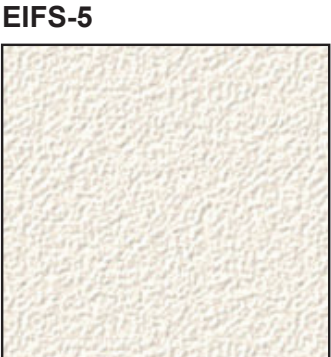
BRK-4



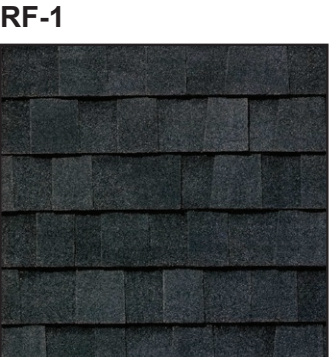
WD-1



STN-1



EIFS-5



RF-1



EIFS-6







For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

December 22, 2017 11:02:15 AM

Book: 4917 Page: 528 - 530 #Pages: 3

Fee: \$26.00

NC Rev Stamp: \$4,950.00

Instrument # 2017018768

Drafted by: Robert S. Thompson, Attorney at Law

ROBERT S. THOMPSON, P.A.

325 West Pennsylvania Avenue, Suite E

Southern Pines, North Carolina 28387

Revenue: \$4950.00

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 20th day of December, 2017, by **BSD HOLDINGS, L.L.C.**, a North Carolina Limited Liability Company of 405 Linden Way, Lookout Mountain, TN, 37350, **GRANTOR**, to **HYPERACTIVE COMMERCIAL INVESTMENTS, (HCD), LLC**, a North Carolina Limited Liability Company of 25 Shaw Road, Pinehurst, NC, **GRANTEE**;

WITNESSETH:

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 Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

Being all of the property described in Exhibit A attached hereto and incorporated herein by reference

Being the property conveyed to Grantor by deed filed in Book 3636, Page 540 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 of record and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

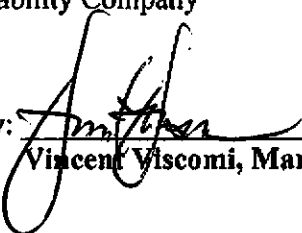
TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

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.

BSD HOLDINGS, L.L.C., a North Carolina Limited
Liability Company

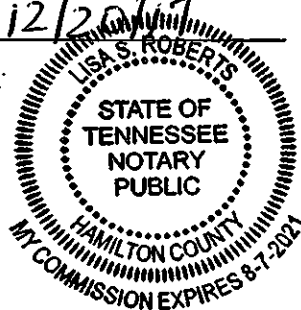
By: 
Vincent Viscomi, Manager

COUNTY OF Hamilton
STATE OF TENNESSEE

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): Vincent Viscomi, Manager

Date: 12/20/17




Notary Public

Lisa S. Roberts
Printed or typed name of Notary Public

My commission expires: 8-7-21

The subject property ☐ includes ☒ does not include the primary residence of a Grantor.

SCHEDULE/EXHIBIT A

TRACT ONE: BEING ALL OF THAT CERTAIN PARCEL OF LAND IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, CONTAINING 44.83 ACRES, AS SHOWN ON A MAP THEREOF ENTITLED "SURVEY FOR OAKHURST FARMS, LLC" WHICH MAP IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MOORE COUNTY, NORTH CAROLINA, IN PLAT CABINET 8, SLIDE 192.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING TRACT:
 BEGINNING AT AN EXISTING IRON PIPE IN THE NORTHERN LINE OF PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335) AND FROM SAID POINT OF BEGINNING N 77 DEG. 05 MIN. 01 SEC. W 43.96 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 87 DEG. 20 MIN. 47 SEC. E 4.15 FEET TO A POINT; THENCE S 77 DEG. 02 MIN. 16 SEC. E 35.31 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE N 52 DEG. 51 MIN. 14 SEC. E 23.32 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 68 DEG. 23 MIN. 46 SEC. E 162.19 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 06 MIN. 51 SEC. E 66.09 FEET TO A NEW IRON PIPE; THENCE S 12 DEG. 46 MIN. 17 SEC. W 35.55 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 20.20 FEET TO A NEW IRON PIPE IN THE NORTHERN LINE OF THE AFORESAID R&T PROPERTY; THENCE RUNNING WITH THE NORTHERN LINE OF SAID R&T PROPERTY N 77 DEG. 05 MIN. 09 SEC. W 191.01 FEET TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH THE NORTHERN LINE OF SAID R&T PROPERTY S 15 DEG. 18 MIN. 55 SEC. W 3.03 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 10,548 SQUARE FEET, MORE OR LESS, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

TOGETHER WITH ALL OF GRANTOR'S INTEREST IN THE 60 FOOT WIDE, NON-EXCLUSIVE ACCESS EASEMENT TO THE ABOVE PROPERTY FROM US HIGHWAY 15-510 DESCRIBED IN DEEDS RECORDED IN BOOK 821, PAGE 463, AND BOOK 663, PAGE 378, AND SHOWN ON THE ABOVE-REFERENCED MAP.

THIS CONVEYANCE IS MADE SUBJECT TO UTILITY EASEMENTS, OF RECORD AND AD VALOREM TAXES FOR THE CURRENT YEAR.

TRACT TWO:

BEGINNING AT A NEW IRON PIPE IN THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF US HWY 15/501-NC HWY 211, SAID IRON PIPE MARKING A NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335); THENCE RUNNING WITH SAID MARGIN OF SAID RIGHT-OF-WAY N 20 DEG. 18 MIN. 11 SEC. W 46.10 FEET TO AN EXISTING IRON PIPE; THENCE S 77 DEG. 05 MIN. 01 SEC. E 121.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 86 DEG. 57 SEC. 53 MIN. W 78.04 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 10.48 FEET TO A NEW IRON PIPE; THENCE S 69 DEG. 44 MIN. W 30.00 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 1,758 SQUARE FEET, MORE OR LESS, LYING AND BEING IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

APPOINTMENT OF AGENTapplicant Midland Atlantic Properties

The undersigned owner(s), Hyperactive Commercial Investments, LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for 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 28th day of July, 2022.

MIDLAND ATLANTIC PROPERTIES

John I. Silverman **Applicant**

HYPERACTIVE COMMERCIAL INVESTMENTS, LLC

Dr. Neil Conti, MD **Property Owner**
Member/Manager

KOONTZ JONES DESIGN

Robert Koontz, PLA **Agent**

8-27-21

APPOINTMENT OF AGENT

applicant Midland Atlantic Properties
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MIDLAND ATLANTIC PROPERTIES

 John I. Silverman Applicant

HYPERACTIVE COMMERCIAL INVESTMENTS, LLC

 Dr. Neil Conti, MD Property Owner
 Member/Manager

KOONTZ JONES DESIGN

 Robert Koontz, PLA Agent

8-27-21

APPOINTMENT OF AGENT

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MIDLAND ATLANTIC PROPERTIES

John I. Silverman **Applicant**

HYPERACTIVE COMMERCIAL INVESTMENTS, LLC

Dr. Neil Conti, MD **Property Owner**
Member/Manager

KOONTZ JONES DESIGN

Robert Koontz, PLA **Agent**

Agenda Item

To: Reagan Parsons, Town Manager
From: Pamela Graham, Principal Planner
Subject: AR-20-22 Morganton Park South Apartments
Date: September 13, 2022

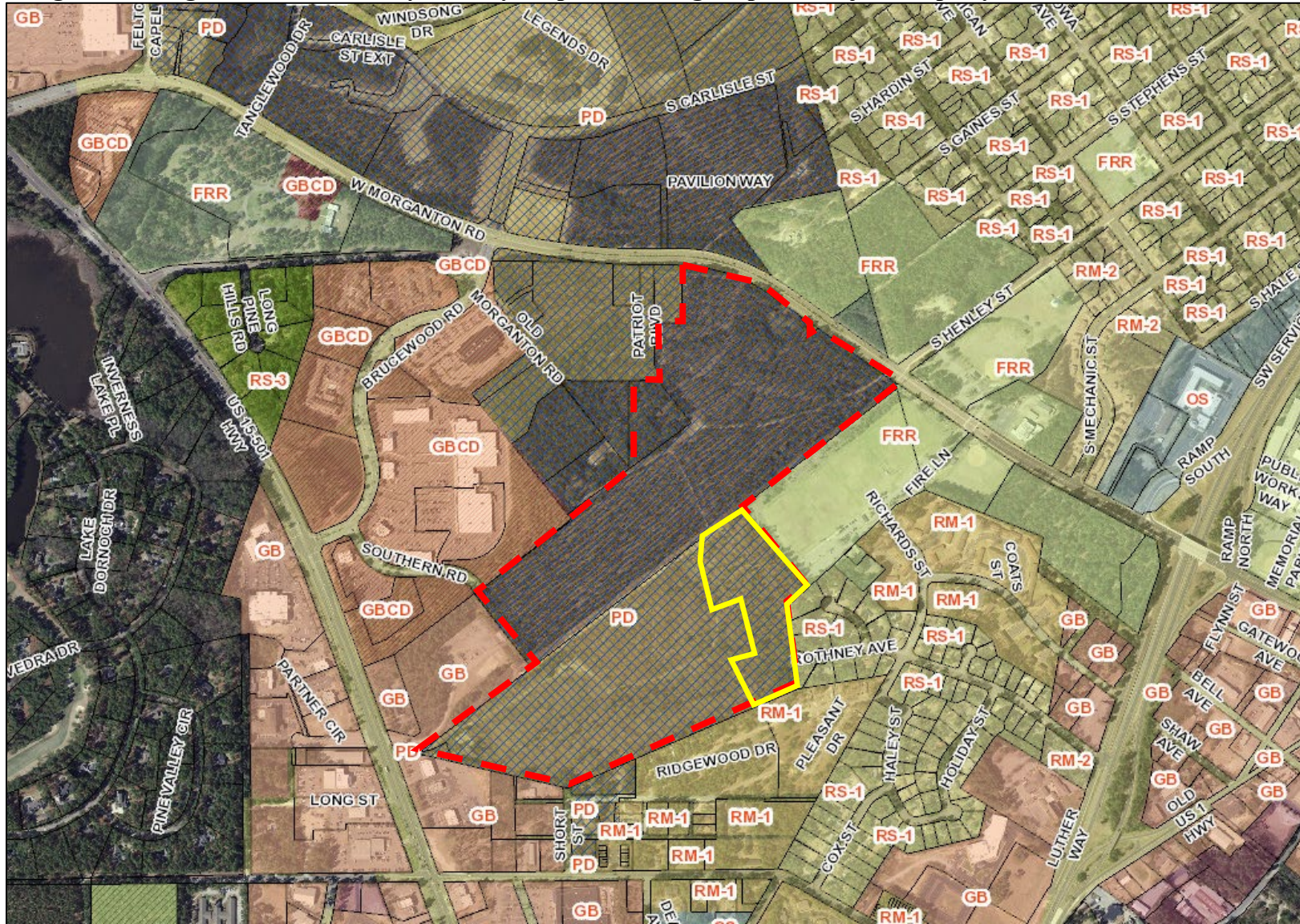
I. SUMMARY OF APPLICATION REQUEST:

KoontzJones Design, on behalf Zimmer Development Company (applicant), Hyperactive Commercial Investments LLC, and Morganton Road Enterprises LLC (legal property owners) is requesting approval of an Architectural Compliance Permit for “Morganton Park South Apartments,” a 269-unit luxury apartment home community consisting of three buildings with residential units, a clubhouse, dog park, car wash and maintenance building located in the Planned Development known as Morganton Park South. The property to be developed is located south of W Morganton Road, north of Short Street and northeast of US 15-501 Hwy.

II. PROJECT INFORMATION:

- 1. PARID 00049222; PIN 857100562348
PARID 98000749; PIN 857100575720**
- 2. Applicant:**
Zimmer Development Company
111 Princess Street
Wilmington, NC 28401

Figure 2: Morganton Road Overlay Vicinity Map and Zoning Map for Subject Property Outlined in Red:



III. STAFF REVIEW:

1. Review Process:

Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: August 1, 2022

Application Complete: August 18, 2022

Town Council Agenda Meeting: September 7, 2022

Town Council Meeting: September 13, 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**:

- (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.*

4. Staff Comments based on Multi-Family Development Building Design Requirements per UDO §4.10.8:

✓ = compliant ✗ = not compliant ? = compliance has not been determined

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.*

✗ Requesting a Deviation:

Each of the three buildings are designed with a focus on consistency *between* structures, and diversity *within* each structure. Each building contains variations in height, color, rooflines, and trim; however, each of the buildings exhibits these variations in a fashion that is similar to each of the other two buildings.

- *Group buildings in clusters.*
 - ✓ The three apartment buildings are grouped around central parking and a centralized clubhouse/pool amenity area.

- *Articulate facades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.*
 - ✓ The applicant states that each balcony is a 6' x 10' projection from the face of the building, spaced 20-30 feet apart around the building, varying by dwelling unit type.
- *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.*
 - ✓ Site plan provided indicates compliance with this standard.
- *Units above grade level shall have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.*
 - ✓ The applicant has confirmed that each dwelling unit is provided with a private balcony measuring 6' by 10'.
- *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.*
 - ✗ **Requesting a deviation.** Private entrances are provided at grade level for the first-floor units. Regarding the limitation of four dwelling units per single common entrance, the applicant responded as follows: "Three common entrances are provided to each apartment building at grade level to shared apartment breezeway corridors. We would ask as part of the planned development that these be allowed to serve more than four dwelling units each. This requirement is prohibitive for multi-story apartment buildings."
- *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.*
 - ✓ The applicant states that within the apartment buildings, unit entries on opposing sides of the corridors are staggered to avoid views between dwelling units. An example is provided on page 27 of the document entitled "Completeness Response Revised", attached to this report.
- *Provide porches or roofed overhangs over building entrances.*
 - ✓ The design includes roofed overhangs at each building entrance and is in compliance with this standard. A detail is provided on page 27 of the attached "Completeness Response Revised" document.
- *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.*

- ✓ The applicant states that the site plan complies with this standard by providing small circular concrete walkway connections in front of the main breezeway to each building.

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.*
 - ✓ All buildings face the private streets that provide access to the development.
- 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.*
 - ✓ Although the apartment buildings are four-stories, the facades are distinctly segmented through the use of building materials, fenestration, and exterior design detailing. While the building plans do not include the dimensions of these segments, the applicant has confirmed that the widest segment on the buildings measure +/- 28'. With the building height of 44'-11 ½", the buildings easily meet this standard.
- UDO §4.10.4 (C) *states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*

Requesting a Deviation:

- ✗ The applicant has provided an exhibit that breaks down the exterior building material percentages for each building, which is attached to this report. Brick percentages range from 0% (mail kiosk) to 43.39% (Building Type 1), with the exception of the 100% brick-clad trash compactor. The applicant has provided the following justification for this deviation from the standard: "After studying the elevations and designs required to comply with the UDO, we have concluded that the

brick percentages stipulated create too heavy and massive a design for typical multifamily and/or residential buildings, especially when trying to reflect the traditional architecture of the area.”

- 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 has provided calculations on the building elevation drawings that show percentages ranging between 26.2 and 39.1 with regard to this standard.
- 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 buildings do not feature 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.*
 - ✓ The buildings do not feature galleries or arcades.
- UDO §4.10.4 (G) *states buildings may use parapets and changes in parapet height or design in the roofline as viewed from any public street shall be required for any building that is wider than 100’.*
 - ✓ The building designs include frequent changes in parapet heights that bring them into compliance with 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.*
 - ✓ The applicant has stated that all HVAC mechanical units will be located on the top of the apartment buildings; with flat roofs the units will be hidden from the street view.
- 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.*
 - ✓ The applicant states that there are no garage doors and/or loading bays.
- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*
 - ✓ The applicant has made no requests for deviations from the UDO signage requirements. All signs will be reviewed under separate application.

6. Noteworthy Project Elements for Town Council Consideration

Previous approvals for this project included the following conditions/deviations that are relevant to this review:

- The Conceptual Development Plan (CDP) approved on September 14, 2021 allowed for the following with regard to building heights: *“To limit the height along the Parkway Connector and other main street connections within the CDP area, buildings will be required to maintain a maximum height of 35’ within 50’ of the Parkway Connector right-of-way. Outside of this area buildings may be permitted up to 45’ per UDO standards for the General Business (GB) district. In addition, special architectural features up to sixty (60) feet, may be permitted to add character to the development. These features will be reviewed during Architectural Compliance Permit review.”* The three apartment buildings proposed for this project have a building height of 44’-11 ½” and are in compliance with this pre-approved deviation.
- The applicant is requesting three deviations from the UDO standards, listed as follows and as stated earlier in this report:
 1. §4.10.8(C) calls for building design to include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures. To maintain consistency throughout the development, each of the three apartment buildings are similar to one another, but feature significant diversity in the exterior design of each individual building.
 2. §4.10.8(C) also states that unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance. The applicant is requesting relief from this requirement, stating that each building includes three common entrances, and that the requirement is prohibitive for apartment buildings.
 3. §4.10.4(C) limits the exterior building façade treatments to no more than 20% non-brick materials. The applicant has provided a materials breakdown sheet, attached to this report that shows non-brick materials constituting a greater percentage than the standard for all buildings except the trash compactor enclosure.

II. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deed
3. Appointment of Agent
4. Narrative Addressing Building Design Requirements per UDO §4.10.4
5. Narrative Addressing Building Design Requirements per UDO §4.10.8
6. Elevation Drawings (black and white with dimensions)
7. Color Elevation Drawings (identifying building materials)
8. Architectural Details Showing Compliance (page 27 of full submittal)
9. Exterior Building Materials Exhibit

10. Illustrative Site Plan

11. Detailed Site Plan (including circulation patterns and dimensions)

III. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26.7, the multi-family development standards per UDO §4.10.8 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-20-22;

2. Approve AR-20-22 with the following conditions:

_____;

3. Deny AR-20-22.



Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

- _____ Application fee in the amount of **\$100.00** (gross floor area of 3,499 sq. ft. or less); or **\$300.00** (gross floor area of 3,500 sq. ft. or greater).
- _____ Completed Application signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- _____ Appointment of Agent, if applicable, signed by the property owner(s) and the agent.
- _____ Deed copy to provide proof of ownership and property boundaries.
- _____ Written narrative: It is the responsibility of the applicant to demonstrate compliance with **UDO §2.26.7**. Please also address **UDO §4.10.4** as part of the narrative.
- _____ Renderings of elevations (color).
- _____ Site plan if applicable.
- _____ Electronic copy (PDF) of all application materials submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public hearing**: A public hearing will be held before the Town Council at its regular monthly meeting. (Please refer to the **Application Processing Timeline** to determine the hearing date.) In addition to the regular meeting, the applicant or a representative is expected to attend the Town Council agenda meeting the Wednesday prior to the regular meeting.
3. **Approval**: The Town Council may approve, conditionally approve or deny the application based on the criteria listed in **UDO §2.26.7**.
4. **Issuance of an Architectural Compliance Permit**: If the request is approved by the Town Council, an Architectural Compliance Permit setting forth any conditions of approval will be issued to the applicant.

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

1/12/22



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-_____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Morganton Park South Apartments
Street Address: Between W Morganton Road and US-15-501 HWY
PIN: 857100562348 857100575720 Parcel ID: 00049222, 98000749 Zoning: PD
Type of building (retail, office, etc.): Multi-Family Total square footage: 367,935 SF

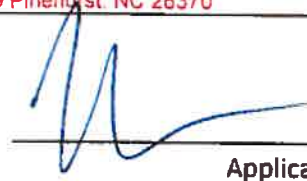
Applicant:

Name: Zimmer Development Company
Email: spencerpeterson@zdc.com adamtucker@zdc.com Phone: 910.800.9231, 910.763.4669
Mailing Address: 111 Princess Street, Wilmington, NC 28401

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

Name(s): Hyperactive Commerical Investments, LLC, Morganton Road Enterprises, LLC
Email: Ncont@pinehurstsurgical.com thomasv@vancamp law.com Phone: 910.315.8514, 910.295.2525
Mailing Address: 25 Shaw Road Pinehurst, NC 28374, PO Box 1389 Pinehurst, NC 28370

Date: 7/25/22


Applicant

1/12/22

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

December 22, 2017 11:02:15 AM

Book: 4917 Page: 528 - 530 #Pages: 3

Fee: \$26.00

NC Rev Stamp: \$4,950.00

Instrument # 2017018768

Drafted by: Robert S. Thompson, Attorney at Law

ROBERT S. THOMPSON, P.A.

325 West Pennsylvania Avenue, Suite E

Southern Pines, North Carolina 28387

Revenue: \$4950.00

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 20th day of December, 2017, by **BSD HOLDINGS, L.L.C.**, a North Carolina Limited Liability Company of 405 Linden Way, Lookout Mountain, TN, 37350, **GRANTOR**, to **HYPERACTIVE COMMERCIAL INVESTMENTS, (HCD), LLC**, a North Carolina Limited Liability Company of 25 Shaw Road, Pinehurst, NC, **GRANTEE**;

WITNESSETH:

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 Sandhills Township, Moore County, North Carolina, and more particularly described as follows:

Being all of the property described in Exhibit A attached hereto and incorporated herein by reference

Being the property conveyed to Grantor by deed filed in Book 3636, Page 540 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 of record and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

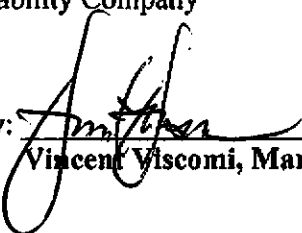
TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

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.

BSD HOLDINGS, L.L.C., a North Carolina Limited
Liability Company

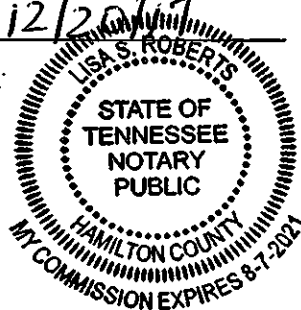
By: 
Vincent Viscomi, Manager

COUNTY OF Hamilton
STATE OF TENNESSEE

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): Vincent Viscomi, Manager

Date: 12/20/17




Notary Public

Lisa S. Roberts
Printed or typed name of Notary Public

My commission expires: 8-7-21

The subject property ☐ includes ☒ does not include the primary residence of a Grantor.

SCHEDULE/EXHIBIT A

TRACT ONE: BEING ALL OF THAT CERTAIN PARCEL OF LAND IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, CONTAINING 44.83 ACRES, AS SHOWN ON A MAP THEREOF ENTITLED "SURVEY FOR OAKHURST FARMS, LLC" WHICH MAP IS RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR MOORE COUNTY, NORTH CAROLINA, IN PLAT CABINET 8, SLIDE 192.

SAVING AND EXCEPTING THEREFROM THE FOLLOWING TRACT:
 BEGINNING AT AN EXISTING IRON PIPE IN THE NORTHERN LINE OF PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335) AND FROM SAID POINT OF BEGINNING N 77 DEG. 05 MIN. 01 SEC. W 43.96 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 87 DEG. 20 MIN. 47 SEC. E 4.15 FEET TO A POINT; THENCE S 77 DEG. 02 MIN. 16 SEC. E 35.31 FEET TO AN EXISTING CONCRETE MONUMENT; THENCE N 52 DEG. 51 MIN. 14 SEC. E 23.32 FEET TO A NEW IRON PIPE; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 68 DEG. 23 MIN. 46 SEC. E 162.19 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 06 MIN. 51 SEC. E 66.09 FEET TO A NEW IRON PIPE; THENCE S 12 DEG. 46 MIN. 17 SEC. W 35.55 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 20.20 FEET TO A NEW IRON PIPE IN THE NORTHERN LINE OF THE AFORESAID R&T PROPERTY; THENCE RUNNING WITH THE NORTHERN LINE OF SAID R&T PROPERTY N 77 DEG. 05 MIN. 09 SEC. W 191.01 FEET TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH THE NORTHERN LINE OF SAID R&T PROPERTY S 15 DEG. 18 MIN. 55 SEC. W 3.03 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 10,548 SQUARE FEET, MORE OR LESS, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

TOGETHER WITH ALL OF GRANTOR'S INTEREST IN THE 60 FOOT WIDE, NON-EXCLUSIVE ACCESS EASEMENT TO THE ABOVE PROPERTY FROM US HIGHWAY 15-510 DESCRIBED IN DEEDS RECORDED IN BOOK 821, PAGE 463, AND BOOK 663, PAGE 378, AND SHOWN ON THE ABOVE-REFERENCED MAP.

THIS CONVEYANCE IS MADE SUBJECT TO UTILITY EASEMENTS, OF RECORD AND AD VALOREM TAXES FOR THE CURRENT YEAR.

TRACT TWO:

BEGINNING AT A NEW IRON PIPE IN THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF US HWY 15/501-NC HWY 211, SAID IRON PIPE MARKING A NORTHWESTERN CORNER OF THE PROPERTY NOW OR FORMERLY OWNED BY R&T PROPERTIES OF NORTH CAROLINA, LLC (ACQUIRED BY DEED RECORDED IN BOOK 1569, PAGE 335); THENCE RUNNING WITH SAID MARGIN OF SAID RIGHT-OF-WAY N 20 DEG. 18 MIN. 11 SEC. W 46.10 FEET TO AN EXISTING IRON PIPE; THENCE S 77 DEG. 05 MIN. 01 SEC. E 121.52 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 414.51 FEET AND A CHORD BEARING AND DISTANCE OF N 86 DEG. 57 SEC. 53 MIN. W 78.04 FEET TO A NEW IRON PIPE; THENCE S 20 DEG. 18 MIN. 11 SEC. E 10.48 FEET TO A NEW IRON PIPE; THENCE S 69 DEG. 44 MIN. W 30.00 FEET TO THE POINT AND PLACE OF BEGINNING, BEING 1,758 SQUARE FEET, MORE OR LESS, LYING AND BEING IN SANDHILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS PER SURVEY THEREOF ENTITLED "SURVEY FOR R&T PROPERTIES OF NC, LLC" DATED JUNE 27, 2007, PREPARED BY HOMER S. WADE, PLS OF BORUM, WADE AND ASSOCIATES, P.A. OF GREENSBORO, NC.

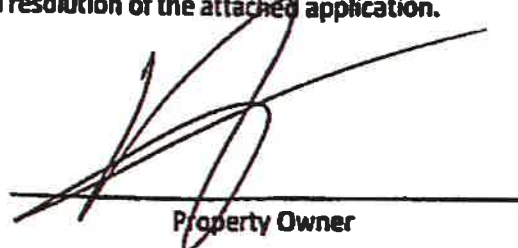
APPOINTMENT OF AGENT

The undersigned owner(s), Hyperactive Commercial Investments, LLC
Thomas M Van Camp Trustee & Others, hereby appoint(s) Kooniz Jones 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 28 day of July, 2022.



Property Owner

Property Owner


Agent

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), Hyperactive Commercial Investments LLC, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for 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 28 day of July, 2022.

Thel C. Jones
Manager Hyperactive Commercial Investments LLC
Property Owner

[Signature]
Property Owner
[Signature]
Agent

1/12/22

APPOINTMENT OF AGENT

The undersigned ^{applicant} owner(s), Zimmer Development Company, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The ^{applicant} owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the ^{applicant} 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 ^{applicant} 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 25 day of July, 2022.



Property Owner
Applicant



Property Owner



Agent

1/12/22

AR-20-22 Morganton Park South Apartments- Completeness Response

1. You do not address UDO Section 4.10.8 Multi-family Development Standards and will need to address these standards to determine compliance

4.10.8. Multi-Family Development Standards – MORGANTON PARK SOUTH MULTIFAMILY

(A) Applicability

- 1) The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.
Acknowledged.
- 2) No Multi-Family Development may include more than ten (10) Dwelling Units, except pursuant to a Planned Development or Special Use Permit approval.
Morganton Park South Apartments are part of a Planned Development.
- 3) The Development standards in this section may be modified pursuant to a PD or Special Use Permit approval.
Acknowledged.
- 4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.
N/A.

(B) Building Setbacks, Orientation and Lot Standards

- 1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.
Our PDP was approved with a deviation from this standard due to the unique site constraint of fronting one public ROW that is paralleled by a high voltage transmission line that does not allow structures in its easement.
- 2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.
We comply with this requirement. Please reference the dimensions shown in orange on page 26
- 3) Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.
Our PDP was approved with a deviation from this standard because it is not practical due to the lot configuration and steep topography in conjunction with meeting parking requirements. Open Space areas had to be located in separate locations not adjacent to the buildings to ensure adequate parking given the site constraints.

(C) Building Design. Multi-Family Developments shall:

- 1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.
Our apartment buildings are 4/3 split level buildings, which by default have varying heights as we deal with the sloping site. All rooflines provide varying parapets along their facades and balcony locations will vary due to different facades and sizes. Additionally, the Clubhouse and other amenity/accessory buildings on site are single-story, hipped roof structures detailed to complement the apartment buildings.
- 2) Group buildings in clusters.
The three apartment buildings are grouped around central parking and a central clubhouse/pool.
- 3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.
Each balcony is a 6' x 10' projection from the face of the building. These are spaced 20' to 30' apart around the apartment building, varying by dwelling unit type.
- 4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures. Every unit is provided with a balcony, and each bedroom is provided windows to outside. The site has 4' of elevation change down from building 1 to building 2, which will limit site lines between units across the complex.
- 5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.
Each dwelling unit is provided with a private balcony with minimum dimension 6' x 10' shown on page 27 detail 4.
- 6) Create areas for foundation planting by keeping hard surfaces away from front façades. A min 10' and up to 20' from building edge to parking lot is provided for more than enough room for foundation plantings as shown on the site plan on page 26
- 7) Design entrances to:
 - i. 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.
Three common entrances are provided to each apartment building at grade level to shared apartment breezeway corridors. We would ask as part of the planned development that these be allowed to serve more than four dwelling units each. This requirement is prohibitive for multi-story apartment buildings.
 - ii. 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.
We comply. The apartment breezeway entrances are readily accessible to the adjacent residents parking. Within the apartment buildings, units entries on opposing sides of the corridors are staggered to avoid direct views between dwelling units. See example detail 1 on page 27.
 - iii. Provide porches or roofed overhangs over building entrances.
We comply. Roofed overhangs are provided at each building entrance. See example detail below 2 on page 27.

- iv. Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries. (Ord. #1714)
Site plan complies. Small circular concrete walkway connection in front of main breezeway to provide more than enough distance between parking lot and entrance as shown on the site plan on page 26.

- 8) Provide a private garden, yard, patio or balcony for every Dwelling Unit.
Every Dwelling Unit has a patio or balcony.
- 9) The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.
We comply. Each dwelling unit is provided with a private balcony accessed from within the unit. See detail 3 on page 27
- 10) Provide screening for yards where private activities are likely to occur and to delimit private from common open space.
N/A – we have balconies for each Dwelling Unit rather than yards/gardens.

050 Pedestrian Improvements

- MU Provide continuous walkways through the project and connecting Dwellings to and through common open space.
We comply. ADA pathway throughout site connecting all amenities to each building. Additionally, a pedestrian path connecting the soccer fields to the commercial parcel will go through our site provide great connectivity as shown on page 26.
- HU Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.
We comply as shown on the site plan on page 26. 2 S KI-0S aunu-i-us3aioi-ffe t20i-usR NUSU-i-yiy3i t20 0 i-ffa2 i-yR Lji-yuy3 i-nuSi-a 0luKiyUKS alus i-a ak20y 2yUKS alus Lji-y iy0fuzRSR KSnuSi-y that allow for access to the parkway to the shopping center and also the shopping center to the soccer fields
- OU Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.
We comply. Leasable storage units are provided at the center of each apartment building for the occupants. Bike parking pad will be provided in front of each building as shown on the site plan.

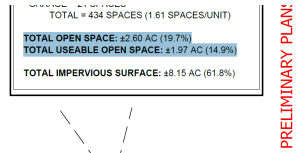
050 Parking

- MU Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.
All vehicles are visible from at least 1 dwelling unit.
- HU To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.
This was achieved to the maximum level possible with the constraints listed herein.

(F) Open Space

- 1) Common usable open space shall comprise ten (10) percent of the total project area.

Achieved. See screenshot from our civil plans below



- 1) Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.

Open spaces meet this requirement.

- 2) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.

The pool/amenity area meets this requirement

- 3) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.

ADA pathway connects all buildings to each open space area. Not all open space areas able to be directly adjacent to the dwelling units due to the constraints listed herein, however, ADA access provided to each one.

(G) Play Areas

- 1) Play areas for young children should be physically separated from potential traffic hazards. Fencing to be provided around the Tot play area.

- 2) Provide a variety of hard-surfaces areas in the form of pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.

Pathways have been provided throughout the development connecting the buildings to the provided open space and amenity areas. A pathway connection to the adjacent Sports Complex will also be provided.

- 3) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.

Provided within the Tot area playground

- i. Provide places for school age children to sit. -Provided within the Tot area playground
- ii. Where possible include a space for ball games on site (minimum 80 feet x 40 feet). – Non defined areas roughly this size are located on site. A sidewalk/trail connection to the adjacent sports complex will provide access to large sports fields

- 4) Provide retaining walls that can also be used for casual seating.

Benches will be provided for seating.

- 5) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.

N/A

- 6) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100). We comply. The required open space for the entire Morganton Park South CDP area is 20%. Open space is not required for each individual parcel within Morganton Park South, however, the Morganton Park South Apartments will provide 19.7 % open space as indicated on the site plan.

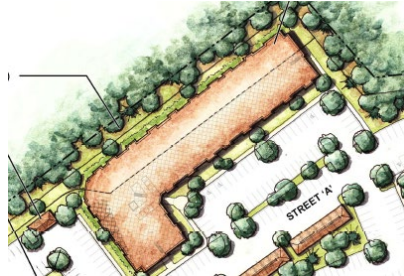
2. Per UDO 4.10.4:

Page numbers have been added to the top right header to assist with locating the responses stated below.

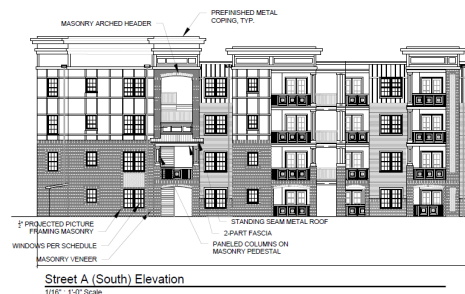
Per UDO 4.10.4 (A):

- Please label the streets associated with each building elevations.

The streets have been labeled on the site plan located on page 14. Below you will find a screenshot example from page 14 to reference



The building elevations have been labeled accordingly on pages 15-17. Below you will find a screenshot example from page 15 to reference. "Street A (South) elevation."



- Please clarify, will there be only one entrance or more than one entrance? If there is more than one entrance, please label where each one is located and the distance between each entrance.

There will be 2 entrances to the site. The entrances are labeled on page 26. The distances between each entrance are also labeled on page 26.

Per UDO 4.10.4 (B):

- On the renderings, please label the width of the building.

The width of the buildings has been added to pages 15-18.

Per UDO 4.10.4 (C):

- Please submit a full materials list showing the name, color and type of building materials that will be used as mentioned on the elevation pages.

The materials list showing the name, color and type of building materials can be found on page in the material key located on pages 18, 21-25. Clear and concise labeling has also been included on the associated elevations.

Per UDO 4.10.4 (D):

- Please show the calculation on the elevations provide the percentage of street facing building façade windows between two (2) and ten (10) feet above the grade of the building entry.

The percentage of street facing building façade windows between two (2) and ten (10) feet above the grade of the building entry can be found on in a key on the right-hand side of building elevation pages 15-17.

Per UDO 4.10.4 (G):

- Please label the width of the building.

The width of the buildings has been added to pages 15-18.

Per UDO 4.10.4 (J):

- Please label where the signs will be located on the site plan and building elevation. Surely there will be a sign somewhere.

We comply. The location of the 2 entry signs has been added to the site plan on page 14. The signs are labeled "Freestanding Sign Monument."

The clubhouse building signage is location on the front elevation on pages 19 and 20.

AR-20-22 Morganton Park South Apartments- Completeness Response

1. You do not address UDO Section 4.10.8 Multi-family Development Standards and will need to address these standards to determine compliance

4.10.8. Multi-Family Development Standards – MORGANTON PARK SOUTH MULTIFAMILY

(A) Applicability

- 1) The following Development standards shall apply to all Multi-Family structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.
Acknowledged.
- 2) No Multi-Family Development may include more than ten (10) Dwelling Units, except pursuant to a Planned Development or Special Use Permit approval.
Morganton Park South Apartments are part of a Planned Development.
- 3) The Development standards in this section may be modified pursuant to a PD or Special Use Permit approval.
Acknowledged.
- 4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.
N/A.

(B) Building Setbacks, Orientation and Lot Standards

- 1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street right-of-way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.
Our PDP was approved with a deviation from this standard due to the unique site constraint of fronting one public ROW that is paralleled by a high voltage transmission line that does not allow structures in its easement.
- 2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.
We comply with this requirement
- 3) Where practical, Dwellings should be located to face each other across common landscaped space with buildings no closer than (30) feet.
Our PDP was approved with a deviation from this standard because it is not practical due to the lot configuration and steep topography in conjunction with meeting parking requirements. Open Space areas had to be located in separate locations not adjacent to the buildings to ensure adequate parking given the site constraints.

(C) Building Design. Multi-Family Developments shall:

- 1) Include variations in heights, color, setback, rooflines, trim, and building sizes to create visual diversity between structures.

Our apartment buildings are 4/3 split level buildings, which by default have varying heights as we deal with the sloping site. All rooflines provide varying parapets along their facades and balcony locations will vary due to different facades and sizes. Additionally, the Clubhouse and other amenity/accessory buildings on site are single-story, hipped roof structures detailed to complement the apartment buildings.

- 2) Group buildings in clusters.

The three apartment buildings are grouped around central parking and a central clubhouse/pool.

- 3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.

Balconies are provided for each unit between 20' and 30' on center.

- 4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.

Every unit is provided with a balcony, and each bedroom is provided windows to outside. The site has 4' of elevation change down from building 1 to building 2, which will limit site lines between units across the complex.

- 5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.

Balconies are provided for all units with this dimension.

- 6) Create areas for foundation planting by keeping hard surfaces away from front façades.

A min 10' and up to 20' from building edge to parking lot is provided for more than enough room for foundation plantings.

- 7) Design entrances to:

- i. 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.

Three common entrances are provided at grade level to shared apartment breezeway corridors. Our PDP was approved by Town Council with this arrangement. This requirement is prohibitive for multi-story apartment buildings.

- ii. 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.

We comply.

- iii. Provide porches or roofed overhangs over building entrances.

We comply.

- iv. Set back buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries. (Ord. #1714)
Site plan complies. Small circular concrete walkway connection in front of main breezeway to provide more than enough distance between parking lot and entrance.

- 8) Provide a private garden, yard, patio or balcony for every Dwelling Unit.
Every Dwelling Unit has a patio or balcony.
- 9) The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.
We comply.
- 10) Provide screening for yards where private activities are likely to occur and to delimit private from common open space.
N/A – we have balconies for each Dwelling Unit rather than yards/gardens.

(D) Pedestrian Improvements

- 1) Provide continuous walkways through the project and connecting Dwellings to and through common open space.
We comply. ADA pathway throughout site connecting all amenities to each building. Additionally, a pedestrian path connecting the soccer fields to the commercial parcel will go through our site provide great connectivity.
- 2) Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.
We comply.
- 3) Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.
We comply. Leasable storage units are provided at the center of each apartment building for the occupants. Bike parking pad will be provided in front of each building.

(E) Parking

- 1) Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.
Our PDP was approved with a variation to this requirement. The existing steep grades that were mitigated in site design do not allow for a number of small lots but rather more linear parking along drive aisles. All vehicles are visible from at least 1 dwelling unit.
- 2) To the greatest extent practicable, parking shall not separate Dwelling Units from common open space.
This was achieved to the maximum level possible with the constraints listed herein.

(F) Open Space

- 1) Common usable open space shall comprise ten (10) percent of the total project area.
Achieved. Approximately 15% is shown in the PDP approved site plan.
- 2) Open spaces shall be configured so that the ratio of building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens buildings from each other.
Open spaces meet this requirement.
- 3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.
The pool/amenity area meets this requirement
- 4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.
ADA pathway connects all buildings to each open space area. Not all open space areas able to be directly adjacent to the dwelling units due to the constraints listed herein, however, ADA access provided to each one.

(G) Play Areas

- 1) Play areas for young children should be physically separated from potential traffic hazards. *Fencing to be provided around the Tot play area.*
- 2) Provide a variety of hard-surfaces areas in the form of pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.
Pathways have been provided throughout the development connecting the buildings to the provided open space and amenity areas. A pathway connection to the adjacent Sports Complex will also be provided.
- 3) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit.
Provided within the Tot area playground
 - i. Provide places for school age children to sit. *-Provided within the Tot area playground*
 - ii. Where possible include a space for ball games on site (minimum 80 feet x 40 feet). *– Non defined areas roughly this size are located on site. A sidewalk/trail connection to the adjacent sports complex will provide access to large sports fields*
- 4) Provide retaining walls that can also be used for casual seating.
Benches will be provided for seating.
- 5) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.
N/A

- 6) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100).

We comply

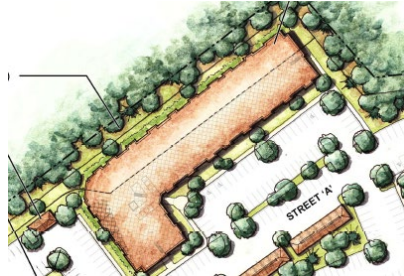
2. Per UDO 4.10.4:

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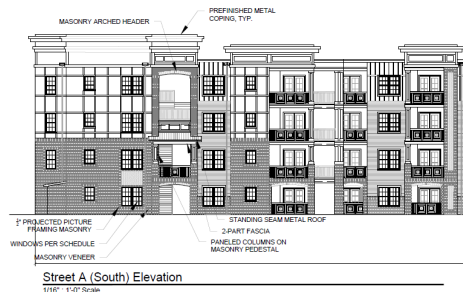
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Per UDO 4.10.4 (B):

- On the renderings, please label the width of the building.

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Per UDO 4.10.4 (D):

- Please show the calculation on the elevations provide the percentage of street facing building façade windows between two (2) and ten (10) feet above the grade of the building entry.

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Per UDO 4.10.4 (G):

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- Please label where the signs will be located on the site plan and building elevation. Surely there will be a sign somewhere.

The location of the 2 entry signs has been added to the site plan on page 14. The signs are labeled "Freestanding Sign Monument."

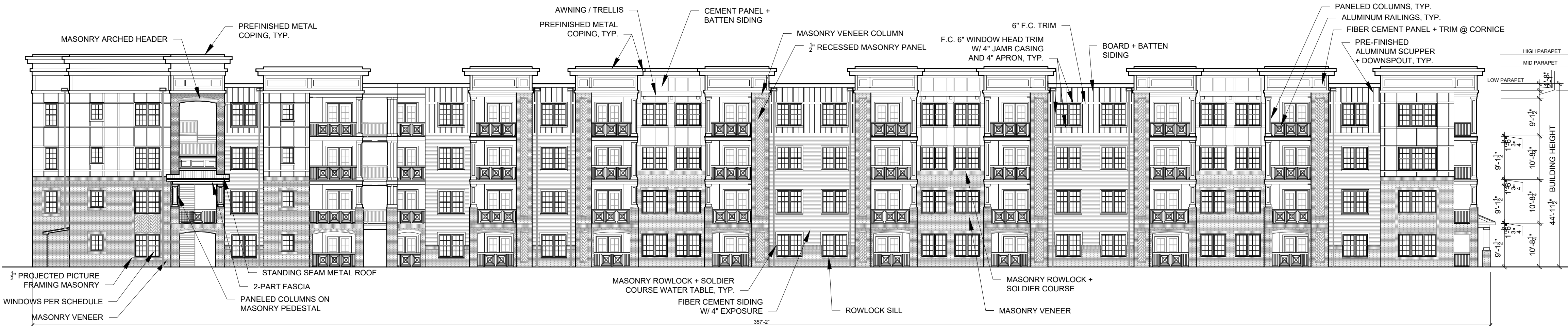
The clubhouse building signage is location on the front elevation on pages 19 and 20.

Morganton Park South

Southern Pines, NC

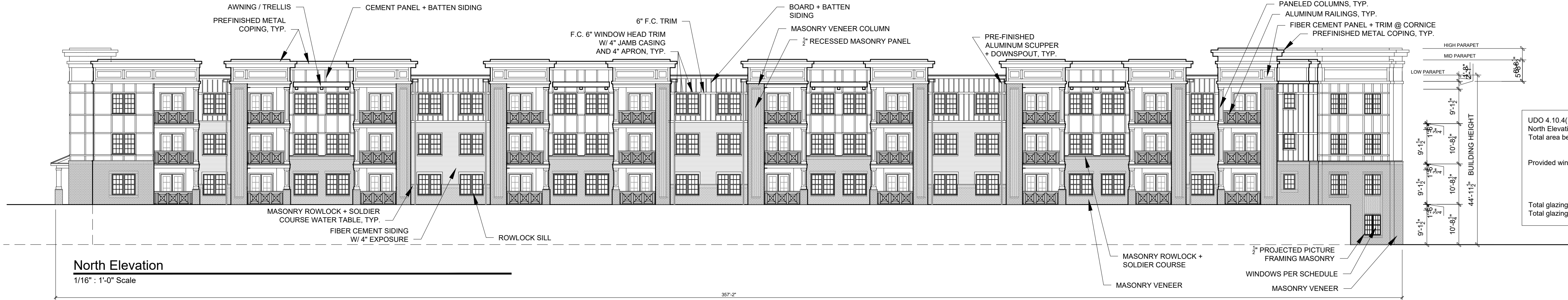
Apartment Building 1

Schematic Design
08.11.2022
ARB Submittal



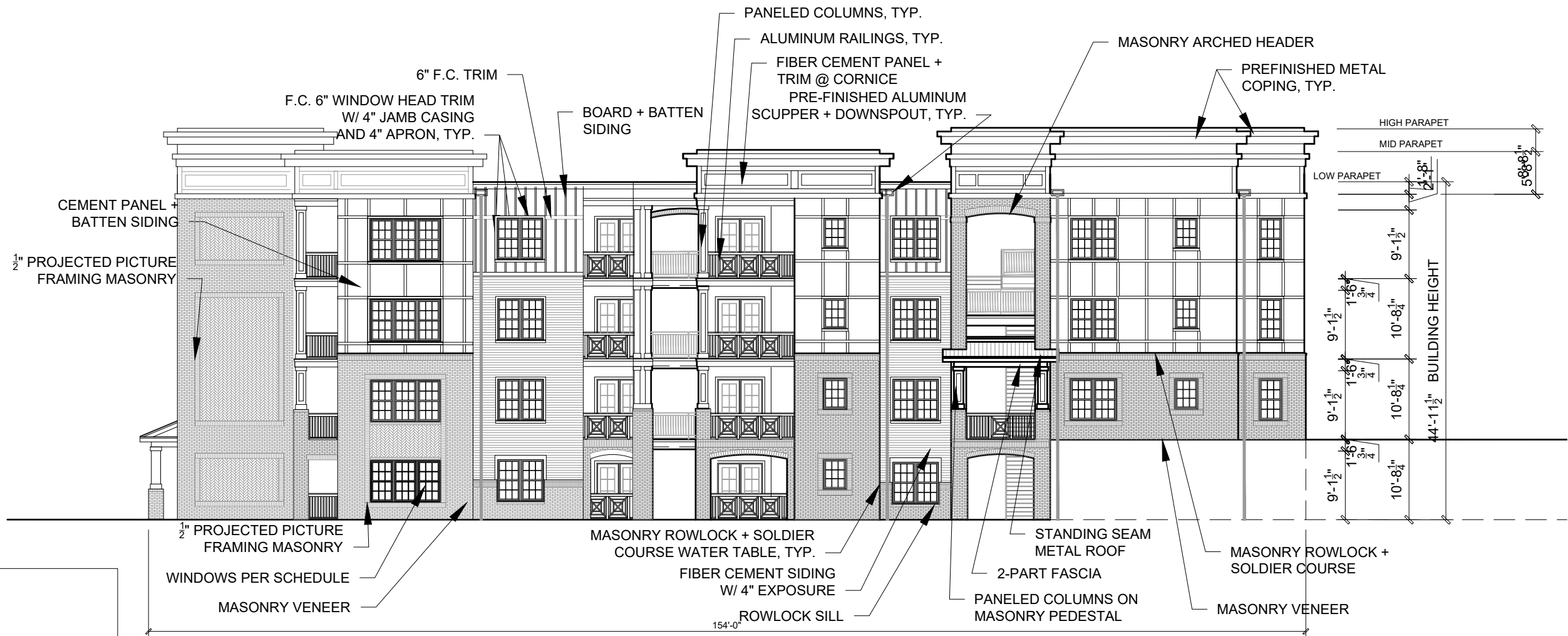
Street A (South) Elevation
1/16" = 1'-0" Scale

UDO 4.10.4(D) Street Facing window percentages:
Street A (South) total length: 357'-2"
Total area between 2' and 10' = 357'-2" x 8' = 2,861 SF
Provided windows: (1) 9'x6' = 54 SF
(15) 6'x6' = 540 SF
(2) 3'x4' = 24 SF
(9) Full-lite balcony Doors providing 6' x 6' glazing between 2' and 10' ht = 324 SF
Total glazing (54 SF + 540 SF + 24 SF + 324 SF) = 942 SF
Total glazing (942 SF) / total area (2,861 SF) = 32.9%



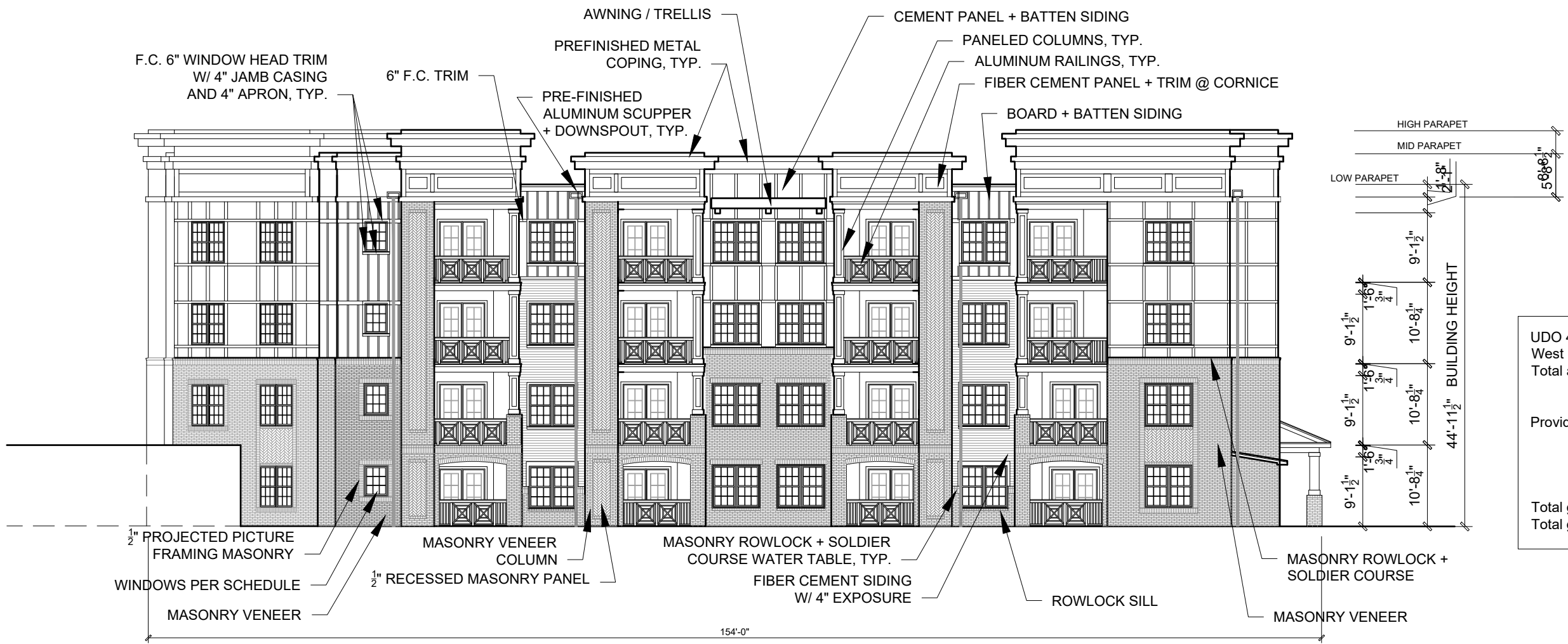
North Elevation
1/16" = 1'-0" Scale

UDO 4.10.4(D) Street Facing window percentages:
North Elevation total length: 357'-2"
Total area between 2' and 10' = 357'-2" x 8' = 2,861 SF
Provided windows: (19) 6'x6' = 684 SF
(1) 3'x4' = 12 SF
(10) Full-lite balcony Doors providing 6' x 6' glazing between 2' and 10' ht = 360 SF
Total glazing (684 SF + 12 SF + 360 SF) = 1,056 SF
Total glazing (1,056 SF) / total area (2,861 SF) = 36.9%



East Elevation
1/16" = 1'-0" Scale

UDO 4.10.4(D) Street Facing window percentages:
East Elevation total length: 154'
Total area between 2' and 10' = 154' x 8' = 1,232 SF
Provided windows: (1) 9'x6' = 54 SF
(3) 6'x6' = 216 SF
(1) 3'x6' = 18 SF
(2) 3'x4' = 24 SF
(2) Full-lite balcony Doors providing 6' x 6' glazing between 2' and 10' ht = 72 SF
Total glazing (54 SF + 216 SF + 18 SF + 24 SF + 72 SF) = 384 SF
Total glazing (372 SF) / total area (1,232 SF) = 31.2%

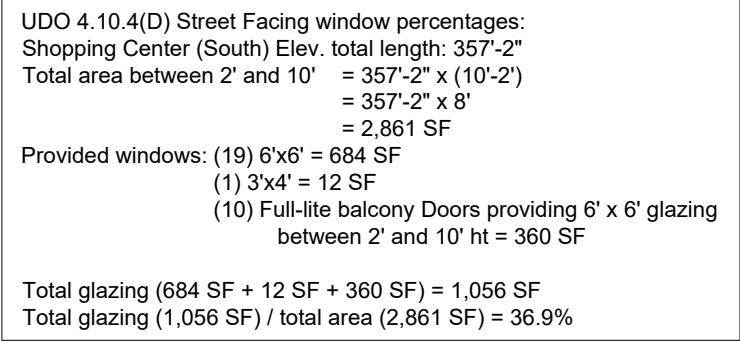


Pine Ridge Pkwy. (West) Elevation
1/16" = 1'-0" Scale

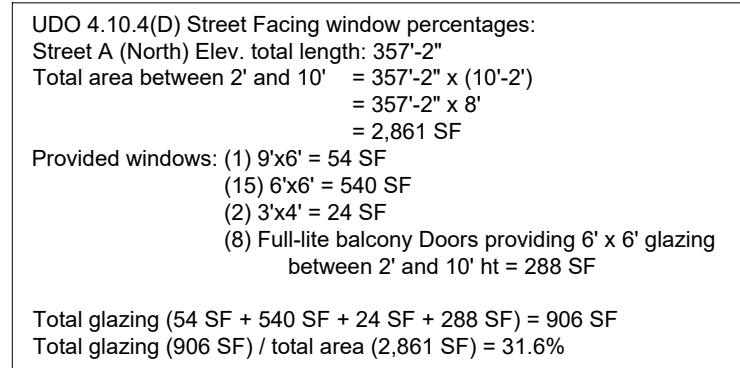
UDO 4.10.4(D) Street Facing window percentages:
West (New Entry Drive) total length: 154'
Total area between 2' and 10' = 154' x 8' = 1,232 SF
Provided windows: (6) 6'x6' = 216 SF
(1) 3'x4' = 12 SF
(4) Full-lite balcony Doors providing 6' x 6' glazing between 2' and 10' ht = 144 SF
Total glazing (216 SF + 12 SF + 144 SF) = 372 SF
Total glazing (372 SF) / total area (1,232 SF) = 30.1%

Apartment Building 2

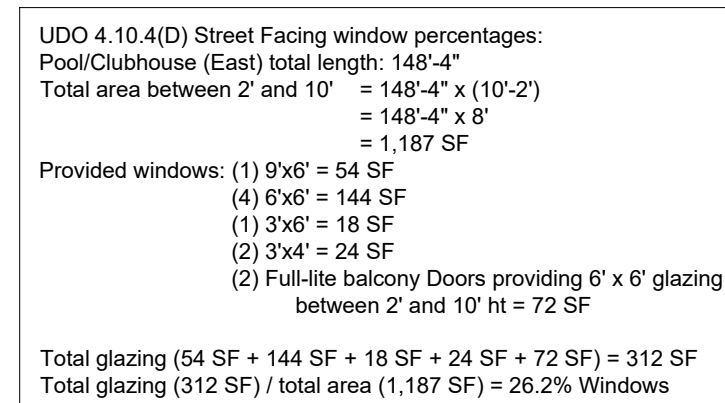
ARB Submittal



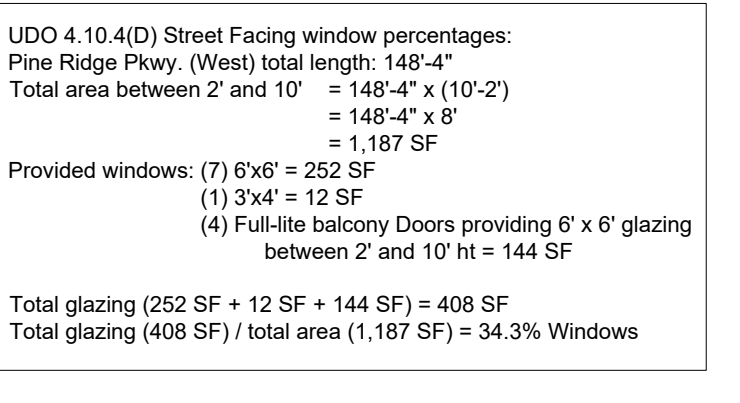
1/16" : 1'-0" scale



1/16" : 1'-0" scale



1/16" : 1'-0" scale



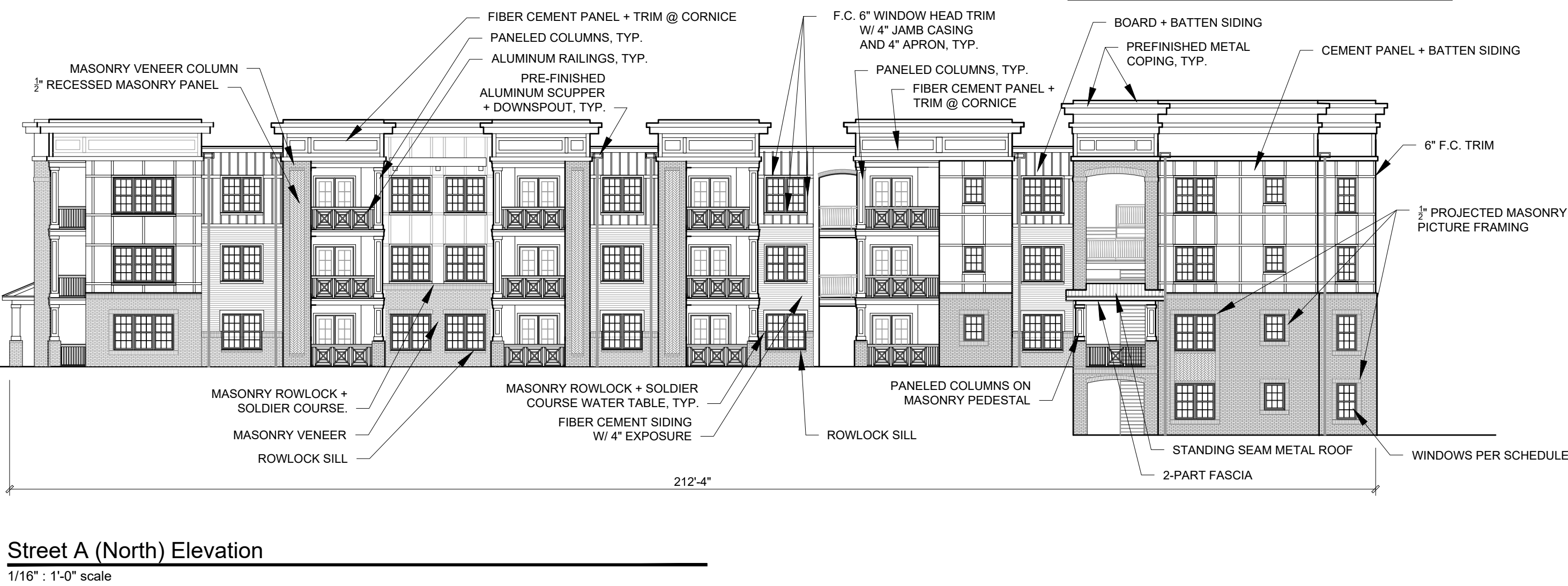
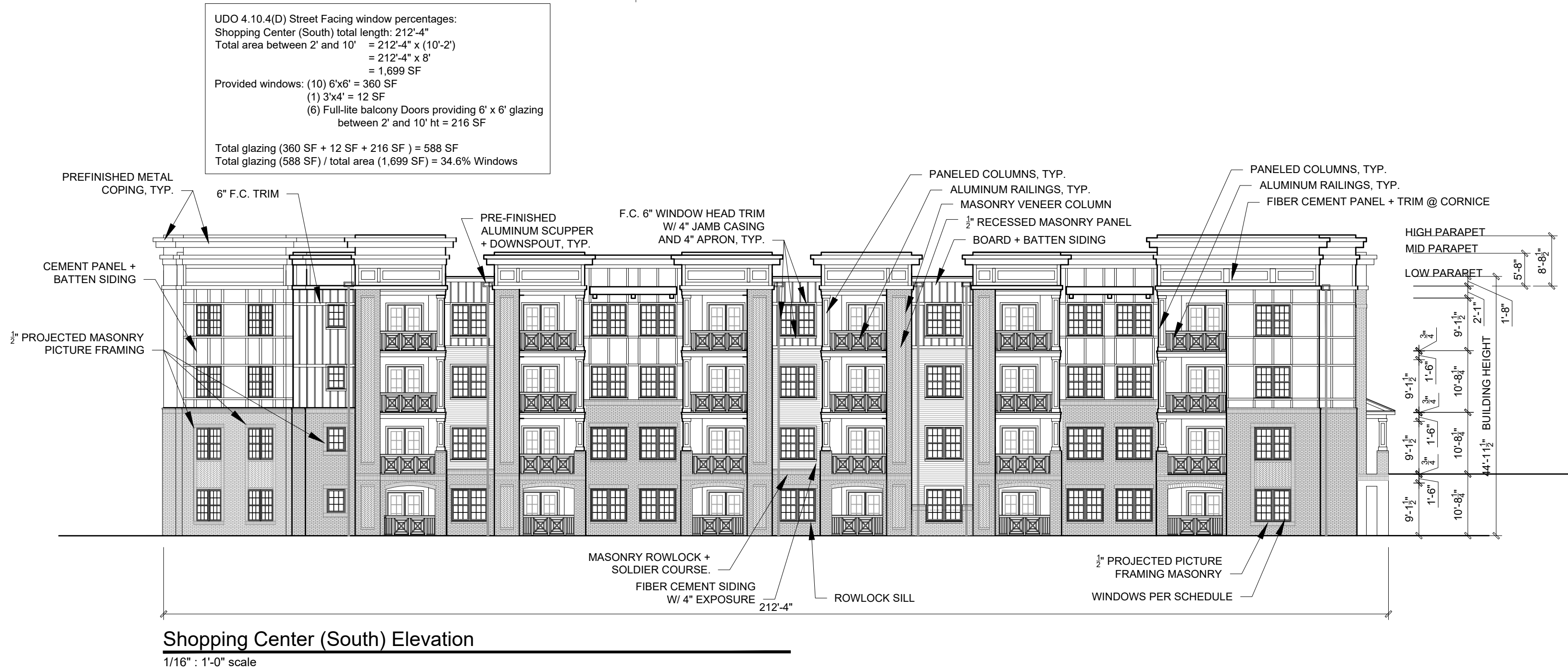
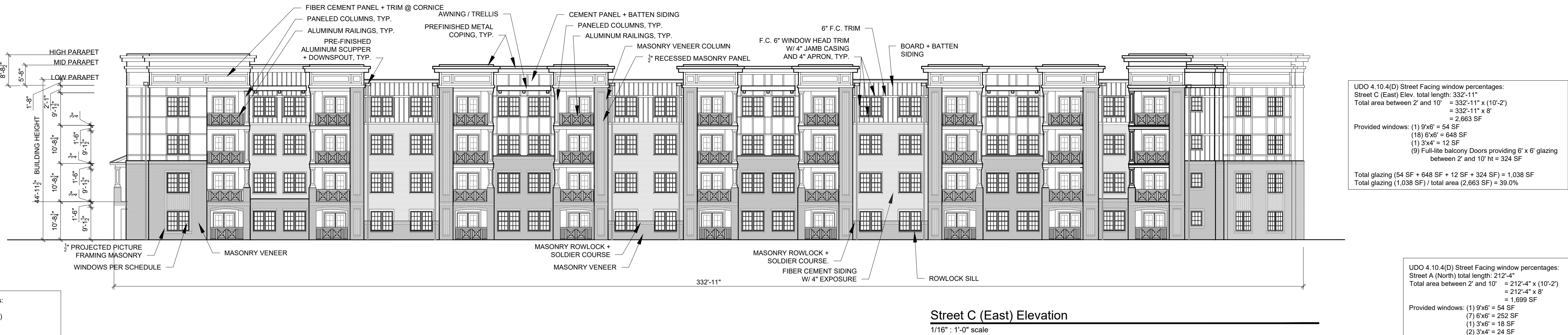
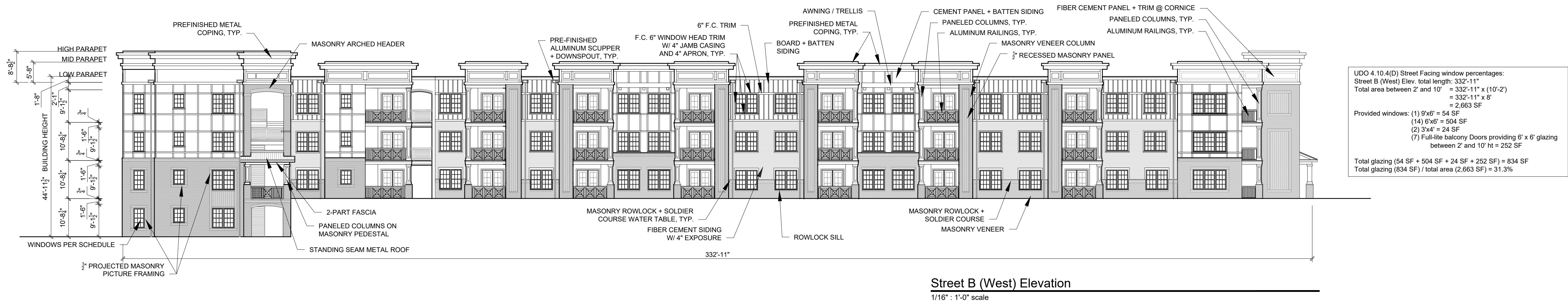
1/16" : 1'-0" scale

Morganton Park South

Southern Pines, NC

Apartment Building 3

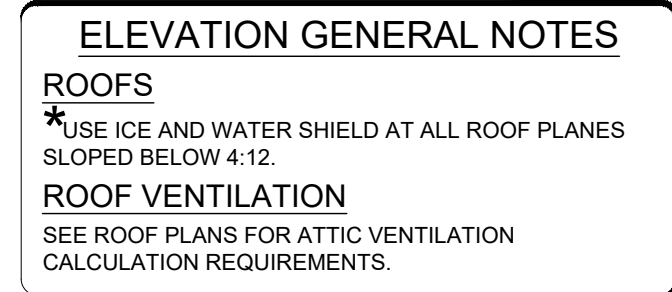
Schematic Design
08.11.2022
ARB Submittal



Southern Pines, NC

08.03.2022

ARB Submittal



ARCHITECTURAL PLANS

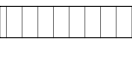
EXTERIOR MATERIALS

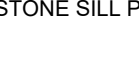
 = SHINGLE ROOF PER BUILDER

 = STANDING SEAM METAL ROOF PER BUILDER

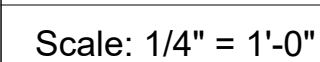
 = FIBER CEMENT SIDING PER BUILDER

 = FIBER CEMENT REVEAL PANELS

 = STONE PER BUILDER

 = STONE SILL PER BUILDER

Scale: 1/4" = 1'-0"



Southern Pines, NC

08.03.2022

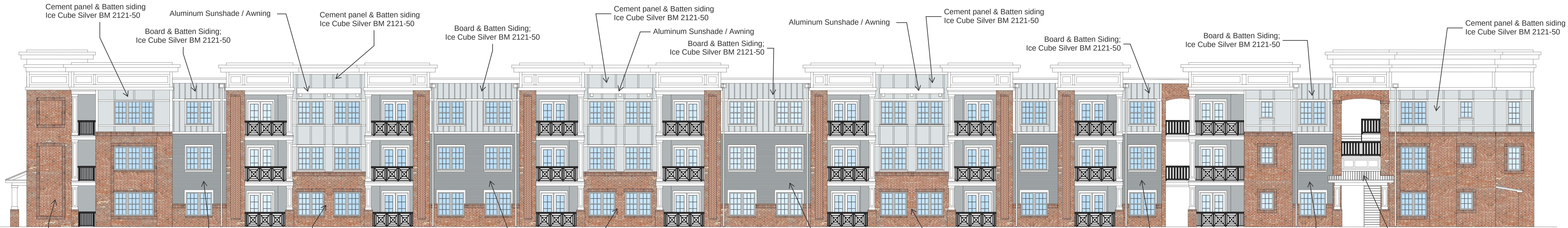
ARB Submittal



Scale: 1/4" = 1'-0"



Scale: 1/4" = 1'-0"



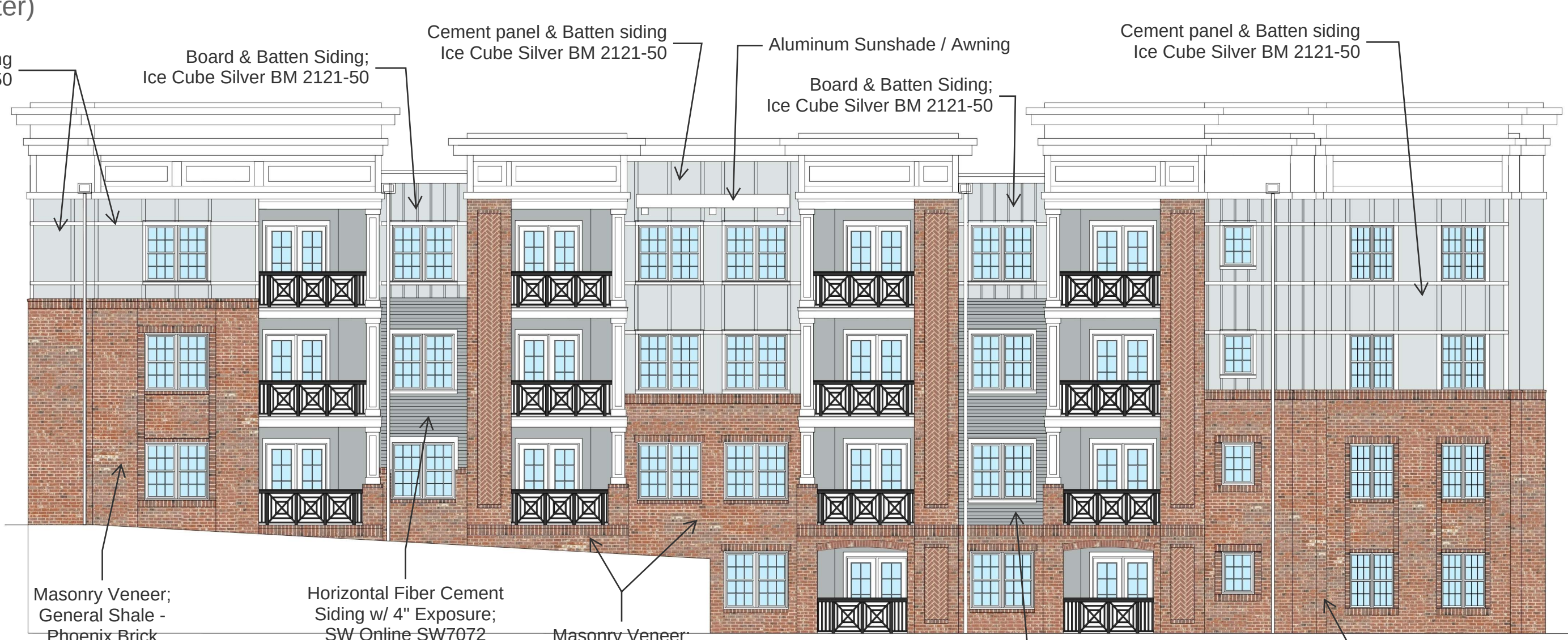
BUILDING 2
North Elevation
(Residents Parking)
Width 357'-2"



BUILDING 2
South Elevation
(Shopping Center)
Width 357'-2"



BUILDING 2
East Elevation
(Clubhouse / Pool)
Width 148'-4"



BUILDING 2
West Elevation
(New Entry Drive)
Width 148'-4"

MATERIALS & FINISHES

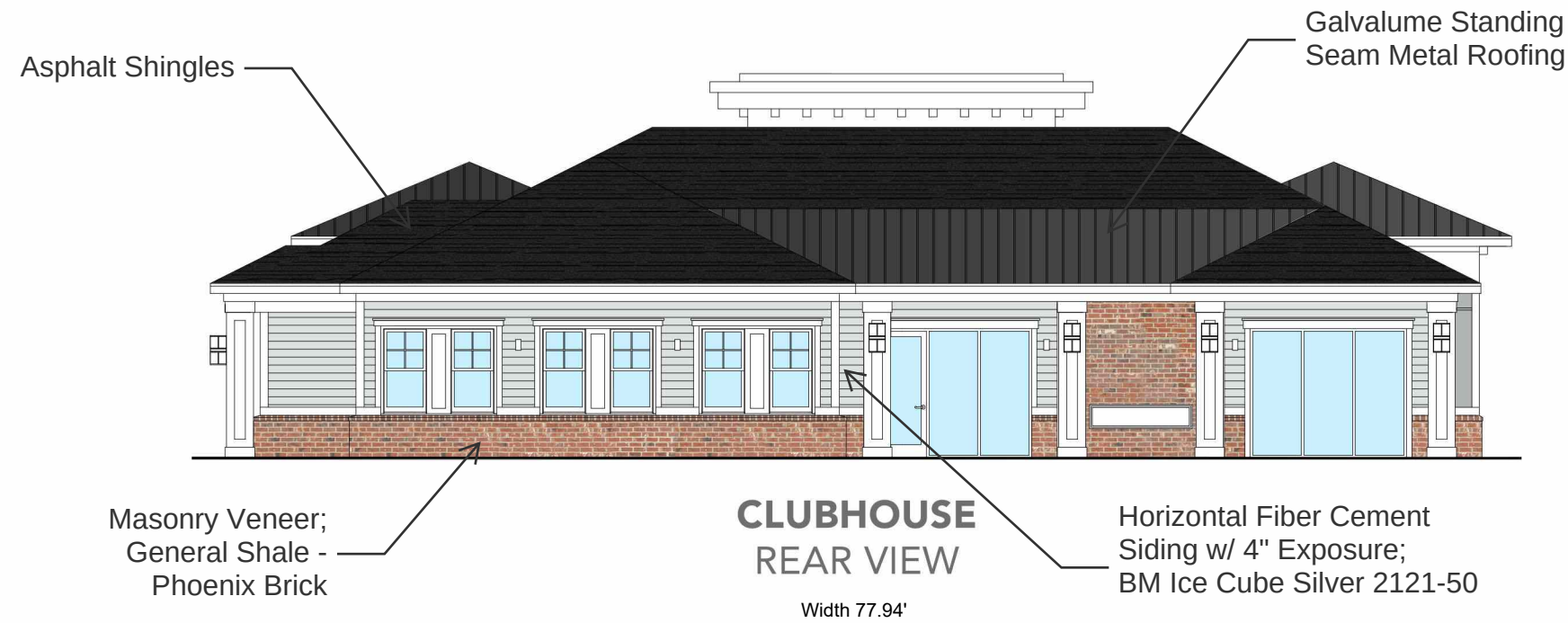
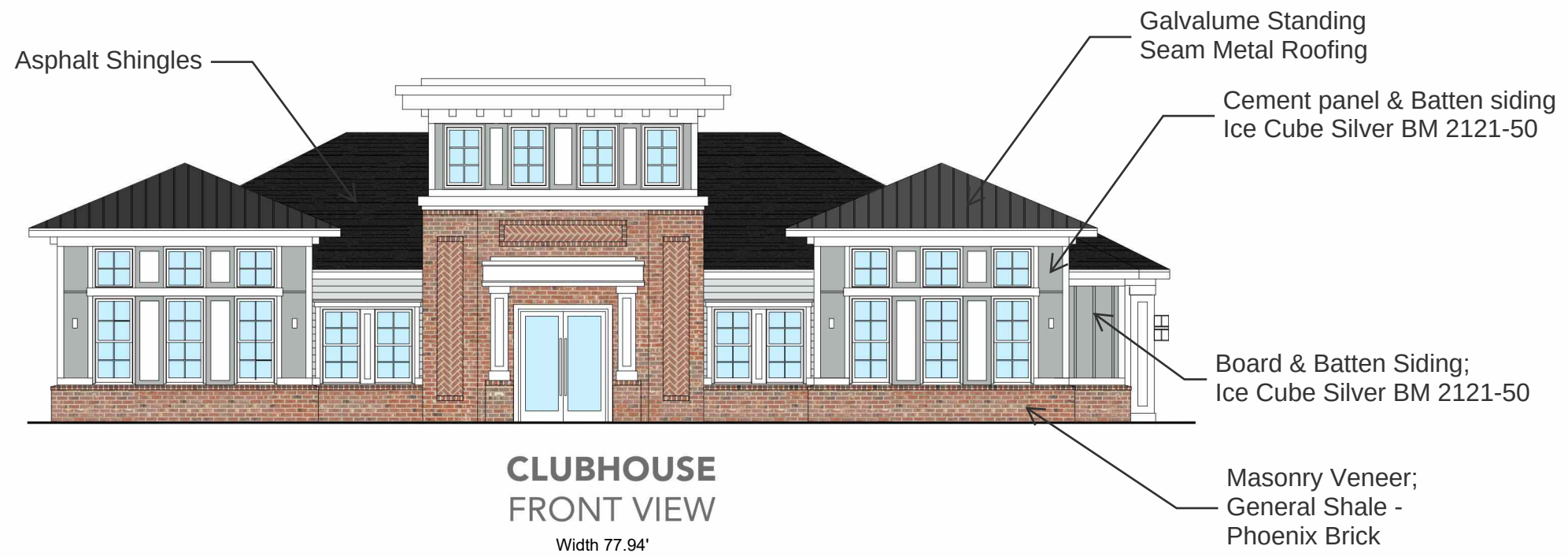
 DARK SHINGLES	 GALVALUME STANDING SEAM METAL ROOF	 PHOENIX BRICK GENERAL SHALE	 ICE CUBE SILVER 2121-50 BENJAMIN MOORE	 ONLINE SW7072 SHERMAN WILLIAMS
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METAL RAILINGS



ALUMINUM SUNSHADE
AWNINGS



MATERIALS & FINISHES



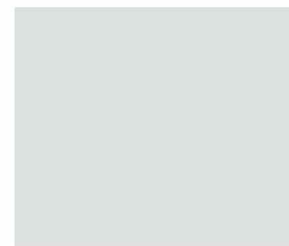
DARK SHINGLES



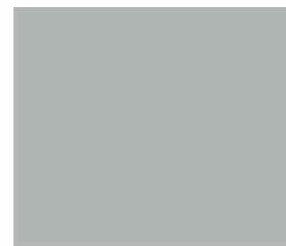
ANTIQUE BRONZE
STANDING SEAM
METAL ROOF



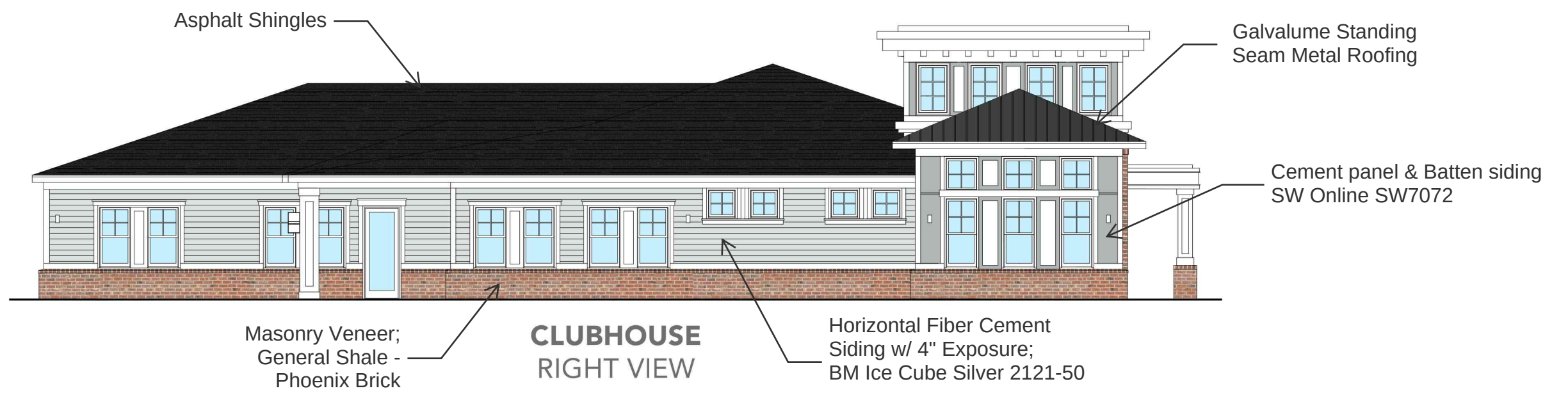
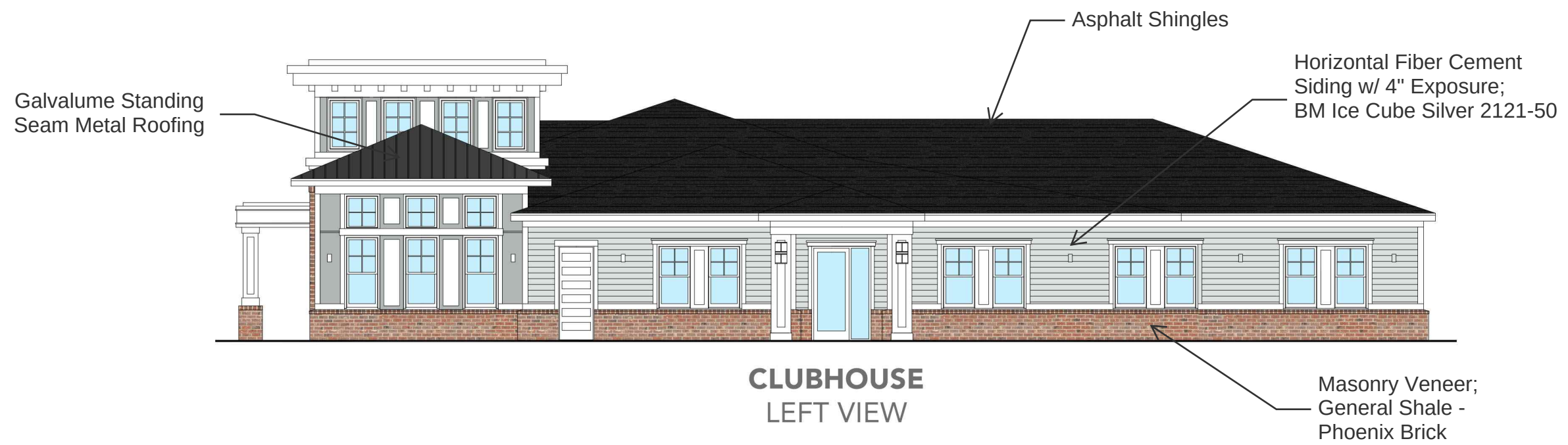
PHOENIX BRICK
GENERAL SHALE



ICE CUBE SILVER
2121-50
BENJAMIN MOORE



ONLINE SW7072
SHERMAN WILLIAMS



MATERIALS & FINISHES



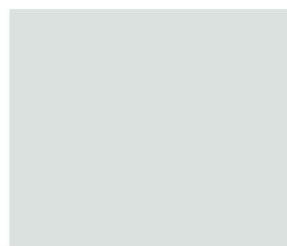
DARK SHINGLES



ANTIQUE BRONZE
STANDING SEAM
METAL ROOF



PHOENIX BRICK
GENERAL SHALE



ICE CUBE SILVER
2121-50
BENJAMIN MOORE



ONLINE SW7072
SHERMAN WILLIAMS



MAINTENANCE/CARWASH
FRONT VIEW



MAINTENANCE/CARWASH
LEFT VIEW



MAINTENANCE/CARWASH
REAR VIEW



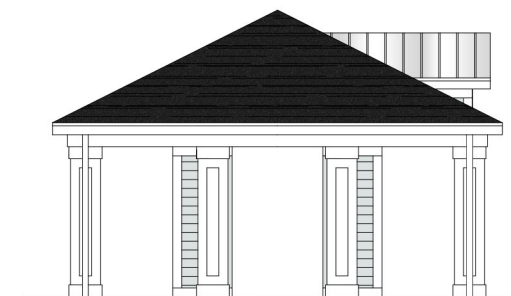
MAINTENANCE/CARWASH
RIGHT VIEW



MAIL KIOSK
FRONT VIEW

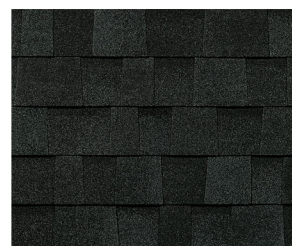


MAIL KIOSK
REAR VIEW



MAIL KIOSK
SIDE VIEW

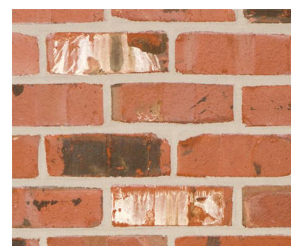
MATERIALS & FINISHES



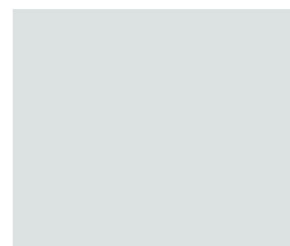
DARK SHINGLES



GALVALUME
STANDING SEAM
METAL ROOF



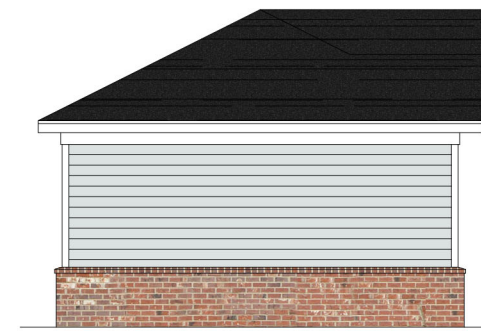
PHOENIX BRICK
GENERAL SHALE



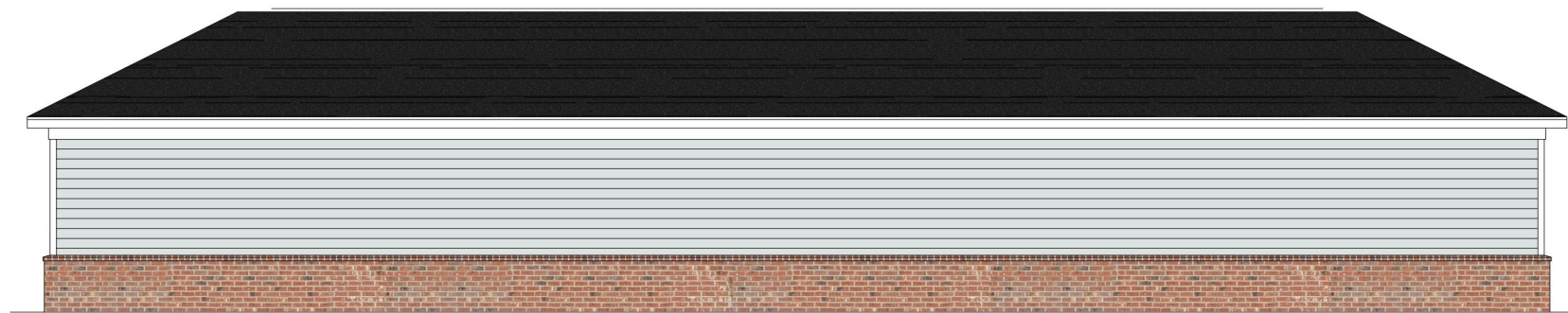
ICE CUBE SILVER
2121-50
BENJAMIN MOORE



GARAGE
FRONT VIEW



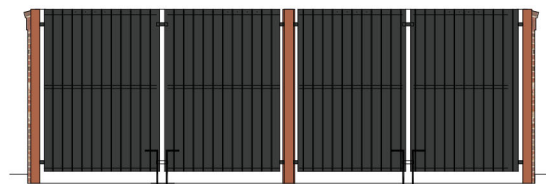
GARAGE
RIGHT VIEW



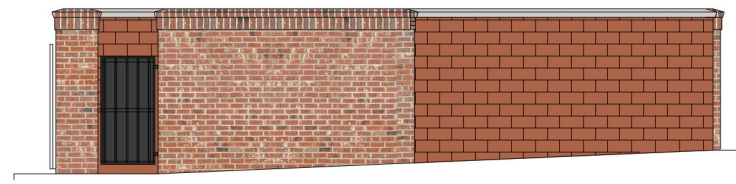
GARAGE
REAR VIEW



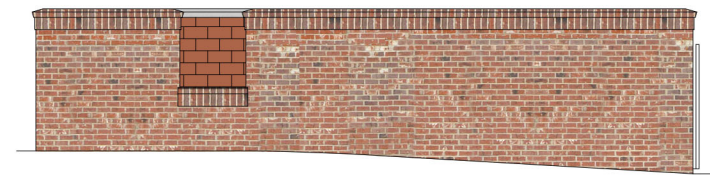
GARAGE
LEFT VIEW



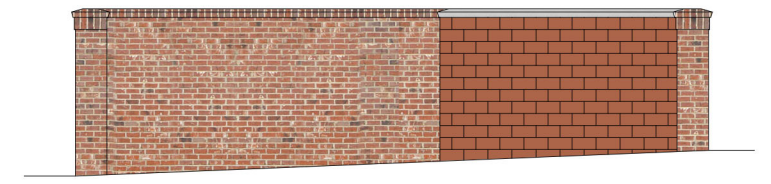
GATE DETAIL
FRONT VIEW



TRASH COMPACTOR
SIDE VIEW

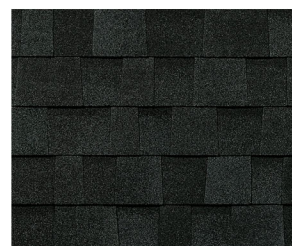


TRASH COMPACTOR
SIDE VIEW

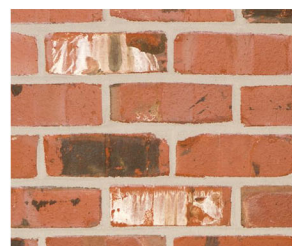


TRASH COMPACTOR
REAR VIEW

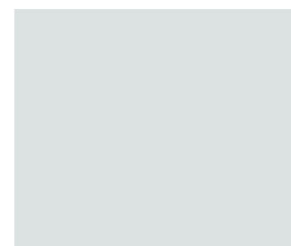
MATERIALS & FINISHES



DARK SHINGLES



PHOENIX BRICK
GENERAL SHALE



ICE CUBE SILVER
2121-50
BENJAMIN MOORE



ONLINE SW7072
SHERMAN WILLIAMS



POOLHOUSE
FRONT VIEW



POOLHOUSE
REAR VIEW



POOLHOUSE
LEFT VIEW



POOLHOUSE
RIGHT VIEW

MATERIALS & FINISHES



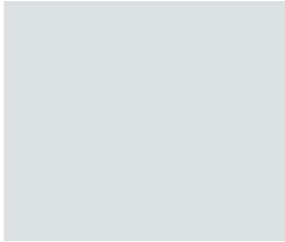
DARK SHINGLES



GALVALUME
STANDING SEAM
METAL ROOF

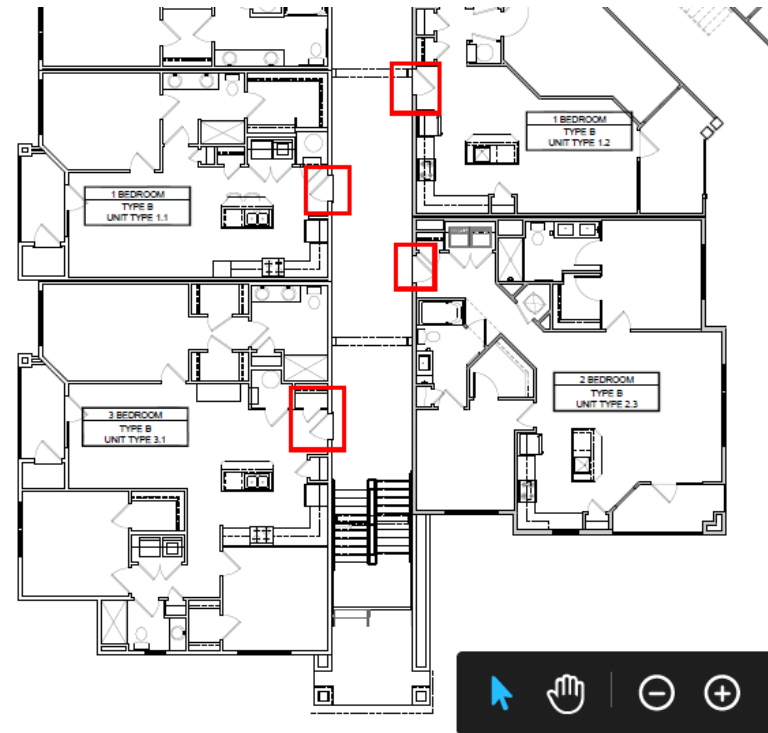


PHOENIX BRICK
GENERAL SHALE

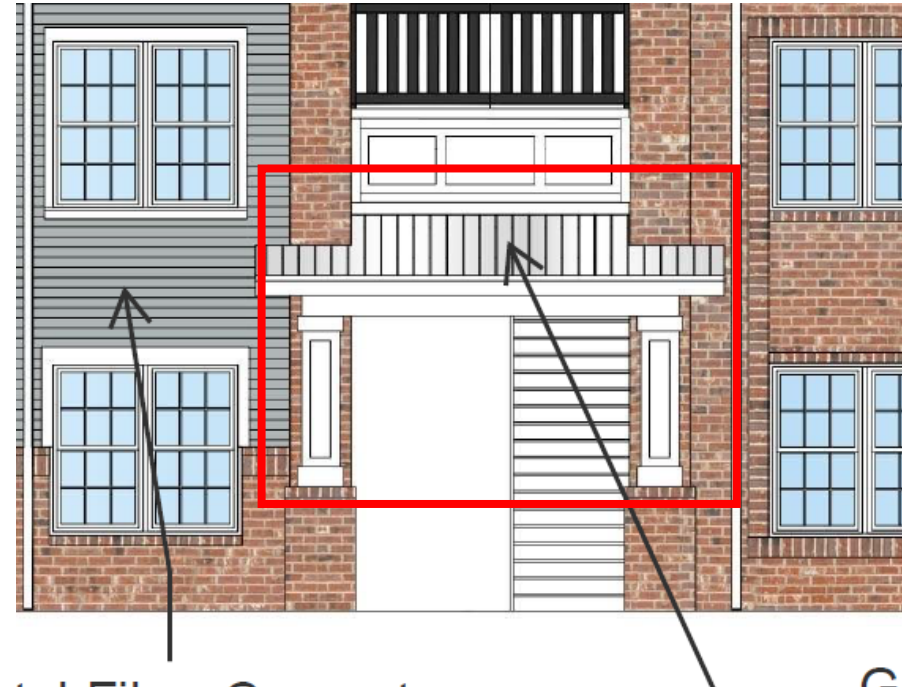


ICE CUBE SILVER
2121-50
BENJAMIN MOORE

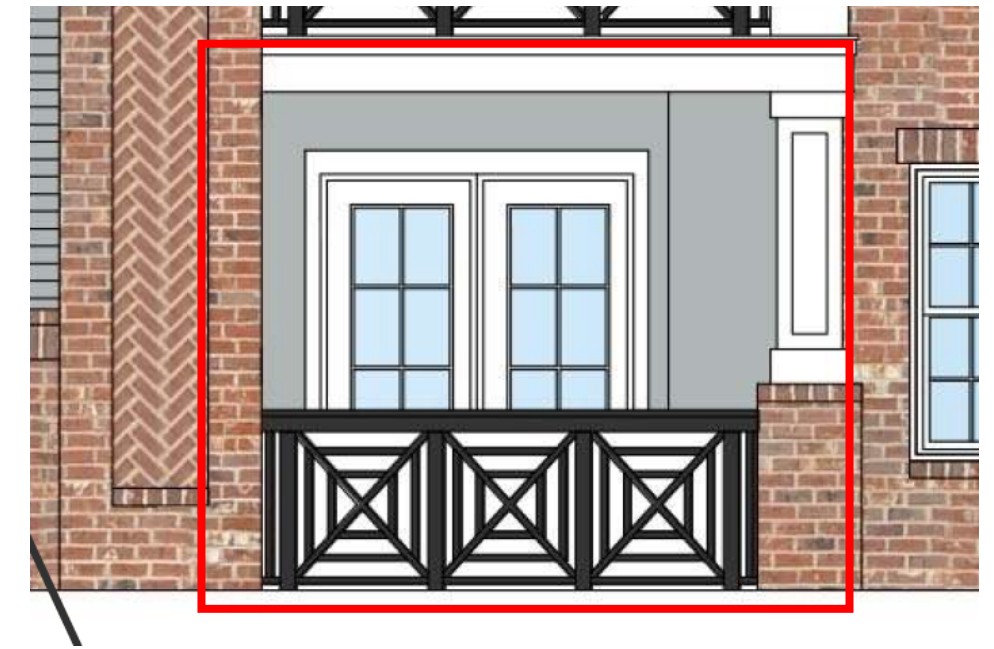
Example Detail 1



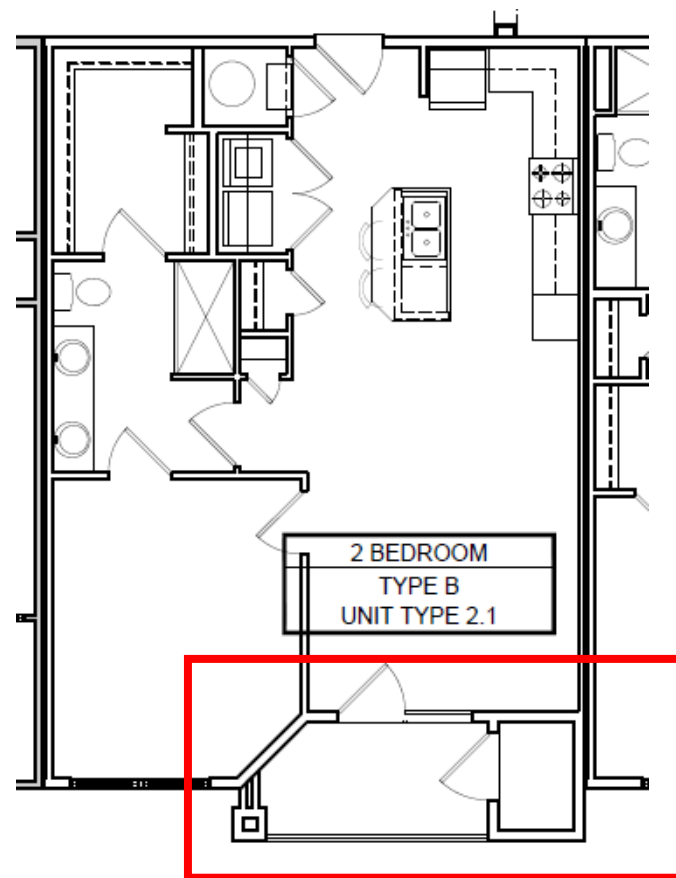
Example Detail 2



Example Detail 3



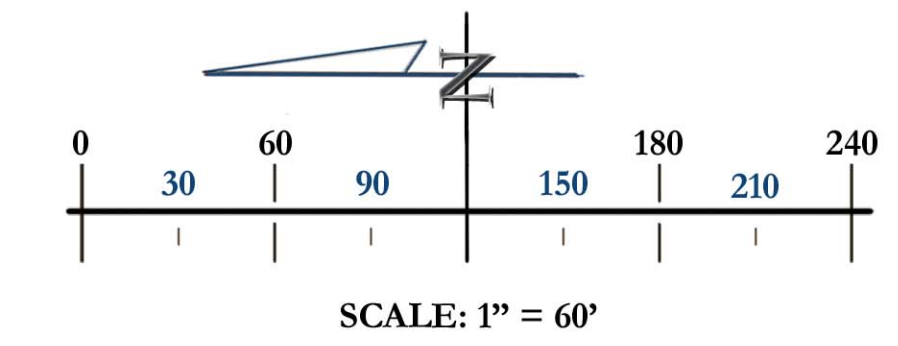
Example Detail 4



MORGANTON PARK SOUTH APARTMENTS
Southern Pines, NC
000222



BUILDING EXTERIOR MATERIAL PERCENTAGES												
BUILDING	TOTAL AREA OF MATERIALS	BRICK		HORIZONTAL SIDING (FIBER CEMENT)		PANEL BOARD & TRIM (FIBER CEMENT)		SUM OF REQUIRED MASONRY MATERIAL (%)		SUM OF NON-MASONRY MATERIAL (%)		
		SQUARE FOOTAGE	PERCENT OF TOTAL	SQUARE FOOTAGE	PERCENT OF TOTAL	SQUARE FOOTAGE	PERCENT OF TOTAL	REQUIRED	ACTUAL	NOT TO EXCEED (NTX)	ACTUAL	UNDER/OVER NTX
AGGREGATE	119,401	49,137	41.15%	41,871	35.07%	28,393	23.78%	80.00%	41.15%	20.00%	58.85%	OVER
BUILDING TYPE 1	36,469	15,825	43.39%	11,623	31.87%	9,021	24.74%	80.00%	43.39%	20.00%	56.61%	OVER
FRONT ELEVATION	14,846	6,040	40.68%	5,518	37.17%	3,288	22.15%					
REAR ELEVATION	10,011	4,369	43.64%	2,886	28.83%	2,756	27.53%					
LEFT ELEVATION	5,856	2,701	46.12%	1,393	23.79%	1,762	30.09%					
RIGHT ELEVATION	5,756	2,715	47.17%	1,826	31.72%	1,215	21.11%					
BUILDING TYPE 2	37,224	15,970	42.90%	13,205	35.47%	8,049	21.62%	80.00%	42.90%	20.00%	57.10%	OVER
FRONT ELEVATION	11,086	4,232	38.17%	4,272	38.54%	2,582	23.29%					
REAR ELEVATION	15,357	6,446	41.97%	5,822	37.91%	3,089	20.11%					
LEFT ELEVATION	4,949	2,667	53.89%	1,293	26.13%	989	19.98%					
RIGHT ELEVATION	5,832	2,625	45.01%	1,818	31.17%	1,389	23.82%					
BUILDING TYPE 3	41,226	15,854	38.46%	14,728	35.73%	10,644	25.82%	80.00%	38.46%	20.00%	61.54%	OVER
FRONT ELEVATION	14,347	5,587	38.94%	5,554	38.71%	3,206	22.35%					
REAR ELEVATION	10,920	3,747	34.31%	4,122	37.75%	3,051	27.94%					
LEFT ELEVATION	6,886	2,542	36.92%	2,190	31.80%	2,154	31.28%					
RIGHT ELEVATION	9,073	3,978	43.84%	2,862	31.54%	2,233	24.61%					
CLUBHOUSE	2,428	941	38.75%	1,187	48.91%	300	12.34%	80.00%	38.75%	20.00%	61.25%	OVER
FRONT ELEVATION	638	289	45.27%	267	41.93%	82	12.80%					
REAR ELEVATION	528	201	38.04%	235	44.55%	92	17.41%					
LEFT ELEVATION	649	224	34.54%	371	57.06%	55	8.40%					
RIGHT ELEVATION	613	227	37.04%	314	51.30%	71	11.66%					
POOL HOUSE	940	359	38.21%	433	46.05%	148	15.74%	80.00%	38.21%	20.00%	61.79%	OVER
FRONT ELEVATION	220	95	43.18%	96	43.33%	30	13.43%					
REAR ELEVATION	328	108	32.98%	161	48.98%	59	18.04%					
LEFT ELEVATION	198	78	39.36%	61	30.77%	59	29.87%					
RIGHT ELEVATION	194	78	40.26%	116	59.74%	-	0.00%					
MAIL KIOSK	394	-	0.00%	250	63.46%	144	36.54%	80.00%	0.00%	20.00%	100.00%	OVER
FRONT ELEVATION	125	-	0.00%	125	100.00%	-	0.00%					
REAR ELEVATION	125	-	0.00%	125	100.00%	-	0.00%					
LEFT ELEVATION	72	-	0.00%	-	0.00%	72	100.00%					
RIGHT ELEVATION	72	-	0.00%	-	0.00%	72	100.00%					
MAINTENANCE BUILDING	720	189	26.21%	444	61.71%	87	12.08%	80.00%	26.21%	20.00%	73.79%	OVER
FRONT ELEVATION	156	21	13.49%	118	75.60%	17	10.91%					
REAR ELEVATION	192	54	28.02%	122	63.16%	17	8.82%					
LEFT ELEVATION	175	57	32.61%	118	67.39%	-	0.00%					
RIGHT ELEVATION	198	57	28.80%	88	44.36%	53	26.84%					
TRASH COMPACTOR	835	835	100.00%	-	0.00%	-	0.00%	80.00%	100.00%	20.00%	0.00%	UNDER
FRONT ELEVATION	353	353	100.00%	-	0.00%	-	0.00%					
REAR ELEVATION	270	14	5.19%	-	0.00%	-	0.00%					
LEFT ELEVATION	302	302	100.00%	-	0.00%	-	0.00%					
RIGHT ELEVATION	302	166	54.97%	-	0.00%	-	0.00%					
NOTE: QUANTITIES LISTED ARE NOMINAL AND ARE NOT INTENDED FOR USE IN MATERIAL QUANTITY TAKEOFFS FOR CONSTRUCTION PURPOSES.												



Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director

Subject: RD-02-22: Petition for Acceptance of Roads Within Arboretum Subdivision

Date: September 13, 2022

I. SUMMARY OF APPLICATION REQUEST:

Global Properties and Development, L.L.C. and The Arboretum Property Owners Association, Inc. are offering the road improvements and rights of way in the Arboretum, formerly known as Pine Arbor, residential subdivision for dedication to the Town of Southern Pines for perpetual maintenance.

II. STAFF COMMENTS:

The petitioners have submitted a Petition for acceptance of Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Lane (see Figure 1 below).

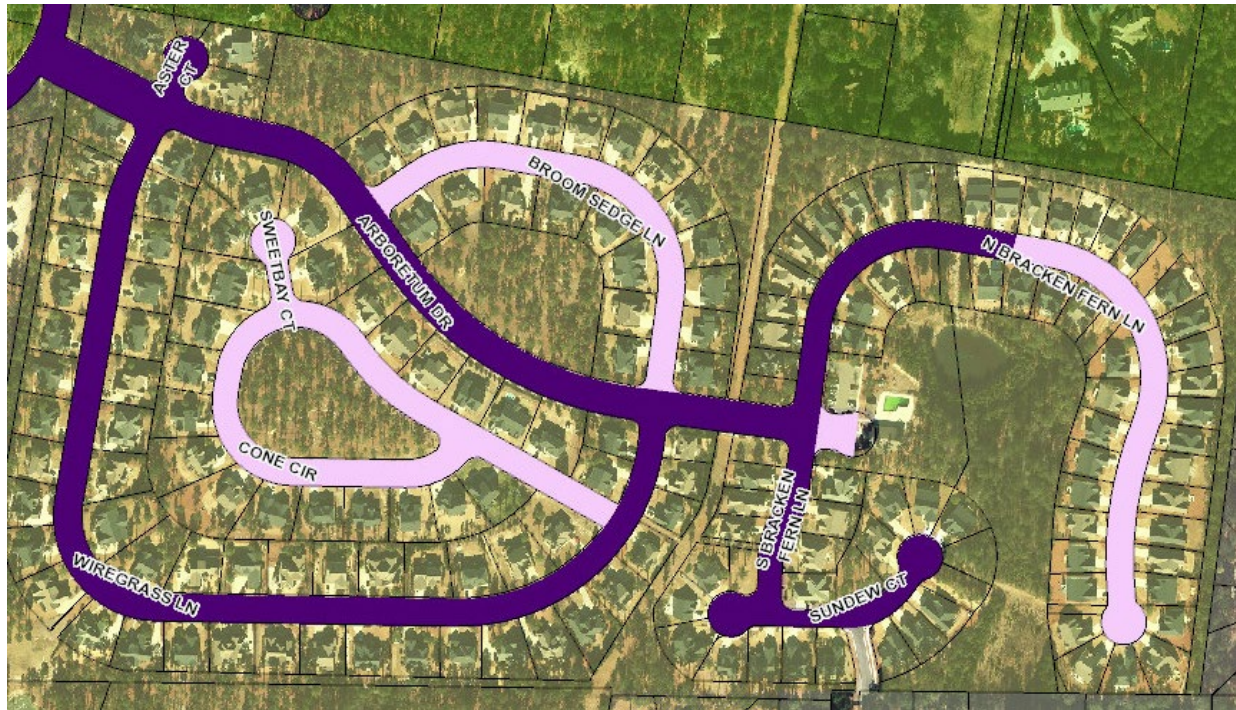
Pursuant to §100.21 of the Code of Ordinances of the Town of Southern Pines, in order for a street in the Town of Southern Pines to be offered for dedication to the public, the street must be shown on a plat and submitted to the Town for approval.

- A plat entitled “Arboretum Phase 3” showing the right of way for Broom Sedge Lane was approved on October 3, 2014 and recorded in Plat Cabinet 16, Slide 392. A copy of the recorded plat is attached to the draft resolution as Exhibit A.
- A plat entitled “Arboretum Phase 4” showing the rights of way for Sweet Bay Court and Cone Circle was approved on August 11, 2015 and recorded in Plat Cabinet 16, Slide 764. A copy of the recorded plat is attached to the draft resolution as Exhibit B.
- A plat entitled “Arboretum Phase 5” showing the right of way for North Bracken Fern Lane was approved on December 22, 2015 and recorded in Plat Cabinet 16, Slide 847. A copy of the recorded plat is attached to the draft resolution as Exhibit C.

The Town Engineer has inspected and approved construction of all required portions of Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Fern Lane, including street surfaces, curbs, sidewalks, streetlights and landscaping.

Staff has prepared a draft Resolution accepting an offer of dedication of Broom Sedge Lane located in Phase 3, Sweet Bay Court and Cone Circle located in Phase 4 and North Bracken Lane located in Phase 5 of the Arboretum residential subdivision for Council's consideration.

Figure 1: Vicinity and Zoning Map



RS-1, Residential Single Family	RS-3, Residential Single Family	PD, Planned Development	GB, General Business
RS-2CD, Residential Single Family - 2 Conditional District	RM-1, Residential Single & Multi-Family	FRR, Facilities Resources Recreation	GBCD, General Business Conditional District

III. ATTACHMENTS:

1. Petition for acceptance of Arboretum roads
2. Draft Resolution accepting offer of dedication
3. Subdivision plats

IV. TOWN COUNCIL ACTION:

To approve or deny the Resolution to accept the offer of dedication for Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Fern Lane located within Arboretum 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-02-22 for Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Lane located within Arboretum subdivision.
2. deny the Resolution accepting offer of dedication RD-02-22 for Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Lane located within Arboretum subdivision.
3. some other action.

GLOBAL PROPERTIES AND)
 DEVELOPMENT, L.L.C., a North Carolina)
 limited liability company, and THE)
 ARBORETUM PROPERTY OWNERS)
 ASSOCIATION, INC., a North Carolina)
 nonprofit corporation,)
)
 Petitioners)
)
 v.)
)
 TOWN OF SOUTHERN PINES, a)
 North Carolina municipal corporation,)
)
 Respondent)
 _____)

**PETITION FOR ACCEPTANCE OF
 SEDGE LANE, SWEET BAY COURT,
 CONE CIRCLE, AND NORTH BRACKEN
 FERN LANE ROAD INTO THE TOWN
 OF SOUTHERN PINES' STREET
 MAINTENANCE PROGRAM**

Petitioners, Global Properties and Development, L.L.C., a North Carolina limited liability company, (“Global”) and Arboretum Property Owners Association, Inc., a North Carolina nonprofit corporation, (the “Association”), hereby confirm their prior offer of dedication of Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane, as shown on plat thereof recorded in Plat Cabinet 13, Slide 906, Moore County Registry, a copy of which is attached hereto as Exhibit A (the “Plat”).

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,” and Petitioners hereby petition the Town of Southern Pines (the “Town”) to accept the dedication of Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane.

In support of this Petition and pursuant to Section 100.20-27 of the Town’s Code of Ordinances, Petitioners represent to the Town the following:

1. That Global is a limited liability company duly organized and existing under the laws of the State of North Carolina.
2. The Association is a nonprofit corporation duly incorporated and existing under the laws of the State of North Carolina.
3. That Global is the owner of Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane, which were previously, and is herewith being, offered for dedication to the Town, and that, as the owner of Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane, Global has the legal right to offer this Petition.
4. That the Association is the homeowners’ association that represents the owners of all of all the property that abuts Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane and thus joins in this Petition to acknowledge its consent to the request and action set forth herein.
5. That Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane 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 the Town’s

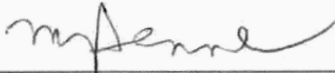
construction standards and that the Town's Inspection Department has confirmed same to the appropriate officials of the Town.

6. That there is no lien of any nature against that portion of Global's property over which Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane are built.

NOW, THEREFORE, Petitioners respectfully request the Town to accept Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane, which are shown on the Plat, for dedication and thereafter perpetually to maintain Broom Sedge Lane, Sweet Bay Court, Cone Circle, and North Bracken Fern Lane.

This the 7th day of ^{July}~~June~~, 2022.

GLOBAL PROPERTIES AND DEVELOPMENT, L.L.C.



Mark E. Brenner
Manager

ARBORETUM PROPERTY OWNERS ASSOCIATION, INC.

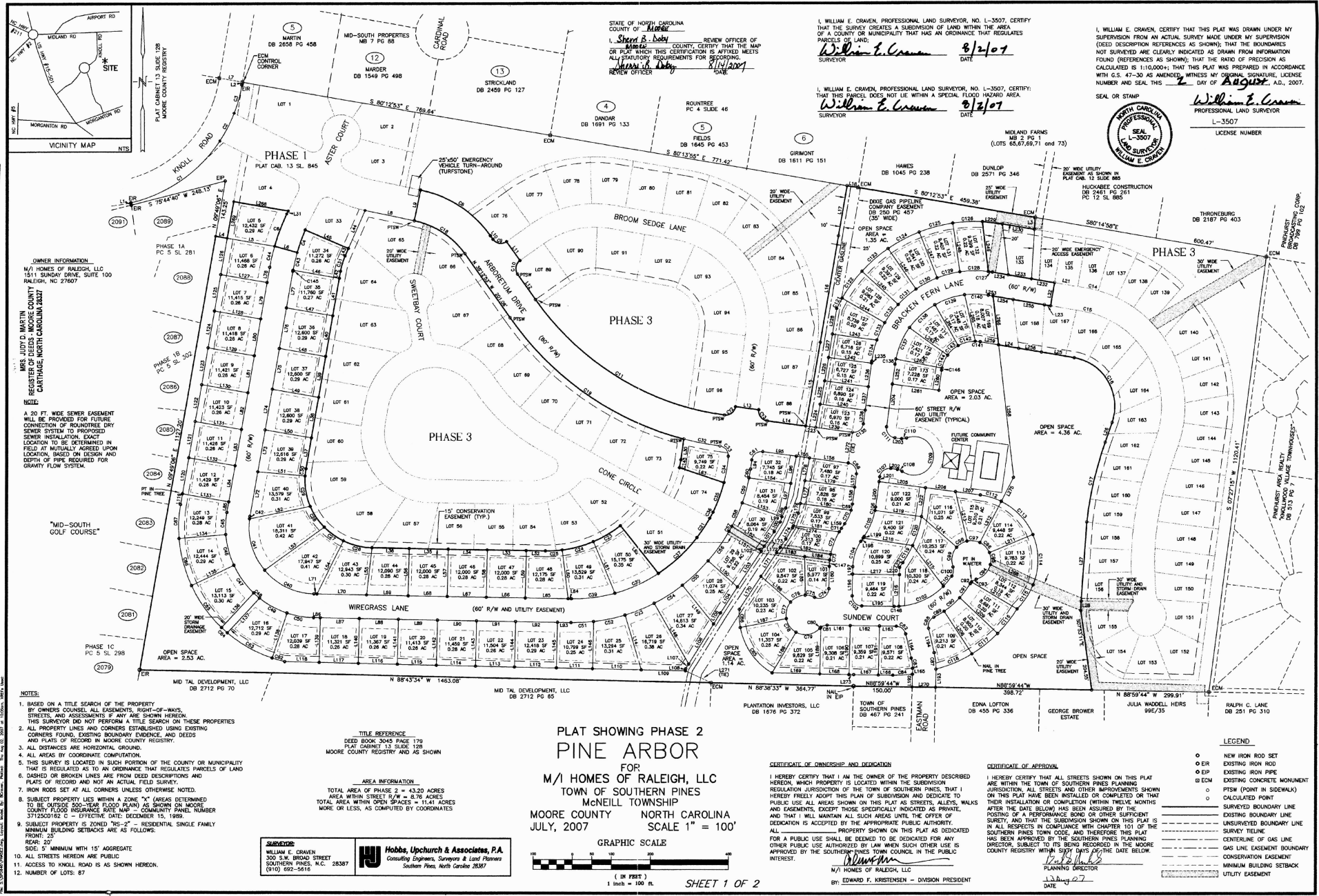


Lu Sims
President

906
Page 192

PLAT CABINET 13 SLIDE 206 207

MOORE COUNTY REGISTRY



TOWN OF SOUTHERN PINES RESOLUTION #1025
OFFICIALLY ACCEPTING OFFER OF DEDICATION TO THE PUBLIC FOR
ARBORETUM PHASES 3, 4 AND 5 ROADS
RD-02-22

WHEREAS, the Town of Southern Pines has subdivision-regulation jurisdiction over the land on which Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Fern Lane are located; and

WHEREAS, Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Fern Lane 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 “Arboretum Phase 3” recorded in Plat Cabinet 16 Slide 392 depicts Broom Sedge Lane as a 60’ Right of Way (Exhibit A), a plat entitled “Arboretum Phase 4” recorded in Plat Cabinet 16 Slide 764 depicts Sweet Bay Court as a 50’ Right of Way and Cone Circle as a 60’ Right of Way (Exhibit B) and a plat entitled “Arboretum Phase 5” recorded in Plat Cabinet 16 Slide 847 depicts North Bracken Fern Lane as a 60’ Right of Way (Exhibit C); and

WHEREAS, the aforementioned plats depict the accurate location of street boundary lines, ownership of adjacent properties and adjacent and intersecting streets; 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 Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Fern Lane, 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 Broom Sedge Lane, Sweet Bay Court, Cone Circle and North Bracken Fern Lane rights of way shown on Exhibit A, Exhibit B and Exhibit C attached hereto.

Adopted this 13th day of September, 2022.

ATTEST

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

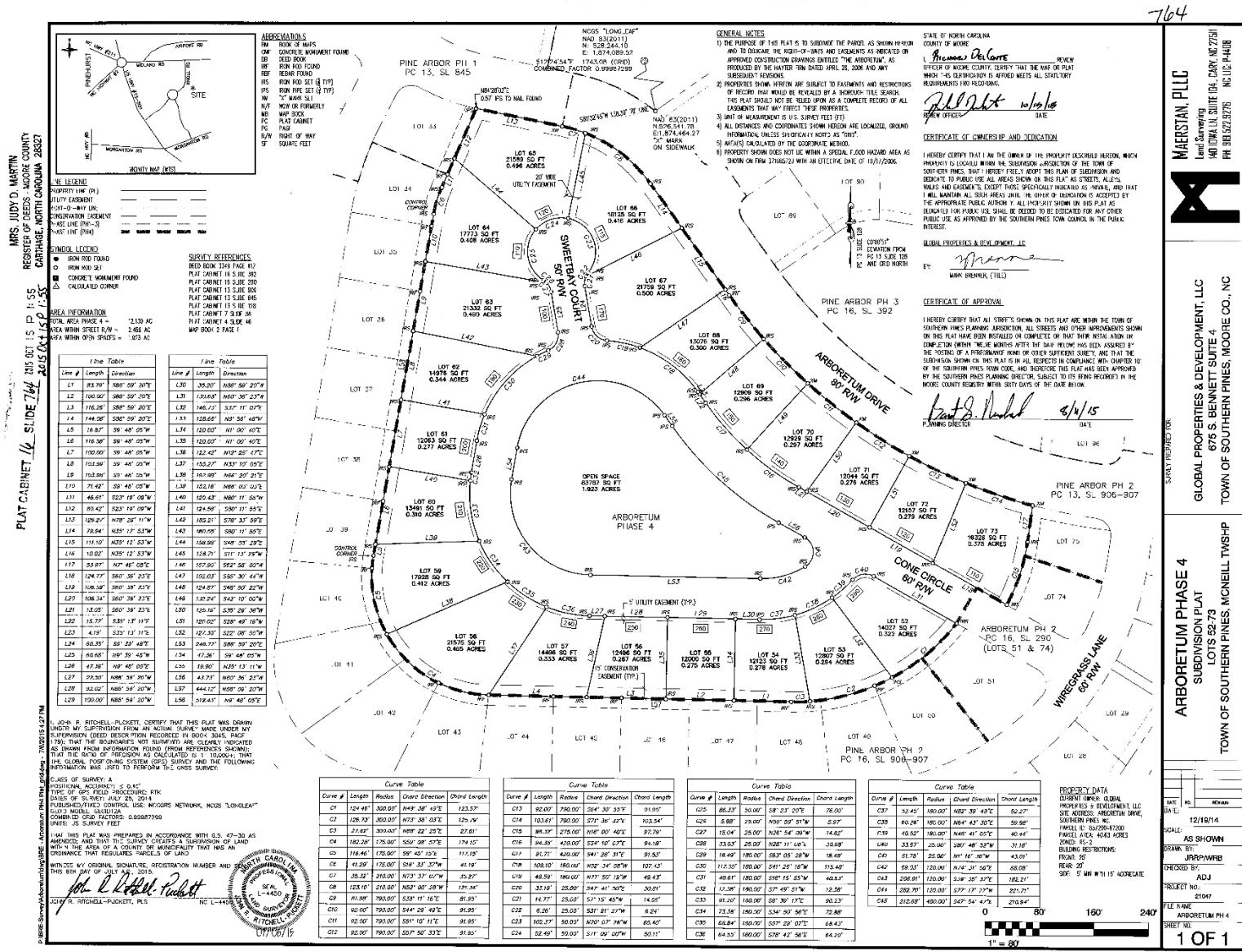
I certify that this Resolution was adopted by the Town Council of the Town of Southern Pines at its meeting on September 13, 2022, as shown in the minutes of the Town Council for that date.

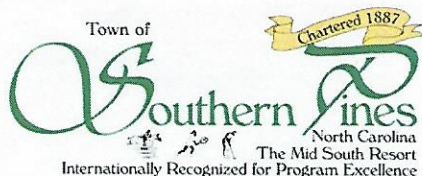
Elizabeth Robertson, Town Clerk

10/05/2014	1	ADD PHOTO, LOT NUMBERS & AREA
DATE:	NO.	10/05/2014
DATE: 6/04/14		
SCALE: AS SHOWN		
DRAWN BY: JRPP		
CHECKED BY: ADJ		
PROJECT NO.:		
FILE NAME: ARBORETUM PH 3		
SHEET NO. 1/1		

Page 468 of 517

Exhibit B





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

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: APPEARANCE COMMISSION

NAME: Lauren Cramer TELEPHONE: 760-212-4141

ADDRESS: 2796 Camp Easter Rd EMAIL: LaurenOlsonCramer@gmail.com

EDUCATIONAL BACKGROUND

high school & college in California

EMPLOYMENT

JOB TITLE: mom!

EMPLOYER: previously a event/catering manager at an event agency in California.

CIVIC AND PROFESSIONAL ACTIVITIES: I have always taken pride in my hometown & now that my family is here I want to jump in & help make SP the best it can be.

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: ASB in high school & college

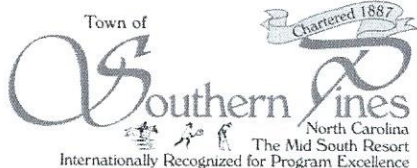
ANY ADDITIONAL INFORMATION AND COMMENTS: we bought a fixer-upper home in SP 4 years ago & have been bringing it back to life! We have loved seeing the history & potential of the city be brought to light.

DATE: 8/17/22 SIGNATURE: [Signature]

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

admin@southernpines.net

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



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

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: _____

The Appearance Commission

NAME: Carlin Girona TELEPHONE: 845-489-6392

ADDRESS: 555 NE Broad St. EMAIL: Arid7337@yahoo.com

EDUCATIONAL BACKGROUND

Master's Degree in Art Education

EMPLOYMENT

JOB TITLE: Part-time Adjunct Instructor

EMPLOYER: Sandhills Community College
Central Carolina Community College

CIVIC AND PROFESSIONAL ACTIVITIES: _____

my most recent volunteer opportunity
was helping in the construction process of the
Patrick Dougherty installation on the SCC campus.

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

N/A

ANY ADDITIONAL INFORMATION AND COMMENTS: _____

I worked as an art educator for
Moore County Schools for ten years
prior to having my two children.

DATE: 7/28/22 SIGNATURE: [Signature]

PLEASE RETURN TO:

Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

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

Agenda Item

To: Reagan Parsons, Town Manager

From: Cindy Williams, Planning Technician

Subject: AX-04-22: Set a Public Hearing for Voluntary Annexation of a 2.32 Acre Parcel and a 50' Private Right of Way Contiguous to the Corporate Limits of the Town of Southern Pines; Petitioners: S & S Partners, LLP and Morganton Park North Master Association, Inc.

Date: September 13, 2022

I. SUMMARY OF APPLICATION REQUEST:

William Stewart, M.D., on behalf of S & S Partners, LLP, and Charles Gregg, on behalf of Morganton Park North Master Association, Inc., are requesting voluntary annexation of contiguous parcels that are currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject parcels are identified as PIN 857100496541 (PARID 20190014) and PIN 857100495394 (PARID 20190273).

II. PRIOR TOWN COUNCIL ACTION:

At the August 22, 2022 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

III. PROJECT INFORMATION:

A. Physical Addresses:

105 Pavilion Way
Southern Pines, NC 28387

Pavilion Way
Southern Pines, NC 28387

B. Property Owners/Applicants:

S & S Partners, LLP/William Stewart, M.D.
195 W. Illinois Avenue
Southern Pines, NC 28387

Morganton Park North Master Association, Inc./Charles Gregg
2 Regional Circle
Pinehurst, NC 28374

C. Property Identification & Parcel Identification Numbers:

PIN 857100496541; PARID 20190014

PIN 857100495394; PARID 20190273

D. Size of Property:

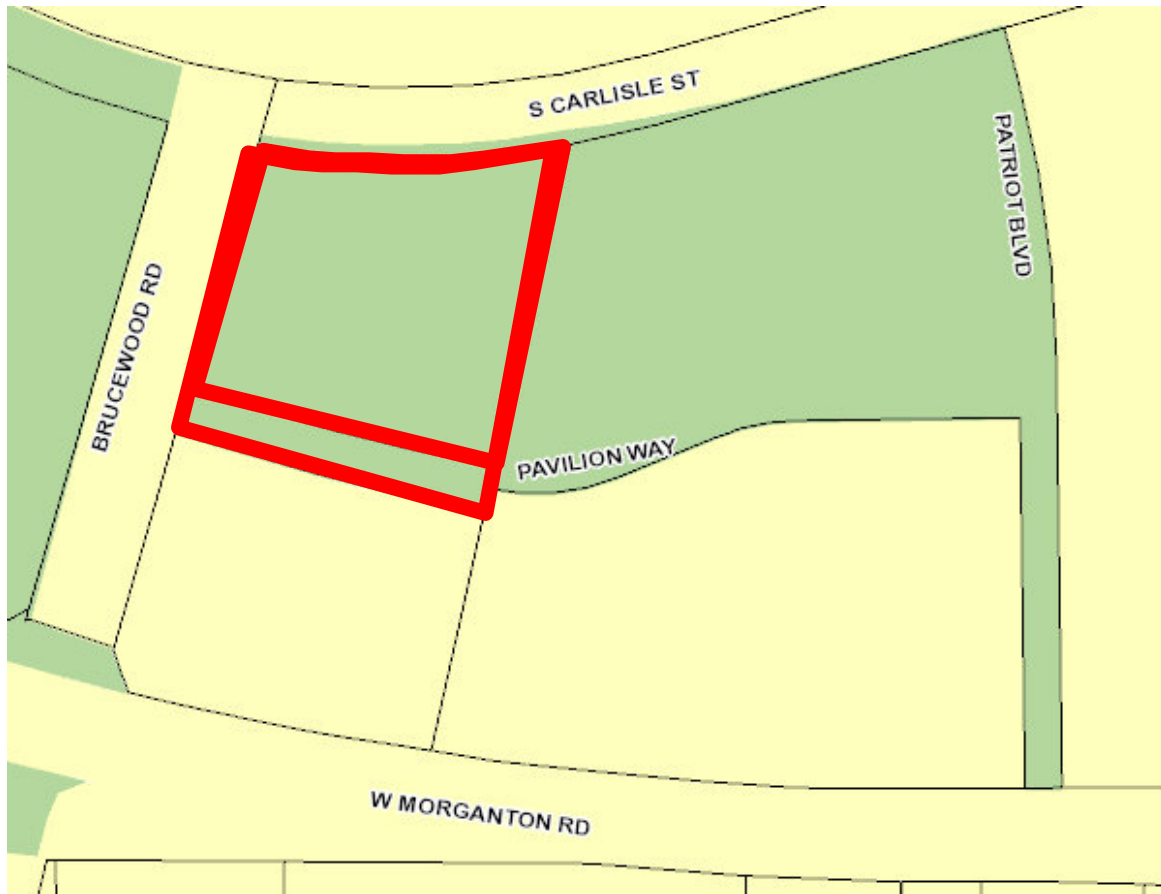
2.32 acres and 17,117 SF

IV. STAFF COMMENTS:

- The applicants have each submitted an annexation petition accompanied by a map and a written metes and bounds description of the subject property.
- The requests are voluntary requests for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject properties are presently zoned PD (Planned Development). The adjacent properties are also zoned PD.
- At the August 22, 2022 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petitions for voluntary annexation of the subject properties.
- The purpose of this agenda item is for the Town Council to adopt a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- **Comprehensive Long Range Plan Analysis:**
 - The subject properties are identified as “Traditional Mixed Use” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

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

Figure 1: Adjacent Property (Areas to be Annexed Outlined in Red)



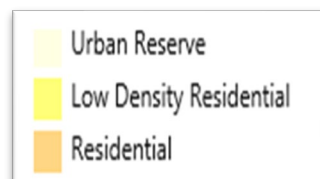
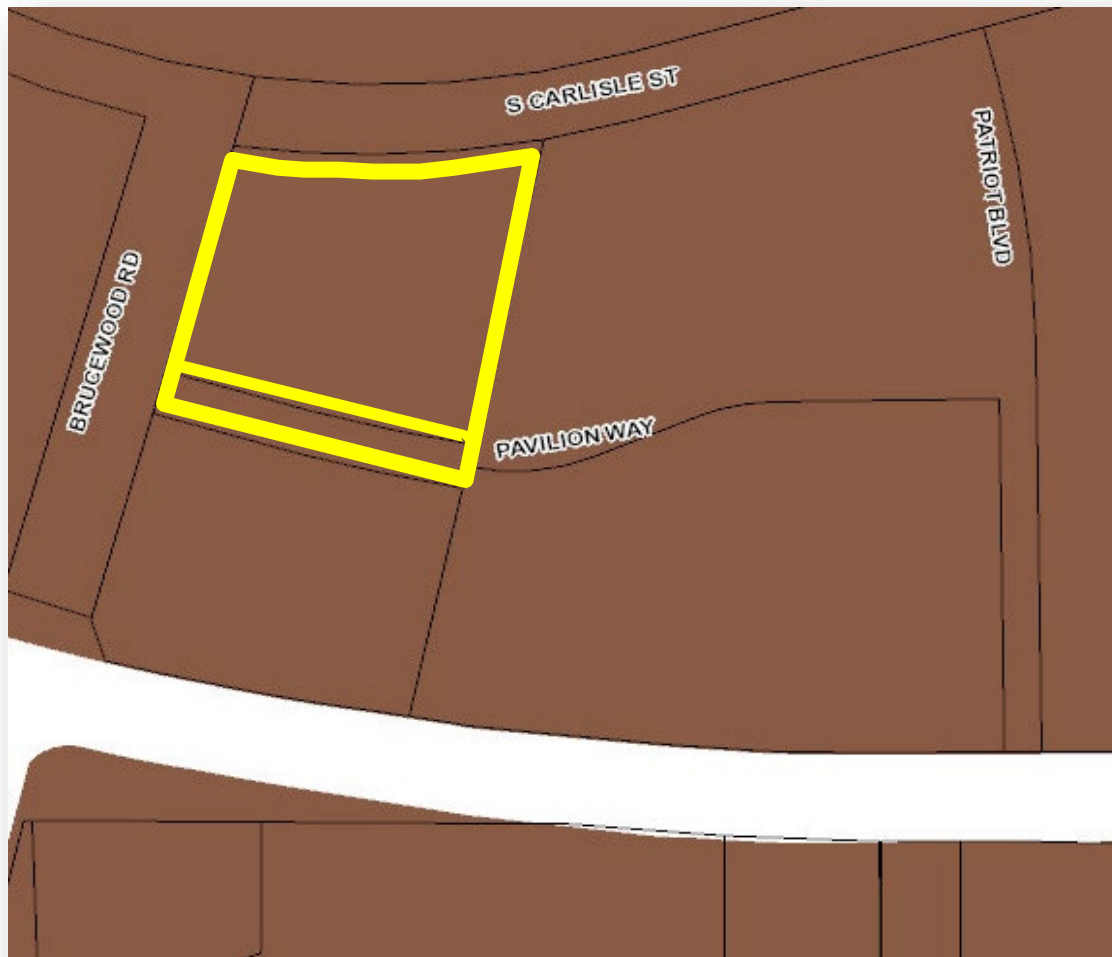
 Town of Southern Pines Corporate Limits

 Town of Southern Pines ETJ

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. Petitions
2. Written metes and bounds descriptions
3. Surveys of subject properties

VI. TOWN COUNCIL ACTION:

Upon receiving a Certificate of Sufficiency from the Town Clerk, the Town Council may fix a date for the public hearing to consider the annexation requests. The Town Council may choose one of the following motions, or any alternative they wish:

- 1) Per the Town Clerk's Certificate of Sufficiency, I move to adopt a Resolution establishing **October 11, 2022** as the date of the public hearing for the voluntary annexation of properties as defined in the submitted written metes and bounds descriptions under application AX-04-22.

-or-

- 2) I move to not adopt a Resolution establishing **October 11, 2022** as the date of the public hearing for the voluntary annexation of properties as defined in the submitted written metes and bounds descriptions under application AX-04-22.

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 857100496541; PARID: 20190014.

Property Owner(s):

Name: S & S PARTNERS,
L.L.P.

Signature: W. Stewart 8/2/2022

Address: 195 W ILLINOIS AVE

William H. STEWART, M.D.
General Partner

Southern Pines, NC 28387 - 5808

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

7-28-21

EXHIBIT A

Metes and Bounds Description of Property/Properties Petitioning for Voluntary Annexation

BEING A PORTION OF THE ROBERT W. & JULIE M VAN CAMP, THOMAS M. VAN CAMP, TRUSTEE TRACT OR PARCEL OF LAND IN MCNEILL TOWNSHIP, SOUTHERN PINES, MOORE COUNTY, NORTH CAROLINA, DESCRIBED IN DEED BOOK 4593 PAGE 407 IN THE MOORE COUNTY REGISTRY AND MORE PARTICULAR DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON ROD SET, SAID IRON ROD BEING LOCATED AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY OF PAVILION WAY (50' RIGHT-OF-WAY) AND THE EASTERN RIGHT-OF-WAY OF BRUCEWOOD ROAD (100' RIGHT-OF-WAY); THENCE WITH THE NORTHERN RIGHT-OF-WAY OF PAVILION WAY THE FOLLOWING CALLS: S 73°54'37" E A DISTANCE OF 164.22' TO AN IRON ROD SET;

THENCE A CURVE TO THE LEFT HAVING A RADIUS OF 1005.00' A CHORD BEARING OF S 76°20'11" E A CHORD DISTANCE OF 85.08' TO AN IRON ROD SET; THENCE S 78°45'45" E A DISTANCE OF 91.51' TO AN IRON ROD SET;

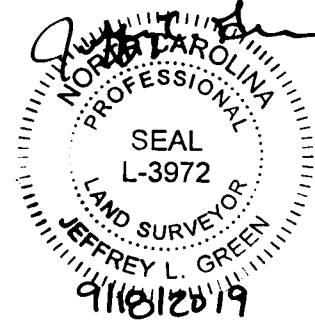
THENCE LEAVING THE PAVILION WAY NORTHERN RIGHT-OF-WAY N 12°34'40" E A DISTANCE OF 354.95' TO AN IRON ROD SET, SAID IRON ROD BEING LOCATED IN THE SOUTHERN RIGHT-OF-WAY OF SOUTH CARLISLE STREET (80' RIGHT-OF-WAY); THENCE A CURVE TO THE RIGHT HAVING A RADIUS OF 1080.00' A CHORD BEARING OF S 88°55'50" W A CHORD DISTANCE OF 333.92' TO AN IRON ROD SET, SAID IRON ROD BEING LOCATED AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY OF CARLISLE STREET AND THE EASTERN RIGHT-OF-WAY OF BRUCEWOOD ROAD; THENCE WITH THE EASTERN RIGHT-OF-WAY OF BRUCEWOOD ROAD S 16°00'21" W A DISTANCE OF 267.11' TO THE POINT OF BEGINNING HAVING AN AREA OF 2.32 ACRES.

7-28-21

I, JEFFREY L. GREEN, CERTIFY THAT THIS PLAT WAS DRAWN 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 NOT PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 10th DAY OF SEPTEMBER, A.D. 2019.

Jeffrey L. Green
PROFESSIONAL LAND SURVEYOR

L-3972
LICENSE NUMBER



I, JEFFREY L. GREEN, PROFESSIONAL LAND SURVEYOR, L-3972, CERTIFY TO THE FOLLOWING AS REQUIRED IN G.S. 47-30(b)(1):

THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

Jeffrey L. Green
SURVEYOR

9/18/2019
DATE

State of North Carolina
I, Deanna Spell, Review Officer of Moore County,
North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.
Deanna Spell
Review Officer
9-19-2019
Date

CERTIFICATE OF EXEMPTION

I HEREBY CERTIFY THAT THIS PLAT IS EXEMPT FROM THE DEVELOPMENT ORDINANCE UNDER DEFINITIONS OF EXEMPTION CONTAINED IN 2.19.2 IN THE TOWN OF SOUTHERN PINES UDO:

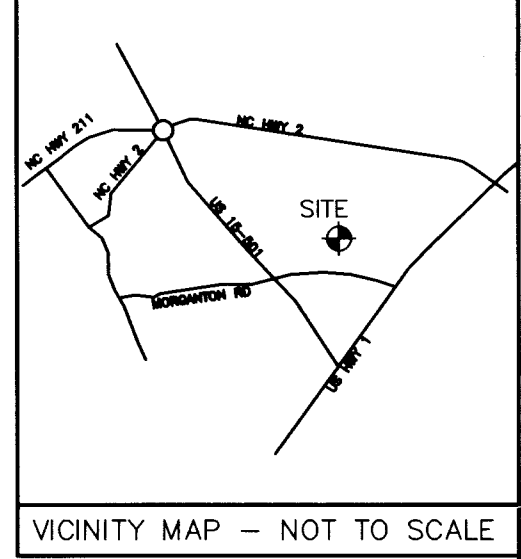
(B)THE DIVISION OF LAND INTO PARCELS GREATER THAN TEN(10) ACRES WHERE NO STREET RIGHT-OF-WAY DEDICATION IS INVOLVED.

Planning Director

9/18/19
DATE

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Pittman, II, NC
Moore County, NC
September 19, 2019 11:47:06 AM
Book 18 Page 239-239
FEE \$21.00
INSTRUMENT # 2019013866

PLAT CABINET 18 SLIDE 239

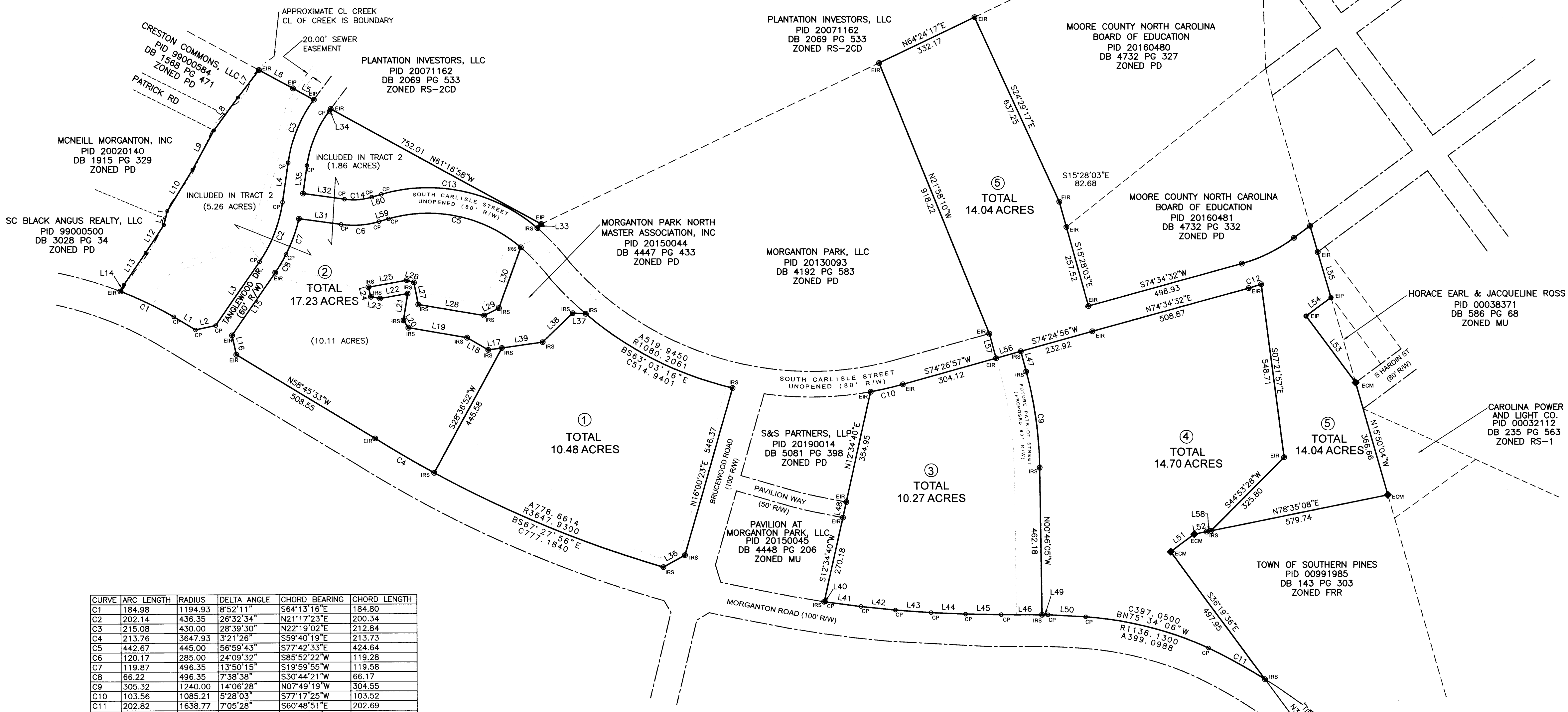


TITLE REFERENCE

PID 20150046
PIN 857100394875
DEED BOOK 4504 PAGE 322
MOORE COUNTY REGISTRY

PID 00037588
PIN 857100595604
DEED BOOK 4504 PAGE 322
MOORE COUNTY REGISTRY

LINE	BEARING	DISTANCE
L1	S58°45'33"E	79.57
L2	N77°45'19"E	64.86
L3	N34°33'35"E	243.15
L4	N08°09'28"E	125.44
L5	N60°51'02"W	74.01
L6	N61°28'45"W	121.48
L7	S37°23'38"W	108.94
L8	S36°13'26"W	127.60
L9	S28°50'09"W	139.85
L10	S31°28'15"W	151.79
L11	S13°36'05"W	44.91
L12	S33°33'17"W	105.13
L13	S34°09'02"W	120.88
L14	S26°43'17"W	23.99
L15	N34°33'35"E	239.46
L16	S12°17'53"E	61.85
L17	S81°56'55"W	43.42
L18	N59°39'48"W	76.25
L19	N80°20'29"W	187.26
L20	N33°33'20"W	27.44
L21	N08°50'56"E	85.46
L22	S79°49'31"W	88.02
L23	N79°02'33"W	28.85
L24	N14°11'01"W	31.27
L25	N79°39'48"E	121.51
L26	N73°18'34"W	24.15
L27	S10°50'05"E	70.87
L28	S80°21'04"E	209.29
L29	N63°19'16"E	51.79
L30	N19°57'19"E	203.40
L31	N82°02'52"W	133.16
L32	S82°02'52"E	131.14
L33	S43°21'21"W	17.59
L34	N35°00'46"E	9.05
L35	S08°00'27"W	88.36
L36	N60°53'55"E	76.69
L37	N87°29'51"W	41.24
L38	S46°08'20"W	130.69
L39	S81°56'41"W	128.92
L40	S80°47'15"E	4.40
L41	S82°27'33"E	111.62
L42	S84°00'26"E	108.22
L43	S85°44'17"E	112.32
L44	S87°27'10"E	108.02
L45	S89°03'27"E	112.41
L46	S89°39'43"E	127.56
L47	N14°52'33"W	65.47
L48	S12°34'40"W	50.01
L49	S89°39'43"E	118.60
L50	S86°48'02"E	118.37
L51	N53°20'16"E	92.38
L52	N78°35'08"E	40.26
L53	N36°34'09"W	260.49
L54	N53°26'54"E	97.56
L55	N18°04'13"W	148.77
L56	S74°26'37"W	80.01
L57	N15°37'23"W	80.03
L58	S78°35'08"W	13.41
L59	N73°47'36"E	30.99
L60	S73°47'36"W	30.99

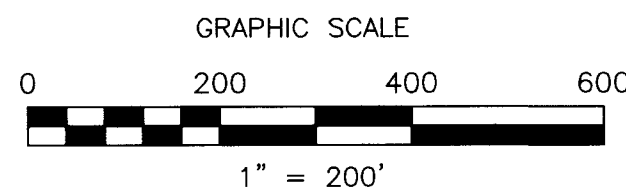


CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	184.98	1194.93	8°52'11"	S64°13'16"E	184.80
C2	202.14	436.35	26°32'34"	N21°17'23"E	200.34
C3	215.08	430.00	28°39'30"	N22°19'02"E	212.84
C4	213.76	3647.93	3°21'26"	S59°40'19"E	213.73
C5	442.67	445.00	56°59'43"	S77°42'33"E	424.64
C6	120.17	285.00	24°09'32"	S85°52'22"W	119.28
C7	119.87	496.35	1°35'01"	S19°59'55"W	119.58
C8	66.22	496.35	7°38'38"	S30°44'21"W	66.17
C9	305.32	1240.00	14°06'28"	N07°49'19"W	304.55
C10	103.56	1085.21	5°28'03"	S77°17'25"W	103.52
C11	202.82	1638.77	7°05'28"	S60°48'51"E	202.69
C12	41.06	580.00	4°03'23"	S72°26'38"W	41.05
C13	522.25	525.00	56°59'43"	N77°42'33"W	500.98
C14	86.44	205.00	24°09'32"	S85°52'22"W	85.80

LEGEND
UNLESS OTHERWISE DENOTED
● = EIR = EXISTING IRON ROD
● = IRS = IRON ROD SET
□ = ECM = EXISTING CONCRETE MONUMENT
○ = EIP = EXISTING IRON PIPE
"CC" = CONTROL CORNER
○ = UTILITY POLE
□ = SEWER CLENOT
--- = ADJOINING BOUNDARY LINE
--- = RIGHT-OF-WAY
--- = UTILITY EASEMENT (LOCATIONS PROVIDED BY THE TOWN OF SOUTHERN PINES)

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. 371085/1004 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 910.632.4003

EXCEMPT SURVEY OF
TRACTS 1, 2, 3, 4 & 5 MORGANTON PARK
MINERAL SPRINGS TOWNSHIP, TOWN OF SOUTHERN PINES
MOORE COUNTY, NORTH CAROLINA
SEPTEMBER 16, 2019 SCALE 1"= 200'
FIELD SURVEY- AUGUST, 2019



OWNER: ROBERT W. & JULIE M. VAN CAMP, TRUSTEE
P.O. BOX 1389
PINEHURST, N.C. 28370
SURVEYOR: JEFFREY L. GREEN, PLS
6322 BIG OAK CHURCH ROAD
EAGLE SPRINGS, N.C. 27242
(910) 975-2306

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: _____; PARID: _____.

Property Owner(s):

Name: Charles Gress

Signature: 

Address: _____

Name: _____

Signature: _____

Address: _____

Name: _____

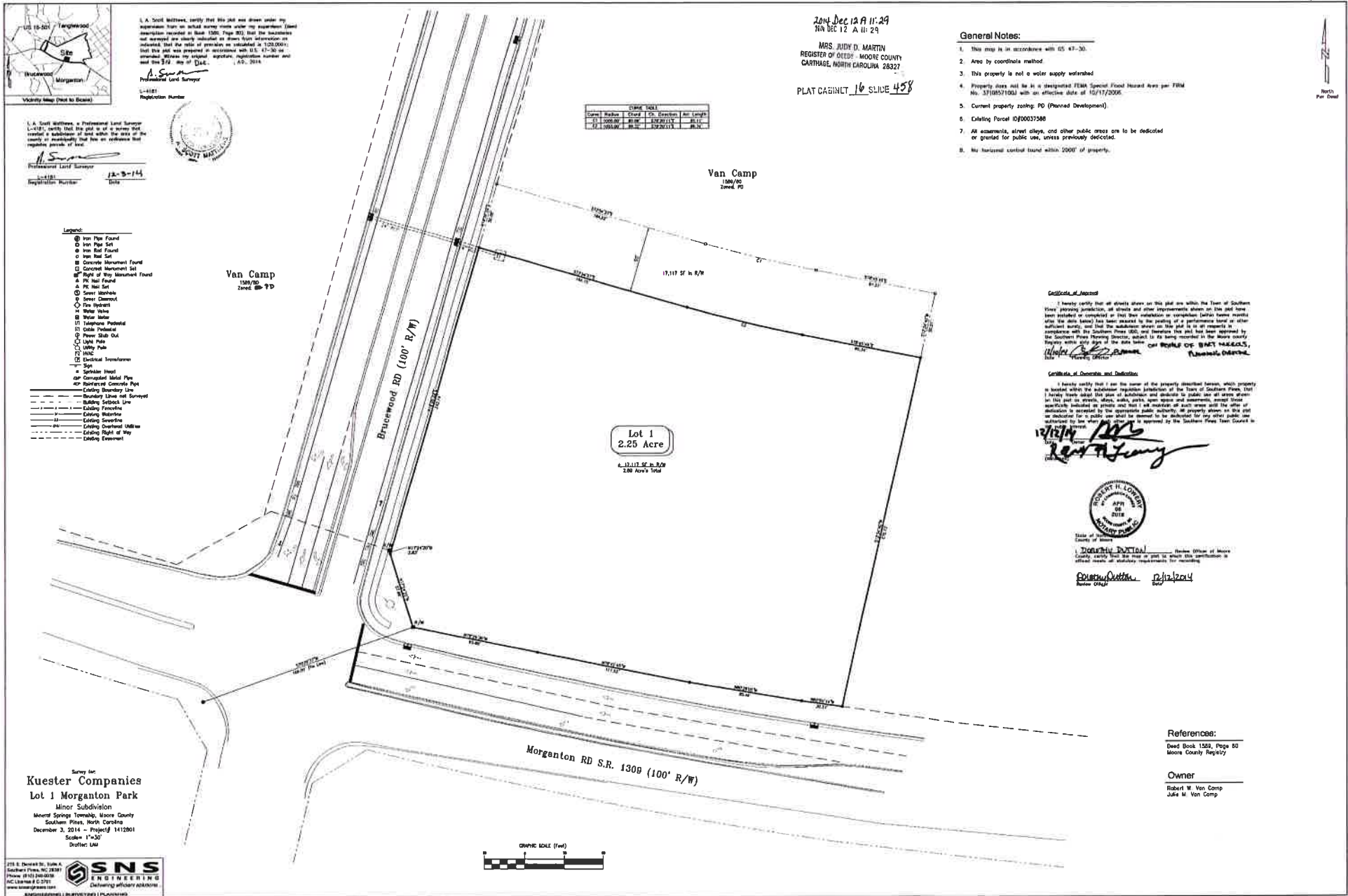
Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

Metes and Bounds Description of Pavilion Way

Beginning at an existing iron rod, said rod being the northwest corner of Lot 1 as shown on Plat Cabinet 16, Slide 458 in the Moore County Registry; thence from the beginning and with the eastern right of way of Brucewood Road N16°00'22"E 50.00' to a point; thence leaving the right of way S73°54'37"E 164.22' to a point, thence a curve to the left having a radius of 1,005' a chord direction of S76°20'11"E and a chord distance of 85.08' to a point; thence S78°45'45"E 91.51' to a point; thence S12°34'40"W 50.01' to an iron rod, the northeast corner of Lot 1; thence as the northern lines of Lot 1; N78°45'45"W 90.34' to an iron rod; thence a curve to the right having a radius of 1,055' a chord direction of N76°20'11"W and a chord distance of 89.32' to an iron rod; thence N73°54'37"W 164.15' to the point and place of beginning and containing 17,117 square feet more or less and being the 17,117 SF R/W as shown on Plat Cabinet 16, Slide 458 in the Moore County Registry.



TOWN OF SOUTHERN PINES RESOLUTION #1023
CERTIFICATE OF SUFFICIENCY
AX-04-22: Sandhills Pediatrics

To the Town Council of the Town of Southern Pines, North Carolina;

I, Elizabeth Robertson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

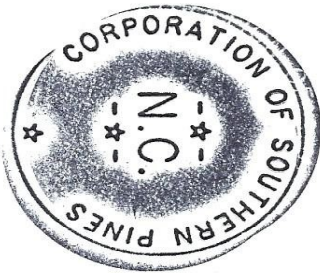
The petition contains an adequate property description of the area proposed for annexation, which is identified as follows: PIN 857100496541 (PARID: 20190014)

The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owner is listed as S & S Partners, LLP.

The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 30th day of August, 2022.


Elizabeth Robertson, Town Clerk



**TOWN OF SOUTHERN PINES RESOLUTION #1024
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION APPLICATION
AX-04-22; Sandhills Pediatrics**

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on October 11, 2022.

Section 2. The area proposed for annexation is described as follows:

Property Owners/Applicants:

S & S Partners, LLP. /William L. Stewart, M.D.
195 W. Illinois Avenue
Southern Pines, NC 28387

Property Identification Number (PIN) and Parcel Identification:

PIN: 857100496541; PARID: 20190014

Size of Property:

Total Acreage: 2.32 acres

Meets & Bounds Description:

Being a portion of the Robert W. & Julie M. Van Camp, Thomas M. Van Camp, Trustee Tract of Parcel of Land in McNeill Township, Southern Pines, Moore County, North Carolina, described in Deed Book 4593 Page 407 in the Moore County Registry and more particularly described as follows:

Beginning at an iron rod set, said iron rod being located at the intersection of the northern right-of-way of Pavilion Way (50' right-of-way) and the eastern right-of-way of Brucewood Road (100' right-of-way);
thence with the northern right-of-way of Pavilion Way the following calls: S 73°54'37" a distance of 164.22' to an iron rod set;
thence a curve to the left having a radius of 1005.00' a chord bearing of S 76°20'11" E a chord distance of 85.08' to an iron rod set;
thence leaving the pavilion way northern right-of-way N 12°34'40" E a distance of 357.95' to an iron rod set, said iron rod being located in the southern right-of-way of South Carlisle Street (80' right-of-way);
thence a curve to the right having a radius of 1080.00' a chord bearing of S 88°55'50" W a chord distance of 333.92' to an iron rod set, said iron rod being located at the intersection of the Southern right-of-way of Carlisle Street and the eastern right-of-way of Brucewood Road;
thence with the eastern right-of-way of Brucewood Road S 16°00'21" W a distance of 267.141' to the point of beginning having an area of 2.32 acres.

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 13th day of September, 2022.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

DRAFT

**TOWN OF SOUTHERN PINES RESOLUTION #1026
NOTICE OF INTENT TO ENTER INTO A LEASE WITH
WELCOME TO SOUTHERN PINES, INC. FOR THE SOUTHERN PINES TRAIN STATION**

WHEREAS, the Town of Southern Pines owns the building at 235 NW Broad Street that serves as the Southern Pines Train Station among other community purposes; and

WHEREAS, the Town has an existing lease agreement with Welcome to Southern Pines, Inc. which expires on October 31, 2022 for the purposes of providing visitor information and welcome services; and

WHEREAS, the Town supports the continued operation of the Welcome Center and Cultural History Museum in the Train Station.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 13th day of September, 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 Welcome to Southern Pines, Inc., "the lessee," for a term of three (3) years and provide for automatic renewal of two (2) additional terms of three (3) years each.
2. The Town of Southern Pines will lease part of the Southern Pines Train Station to the lessee at no charge. In exchange, the lessee will provide visitor information and welcome services. The costs of providing these services will be borne solely by the lessee.
3. The Town of Southern Pines does not have any intended needs for the portions of the Train Station included in the lease.
4. The Town Council intends to act on this lease at its regular meeting on Monday, October 24, 2022.
5. The Town Clerk shall provide notice of the Town Council's intent to enter into this lease in *The Pilot* newspaper no later than September 24, 2022.

Adopted this 13th day of September, 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 September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

**TOWN OF SOUTHERN PINES RESOLUTION #1027
NOTICE OF INTENT TO ENTER INTO A LEASE WITH
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS
FOR WATER TOWER LEASE FOR WIRELESS COMMUNICATION EQUIPMENT**

WHEREAS, the Town of Southern Pines owns the Weymouth Water Tank (Tank) at 475 N. Ridge Street; and

WHEREAS, the Town has an existing lease agreement with Alltel Communication, LLC d/b/a Verizon Wireless which expires on October 13, 2023 for the purposes of installing wireless communication equipment on said water tank; and

WHEREAS, the Town supports the continued operation and improvement of wireless communication services.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 13th day of September, 2022, that:

1. In accordance with North Carolina General Statutes §160A-272, the Town Council of Southern Pines announces its intent to amend the existing lease with Alltel Communication, LLC d/b/a Verizon Wireless to change Lessee to CELLCO Partnership d/b/a Verizon Wireless, "the lessee," and increase term an additional (5) years.
2. The Town of Southern Pines will lease part of the Tank to the lessee for an annual amount of \$63,000 with a 3% annual increase.
3. The Town of Southern Pines does not have any intended needs for the portions of the Tank included in the lease.
4. The Town Council intends to act on this lease at its regular meeting on Monday, October 24, 2022.
5. The Town Clerk shall provide notice of the Town Council's intent to enter into this lease in *The Pilot* newspaper no later than September 24, 2022.

Adopted this 13th day of September, 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 September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2022
AMENDING THE AMERICA RESCUE PLAN ACT
GRANT SPECIAL REVENUE FUND

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

Section 1: This ordinance is to amend the budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The Town of Southern Pines has received a total of \$4,671,148 of CSLFRF funds. These funds may be used for the following categories of expenditures, to the extent authorized by state law:

1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, 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, 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.

Section 2: The Town has elected to take the standard allowance, as authorized by 31 CFR Part 35.6(d)(1) and expend all its ARP/CSLFRF funds for the provision of government services.

Section 3: The following amounts are appropriate for the project and authorized for expenditure:

Internal Project Code	Project Description	Expenditure Category (EC)	Cost Object	Appropriation of ARP/CSLFRF Funds
001	General Administration services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$1,174,568
			Salaries 7/1/22 - 12/31/22	\$353,889
002	Cultural and Recreation services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$774,200
			Salaries 7/1/22 - 12/31/22	\$185,357
003	Public Safety services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$918,842
			Salaries 7/1/22 - 12/31/22	\$256,621
004	Economic and Physical Development services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$195,504
			Salaries 7/1/22 – 12/31/22	\$63,229
005	Utility Fund services for period of March 3, 2021 through December 31, 2022	6.1	Salaries 3/3/21 – 6/30/22	\$577,148
			Salaries 7/1/22 – 12/31/22	\$171,790
	TOTAL			\$4,671,148

Section 4: The following revenues are anticipated to be available to complete the project:

ARP/CSLFRF Funds:	\$4,671,148
General Fund Transfer:	\$3,063,114
Enterprise Fund Transfer:	\$ 577,148
Total Remaining:	\$1,030,886

Section 5: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements, including payroll documentation, in accordance with 2 CFR 200.430 & 2 CFR 200.431 and the Town’s Uniform Guidance Allowable Costs and Cost Principles Policy.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to Town Council.

Section 7: This grant project ordinance expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the Town, whichever occurs sooner.

Section 8: This amended ordinance becomes effective September 13, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2023
PROJECT BUDGET
MUNICIPAL SERVICE DISTRICT SPECIAL REVENUE FUND

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following ordinance is hereby established:

Section 1: The project authorized is the Municipal Service District #1, described in Ordinance #1993, dated the 12th of April, 2022 and approved at two meetings, May 10th, 2022 and June 14th, 2022.

Section 2: The officers of this unit are hereby directed to proceed with the project within the terms of the ordinance documents, the rules and regulations of the appropriate state laws and the budget contained herein.

Section 3: The following revenue is anticipated to be available;

Municipal Service District	<u>\$68,800</u>
Total Project Revenues:	<u>\$68,800</u>

Section 4: The following amounts are appropriated for the project:

Transfer Capital Projects – Infrastructure Improvements	<u>\$68,800</u>
Total Project Costs:	<u>\$68,800</u>

Section 5: The Finance Officer will hereby maintain a separate special revenue fund for the Municipal Service District project. The Finance Officer is hereby directed to maintain within the Special Revenue Fund sufficient specific detailed accounting records to provide accounting to the agency required by the agreement and federal and state regulations.

Section 6: Copies of the special revenue project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 7: The Finance Officer is directed to report annually on the financial status of each project element in Section 4 and on the total revenues received or claimed.

Section 8: The Finance Officer is directed to include a detailed analysis of past and future costs and revenues on this project in every budget submission made to this board.

This ordinance became effective July 1st, 2022.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2024
ESTABLISHING A SCHOOL ZONE AROUND SOUTHERN PINES ELEMENTARY SCHOOL
WITH A MAXIMUM SPEED LIMIT OF 25 MPH ON DAYS WHEN SCHOOL IS IN SESSION

WHEREAS, the Town of Southern Pines, as authorized by North Carolina General Statutes §20-141.1, “may, by ordinance, set speed limits lower than those designated in G.S. 20-141 for areas adjacent to or near a public, private or parochial school. Limits set pursuant to this section shall become effective when signs are erected giving notice of the school zone, the authorized speed limit, and the days and hours when the lower limit is effective.”; and

WHEREAS, Southern Pines Elementary School relocated to a new campus at 1015 S. Carlisle Street in January 2021 with an enrollment of over 500 students; and

WHEREAS, the surrounding neighborhood, via the West Southern Pines Community Connectors has requested that the Town establish a school zone with a reduced speed limit in order to safely mitigate the increased amount of pedestrian or vehicular traffic surrounding the time of the school’s beginning and ending school schedule; and

WHEREAS, the Town has reviewed the request and verified the conditions around the school campus and supports the creation of a school zone with a reduced speed limit.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 13th day of September, 2022, that:

1. In accordance with North Carolina General Statutes §141.1, the Town Council of Southern Pines establishes a school zone around Southern Pines Elementary School.
2. During the time period of thirty (30) minutes before to thirty (30) minutes after school begins and ends on days the school is actually in session, the maximum speed limit in the school zone is twenty-five (25) miles per hour (MPH).
3. The Town will design, locate, and erect regulatory signs providing notice of the school zone according to the standards of the Manual on Uniform Traffic Control Devices (MUTCD) with any local supplements, standards, or criteria and General Statutes §141.1.
4. The speed limits set pursuant to this ordinance shall become effective when the signs are erected giving notice of the school zone and may be enforced only on days when school is in session.

Adopted this 13th day of September, 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 September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2025
AMENDMENT TO THE TOWN CODE OF ORDINANCES
CHAPTER 50, WATER AND SEWER USE

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled this 13th day of September, 2022 that Chapter 50, Water and Sewer Use, Appendix A: Rates, Fees and Charges of the Code of Ordinances be amended as follows:

1. Revise APPENDIX A: RATES, FEES AND CHARGES by replacing the current Section (H) with the following:

(H) System development fees. These fees are subject to the Town of Southern Pines “Water and Wastewater System Development Fee Report” dated June 2020 and prepared by Freese and Nichols, Inc. The System Development Fee analysis calculated the following fees based on the specific water meter size:

<i>Water Meter Size</i>	<i>Water SDF Fee</i>	<i>Sewer SDF Fee</i>
3/4”	\$2,566.22	\$1,610.46
1” (1)	\$6,928.79	\$4,348.24
1 ½”	\$8,468.53	\$5,314.52
2”	\$17,193.67	\$10,790.08
3”	\$68,518.07	\$42,999.28
4”	\$136,779.53	\$85,837.52
6”	\$256,622.00	\$161,046.00
8”	\$598,699.13	\$375,720.32

(1) Single family residential, duplexes, and townhomes on separate parcels of land, utilizing a 1” water meter for the purpose of installing a residential fire sprinkler system shall be charged the SDF for a ¾” meter

These amendments shall become effective on October 1, 2022.

The Town of Southern Pines Code of Ordinances has been adopted in compliance with G.S. 160A-77. This ordinance contains an addition and/or modification to the Code of Ordinances and, by order of the Town Council, shall be published therein.

Adopted this 13th day of September, 2022.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Dewitt McCarley, Town Attorney

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 13, 2022 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

Consent Agenda Item

To: Reagan Parsons, Town Manager

From: James Michel, Town Engineer
Ron Istre, Utilities Superintendent

Subject: Amendment to the Town Code of Ordinances – Tap Fees

Date: September 13, 2022

In October of each year, the water and sewer tap fees are subject to an automatic price increase. The increase is determined by the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for all urban customers (CPI-U) for water and sewerage maintenance. The Town adjusts the rates effective October 1 of each year with the July – July unadjusted percent change that become available in August of each year. The rate adjustment effective October 1, 2022 for water and sewer taps is 4%. The numbers in parenthesis show the previous years fees, and the adjacent numbers are the new fees proposed for adoption.

Expenditure category	Relative importance June 2022	Unadjusted percent change		Seasonally adjusted percent change		
		Jul. 2021-Jul. 2022	Jun. 2022-Jul. 2022	Apr. 2022-May 2022	May 2022-Jun. 2022	Jun. 2022-Jul. 2022
Water and sewerage maintenance	0.771	4	0.6	0.2	0.3	0.5

TITLE V: PUBLIC WORKS

APPENDIX A: RATES, FEES AND CHARGES

(C) Connection Charges (Tap Fees). These fees are subject to increase automatically on October 1 each year, proportional to the annual average increase in the United States Bureau of Labor Statistics, Consumer Price Index for all urban consumers (CPI-U), U.S. city average, detailed expenditure category, for water and sewerage maintenance for the time period between July of the previous calendar year to July of the current calendar year. In all cases, the Town will furnish the meter.

TAP FEES		
<i>SEWER</i>		
	<i>In Town</i>	<i>Out of Town</i>
4" Connection	\$1,726 (\$1,660)	\$2,127 (\$2,045)

6" Connection	\$2,126 (\$2,044)	\$2,658 (\$2,556)
Mats/Labor Furnished	\$131 (\$126)	\$333 (\$320)
<i>WATER</i>		
	<i>In Town</i>	<i>Out of Town</i>
3/4" Water Tap	\$1,726 (\$1,660)	\$2,127 (\$2,045)
3/4" Split Service	\$796 (\$765)	\$997 (\$959)
3/4" Meter Only (preset)	\$371 (\$357)	\$465 (\$447)
1" Water Tap	\$1,994 (\$1,917)	\$2,526 (\$2,429)
1" Meter Only (preset)	\$633 (\$609)	\$737 (\$709)
1½" Water Tap	\$2,988 (\$2,873)	\$3,787 (\$3,641)
1½" Meter Only (preset)	\$956 (\$919)	\$1,115 (\$1,072)
2" Water Tap	\$3,388 (\$3,258)	\$4,119 (\$3,961)
2" Meter Only (preset)	\$1,203 (\$1,157)	\$1,402 (\$1,348)

*New Rate (FY 22-23 Rate)

MEMORANDUM

To: Reagan Parsons, Town Manager
From: James Michel, PE, MBA, Town Engineer/Assistant Public Works Director
Re: System Development Fees for 13-D Residential Fire Sprinkler Systems
Date: August 30, 2022

BACKGROUND

System Development Fees (SDF) are up-front fees charged to new developments connecting to the water and/or sewer system for the first time. They are designed to at least partially recover the cost of infrastructure investments required to provide the system capacity needed to serve the development. Southern Pines assess these fees based on the size of the water meter installed. A typical residential connection utilizes a $\frac{3}{4}$ " meter. The SDF assessed for a $\frac{3}{4}$ " meter totals \$2,566.22 for water and \$1,610.44 for sewer for a total SDF of \$4,176.66.

The Town is beginning to see projects with new residential structures utilizing internal sprinkler systems to provide fire protection. In a typical commercial building, fire sprinklers are fed off a dedicated fire line which is not metered. The commercial building then only pays the SDF on the domestic meter(s). A residential fire sprinkler system is built off of the internal plumbing which requires an increase to a 1" meter from the typical $\frac{3}{4}$ " meter. The SDF for a 1" meter is \$6,928.79 for water and \$4,348.24 for sewer for a total of \$11,277.03.

The question was posed to Town staff if the increase to the SDF can be waived or reduced in situations where the residential meter is being upsized to accommodate a fire sprinkler system. Staff brought this to Council at the July Work Session and several options were discussed. Staff has prepared the attached Ordinance Amendment based on this discussion and preferred option. The revision is included as a footnote to the fee table:

Single family residential, duplexes, and townhomes on separate parcels of land, utilizing a 1" water meter for the purpose of installing a residential fire sprinkler system shall be charged the SDF for a $\frac{3}{4}$ " meter

This foot note will direct reviewers to charge the typical $\frac{3}{4}$ " meter SDF or \$2,566.22 for water and \$1,610.44 for sewer for a total SDF of \$4,176.66 when the applicant is requesting a 1" meter for the purposes of installing a residential sprinkler system.



Prepared by: Duke Energy Progress, LLC
Return to: Duke Energy Progress, LLC
Attn: Kristi Culpepper
PO Box 690
Otto, NC 28763

Parcel # 00056649

EASEMENT

State of North Carolina

County of Moore

THIS EASEMENT (“**Easement**”) is made this ____ day of _____, 20____, from **TOWN OF SOUTHERN PINES**, a body corporate and politic organized under the laws of the State of North Carolina (“**Grantor**”, whether one or more), to **DUKE ENERGY PROGRESS, LLC**, a North Carolina limited liability company (“**Grantee**”).

Grantor, for and in consideration of the sum of One and 00/100 Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant unto Grantee a perpetual and non-exclusive easement, to construct, reconstruct, operate, patrol, maintain, repair, replace, relocate, add to, modify, and remove electric and communication lines including, but not limited to, all necessary supporting structures, and all other appurtenant apparatus and equipment for the transmission and distribution of electrical energy, and for technological purposes related to the operation of the electric facilities and for the communication purposes of Incumbent Local Exchange Carriers (collectively, “**Facilities**”).

Grantor is the owner of that certain property described in that instrument recorded in Deed Book 475, Page 70, Moore County Register of Deeds (“**Property**”).

The Facilities may be both overhead and underground and located in, upon, over, along, under, through, and across a portion of the Property within an easement area described as follows:

A strip of land thirty feet (30’) in uniform width for the overhead portion of said Facilities and a strip of land twenty feet (20’) in uniform width for the underground portion of said Facilities, lying equidistant on both sides of a centerline, which centerline shall be established by the center of the Facilities as installed, along with an area ten feet (10’) wide on all sides of the foundation of any Grantee enclosure/transformer, vault and/or manhole, (hereinafter referred to as the “**Easement Area**”).

For Grantee’s Internal Use:

Work Order #: 46074134

The rights granted herein include, but are not limited to, the following:

1. Grantee shall have the right of ingress and egress over the Easement Area, Property, and any adjoining lands now owned or hereinafter acquired by Grantor (using lanes, driveways, and adjoining public roads where practical as determined by Grantee).
2. Grantee shall have the right to trim, cut down, and remove from the Easement Area, at any time or times and using safe and generally accepted arboricultural practices, trees, limbs, undergrowth, other vegetation, and obstructions.
3. Grantee shall have the right to trim, cut down, and remove from the Property, at any time or times and using safe and generally accepted arboricultural practices, dead, diseased, weak, dying, or leaning trees or limbs, which, in the opinion of Grantee, might fall upon the Easement Area or interfere with the safe and reliable operation of the Facilities.
4. Grantee shall have the right to install necessary guy wires and anchors extending beyond the boundaries of the Easement Area.
5. Grantee shall have the right to relocate the Facilities and Easement Area on the Property to conform to any future highway or street relocation, widening, or alterations.
6. Grantor shall not place, or permit the placement of, any structures, improvements, facilities, or obstructions, within or adjacent to the Easement Area, which may interfere with the exercise of the rights granted herein to Grantee. Grantee shall have the right to remove any such structure, improvement, facility, or obstruction at the expense of Grantor.
7. Excluding the removal of vegetation, structures, improvements, facilities, and obstructions as provided herein, Grantee shall promptly repair or cause to be repaired any physical damage to the surface area of the Easement Area and Property resulting from the exercise of the rights granted herein to Grantee. Such repair shall be to a condition which is reasonably close to the condition prior to the damage, and shall only be to the extent such damage was caused by Grantee or its contractors or employees.
8. The rights granted in this Easement include the right to install Facilities wherever needed on the Property to serve future development on the Property and neighboring lands. Portions of the Facilities may be installed immediately and other portions may be installed in the future as the need develops. Facilities installed in the future shall be installed at locations mutually agreeable to the parties hereto if they are to be located outside of the Easement Area. Upon any future installations of Facilities at mutually agreed locations, the Easement Area shall be deemed to include such future locations at the widths defined in this Easement.
9. All other rights and privileges reasonably necessary, in Grantee's sole discretion, for the safe, reliable, and efficient installation, operation, and maintenance of the Facilities.

The terms Grantor and Grantee shall include the respective heirs, successors, and assigns of Grantor and Grantee. The failure of Grantee to exercise or continue to exercise or enforce any of the rights herein granted shall not be construed as a waiver or abandonment of the right thereafter at any time, or from time to time, to exercise any and all such rights.

TO HAVE AND TO HOLD said rights, privilege, and easement unto Grantee, its successors, licensees, and assigns, forever. Grantor warrants and covenants that Grantor has the full right and authority to convey to Grantee this perpetual Easement, and that Grantee shall have quiet and peaceful possession, use and enjoyment of the same.

IN WITNESS WHEREOF, Grantor has signed this Easement under seal effective this ____ day of _____, 20____.

TOWN OF SOUTHERN PINES
a body corporate and politic organized under the
laws of the State of North Carolina

CAROL R. HANEY, Mayor (SEAL)

Attest:

ELIZABETH ROBERTSON, Town Clerk

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public of _____ County, State of _____, certify that ELIZABETH ROBERTSON personally appeared before me this day and acknowledged that he/she is Town Clerk of TOWN OF SOUTHERN PINES, a body corporate and politic organized under the laws of the State of North Carolina, and that by authority duly given and as the act of said body corporate and politic organized under the laws of the State of North Carolina, the foregoing EASEMENT was signed in its name by its Mayor, sealed with its official seal, and attested by herself/himself as its Town Clerk.

Witness my hand and notarial seal, this ____ day of _____, 20____.



Notary Public: _____

Commission expires: _____



MINUTES

Wednesday, August 3, 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; Bill Pate; and Ann Petersen.

Mayor Haney commented on the re-dedication of Elizabeth Rounds Park and gave recognition to the town staff who organized the event.

The death of Lemuel Dowdy was mentioned and the Mayor expressed her condolences to the family.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Appoint a representative and alternate for the Moore County Transportation Committee

The Moore County Transportation Committee will be soon resuming their in-person meetings and has requested updated representative names. The last meeting was prior to Covid and our representative was Mitch Lancaster, who is no longer serving as a councilmember.

Town Manager Parsons gave an overview of the item to the Council.

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy, the following appointments were made to the Moore County Transportation Committee:

- Representative: Taylor Clement
- Alternate: Ann Petersen

The vote was unanimous.

Motion passed.

4. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

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.

Planning Director Grieve advised the Council that the applicants have requested a continuance to the Business Meeting on September 13, 2022, and the other parties have agreed.

Discussion ensued.

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.

Planning Director Grieve gave a brief overview of the item.

Discussion ensued.

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.

Principal Planner Pam Graham stated that due to this being a quasi-judicial hearing, that staff had no comments at this time and information of the project was contained within the meeting packet.

5. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

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..

Town Planner I Jennifer Hunt presented the staff report to the Council.

Applicants are present for Council questions.

Discussion ensued.

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.

Principal Planner Pam Graham presented the staff report to the Council.

Applicants are present for Council questions.

Discussion ensued.

The applicants are asked to return for the Business Meeting on August 9, 2022.

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.

Town Planner I Jennifer Hunt presented the staff report to the Council.

Applicants are present for Council questions.

Discussion ensued.

The applicants are asked to return for the Business Meeting on August 9, 2022.

e. 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).

Town Engineer James Michel reviewed the item for the Council.

Discussion ensued.

d. 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.

Principal Planner Pam Graham presented the staff report to the Council.

Applicants are present for Council questions.

Discussion ensued

Councilmember Petersen asked that the abandonment (Item e) be moved on the agenda to before the architectural review (Item d).

Council agreed.

f. Consider 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 the 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.

Assistant Town Manager Jessica Roth reviewed the proposed resolution to the Council.

Discussion ensued

g. 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.

Planning Director Grieve reviewed the proposed resolution to the Council.

Discussion ensued.

6. REVIEW PROPOSED CONSENT AGENDA FOR BUSINESS MEETING

Town Manager Reagan Parsons reviewed the Consent Agenda.

a. 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.

b. Adoption of 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.

c. 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.

d. 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.

e. 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.

f. 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.

7. CLOSED SESSION

a. Closed Session - Personnel

Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(6) to interview a candidate for consideration as the Town's next Attorney.

Councilmember Pate moved to enter into closed session as authorized in N.C.G.S. §143-318.11(a)(6), seconded by Mayor Pro Tem Murphy, for the purpose of interviewing a candidate for consideration as the Town's next Attorney. The vote was unanimous.

There was no action taken by Council during the closed session. Councilmember Pate motioned to exit closed session, seconded by Mayor Pro Tem Murphy. The vote was unanimous.

8. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 9:46 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, August 9, 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; Paul Murphy; Bill Pate; and Ann Petersen.

Absent: Taylor Clement

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda and proposed an addition to the Consent Agenda regarding the hiring of a new attorney upon current Town Attorney Doug Gill's planned retirement.

4. PUBLIC COMMENTS

David Sullivan of 19 Village Green Circle, Southern Pines Thanked the Council for their service and addressing UDO. Mr. Sullivan noted that Village Green is the home of many WWII veterans and asked them that, in regards to the Patricks Pointe project, they please be diligent and maintain the terms of the application because the citizens don't want the Town to look like West Fayetteville.

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.

The applicant has requested the hearing be continued to the Town Council Regular Business Meeting on September 13, 2022.

Planning Director BJ Grieve advised the Council that they had received a request from Mr. Andy Pettish, attorney, to continue the hearing to the next Business Meeting on September 13, 2022. Planning Director Grieve advised that the applicants had been told and responded via email that they agreed to the continuance.

Mr. Andy Pettish, attorney, advised that the parties had a Zoom call planned for later that week.

Councilmember Pate motioned to continue the public hearing for PD-04-22 to the September 13, 2022 Council Meeting, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

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.

Councilmember Petersen moved to open the hearing for AX-02-22; Pinehurst Surgical Clinic Site 3B, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Planning Director BJ Grieve reviewed the application and staff report for the Council.

Councilmember Petersen asked if the original building that was approved part of an SUP?

Planning Director Grieve advised that he responding from memory only, and believes the original approval was for Morganton Park Phase 7 and the PDP was approved as part of the CUP and was for a 60,000 sq ft medical building of 3 stories.

Councilmember Petersen questioned the height of the building. Planning Director Grieve is unable to answer and would have to check the plans.

Discussion ensued.

Councilmember Pate moved to close the hearing for AX-02-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed

Councilmember Pate moved to adopt the 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, seconded by Mayor Pro Tem Murphy, the vote was unanimous.

Motion passed.

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.

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.

No disclosures were made.

Councilmember Petersen moved to open the hearing for SU-04-22: Boles Funeral Home Addition, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed

Planning Director Grieve reviewed the application and staff report.

John Heckethorn, architect for the applicant, advised the Council that the addition is intended to be used as a lounge space for the staff.

Councilmember Petersen confirmed with the architect that the materials used would be consistent with the current building and that the addition would not impact the screening for the mechanical equipment and dumpsters. The location and intended use was also confirmed.

Councilmember Pate moved to close the hearing for SU-04-22: Boles Funeral Home Addition, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved to adopt Attachment A of the staff report as our Findings of Fact regarding the proposed Special Use Permit SU-04-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed

Councilmember Pate moved to approve Special Use Permit SU-04-22, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

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..

Mayor Haney gave a brief overview of the item.

Discussion ensued.

Councilmember Petersen confirmed with applicant, Andy Bledgie, that the only change to the building structurally would be to enclose the drive thru. Mr. Bledgie clarified that another 500 - 600 sq. feet would be added to the back of the building.

Councilmember Pate moved to approve AR-10-22: 600 SW Broad Street, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

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.

Mayor Haney gave a brief overview of the item.

Councilmember Pate confirmed that 2 options were given for the appearance of the outside of the building and stated that he, like the applicant, preferred Option 2.

Discussion ensued with all members of Council indicating that Option 2 was the preferred appearance.

Councilmember Pate moved to approve AR-13-22: Waterworks SNC, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

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.

Mayor Haney gave a brief overview of the item.

Councilmember Petersen questioned the staff on the interpretation of the UDO Standard regarding number of access points per unit. Town Planner I Jennifer Hunt and Planning Director Grieve, citing the breezeway equaling 2 access points, both agreed that the proposed building met the UDO Standard.

Mayor Pro Tem Murphy moved to approve AR-14-22: The Luxe at Morganton Park, seconded by Councilmember Pate; the vote was as follows:

Mayor Haney = aye

Mayor Pro Tem Murphy = aye

Councilmember Pate = aye

Councilmember Petersen = nay

Motion passed.

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).

Town Engineer James Michel presented the request to the Council with the conclusion that Mechanic Street is a recognized Town right-of-way while no evidence was found that Rhode Island Avenue was ever accepted by the Town as right-of-way and should not be considered by the Town.

Discussion ensued.

Town Attorney Doug Gill concurs with Town Engineer Michel's interpretation and, in his opinion, the Council should not vote on Rhode Island since there is no evidence that Rhode Island has ever been accepted through an offer of dedication and stated that the request to abandon Rhode Island Avenue has been withdrawn.

Planning Director Grieve clarified that the applicant in its application stated that they didn't feel that Rhode Island Avenue was the Town's right-of-way.

Councilmember Petersen feels a public hearing should be called to determine if Rhode Island belongs to the Town.

Discussion ensued.

Nick Robinson, attorney for the applicant, advised that the request for Rhode Island Avenue was made out of caution and the applicant does not believe that the Town has a right-of-way on Rhode Island Ave.

Councilmember Pate questioned the applicant about water management should the Town abandon the requested portions of Mechanic Street.

Bob Koontz, for the applicant, advised that there would be very little impact regardless of the decision of the Council and, if approved, would only improve the project.

Councilmember Pate moved to approve the request for a public hearing for RA-02-22: Request to Abandon Portions of Mechanic Street.

Councilmember Petersen moved to include Rhode Island Avenue in the vote.

Discussion ensued. No second was given.

Councilmember Pate moved to approve the request for a public hearing for RA-02-22: Request to Abandon Portions of Mechanic Street, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

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.

Kerry Finley of Finley Design for applicant VG Pines Residential, LLC Carey Finely, presented the request to the Council.

Discussion ensued.

Councilmember Pate moved to approve AR-15-22: Patrick's Pointe, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

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.

Mayor Pro Tem Murphy moved to approve Resolution #1019 accepting the 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, seconded by Councilmember Pate ; the vote was unanimous.

Motion passed.

g. Request to give Mayor Haney authorization to engage Dewitt McCarly of Parker Poe as Town Attorney

Request to give Mayor Haney authorization to engage Dewitt McCarly of Parker Poe as Town Attorney

Item g was added at the request of Town Manager Parsons during his review at the beginning of this meeting.

Councilmember Pate moved to approve the request to grant Mayor Haney the authorization to engage Dewitt McCarly of Parker Poe as Town Attorney, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

7. CONSENT AGENDA

Councilmember Pate moved to approve the Consent Agenda, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

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

Upon motion by Mayor Pro Tem Murphy, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 7:48 pm. ap bp 7:48

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT



MINUTES

Monday, August 22, 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; Paul Murphy; Bill Pate; and Ann Petersen.

Note: Taylor Clement entered the room at 3:05 pm

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider Written Decision for SU-04-22 Boles Funeral Home Expansion

Staff has prepared a formal Written Decision document for the application SU-04-22 Boles Funeral Home that was approved by the Town Council at the August 9th, 2022 Regular Meeting.

Mayor Haney introduced the item to the Council.

Mayor Pro Tem Murphy moved to approve the written decision for SU-04-22 as prepared by the Town staff, seconded by Councilmember Petersen; the vote was unanimous at 4-0 (Councilmember Clement was not present).

Motion passed.

b. Consider Resolutions #1020 and #1021 Authorizing the Donation of Town Surplus Property

- Resolution #1020 - Authorizing the donation of a surplus air compressor to the West End Fire and Rescue Squad, a 501(c)(3) organization. The air compressor is out of warranty and no longer supported by the manufacturer.

- Resolution #1021 - Authorizing the donation of surplus fire department turn-out gear to the Rotary Club of Southern Pines, a 501(c)(4) organization, so that they may redistribute to a developing and under-funded fire department in countries where standards regarding such gear allow it to be used. The surplus turn-out gear has surpassed its

service life pursuant to United States NFPA (National Fire Protection Agency) standards. Mayor Haney introduced the item to the Council. Discussion ensued.

Councilmember Pate moved to approve Resolution #1020 and Resolution #1021 regarding the donation of Town Surplus Property, seconded by Mayor Pro Tem Murphy ; the vote was unanimous. Motion passed.

c. Consider Resolution #1022: Direct Clerk to Investigate AX-04-22, S&S Partners, LLP

S&S Partners, LLP is petitioning the Town to annex approximately 2.32. acres of land located on the southeast corner of Brucewood Road and South Carlisle Street. The first step in the annexation process is for the Town Council to direct the Town Clerk to investigate the sufficiency of the petition and certify the result, per NCGS 160A-31(c). Mayor Haney introduced the item to the Council.

Councilmember Pate moved to approve Resolution #1022 directing the Town Clerk to investigate the petitions received for the voluntary annexation of properties as defined in the submitted written metes and bounds descriptions under application AX-04-22, seconded by Councilmember Clement; the vote was unanimous. Motion passed.

d. Comprehensive Long Range Plan Project Update & Appointment of Community Advisory Committee

Staff will provide an update on the CLRP project, including a list of community members that the Planning Board recommends to form a Community Advisory Committee (CAC). Per UDO Section 8.15 and NCGS 160D-306, the Town Council may formally create an advisory committee by ordinance. The CAC will then begin work with the project consultants.

Planning Director Grieve and Planning & Development Specialist Rachel Mann reviewed the proposed Ordinances to the Council. Discussion ensued.

i. Consider Ordinance Authorizing Creation of the Community Advisory Committee (CAC)

Adoption of an Ordinance per NCGS 160D-306 to create a Special Project Advisory Committee to assist with creation of the new Comprehensive Long Range Plan.

Councilmember Pate moved to approve Ordinance #2021 authorizing the creation of the Community Advisory Committee, seconded by Mayor Pro Tem Murphy; the vote was unanimous. Motion passed.

ii. Consider Appointments of the Community Advisory Committee (CAC)

The Town received 39 applications from people interested in serving on the CAC. The Planning Board has reviewed the applications and recommended 15 candidates for

Council to consider.

Councilmember Pate moved to accept the proposed appointments for the Community Advisory Committee, seconded by Mayor Pro Tem Murphy; the vote was unanimous. Motion passed.

4. COUNCIL UPDATES AND DISCUSSION

a. Proposed Lease with GoPines, LLC for Electric Vehicle Charging Stations

Staff has worked with 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). Council adopted on August 9th a Resolution of Intent to enter into a lease for this purpose; 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. GoPines, LLC will be present at the work session to answer any questions that Council may have regarding the proposed lease, installation, charges, and similar.

Assistant Town Manager Jessica Roth and Chris Hofinsperger from Go Pines, LLC were present to answer the Council's questions regarding the proposed lease agreement. Discussion ensued.

b. Welcome to Southern Pines Lease

Welcome to Southern Pines, Inc. has an existing lease with the Town for part of the train station in order to operate the Welcome Center and Cultural History Museum, along with carrying out the services required in the Caretaker Agreement with Amtrak. The existing lease expires at the end of October.

Town Manager Parsons discussed the item with the Council. Suzanne Coleman was present to answer any questions. Discussion ensued.

c. Blake Webb: Development Concept at 164 S. Bennett St.

Blake Webb with Capital Commercial, LLC and Carolina Commercial Property Management, LLC has requested a discussion with the Town Council regarding a potential mixed-use commercial building at 164 S. Bennett St.

Councilmember Petersen objected to the item being put on the meeting agenda before any application was filed.

Councilmember Clement asked if the Planning Department objected to this procedure.

Town Manager Parsons advised that this was a decision for the Council, not the Planning Department staff.

Discussion ensued.

Blake Webb from Capital Commercial, LLC along with Enrique Artiga of Artiga Designs gave an overview of the proposed project.

Discussion ensued.

d. Discuss the Potential of Creating a School Zone for Southern Pines Elementary

Staff will share the details of the request that has been received.
Town Manager Parsons reviewed the item for the Council.
Discussion ensued.

e. Douglass Community Center Name

The Town's "Douglass Community Center" was named in honor of Mayor Emanuel S. Douglass, who was the first African American Mayor of Southern Pines. The West Southern Pines Community Connectors have requested that the center be formally named E. S. Douglass Community Center to better clarify the reference.

Town Manager Parsons reviewed the item for the Council.
Dorothy Brower was present to answer the Council's questions
Discussion ensued.

5. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 4:20 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk