



AGENDA

Tuesday, April 11, 2023: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PUBLIC COMMENTS

5. PUBLIC HEARINGS

a. Z-01-23 Tiara Office Park

Jeffrey Barczak, on behalf of Richard Knight of Tiara Properties, LLC, has submitted a request to zone a currently un-zoned 1.25-acre parcel to Office/Service (OS) within the town's city limits. The subject parcel is located on the east corner of W. Wisconsin Ave. and SE Service Rd, which is located near the U.S. Highway 1 highway exit between the Morganton Road and W Pennsylvania Avenue exits.

b. PD-02-23 Conceptual Development Plan for +/- .786 acres on the West Side of S. Bennett Street between New York Avenue and Pennsylvania Avenue. HEARING DELAYED TO 05-09-23

Hearing delayed by Applicant Request 03-30-23

6. ACTION ITEMS

a. WP-01-23 Tiara Office Park

A request by Jeff Barczak, on behalf of Tiara Properties, PPC, for 3.61 acres of exemption allocation to develop an office park on the east corner of the intersection of W. Wisconsin Ave. and SE Service Road. The proposed development will include 31.2% built-upon area and therefore requires the requested allocation from the town's 5/70 water supply watershed acreage.

b. Consider AR-03-23 Amendments to AR-11-22 Walgreens & Heartland Dental Care

Barry Byrd with Barry Byrd Architecture, on behalf of Bradford Southern Pines, LLC, is applying for an amendment to a previously-approved Architectural Compliance Permit (AR-11-22). The changes to the original design of the exterior of the building may not be approved administratively per UDO 2.26.8.

c. Consider AR-01-23 Knollwood Tract Phase 2 Apartments

Hawthorne Residential Partners, LLC, requests approval of an Architectural Compliance Permit for a 236-unit apartment home community constituting Phase 2 of the Knollwood Tract CDP.

d. Consider AR-02-23 Homeward Kitchen

Mr. Dave Conklin of Golden Corral and Mr. Grey Isley of LMHT Associates are requesting an Architectural Compliance Permit for redevelopment of the previous Chick-Fil-A drive-through restaurant site, 10735 U.S. Highway 15-501.

7. CONSENT AGENDA

a. Resolution of Acceptance of North Carolina Department of Environmental Quality ARPA Grant for Sewer Collection System Improvements

The North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of **\$4,999,950** to perform construction of wastewater collection system improvements.

b. Approve Ordinances #2061, #2063 and #2064 for Budget Amendments

- Ordinance #2061 modifies the Fire Department Budget to allocate \$45,000 for increases in auto repair and maintenance expenditures. A memo from Chief Cameron is attached with more details.
- Ordinance #2063 and #2064 amends the Unpaved Street Capital Budget and Project Fund to rename the Fund and allocate \$900,000 for the purpose of using this fund for annual paving activities of the Town per the pavement conditions study performed every four years.

c. Resolution #1043 Approving the TJCOG Charter Amendment

Staff requests the Council adopt Resolution #1043 accepting and approving the amended charter resolution of Central Pines Regional Council (formerly Triangle J Council of Governments).

d. Town Council Meeting Minutes for March 2023

Staff has prepared the following meeting minutes for approval:

- March 7, 2023
- March 14, 2023
- March 28, 2023

8. ADJOURNMENT

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

Agenda Item

To: Town Council

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: Z-01-23: Initial zoning of ±1.25 acres on the northeast corner of SE Service Rd and W Wisconsin Ave presently not zoned (former NCDOT ROW) to OS (Office/Service); Applicant: Richard Knight, Tiara Properties, LLC

Date: April 11, 2023

I. SUMMARY OF APPLICATION REQUEST

Jeffrey Barczak, on behalf of Richard Knight of Tiara Properties, LLC, has submitted a request to zone a currently un-zoned 1.25-acre parcel to Office/Service (OS) within the town's city limits. The subject parcel was originally owned by the North Carolina Department of Transportation (i.e., NCDOT, a public entity) and was quitclaimed to Tiara Properties, LLC (i.e., a private entity). The subject parcel is located on the northeast corner of SE Service Road and W Wisconsin Avenue, which is located near the U.S. Highway 1 highway exit between the Morganton Road and W Pennsylvania Avenue exits.

II. PLANNING BOARD RECOMMENDATION

On March 23, 2023, the Town of Southern Pines Planning Board convened to hold a legislative public hearing regarding application Z-01-23. The public hearing was opened and concluded on the same day. Planning staff presented a brief description of the subject parcel, existing lot and adjacent land use, and listed the uses of the property that would be permitted if the rezoning was approved. Per UDO §2.17.9, planning staff provided a summary of the contents of the staff report addressing consistency with the zoning map amendment criteria. Planning staff concluded by recommending approval of Z-01-23 with a concurrent amendment to the Comprehensive Long-Range Plan (CLRP) Future Land Use Map.

Following staff's comments, Ms. Suzanne Coleman asked if the intended use of the property was known and expressed concern about the site developing like Patrick's Point. Chair Gary Carroll responded that the proposed use of the property was not part of the rezoning application and that any uses authorized in the OS zoning district would be permitted, if approved. After closing the public hearing, a motion was made by Ms. Diane Westbrook which was seconded by Mr. Cooper Carter. The motion stated that after reviewing the proposed amendment to the Town of Southern Pines Zoning Map and after considering the criteria for approval of Zoning Map Amendments found in UDO §2.17.9, the proposed amendments are consistent with the Comprehensive Long-Range Plan. The reasons are set forth in "Attachment 9" to staff report Z-01-23, the Planning Board

recommends approval of Z-01-23 to the Town Council. The motion carried by a vote of 5-0.

III. PROJECT INFORMATION

A. Physical Address

No address has been created for the subject property; however, it is located at the northeastern corner of the U.S. Highway 1/SE Service Road and W Wisconsin Avenue rights-of-way intersection.

Parcel ID: 20160148 (PIN 857100988668)

B. Property Owner/Applicant

Tiara Properties, LLC

2236 Kivett Dr.

Greensboro, NC 27406

C. Authorized Agent

Jeffrey Barczak

139 Grantham House Way

Apex, NC 27523

D. Existing Zoning

The subject property was previously a right-of-way owned by the NCDOT. The adjacent properties—also owned by Tiara Properties, LLC—are currently zoned OS and the subject property is in proximity to the Residential Mixed Housing (RM-2) zoning district, which allows for approximately five to seven dwelling units per acre. The principal uses in the OS zoning district include office, services, and medium-density residential. Due to the proximity to U.S. Route 1, a portion of the parcel also falls within the Urban Transition Highway Corridor Overlay District (See Figure 1 and Figure 2).

E. Comprehensive Long-Range Plan Designation for Future Land Uses

Within the Town of Southern Pines Comprehensive Long-Range Plan (CLRP), the site is not identified in one of the general land use categories for future land uses considering that it was previously NCDOT right-of-way property.

Figure 1: Vicinity Zoning Map and Urban Transition Highway Corridor Overlay with 2021 Aerial Basemap (approximate boundaries of proposed map amendment are outlined in blue).



Figure 2: Subject Property as of April 14, 2022, with Approximate Boundaries of Proposed Map Amendment (in Red).



IV. STAFF REVIEW

1. Review Process

When reviewing an application for zoning, the hearing bodies (Planning Board and Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.9 and outlined below.

2. Application Review Dates

Application Submitted: **February 13, 2023**

Application Deemed Complete: **February 20, 2023**

Planning Board Public Hearing Notice: **March 2, 2023**

Planning Board Regular Meeting: **March 23, 2023**

- The Planning Board held a public hearing for this request. The meeting provided an opportunity to hear comment from any member of the public on this legislative matter.
- Notices of the Planning Board's public hearing were posted, mailed and published as required by the UDO.

Town Council Agenda Meeting: **CANCELLED**

Town Council Regular Meeting: **April 11, 2023**

- The Town Council will hold a public hearing for this request. The meeting will provide an opportunity to hear comment from any member of the public on this legislative matter.
- Notices of the Town Council's public hearing were posted, mailed and published as required by the UDO.

3. Staff Consistency Evaluation Based on Criteria for the Rezoning of Subject Parcel for Zoning Map Amendment Review per UDO § 2.17.9

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

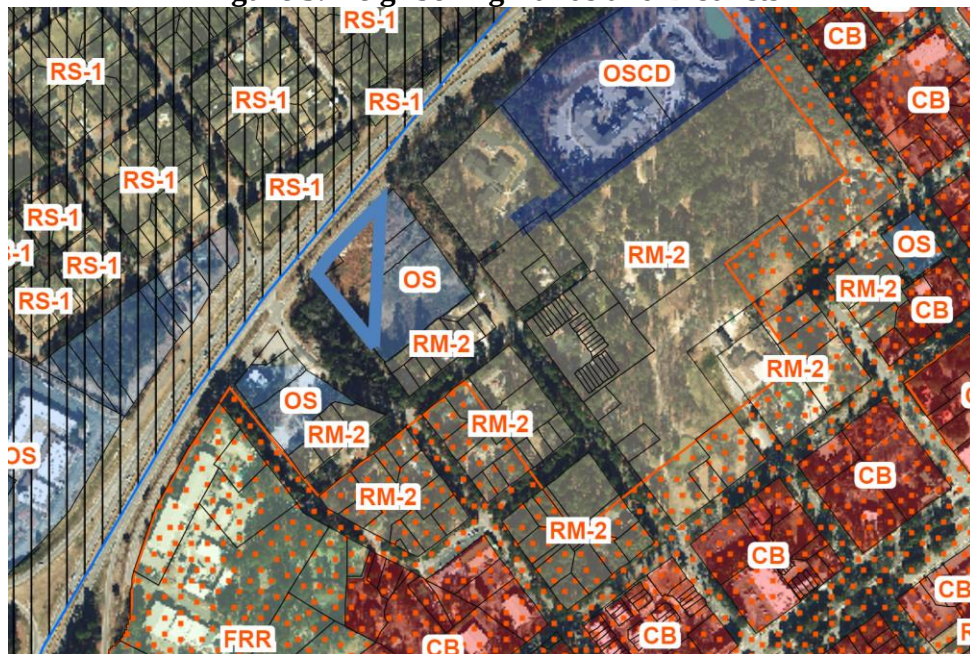
Consistency with the CLRP has been reviewed by looking at the document itself as well as the potential new allowed uses in the proposed OS zoning district and adjacent properties' categories on the Future Land Use Map. A comprehensive list of land uses that are allowed in OS can be found in bullet point "(H) Applicant Representations" below. The parcel is not identified in one of the general land use categories for future land uses considering that it was previously NCDOT right-of-way property.

However, the site is adjacent to parcels that are intended to be residential. According to the CLRP, residential future land use "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... neighborhood scale commercial services may be authorized through the rezoning process without amending the future land use map." Staff finds that all OS by-right uses would be appropriate in this area for "neighborhood-scale commercial services."

(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.*

Neighboring lands adjacent to the subject parcel are zoned OS. The southern portion of the block is zoned RM-2. Parcels across W Wisconsin Avenue's ROW are OS and RM-2, as well. Across from U.S. Highway 1, there are parcels zoned Residential Single-Family (RS-1) and OS. In addition to these and within a quarter-mile from the subject property, there are two additional zones: an OS Conditional Zoning District (i.e., the Southern Pines Gracious Retirement Living) and Facilities, Resources, and Recreation (i.e., FRR, the Town's Community Development building, the Town's GIS and Information Technology building, and the Boys and Girls Club). The boundary of the Downtown Overlay and West Southern Pine Overlay districts are within a quarter mile of the subject property, as well. Considering this mix of uses and the intended character of each district, the proposed OS zoning would be substantially consistent with the surrounding area.

Figure 3. Neighboring Lands and Districts



With regards to traffic congestion, the applicant has recently submitted a Trip Generation Analysis letter for a project on the subject property as part of their site plan review. Based on 26,400 square feet of office space used for the analysis (though 21,600 is being proposed) and two proposed access driveways, approximately 364 new daily trips are projected for this section of SE Service Road.

According to Kimley-Horn and Associates, INC., “As the site traffic will be spread over two driveways, neither one should have over 300 trips per day... Therefore, based on the low projected trip volume, no roadway improvements are recommended based on this analysis, and no other analysis should be required for this development.”

(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.*

- The subject property is not presently zoned, and to the Planning Department’s knowledge it has never been zoned.
- OS would be a more suitable zone than no zone considering that the NCDOT held the property for potential ROW development (per ROW agreements mentioned in the deed), but sold the property to the applicant as land “surplus.” Thus, the transfer of ownership from a public transportation agency to a private entity necessitates the request for zoning.
- Note that the subject property is within the Urban Transition Highway Corridor Overlay District due to its proximity to U.S. Highway 1. The highway corridor overlay districts are intended to place special land development controls on land adjacent to major highway corridors to protect environmental features (i.e., physical, aesthetic, recreational, and economic assets).
- The applicant claims in their narrative that, “The parcel in its current configuration prohibits it from being developed... [but] when combined with the adjacent parcels, will provide a suitable buildable 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.*

- No health, safety, or welfare concern has been identified based on the information that was provided in the application.
- There are no historic or archeological sites on the subject property to the applicant’s and Planning staff’s knowledge.

(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.*

- See comments under “(A) Consistency.”

(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.*

- The rezoning is for a single lot, the ownership of which has substantially changed recently. The lot was originally public property owned by NCDOT, but has since switched ownership to a private entity, which precipitated the rezoning request.

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

- The proposed zoning district’s current development standards for the subject property—which is approximately 35,500 square feet—are as follows:
 - Maximum height is 35 feet;
 - Minimum lot area for one dwelling unit is 10,000 square feet;
 - Minimum lot area per additional dwelling units is 3,600 square feet per unit; and
 - Setbacks and other development standards would default to the Urban Transition Highway Corridor Overlay district’s standards.
- For reference, several of the Urban Transition Highway Corridor Overlay district development standards currently are:
 - Minimum lot area of 40,000 square feet;
 - Minimum lot width is 200 feet;
 - Building setback is 75 feet;
 - 50-foot parking area setback;
 - 50-foot buffers from residential zones and 25-foot buffers from non-residential zones; and
 - Applicable minimum and maximum parking space requirements.
- The closest basic commercial services such as medical offices, grocery stores, eateries, coffee, schools and fitness centers exist in the downtown area, along Morganton Rd, and U.S. Highway 1.
- According to the Town of Southern Pines GIS, the water supply is high quality and part of Little River (Intake no. 2) with a classification of Water Supply III that is used for drinking, culinary, and food processing and is protected for Class C uses. According to UDO Exhibit 3-14, “*New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption.*”

*(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.*

- OS zoning district is meant, primarily, to accommodate office and service uses as well as medium-density residential uses. The district objectives are to (1) encourage land uses that buffer residential districts from intensive non-residential uses and arterial streets, (2) provide aesthetic controls and dimensional requirements to ensure compatible office and service development with surrounding residential uses, (3) encourage a mixture of medium-density residential uses with offices and services, and (4) allow for single-family dwellings in business corridors to be used for business or residential purposes.
- The boards should consider the full range of possible uses in the proposed new OS zone. The authorized uses (either permitted by-right, allowed with supplemental standards, or as conditional uses) are listed below.
 - **Residence or accommodation functions**, including single-family detached and attached dwellings; two-family dwellings; accessory dwellings; multifamily; assisted living homes; bed and breakfast homes; rooming/boarding house; and a hotel, motel, or tourist home or court.
 - **General sales or services**, including banking and credit services, insurance-related services, other financial establishments, real estate services, rental housing property management services, intellectual property establishments, legal services, accounting services, architectural- and engineering-related services, design services, consulting services, advertising and media services, administrative services (except collection agencies), and travel services.
 - **Transportation, communication, information, and utilities**, including newspaper publishing, software publishing, motion picture and video production, telecommunication towers and antennas 50 feet tall or less, telephone/wired communications, online information services, library or archive, news syndicate, electric service distribution lines, natural gas service, water service, and wastewater service.
 - **Arts, entertainment, and recreation**, including agent and management services, independent artists, museum, historical institution, private fitness facilities, and natural or other recreational parks without special economic functions.
 - **Education, public administration, health care, and other institutions**, including public administrative offices, civilian courts of law and correctional institutions, fire and rescue services, police

services, emergency response services, clinics and health spas, outpatient family planning and care clinic, child and youth services, child daycare, associations, clubs, and non-profit organizations.

- **Agriculture**, including outdoor crop production.
- **Miscellaneous land uses**, including temporary uses, subdivisions, combination uses, and home occupations.

4. General Staff Comments

- A site plan review application has been submitted (ZP-15-22 Tiara Office Park) for the subject property and is still under review.
- The applicant may recombine adjacent parcels that they own into one parcel to make it “more developable.”
- Planning staff believe that the OS zoning district is a reasonable and appropriate zoning district for the subject property.

5. Outside Agency Comments

- A request for comments was emailed to agencies on February 24, 2023. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT).
- RLUAC responded on March 9, 2023, and stated that they do not have any comments.

6. Staff Recommendation

Planning staff recommend that the Town Council approve the rezoning request for Parcel ID 20160148 from no zone to OS. If approved, the CLRP Future Land Use Map should be updated accordingly pursuant to NCGS 160D-605(a) to Commercial.

V. ATTACHMENTS

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

1. Signed Planning Board Resolution Adopting a Written Recommendation for the Zoning Map Amendment Application
2. Zoning Map Amendment Application
3. List of Adjacent Property Owners and Legal Description of the Subject Property
4. Deed
5. Narrative for Proposed Amendment
6. Survey and GIS Tax Parcel Update
7. Proposed Site Plan for Tiara Office Park
8. Traffic Trip Generation Letter
9. Agency Comments (all)

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

VI. TOWN COUNCIL ACTION:

A request for a zoning map amendment approval is a request for a rezoning. Per North Carolina General Statute 160D-601(a), before adopting the rezoning, the Town Council shall hold a legislative hearing. Per North Carolina General Statute 160D-605(a) the Town Council shall also approve a statement addressing consistency or inconsistency 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 and shall approve a brief statement describing whether its action is consistent with an adopted comprehensive plan.

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

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

1. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Memorial Park neighborhood and the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) considering that the parcel switched from a publicly-owned right of way to private ownership. The Future Land Use Map does not categorize the subject parcel. Therefore, pursuant to NCGS 160D-605(a), a plan amendment to the CLRP Future Land Use Map on the parcel to "Commercial" has been considered concurrently with the zoning amendment. The requested rezoning is a reasonable request for the reasons set forth in the written Planning Board recommendation attached to staff report Z-01-23;

-OR-

2. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Memorial Park neighborhood and the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) considering that the parcel switched from a publicly-owned right of way to private ownership. The Future Land Use Map does not categorize the subject parcel. Therefore, pursuant to NCGS 160D-605(a), a plan amendment to the CLRP Future Land Use Map on the parcel to "Commercial" has been considered concurrently with the zoning amendment. The requested rezoning is a reasonable request for the reasons set forth in the written Planning Board recommendation attached to staff report Z-01-23 as modified by Town Council as follows:

a.

-OR-

3. The requested rezoning is inconsistent with the Comprehensive Long-Range Plan and is not a reasonable request for the following reasons:

a.

And, therefore, I move to:

1. Approve Z-01-23 as submitted and as set forth in attachments to staff report Z-01-23;

-OR-

2. Deny Z-01-23.



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
Z-01-23**

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

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

WHEREAS, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report, application materials, documentation, and maps showing the proposed district boundaries—and has conducted a public hearing on March 23, 2023, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application Z-01-23.

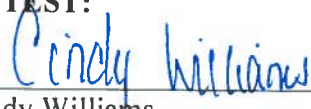
NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Memorial Park neighborhood. The Planning Board recommends adopting the zoning map amendment request for OS (Office/Service) districting on the northeast corner of the intersection of Southeast Service Road and West Wisconsin Avenue in the Town of Southern Pines. The proposed zoning amendment is consistent with the text of the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) considering that the parcel has switched from public to private ownership and the OS zoning district will allow opportunities for economic development, housing, recreation, and/or public facilities and services. The Future Land Use Map does not categorize the subject parcel. Therefore, pursuant to NCGS 160D-605(a), a plan amendment to the CLRP Future Land Use Map and a zoning amendment should be considered concurrently with no additional request or application for a plan amendment required by the applicant. The Planning Board recommends the governing board adopt the zoning amendment and a plan amendment for Z-01-23.

ADOPTED this the 23rd day of March, 2023.



Gary Carroll, Chairman

ATTEST:



Cindy Williams
Secretary to the Planning Board



Zoning Map Amendment (Rezoning)

REQUIRED APPLICATION MATERIALS:

- ☒ **Application fee** in the amount of **\$1,500.00**.
- ☒ **Completed Application** for a Zoning Map Amendment (Rezoning) 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.
- ☒ **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.
- ☒ **Reasons for proposed amendment**: Explain the need for the proposed changes to the zoning map. Please provide additional text and/or maps to demonstrate consistency with the approval criteria listed in **UDO §2.17.9 Criteria for Zoning Map Amendments**. The list of criteria is attached.
- ☒ **Survey** of the subject property.
- ☒ **Written metes and bounds description** of the subject property.
- ☒ **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 materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board followed by a public hearing 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 rezoning request.
3. **Approval**: The approval of an amendment to the UDO text or Zoning Map does not authorize the use, occupancy, or development of property until the applicant receives necessary development approvals, such as subdivision, site plan and building permits. (UDO §2.17.12)



Zoning Map Amendment Application

Fee: \$1,500.00

Date Received: _____

Case No.: Z-____-____

Project Information:

Street Address: Parcel is located on SE Service Road between Wisconsin Ave and Illinois Ave.

PIN: 857100988668

Parcel ID: 20160148

Site Size: 1.25 acres

Zoning: no zoning

Applicant:

Name(s): Richard Knight

Email: tiarapropertiesllc@gmail.com

Phone: 304-541-1492

Mailing Address: 2236 Kivette Drive, Greensboro, NC. 27406

Authorized Agent, if different from Applicant:

Name(s): Jeffrey Barczak

Email: barczakengineering@gmail.com

Phone: 414-429-4865

Mailing Address: 139 Grantham House Way, Apex, NC. 27523

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

Name(s): Tiara Properties LLC

Email: tiarapropertiesllc@gmail.com

Phone: 304-541-1492

Mailing Address: 2236 Kivette Drive, Greensboro, NC. 27406

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 to grant a zoning map amendment as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

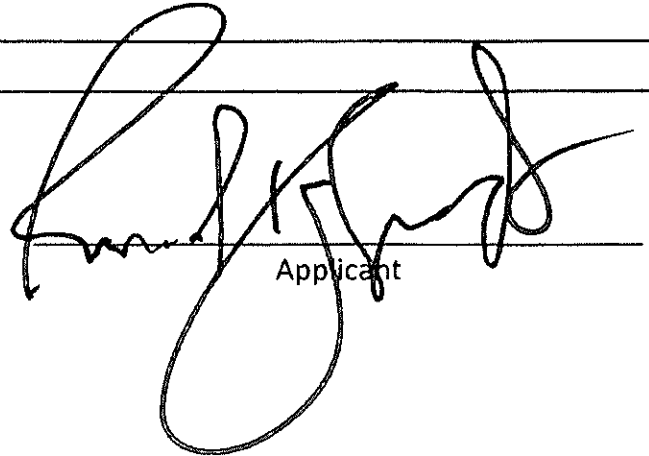
The property which is the subject of this application is located on the south side of SE Service Road (St./Ave.), between Wisconsin (St./Ave.) and Illinois (St./Ave.). The property has a frontage of 330 feet feet and a depth of 0 to 350 feet.

The zoning map amendment sought is based upon Section(s) _____ of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

The property will be utilized for office service

Date:

2/8/23


Applicant

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

APPOINTMENT OF AGENT

The undersigned owner(s), Tiara Properties LLC, hereby appoint(s) Jeffrey Barczak as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Zoning Map Amendment for a rezoning of 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 Planning Board and Town Council for a Zoning Map Amendment for a rezoning of the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Zoning Map Amendment under the Southern Pines Unified Development Ordinance.

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

Signed this 11th day of February, 2023.

[Signature]
Property Owner

Tiara Properties LLC
Property Owner

[Signature]
Agent

1/12/22

List of Adjacent Property owners within 200 feet of Zoning Application

SMYTHE, SHAMUS
550 KENSINGTON ROAD
SOUTHERN PINES, NC. 28387

SILVER RIDGE HOLDINGS, LLC
ADDRESS: PO BOX 4839
PINEHURST, NC. 28374

STEUDEL, EDWARD MARTIN III
580 KENSINGTON ROAD
SOUTHERN PINES, NC. 28387

C/O UNITED MANAGEMENT
PO BOX 87509
FAYETTEVILLE, NC. 28304

TIARA PROPERTIES, LLC
2236 KIVETT DRIVE
GREENSBORO, NC. 27406

Reason for Proposed Amendment

The property in question is currently not zoned.

Written Metes and Bounds Description

BEGINNING at an existing NCDOT concrete right of way monument having NC Grid coordinates of $y = 518,952.00$ feet (US) and $x = 1,869,948.31$ (US), marking on southeast right of way line of U.S. Highway 1, situate in Block P & 8 in the Town of Southern Pines, said monument further located as being $S43^{\circ}08'41''W$ a distance of 72.08 feet from an iron pipe found in the southwest right of way line of West Illinois Avenue; running thence from said beginning monument $S2^{\circ}59'08''W$ a distance of 517.18 feet, crossing that vacated portion of South Saylor Street right of way and a ditch in Block P & 7, Town of Southern Pines, to another existing NCDOT concrete right of way monument having NC Grid coordinates of $y = 518,435.52$ feet (US) and $x = 1,879,921.37$ feet (US); thence continuing $S2^{\circ}59'08''W$, a distance of 1.90 feet to an iron rod situate in the north east right of way line of West Wisconsin Avenue; thence with said right of way line of West Wisconsin Avenue, $N36^{\circ}31'09''W$ a distance of 188.63 feet to an iron pipe found, the West corner of Block P & 7 situate at the intersection of right of way lines of West Wisconsin Avenue and (southeast) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, $N36^{\circ}22'03''W$ a distance of 79.81 feet to an iron pipe found, South corner of Block P & 8, Town of Southern Pines situate at the intersection of said right of way line of West Wisconsin Avenue and (northwest) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, $N36^{\circ}30'36''W$ a distance of 60.75 feet to its intersection with the southeast right of way line of U.S. Highway 1, a new corner; thence as the southeast right of way line said highway (Service Road) as a curve, curving to the right, in a northeasterly direction, having an arch length of 337.67 feet with a radius of 4,878.62 feet, the chord which curve bears $N41^{\circ}17'05''E$ a chord distance of 337.61 feet to the BEGINNING, containing 1.26 acres, more or less.

List of Adjacent Property owners within 200 feet of Zoning Application and minimum of 10

ROBERT LEI
426 W. ILLINOIS AVE
SOUTHERN PINES, NC. 28387

AMANDA WODKOWSKI
510 KENSINGTON RD
SOUTHERN PINES, NC. 28387

DANA AYERS
530 KENSINGTON RD
SOUTHERN PINES, NC. 28387

SMYTHE, SHAMUS
550 KENSINGTON ROAD
SOUTHERN PINES, NC. 28387

SILVER RIDGE HOLDINGS, LLC
ADDRESS:PO BOX 4839
PINEHURST, NC. 28374

TREVOR & TINA LITTLE
580 KENSINGTON RD
SOUTHERN PINES, NC. 28387

STEUDEL, EDWARD MARTIN III
580 KENSINGTON ROAD
SOUTHERN PINES, NC. 28387

TIARA PROPERTIES, LLC
2236 KIVETT DRIVE
GREENSBORO, NC. 27406

PINEBROOK ASSOICIATES
C/O UNITED MANAGEMENT
PO BOX 87509
FAYETTEVILLE. NC. 28304

SPARTAIN REAL PROPERTY, LLC
625 SE SERVICE ROAD
SOUTHERN PINES, NC. 28387

CAMERON DDS
C/O PEGG C MORDECAI
1423 ACADIA ST
DURHAM NC 27701

GARY WENDELL BROWN
385 W CONNECTICUT AVE
SOUTHERN PINES NC 28387

LARRY CHRISTOPHER BROWN
ROY THOMPSON
660 S HALE ST
SOUTHERN PINES NC 28387

LEROY AND BETTY CAMPBELL
510 S HALE ST
SOUTHERN PINES NC 28387

PHILLIP EVANS
640 W ILLINOIS AVE
SOUTHERN PINES NC 28387

JOAN BALDWIN FRYE
690 KENSINGTON RD
SOUTHERN PINES NC 28387

GLORIOUS CHURCH OF THE LIVING
GOD INC.
C/O JOHNNIE BARRETT
131 CROCKER ST
WEST END NC 27376

DONALD SCOTT HARPSTER
670 KENSINGTON RD
SOUTHERN PINES NC 28387

TREVOR AND TINA LITTLE
580 KENSINGTON RD
SOUTHERN PINES NC 28387

MILTON AND MARY MCCRIMMON HRS
C/O MARCIA MCCRIMMON
263 MEADOW LN
BOWLING GREEN VA 22427

MID-STATE DEVELOPMENT LLC
10615 NC HWY 105 SOUTH
BANNER ELK NC 28604

JACQUELINE MONROE
JOHN DEXTER PRIDE SR
77 SEVENTH AVE NE
MINNEAPOLIS MN 55413

STEVEN AND ELIZABETH MORGAN
911 ROSE RIDGE RD
ABERDEEN NC 28315

MELANIE NELSON
660 KENSINGTON RD
SOUTHERN PINES NC 28387

LUCINDA OATES
1540 W NEW YORK AVE
SOUTHERN PINES NC 28387

FLOYD AND ROSE PAIGE
520 S HALE ST
SOUTHERN PINES NC 28387

PINEBROOKE ASSOCIATES
C/O UNITED MANAGEMENT
PO BOX 87509
FAYETTEVILLE NC 28304

SILVER RIDGE HOLDINGS LLC
PO BOX 4839
PINEHURST NC 28374

SHAMUS SMYTHE
550 KENSINGTON RD
SOUTHERN PINES NC 28387

SPARTAN REAL PROPERTY LLC
625 SE SERVICE RD
SOUTHERN PINES NC 2837

STATE OF NORTH CAROLINA
PO BOX 629
RALEIGH NC 27611

TIARA PROPERTIES LLC
2236 KIVETT DR
GREENSBORO NC 27406

ANDREA TOMANN
680 KENSINGTON RD
SOUTHERN PINES NC 28387

LU ELLA TURNER
605 ILLINOIS AVE
SOUTHERN PINES NC 28387

THOMAS D VON CANON
159 BIG MACEDONIA RD NW
SUPPLY NC 28462

JAMES AND SHIRLEY WEATHERSPOON
390 W WISCONSIN AVE
SOUTHERN PINES NC 28387

BARBARA ANN WHITE
PO BOX 8114
AUGUSTA GA 30905

JEFFREY BARCZAK
139 GRANTHAM HOUSE WAY
APEX NC 27523

RICHARD KNIGHT
2236 KIVETTE DRIVE
GREENSBORO NC 27406

Z-01-23

FOR REGISTRATION REGISTER OF DEEDS
 Judy D. Martin
 Moore County, NC
 July 19, 2017 03:00:44 PM
 Book 4847 Page 99-103
 FEE: \$26.00
 INSTRUMENT # 2017010488

Ln



INSTRUMENT # 2017010488

Prepared by: Phyllis Turner, Assistant Attorney General, North Carolina Department of Transportation, Attorney General's Office, 1505 Mail Service Ctr., Raleigh, NC 27699-1505

Return to: NCDOT, Attn: Terry Niles, Real Property Coordinator, 1546 Mail Service Center, Raleigh, N.C. 27699-1546

mail to: Grantee

The hereinafter described property does not include the primary residence of the DEPARTMENT.

NORTH CAROLINA

QUITCLAIM DEED

MOORE COUNTY

THIS QUITCLAIM DEED made this the 5th day of July, 2017, by and between the Department of Transportation, an agency of the State of North Carolina, 1 S. Wilmington, Raleigh, NC 27601 (hereinafter "DEPARTMENT") and TIARA PROPERTIES, LLC, 55 Elkton Drive, Pinehurst, NC 28374, hereinafter "GRANTEE";

mail ✓

WITNESSETH:

WHEREAS, GRANTEE has requested that the DEPARTMENT convey to it approximately 1.260 acres, more or less, in which the DEPARTMENT deems surplus; and

WHEREAS by that resolution adopted June 1, 2017, the Board of Transportation, acting upon request of GRANTEE, approved the conveyance of the property more particularly described below and authorized the DEPARTMENT to execute and deliver this instrument to the GRANTEE;

NOW, THEREFORE, the DEPARTMENT for no monetary consideration, but for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby

grant unto GRANTEE, its successors and assigns, all of its right, title, claim or interest in and to that parcel of land lying and being in MOORE COUNTY, North Carolina and being more particularly described as follows:

BEGINNING at an existing NCDOT concrete right of way monument having NC Grid coordinates of $y = 518,952.00$ feet (US) and $x = 1,869,948.31$ (US), marking the southeast right of way line of U. S. Highway 1, situate in Block P & 8 in the Town of Southern Pines, said monument further located as being South $43^{\circ}08'41''$ West a distance of 72.08 feet from an iron pipe found in the southwest right of way line of West Illinois Avenue; running thence from said beginning monument South $2^{\circ}59'08''$ West a distance of 517.18 feet, crossing that vacated portion of South Saylor Street right of way and a ditch in Block P & 7, Town of Southern Pines, to another existing NCDOT concrete right of way monument having NC Grid coordinates of $y = 518,435.52$ feet (US) and $x = 1,879,921.37$ feet (US); thence continuing South $2^{\circ}59'08''$ West, a distance of 1.90 feet to an iron rod situate in the northeast right of way line of West Wisconsin Avenue; thence with said right of way line of West Wisconsin Avenue, North $36^{\circ}31'09''$ West a distance of 188.63 feet to an iron pipe found, the West corner of Block P & 7 situate at the intersection of right of way lines of West Wisconsin Avenue and (southeast) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, North $36^{\circ}22'03''$ West a distance of 79.81 feet to an iron pipe found, South corner of Block P & 8, Town of Southern Pines situate at the intersection of said right of way line of West Wisconsin Avenue and (northwest) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, North $36^{\circ}30'36''$ West a distance of 60.75 feet to its intersection with the southeast right of way line of U. S. Highway 1, a new corner; thence as the southeast right of way line said highway (Service Road) as a curve, curving to the right, in a northeasterly direction, having an arc length of 337.67 feet with a radius of 4,878.62 feet, the chord of which curve bears North $41^{\circ}17'05''$ East a chord distance of 337.61 feet to the BEGINNING, containing 1.26 acres, more or less.

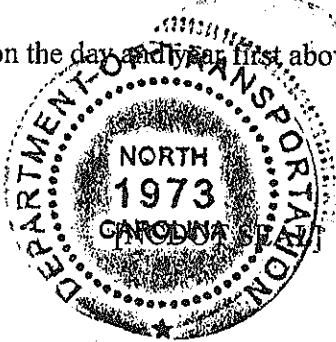
The above-described property was acquired by the DEPARTMENT from Paul M. Van Camp and Marjorie M. Van Camp, his wife by Right of Way Agreement dated October 27, 1955, recorded on March 28, 1956 in Deed Book 207 at Page 41; Katie T. Charles and David Charles, her husband, and Dorothy C. Thompson, divorced by Right of Way Agreement dated September 28, 1955, recorded December 29, 1955 in Deed Book 193 at Page 505; David Charles and Katie T. Charles, his wife by

Right of Way Agreement dated August 1, 1955, recorded December 29, 1955 in Deed Book 193 at Page 007; David Campbell and Alberta C. Campbell, his wife by Right of Way Agreement dated October 5, 1955, recorded December 2, 1955 in Deed Book 193 at Page 477; all recorded in the Moore County Registry.

This conveyance is made subject to any underground or above-ground utilities in existence at the time of this conveyance to the GRANTEE, and is subject to any recorded and/or unrecorded easements known and visible within the boundaries of the property conveyed hereby. In the event the GRANTEE should desire the utilities to be relocated or removed, the costs of such relocation or removal shall be borne by the GRANTEE.

TO HAVE AND TO HOLD the above-described lands and premises together with all privileges and appurtenances thereunto belonging to the said GRANTEE, its successors and assigns, free and discharged from all right, title, claim or interest of the DEPARTMENT, and the DEPARTMENT makes no warranty, expressed or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Department of Transportation has hereunto sets its hand and seal on the day and year first above written.



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

By: Steve Grimes
Steve Grimes
Acting Manager of Right of Way

ATTEST: Sereca W. Batts
CUSTODIAN OF THE SEAL OF THE DEPARTMENT
OF TRANSPORTATION

Approved as to form:

JOSH STEIN
Attorney General

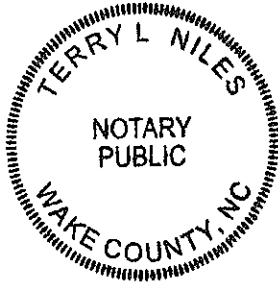
By: Phyllis A. Luma
Assistant Attorney General

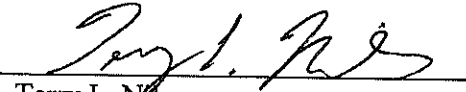
NORTH CAROLINA

WAKE COUNTY

I, Terry L. Niles, a Notary Public of said County and State do hereby certify that this day, Tereca W. Batts, personally appeared before me, who being by me duly sworn, says that she knows the Seal of the Department of Transportation and is acquainted with Steve Grimes, who is the Acting Manager of Right of Way of the Division of Highways of said Department, and that she, Tereca W. Batts, is the Custodian of the Seal of the Department of Transportation, and saw said Acting Manager of Right of Way sign the foregoing instrument, and that she, the said Custodian of the Seal of the Department of Transportation, affixed said seal to said instrument and signed her name in attestation of the execution thereof in the presence of said Acting Manager of Right of Way.

WITNESS my hand and Notarial Seal, the 5th day of July, 2017.




Terry L. Niles
NOTARY PUBLIC

My Commission Expires: July 27, 2021

UDO §2.17.9. Criteria for Zoning Map Amendments

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

Applicant Representations. Except for rezoning requests submitted in accordance with the provisions herein for conditional use 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.

Zoning Map Amendment Criteria UDO Sec 2.17.9 Applicants report

The subject property is a triangular parcel of land that abuts SE Service Road and W. Wisconsin Avenue. The parcel currently does not show any zoning assigned to it on the Towns Official Zoning map. It is assumed the Town did not zone this portion of land because at one time it was owned by the North Carolina Department of Transportation. However, the lands in question were deeded over to Tiara Properties by Book 487 Page 99 on July 19th, 2017, and recorded at the Moore County Register of Deeds office. Lands were originally part of lots 1-5, 18-21 and part of Saylor Street in Map 1 Page 70 in Moore County Register of Deeds Office. The parcel needs to be zoned to "OS" to allow for a proposed development shown on the attached site plan. The "OS" zoning is consistent with abutting properties.

In reference to Section "A"

Zoning this triangular parcel to OS will be consistent with the current adopted Comprehensive Plan as the proposed use will be consistent with the abutting properties.

In reference to Section "B"

The adjacent lands are currently owned by the applicant and will be utilized in accordance with current "OS Zoning" rules and regulations. The surrounding lands are all zoned "OS" or are public right of ways. Traffic analysis has been submitted as part of the site plan approval process and was determined to comply with current traffic analysis supporting the proposed development and "OS Zoning".

In reference to Section "C"

The parcel has no current zoning because it was owned by the Department of Transportation and sold to Tiara Properties LLC. Therefore, its original intended use no longer exists. The parcel in its current configuration prohibits it from being developed on its own merit, due to setbacks and odd shape. The parcel, when combined with the adjacent parcels will provide a suitable buildable site as shown on the attached site plan and be consistent with the Comprehensive Plan or UDO.

In reference to Section "D"

The public Health, Safety, and Welfare will positively impact the area by providing professional office space for the growing business community of Southern Pines. The parcel is not located in any historical district or cultural place.

In reference to Section "E"

The zoning of the parcel will allow the development of office service buildings of approximately 21,600 square feet in total to service the community's business partner's needs. The attached site plan shows the proposed development plan intended for the use of these lands.

In Reference to Section "F"

The size and shape of the current un-zoned lands make it difficult to develop under current development standards with respect to buffers and setbacks from roadways and adjoining parcels. However, combining the parcels with adjacent parcels owned by the current owner will allow a more practical development to occur.

In Reference to Section "G"

The applicant is unaware of any relevant factors that will prohibit the lands being zoned "OS".

From: [Alaina Mallette](#)
To: ["Renee Key"](#)
Cc: [Amy Kirk](#); [Gene Ruiz](#); [Pam Graham](#)
Subject: FW: Z-01-23 Tiara Properties Legal Description Mapping Request
Date: Friday, March 10, 2023 9:11:00 AM
Attachments: [image.png](#)
[image001.png](#)
[4 - Deed.pdf](#)

Good morning, Renee,

The Town of Southern Pines Planning staff are working on both a rezoning and a site plan for PARID 20160148. Our in-house IT/GIS Senior Support Specialist and guru has remapped the parcel using the legal metes and bounds description as written in the attached deed and copied below in my March 8, 2023 email. She has a screenshot of the difference in her email below. I wanted to see what procedure we can follow to get this GIS parcel's boundaries updated.

Thank you, in advance, for any information you can provide.

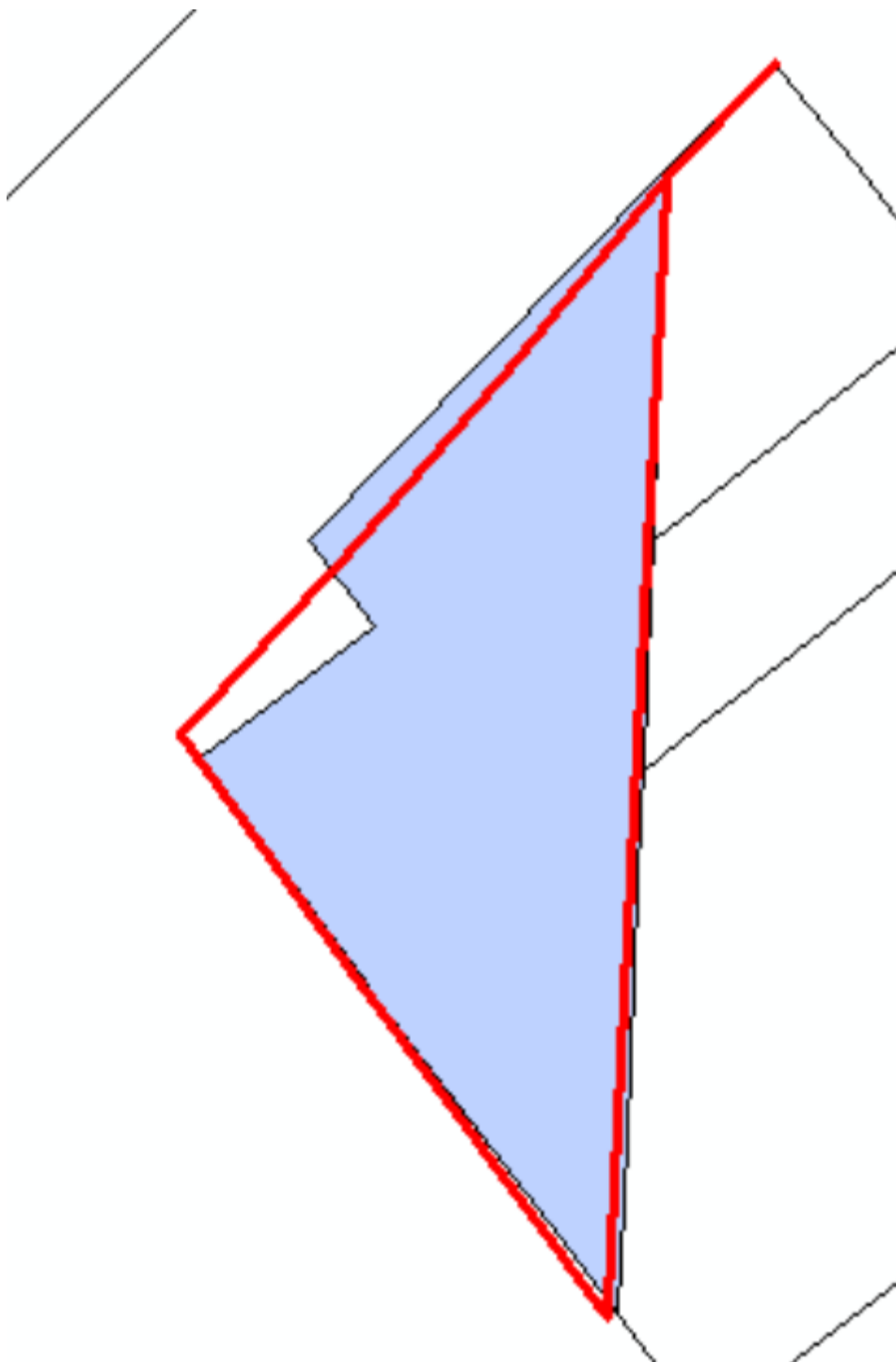
Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Amy Kirk <Kirk@southernpines.net>
Sent: Wednesday, March 8, 2023 9:17 PM
To: Alaina Mallette <amallette@southernpines.net>; Gene Ruiz <GRuiz@southernpines.net>; Pam Graham <PGraham@southernpines.net>
Subject: Fwd: Z-01-23 Tiara Properties Legal Description Mapping Request

It definitely doesn't match. The acreage is 1.23 for the red area.



From: Alaina Mallette <amallette@southernpines.net>

Date: March 8, 2023 at 12:12:57 PM EST

To: Amy Kirk <Kirk@southernpines.net>

Cc: IT Support <ITSupport@southernpines.net>, Pam Graham
<PGraham@southernpines.net>, Gene Ruiz
<GRuiz@southernpines.net>

Subject: Z-01-23 Tiara Properties Legal Description Mapping Request

Hello, Amy,

I see a pop-up for your automatic reply about being out until 3/13/23. But, I believe that you are the only one who does this work for the town. I'll copy the IT email, as well, just in case. I'm working on a zoning map amendment for PARID 20160148 on the southeast corner of SE Service Rd and W Wisconsin Ave. I was reading the legal description of the property in the deed, and it appears that the GIS parcel boundaries are different from the legal deeded boundaries. Would you be able to map up the boundaries for us with this description? I highlighted in yellow the particular portion that I believe differs from Moore County parcel data.

BEGINNING at an existing NCDOT concrete right of way monument having NC Grid coordinates of $y=518,952.00$ feet (US) and $x=1,869,948.31$ (US), marking the southeast right of way line of U. S. Highway 1, situate in Block P & 8 in the Town of Southern Pines, said monument further located as being South $43^{\circ}08'41''$ West a distance of 72.08 feet from an iron pipe found in the southwest right of way line of West Illinois Avenue; running thence from said beginning monument South $2^{\circ}59'08''$ West a distance of 517.18 feet, crossing that vacated portion of South Saylor Street right of way and a ditch in Block P & 7, Town of Southern Pines, to another existing NCDOT concrete right of way monument having NC Grid coordinates of $y=518,435.52$ feet (US) and $x=1,879,921.37$ feet (US); thence continuing South $2^{\circ}59'08''$ West, a distance of 1.90 feet to an iron rod situate in the northeast right of way line of West Wisconsin Avenue; thence with said right of way line of West Wisconsin Avenue, North $36^{\circ}31'09''$ West a distance of 188.63 feet to an iron pipe found, the West corner of Block P & 7 situate at the intersection of right of way lines of West Wisconsin Avenue and (southeast) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, North $36^{\circ}22'03''$ West a distance of 79.81 feet to an iron pipe found, South corner of Block P & 8, Town of Southern Pines situate at the intersection of said right of way line of West Wisconsin Avenue and (northwest) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, North $36^{\circ}30'36''$ West a distance of 60.75 feet to its intersection with the southeast right of way line of U. S. Highway 1, a new corner; thence as the southeast right of way line said highway (Service Road) as a curve, curving to the right,

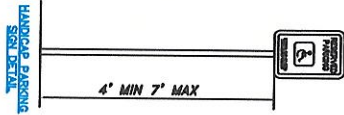
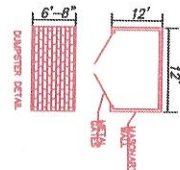
in a northeasterly direction, having an arc length of 337.67 feet with a radius of 4,878.62 feet, the chord of which curve bears North 41°17'05" East a chord distance of 337.61 feet to the BEGINNING, containing 1.26 acres, more or less.

Thank you, and I hope you enjoyed your time off, by the time you see this.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>





BENCH MARK DESCRIPTIONS
BM #1 NAIL IN UTILITY POLE
AT SOUTHEAST CORNER OF
EXISTING SERVICE ROAD
AND ILLINOIS AVE. (455.48)
BM #2 BOLT IN SHORT
UTILITY POLE LOCATED ON
THE NORTH SIDE OF
SERVICE ROAD JUST NORTH
OF ENTRANCE DRIVE TO
APARTMENTS (455.20)

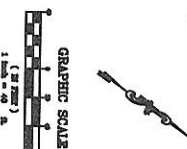


- LEGEND**
- EXISTING WATER MAIN
 - PROPOSED WATER MAIN
 - PROPOSED SANITARY SEWER
 - EXIST. STORM SEWER
 - PROPOSED STORM SEWER
 - PROPOSED PROPERTY LINE
 - EXIST. FIRE OFFER LINE
 - EXIST. SANITARY LINE
 - EXIST. GAS LINE
 - EXIST. OVERHEAD UTILITY LINES
 - PROPOSED CURB

NOTES

1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
2. ALL UTILITIES SHALL BE DEEPENED AND REPAIRED.
3. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.
4. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.
5. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.
6. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.
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8. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.
9. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.
10. ALL UTILITIES SHALL BE REPAIRED TO ORIGINAL OR BETTER.

PREPARED FOR:
TARA PROPERTIES LLC
2236 RIVETT DR.
GREENSBORO, NC. 27406



REVISIONS

DATE	BY	DESCRIPTION
06/20/24	BAR	BAR

BARCZAK ENGINEERING SERVICES P.L.L.C.
TOWN OF SOUTHERN PINES, NC

PROPOSED SITE PLAN
TARA OFFICE PARK

SCALE: 1" = 40'
DRAWN BY: J. BARCZAK
CHECKED BY: J. BARCZAK
APPROVED BY: J. BARCZAK

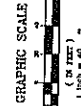
DRIVING NO. 00221-003

PAGE 1 OF 11

DISPOS. WATER MAIN _____
 IMPROVED WATER MAIN _____
 IMPROVED SANITARY SEWER _____
 IMPROVED STORM SEWER _____
 DISPOS. PROPERTY USE _____
 IMPROVED BUILDING _____
 EXIST. FIRST OFC. LINE _____
 EXIST. TELEPHONE LINE _____
 EXIST. GAS LINE _____
 EXIST. OVERHEAD UTILITY LINES _____
 IMPROVED CURB _____ ONE _____

[illegible]

PREPARED FOR:
TIARA PROPERTIES LLC
2236 KIVETT DR.
GREENSBORO, NC. 27406



FORM NO. P-1803 DRAWING NO. C2221420

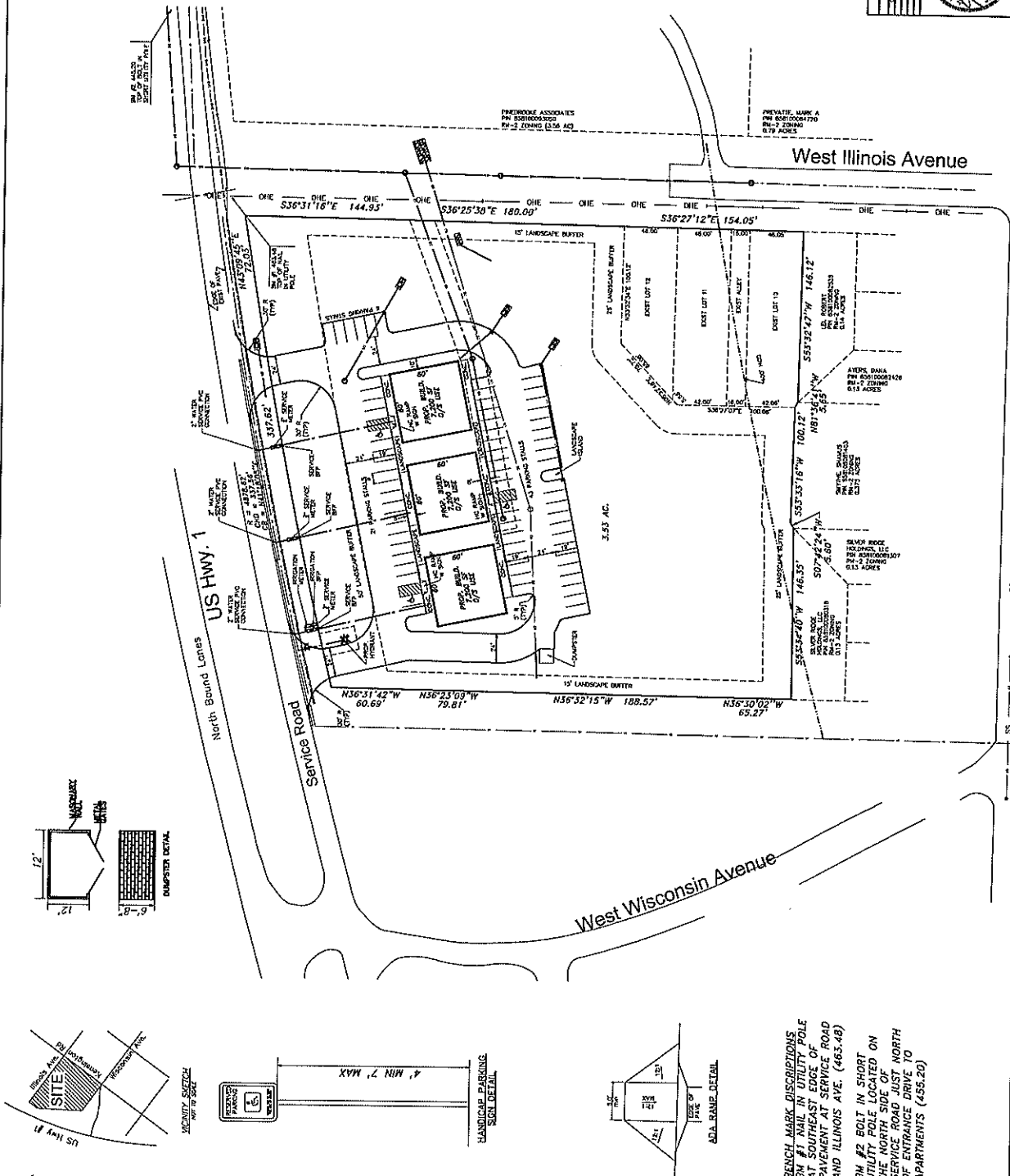
BARCZAK ENGINEERING SERVICES PLLC.

TOWN OF SOUTHERN PINES, NC
919-688-6600 www.townofsp.com

PROPOSED SITE PLAN
TIARA OFFICE PARK

SCALE: HORIZ. 1" = 40'	JOB NO.: C221140	DATE: 11/15/72
DESIGNED BY: JEFFRY BACZAK	DRAWN BY: DM	CHECKED BY: JH
APPROVED BY: _____	PAGE 1 OF 11	

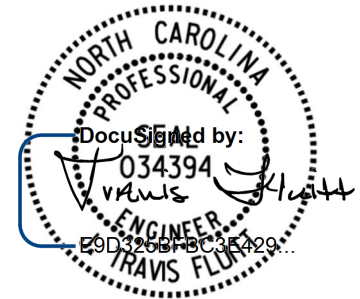
PAGE 1 OF 11



BENCH MARK DESCRIPTIONS
BM #1 NAIL IN UTILITY POLE
AT SOUTHEAST EDGE OF
PAVEMENT AT SERVICE ROAD
AND ILLINOIS AVE. (463.48)
BM #2 BOLT IN SHORT
UTILITY POLE LOCATED ON
THE NORTH SIDE OF
SERVICE ROAD JUST NORTH
OF ENTRANCE DRIVE TO
APARTMENTS (455.20)

August 18, 2022

Mr. James Michel
Town of Southern Pines
2236 Kivett Dr.
Greensboro, NC 27406



RE: SE Service Road Development - Trip Generation Analysis, Southern Pines, NC 8/18/2022

Kimley-Horn has prepared an analysis of the trip generation potential of the proposed development on the SE Service Road north of W Wisconsin Avenue in Southern Pines, NC. Per the attached concept plan, this project is proposed to include 26,400 square feet (sf) of office space. The development will be accessed by two driveways on the SE Service Road.

Traffic for this project was generated using data from the 11th Edition of the *ITE Trip Generation Manual* based on land use code (LUC) 710 (General Office Building). The trip generation is summarized in Table 1 below, and detailed trip generation calculations are attached.

Table 1 ITE Trip Generation (Vehicles)							
Land Use	Size	Daily		AM Peak Hour		PM Peak Hour	
		In	Out	In	Out	In	Out
General Office Building (LUC 710)	26,400 sf	182	182	48	6	9	46

Table 1 shows that the proposed development is projected to generate approximately 364 new daily trips on a typical weekday, 54 new trips during the AM peak hour, and 55 new trips during the PM peak hour.

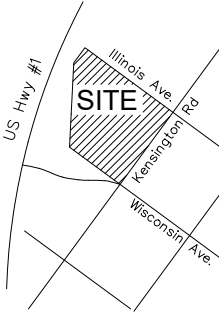
NCDOT previously provided trip estimates for this project based on retail land uses that exceeded the Town's trip threshold for requiring a traffic impact analysis (TIA). However, it has been clarified that General Office Building (LUC 710) is a more applicable land use for this project and hence the lower projected trip generation estimate. As the site traffic will be spread over two driveways, neither one should have over 300 trips per day, which will be below the Town's trip threshold for requiring a TIA. Therefore, based on the low projected trip volume, no roadway improvements are recommended based on this analysis, and no other analysis should be required for this development.

Please let me know if you have any questions or require any further information.

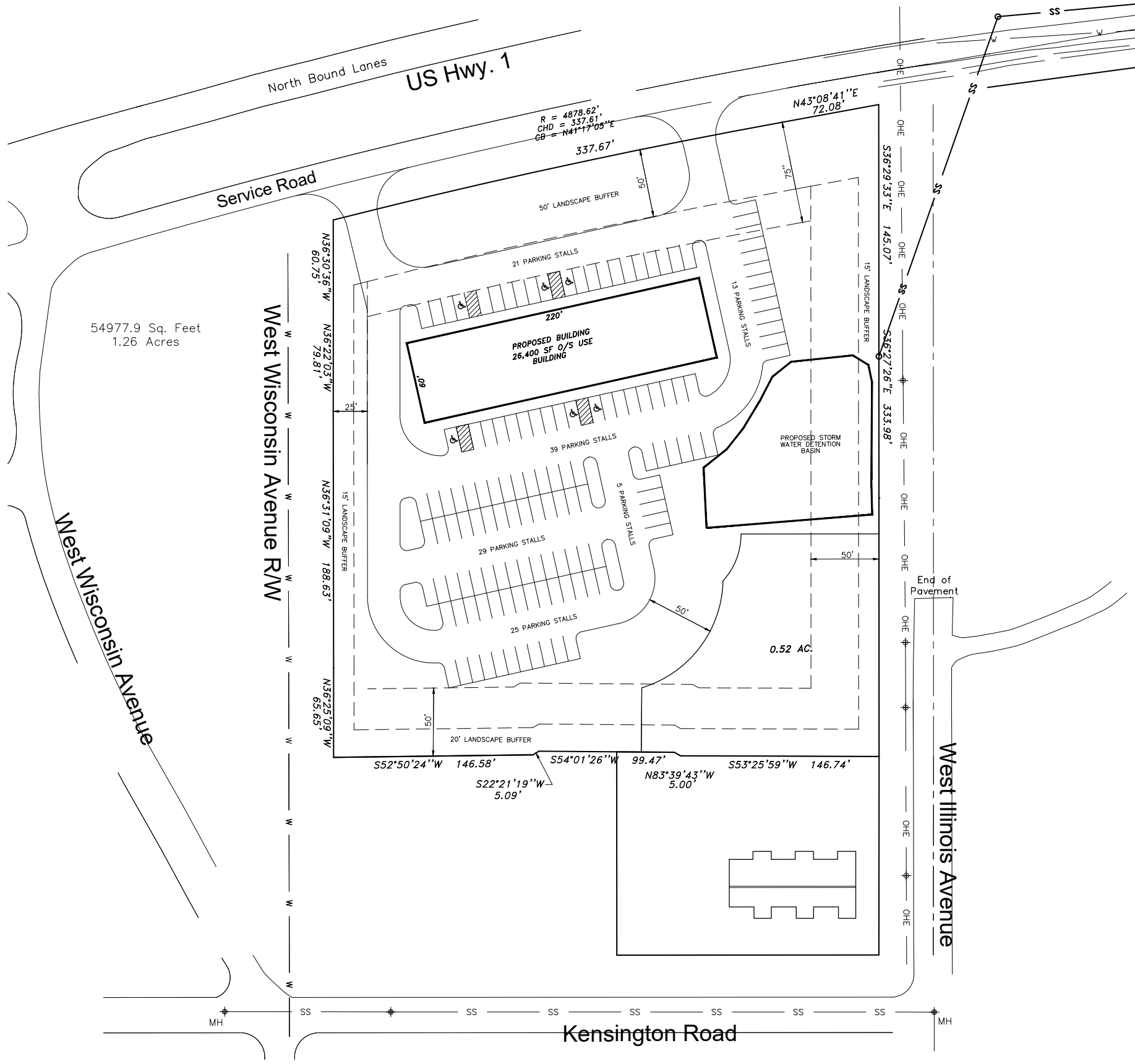
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Project Manager



VICINITY SKETCH
NOT TO SCALE



LEGEND

- W ——— EXISTING WATER MAIN
- SS ——— PROPOSED SANITARY SEWER
- EXISTING PROPERTY LINE
- PROPOSED CURB AND GUTTER
- PROPOSED BUILDING

NOTES:

PARCEL NUMBERS 98000377/858100080568
00037470 / 857100989888
20160148 / 857100988668
20020660 / 858100080718

CURRENT ZONING OFFICE SERVICE

WATERSHED HWQ CAPE FEAR BASIN
LITTLE RIVER (INTAKE #2)
TYPE WS-IIP

PARCEL IS ENTIRELY WITHIN THE HIGHWAY CORRIDOR OVERLAY
DISTRICT— URBAN TRANSITION

LANDSCAPE BUFFERS FRONT = 50'
SIDE = 15'
REAR = 20'

PARKING BUFFERS FRONT = 50'
SIDE = 25' (NON-RESIDENTIAL)
REAR = 50' (RESIDENTIAL)

ZONING SETBACKS FRONT = 15'
SIDE = 15'
REAR = 20'

HCO OVERLAY DISTRICT SETBACKS
FRONT BUILDING = 75'
PARKING AREA = 50'
LANDSCAPE BUFFER = 50'
SIDE & REAR RESIDENTIAL = 50'
SIDE & REAR YARD NON-RESIDENTIAL = 25'

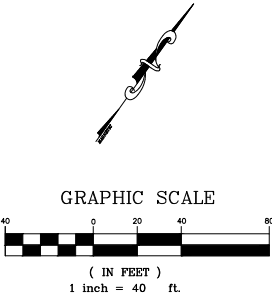
MAXIMUM PARKING PER TABLE 3-13 SOUTHERN PINES UDO
5 SF/1,000 SF BUILDING = 132 SPACES

PROPOSED SITE 3.51 ACRES

PROPOSED IMPERVIOUS SURFACES 1.84 ACRES

PROPOSED PERCENT IMPERVIOUS = 52.4%

PREPARED FOR:
TIARA PROPERTIES LLC
2236 KIVETT DR.
GREENSBORO, NC. 27406



DRAWING NO. C21804R0	
REVISIONS	
DATE	BY
3/29/22	J.D.B.
4/13/22	J.D.B.
BARCZAK ENGINEERING SERVICES PLLC.	
139 Grantham House Way, Apex, NC. 27523	
414-425-4865 barczakengineering@gmail.com	
TOWN OF SOUTHERN PINES, NC	
OS ZONING LAYOUT	
TIARA PROPERTIES LLC	
SCALE: HORIZ. 1" = 40'	JOB NO.: C22207R0
DESIGNED. BY: JEFFREY BARCZAK	DATE: 3/29/22
DRAWN BY: JDB	CHECKED BY: JDB
APPROVED BY: _____	CITY ENGINEER
_____	DATE
PAGE 1 OF 1	

SE Service Road Development

Table 1 - Trip Generation

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
<u>710</u> General Office Building	26,400 s.f.	364	182	182	54	48	6	55	9	46

K:\RAL_TPTO_Traffic\014906000 SE Service Road OS Building\[Trip Generation Worksheet (11th Edition).xls]Trip Gen

7/15/22

From: [RLUAC Executive Director](#)
To: [Cindy Williams](#)
Subject: RE: Z-01-23 Request to Rezone PARID 20160148
Date: Thursday, March 9, 2023 5:52:41 PM

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, February 24, 2023 10:13 AM
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>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Ron Istre <Ristre@southernpines.net>; Ron Maness <rmaness@moorecountyairport.com>
Cc: Alaina Mallette <amallette@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: Z-01-23 Request to Rezone PARID 20160148

Good morning,

Please see the attached information regarding the proposed zoning of a parcel that was previously owned by NCDOT and is not currently zoned. Please respond with any comments or concerns at your earliest convenience.

Thank you.

Sincerely,

Cindy Williams
Planning Department

Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
(910) 692-4003

TOWN OF SOUTHERN PINES ORDINANCE #2062
AMENDING THE ZONING MAP OF THE TOWN OF SOUTHERN PINES
Z-01-23

THAT WHEREAS, after notice duly given according to law, a public hearing was held before the Town of Southern Pines Town Council at its regular business meeting on April 11, 2023 at 6:00 PM for the purpose of considering and passing of an ordinance amending the Zoning Map of the Town of Southern Pines, North Carolina; and

WHEREAS, after the completion of said public hearing, and upon consideration of the reasonableness of the request, compliance with the criteria for a zoning map amendment found in UDO §2.17.9, as well as consistency with the adopted Comprehensive Long-Range Plan, the Southern Pines Town Council approved petition Z-01-23 to amend the Zoning Map of the Town of Southern Pines;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town of Southern Pines Town Council, in regular session assembled on the 11th day of April, 2023:

Section 1. That the Zoning Map of the Town of Southern Pines on file in the office of the Town Clerk be amended to reflect that the parcel located east of Southeast Service Road and north of West Wisconsin Avenue be zoned Office/Service (OS). The subject parcel is described as follows:

BEGINNING at an existing NCDOT concrete right of way monument having NC Grid coordinates of y=518,952.00 feet (US) and x=1,869,948.31 (US), marking the southeast right of way line of U. S. Highway I, situate in Block P & 8 in the Town of Southern Pines, said monument further located as being South 43°08'41" West a distance of 72.08 feet from an iron pipe found in the southwest right of way line of West Illinois Avenue; running thence from said beginning monument South 2°59'08" West a distance of 517.18 feet, crossing that vacated portion of South Saylor Street right of way and a ditch in Block P & 7, Town of Southern Pines, to another existing NCDOT concrete right of way monument having NC Grid coordinates of y=518,435.52 feet (US) and x= 1,879,921.37 feet (US); thence continuing South 2°59'08" West, a distance of 1.90 feet to an iron rod situate in the northeast right of way line of West Wisconsin Avenue; thence with said right of way line of West Wisconsin Avenue, North 36°31'09" West a distance of 188.63 feet to an iron pipe found, the West corner of Block P & 7 situate at the intersection of right of way lines of West Wisconsin Avenue and (southeast) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, North 36°22'03" West a distance of 79.81 feet to an iron pipe found, South corner of Block P & 8, Town of Southern Pines situate at the intersection of said right of way line of West Wisconsin Avenue and (northwest) South Saylor Street; thence continuing with said right of way line of West Wisconsin Avenue, North 36°30'36" West a distance of 60.75 feet to its intersection with the southeast right of way line of U. S. Highway 1, a new corner; thence as the southeast right of way line said highway (Service Road) as a curve, curving to the right, in a northeasterly direction, having an arc length of 337.67 feet with a radius of 4,878.62 feet, the chord of which curve bears North 41°17'05" East a chord distance of 337.61 feet to the BEGINNING, containing 1.26 acres, more or less.

Section 2. That, pursuant to NC General Statute Chapter 160D-605(s), this zoning map amendment shall concurrently amend the Future Land Use Map within the Comprehensive Long-Range Plan (2016) for the subject parcel as described above to Commercial.

Section 3. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption until otherwise amended.

Adopted this 11th day of April, 2023.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

APPROVED AS TO FORM:

Mac McCarley, Town Attorney

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on April 11, 2023 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: Reagan Parsons, Town Manager

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

Subject: WP-01-23: Watershed Protection Permit Request; 5/70 Allocation to Develop 3.53 Acres on the Northeast Corner of SE Service Road & W. Wisconsin Avenue; Applicant: Tiara Properties, LLC

Date: April 11, 2023

I. SUMMARY OF APPLICATION REQUEST:

Jeffrey Barczak, on behalf of Tiara Properties, LLC, has submitted an application for a Watershed Protection Permit requesting 3.53 acres of 5/70 exemption allocation to develop an office park, which will result in 31.2% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin. Should the Town Council wish to grant the 5/70 exemption under Watershed Protection Permit WP-01-23, the Town shall deduct 3.53 acres from the Little River Intake No. 2 Watershed tally sheet. The subject parcels are identified as PIN 857100989888 (PARID 00037470); PIN 858100080718 (PARID 20020660); PIN 858100080569 (PARID 98000377) and PIN 857100988668 (PARID 20160148). The subject parcels are currently zoned Office/Service (OS) with the exception of PARID 20160148, which is currently un-zoned and is the subject of Zoning Map Amendment Application Z-01-23 to apply OS zoning to the parcel. Per the Moore County tax records, the owner of the subject properties is listed as Tiara Properties, LLC.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owner/Applicant:

Tiara Properties, LLC
2236 Kivette Drive
Greensboro, NC 27406

ii. Authorized Agent:

Jeffrey Barczak
Barczak Engineering Services, PLLC
139 Grantham House Way
Apex, NC 27523

B. Property Information:

i. Street Address:

SE Service Road
Southern Pines, NC 28387

ii. Property Identification Numbers (PIN) & Parcel Identifications:

PIN 857100989888 (PARID 00037470)
PIN 858100080718 (PARID 20020660)
PIN 858100080569 (PARID 98000377)
PIN 857100988668 (PARID 20160148)

iii. Size of Property:

Total Combined Acreage: 3.53 acres

C. Description of Proposed Development:

Tiara Properties, LLC plans to construct three (3) two-story 2,700 square foot office buildings, each with a building footprint of 3,600 square feet 3.53 acres of property located on SE Service Road between W. Wisconsin Avenue and W. Illinois Avenue. The site will be covered with approximately 1.10 acres (31.2%) of total impervious surface.

D. Property Zoning Classification:

Three of the subject properties are zoned Office/Service (OS). One of the parcels is currently un-zoned but is the subject of Zoning Map Amendment Application Z-01-23 to assign OS zoning to that parcel.

Figure 1: Vicinity Map (Subject Property Outlined in Bold Red)

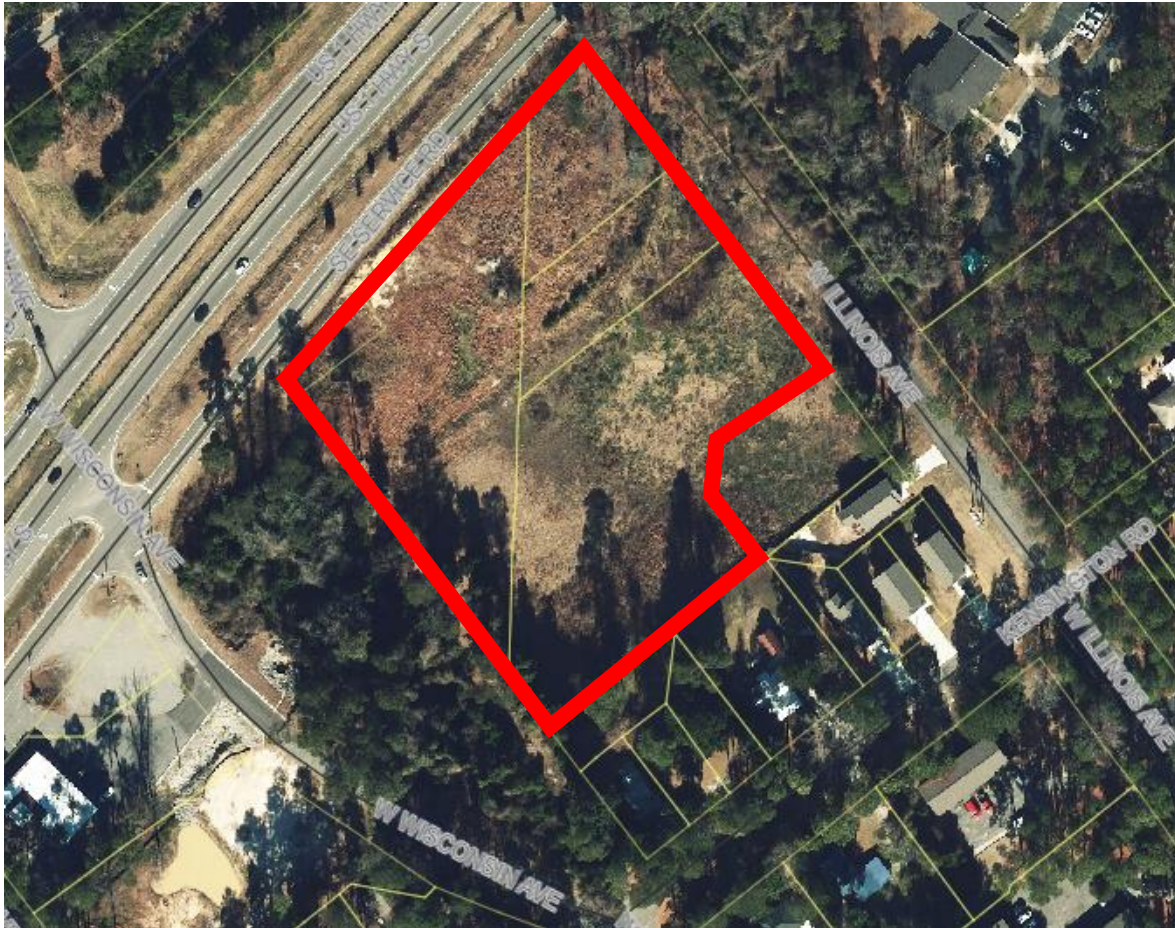


Figure 2: Zoning Map (Subject Property Outlined in Red)



Historic District	
Zoning Text	
Zoning 50% Transparent	
CB, Central Business	
CB-CD, Central Business	
Conditional District	
FRR, Facilities Resources	
Recreation	
FRR-CD, Facilities Resources	
Recreation Conditional District	
GB, General Business	
GBCD, General Business	
Conditional District	
I, Industrial	
NB, Neighborhood Business	
NBCD, Neighborhood Business	
Conditional District	
OS, Office Services	
OSCD, Office Services	
Conditional District	
PD, Planned Development	
RE, Rural Estates	
RE-CD, Rural Estates	
Conditional District	
RM-1, Residential Single & Multi-Family	
RM-2, Residential Single & Multi-Family	
RR, Rural Residential	
RR-CD, Rural Residential - Conditional District	
RS-1, Residential Single Family	
RS-1CD, Residential Single Family - 1 Conditional District	
RS-2, Residential Single Family	
RS-2CD, Residential Single Family - 2 Conditional District	

E. Staff Comments:

- The entirety of the property is within the Little River Intake #2 (LR#2) Watershed and is therefore subject to the Watershed Protection Overlay District and the standards set forth in UDO §3.6.8.
 - The subject property lies within the High Quality Water/Protected Area portion of the Little River Intake No. 2 Watershed.
 - The proposed development is required to obtain the 5/70 exemption allocation because the proposed improvements will exceed the maximum of 12% built upon area or 24% built-upon land area with implementation of stormwater BMPs within the High Quality Water/Protected portions of the watershed.
 - A total of 1.10 ac. of total built-upon land area, or 31.2% of the subject property, is proposed.
 - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (3.53 acres) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed.
 - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% built-upon land area.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed constructed prior to 1993 is statutorily defined as pre-existing development and considered to be exempt from the requirement to obtain the 5/70 exemption. All new development within a watershed shall be subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as "The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the state's High Quality Water (HQP) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."

- Per UDO Exhibit 3-14, the 5/70 Exemption standards dictate the following for the High Quality Water (HQW) / Protected Area:
 - New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management-based practices are used. New Development with a development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management-based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area.
- All allocations shall be deducted from the five percent (5%) total area allocation and shall be monitored by the Planning Department.
- If this exemption is granted, a state stormwater permit shall not be required.

III. ATTACHMENTS:

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

1. Watershed Protection Permit Application
2. Proposed Site Plan
3. UDO Exhibit 3-14
4. 5/70 Tally Sheet Excerpt



Watershed Protection Permit Application

Date Received: _____

Case No.: WP-_____-____

I, the undersigned, do hereby make application to the Town of Southern Pines Town Council for a Watershed Protection Permit for the property described below.

Project Information:

Project Name: Tiara Office Park Zoning District: OS Total Property Acreage: 3.51
PIN: 857100988668, 857100989888 Parcel ID: 20160148, 0037470
858100080718, 858100080569 Watershed: WS-IIIP

Type of Development: OFFICE/SERVICE Total Built-Up Area*: 1.84 AC.

% of Total Property Acreage Proposed to be Built-Up Area*: 31.2%

Applicant:

Name(s): Tai Properties, LLC Email: tiarapropertiesllc@gmail.com
Mailing Address: 2236 Kivett Drive, Greensboro, NC. 27406 Phone: 304-541-1492

Authorized Agent, if different from Applicant:

Name(s): JEFFREY BARCZAK, BARCZAK ENGINEERING SERVICES PLLC
Email: barczakengineering@gmail.com Phone: 414-429-4865
Mailing Address: 139 Grantham House Way Apex, NC. 27523

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

Name(s): TIARA PROPERTIES LLC
Email: tiarapropertiesllc@gmail.com Phone: 304-541-1492
Mailing Address: 2236 Kivette Drive, Greensboro, NC. 27406



Signature of Applicant

*Definition of Built-Up Area May be Found in Chapter 9 of the Unified Development Ordinance.

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

APPOINTMENT OF AGENT

The undersigned owner(s), Tiara Properties LLC, hereby appoint(s) Jeffrey Borczak as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Zoning Map Amendment for a rezoning of 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 Planning Board and Town Council for a Zoning Map Amendment for a rezoning of the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for a Zoning Map Amendment under the Southern Pines Unified Development Ordinance.

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

Signed this 11th day of February, 2023.

[Signature]
Property Owner

Tiara Properties LLC
Property Owner

[Signature]
Agent

1/12/22

Watershed Protection Permit Narrative

Tiara Office Park

Southern Pines, NC.

Tiara Office Park is an office service development consistent with the current zoning for the site which is a total of 4.03 acres. The site will consist of developing 3.53 acres of the site with three two story buildings with a total of 7,200 square foot of office space per building and 0.5 acres left for current residential lots (total of 3). The footprint of each building will be 3,600 square feet. A proposed 70 stall parking lot will be constructed around the building. The project will require 1.84 acres of land to be disturbed and 31.2% of the lands will be converted to impervious surfaces. The runoff from the site improvements will drain to a proposed detention basin to be designed to control storm water runoff from the site to predevelopment 10-year conditions.

Use and Location

The use and location of the buildings/parking etc. are consistent with the comprehensive plan for office service zoning.

Consistent with WPO zoning

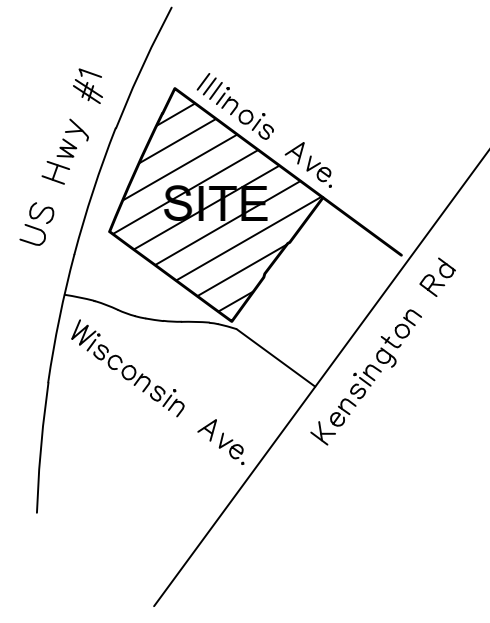
The layout of the buildings, parking area, and storm water detention areas have been placed to minimize the impact of developing the currently vacant land. Care has also been given to provide necessary buffers for landscaping consistent with Town of Southern Pines Standards. An erosion control plan has been completed to Town of Southern Pines Standards. The site also lies within the Highway corridor area and meets all building requirements imposed by the Town of Southern Pines for office service zoned parcels.

Interest of the Neighborhood

The development is designed to have the least impact on surrounding neighbors. The Buildings were placed at the maximum distance away from neighboring residential homes on the south of the site by placing the buildings a minimum offset distances from SE Service Road right of way as permitted under current zoning. The buildings were also placed further westerly from Illinois Avenue and are not visible from the existing apartment site located on the east side of Illinois Avenue. The vacated Wisconsin Avenue provides a dense vegetative buffer from buildings located westerly. The development is consistent with the adopted comprehensive zoning map for this area. The development will provide needed office space opportunities with easy access to State Highway "1" and convenient to surrounding markets.

Similar uses

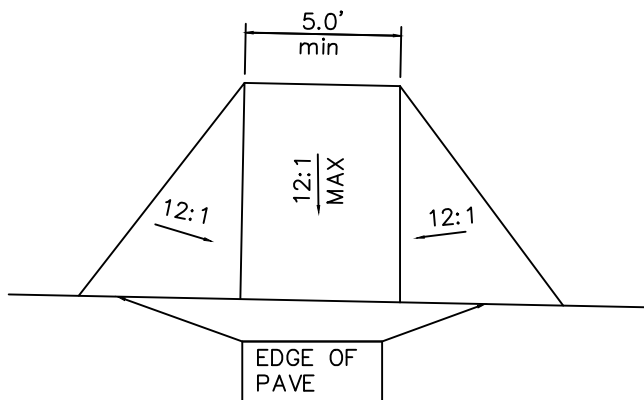
The development is consistent with current uses as you go northwesterly along SE Service Road. The Town of Southern Pines Village offices are located within a quarter mile of this development as well. The three remaining residential lots are also consistent with the lots along Kensington Avenue adjacent to the rear of the proposed development. New landscaping in compliance with Southern Pines codes will provide an upscale appearance from S.T.H. "1" as well as surrounding land uses.



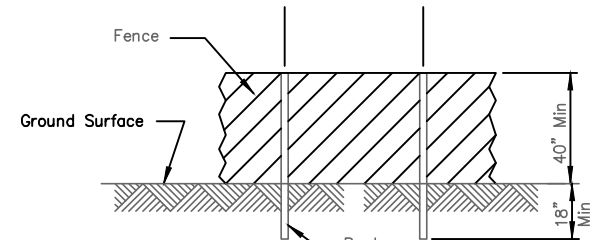
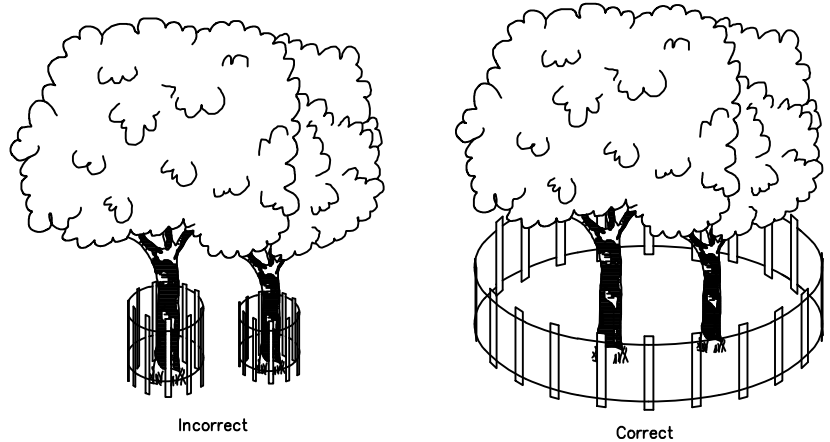
VICINITY SKETCH
SCALE 1" = 500'



HANDICAP PARKING
SIGN DETAIL



ADA RAMP DETAIL

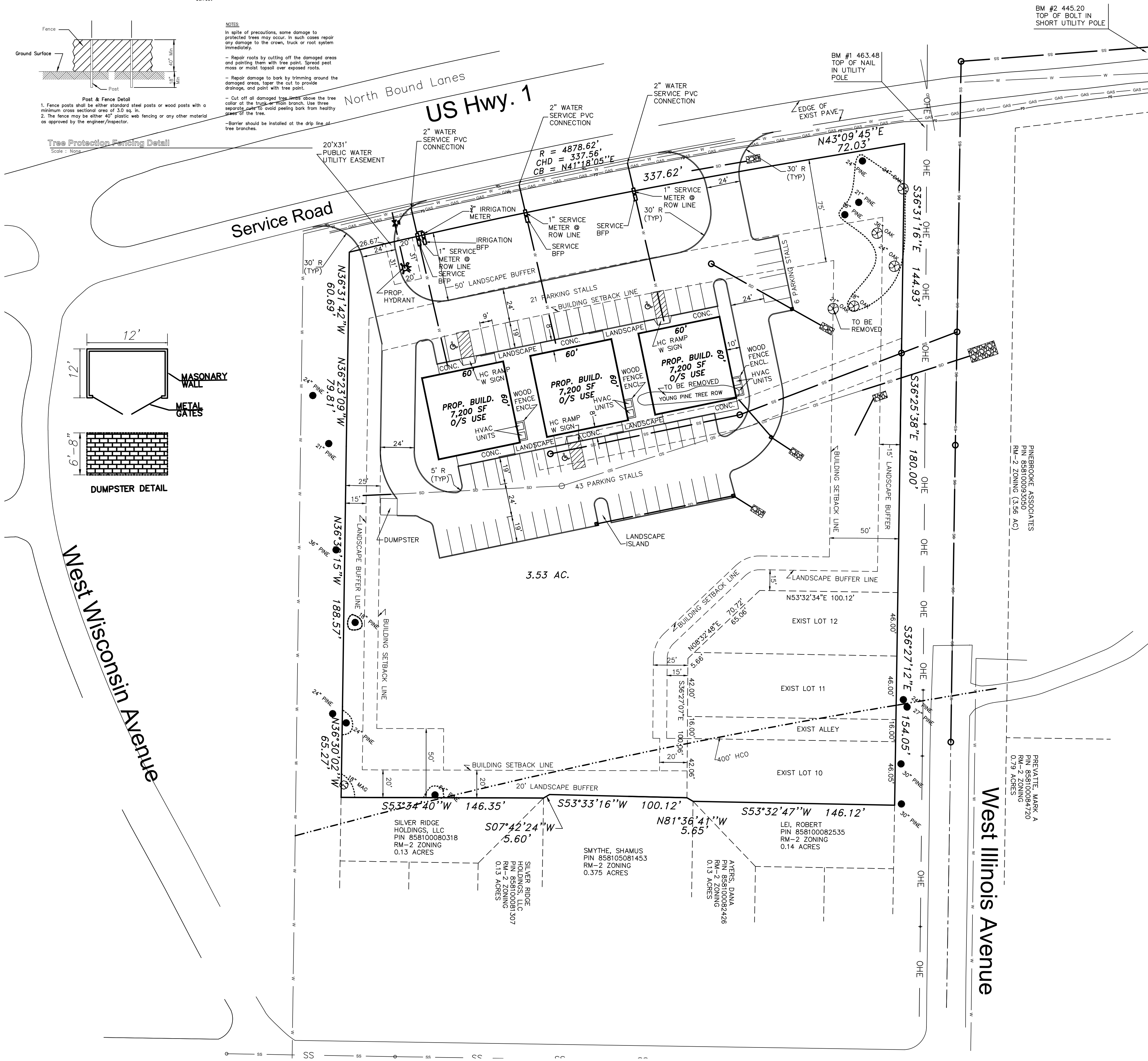


Post & Fence Detail
1. Fence posts shall be either standard steel posts or wood posts with a minimum cross sectional area of 3.0 sq. in.
2. The fence may be either 40" plastic web fencing or any other material as approved by the engineer/inspector.

Tree Protection Fencing Detail
Scale 1" = 10'

NOTES:

- In spite of precautions, some damage to protected trees may occur. In such cases repair any damage to the crown, trunk or root system immediately.
- Regular roots by cutting off the damaged areas and painting them with tree paint. Spread post most or most topsoil over exposed roots.
- Regular damage to bark by trimming around the damaged areas, taper the cut to provide drainage, and paint with tree paint.
- Cut off all damaged tree limbs above the line color of the trunk or main branch. Use three separate cuts to avoid peeling bark from healthy parts of the tree.
- Barriers should be installed at the drip line of tree branches.



LEGEND

- EXISTING WATER MAIN
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- EXIST STORM SEWER
- PROPOSED STORM SEWER
- EXISTING PROPERTY LINE
- PROPOSED BUILDING
- EXIST. FIBER OPTIC LINE
- EXIST. TELEPHONE LINE
- EXIST. GAS LINE
- EXIST. OVERHEAD UTILITY LINES
- PROPOSED CURB
- PROPOSED TREE PROTECTION FENCING

NOTES:

PARCEL NUMBERS 98000377/858100080569
00037470 / 857100989888
20160148 / 857100988668
20020660 / 858100080718

TOTAL ACRES 4.03 ACRES (3.53 DEVELOPED 0.50 REMAIN)

CURRENT ZONING OFFICE SERVICE & A CURRENTLY UN-ZONED PARCEL

WATERSHED HOW CAPE FEAR BASIN
LITTLE RIVER (INTAKE #2)
TYPE WS-IIIP

MAXIMUM PARKING PER TABLE 3-13 SOUTHERN PINES UDO
5 SP/1,000 SF BUILDING = 108 SPACES

PARCEL IS PARTIALLY WITHIN THE HIGHWAY CORRIDOR URBAN TRANSITION OVERLAY DISTRICT. REQUIRED BUFFERS AND SETBACKS WITHIN THIS DISTRICT SUPERSEDE THOSE OF THE BASE ZONING DISTRICT AND ANY UN-ZONED PORTIONS OF THE PROPERTY.

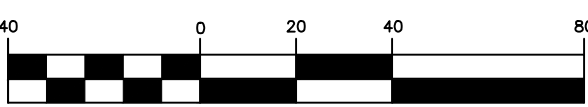
	HCO Building Setback Requirements	O/S Building Setback Requirements
Front (Highway Yard)	75'	15'
Exterior Side	25' from non-residential zones; 50' from residential zones	20'
Rear	25' from non-residential zones; 50' from residential zones	20'
Parking Setback from Highway	50'	

	HCO Min. Buffer Width	OS Min. Buffer Width
Front (Highway Yard)	50'	0' when property abuts NB, OS or GB zoned property; 20' when property abuts any other zoning
Side and Rear Yard	15'	0' when property abuts NB, OS, or GB zoned property; 20' when property abuts any other zoning

* PARCEL IS PARTIALLY WITHIN THE HIGHWAY CORRIDOR URBAN TRANSITION OVERLAY DISTRICT. REQUIRED BUFFERS AND SETBACKS WITHIN THE DISTRICT SUPERSEDES THOSE OF THE BASE ZONING DISTRICT AND ANY UN-ZONED PORTIONS OF THE PROPERTY.

PREPARED FOR:
TIARA PROPERTIES LLC
2236 KIVETT DR.
GREENSBORO, NC. 27406

GRAPHIC SCALE



(IN FEET)

1 inch = 40 ft.

FIRM NO. P-1808

DRAWING NO. C22214R0

REVISIONS			BARCZAK ENGINEERING SERVICES PLLC.		
DATE	BY		139 Grantham House Way, Apex, NC. 27523		
02/02/23	JOB		414-429-4885 barczakengineering@gmail.com		
03/02/23	JOB		TOWN OF SOUTHERN PINES, NC		
			PROPOSED SITE PLAN TIARA OFFICE PARK		
			SCALE: HORIZ. 1" = 40'	JOB NO.: C22214R0	DATE: 11/15/22
			DESIGNED BY: JEFFREY BARCZAK	DRAWN BY: JOB	CHECKED BY: JOB
			APPROVED BY:	City Engineer	Date

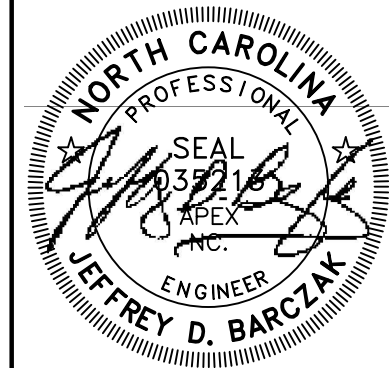


Exhibit 3-14: WPO District Development Density and Intensity Requirements

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

Table Notes:

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

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

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

Current 5/70 Watershed Tally Sheet:				
Watershed	Gross Acreage (2012)	5% of Watershed	Total Existing Project Acreage Deductions with Post-1993 Built-Up Area Exceeding 24%	Acreage Left Available since 1993 Allotment of 5%
Little River Intake #2	22,470.88	1123.54	672.50	451.04
WP-01-23 3.53 Ac. on SW Service Rd. between W. Wisconsin Ave. & W. Illinois Ave.				
Total Project Acreage	Total Permitted Amount of Built-Up Area for Project in Acres (70%)	Total Amount of Built-Up Area with Proposed Project	Total Acreage to be Deducted from 5/70 Tally	Acreage Left Available if Request is Approved
3.53	2.47	31.2%	3.53	446.29

Agenda Item

To: Reagan Parsons, Town Manager
From: Pamela Graham, Principal Planner
Subject: AR-03-23 Morganton Park South – Outparcel 2
Amendments (Walgreens & Heartland Dental Care)
Date: April 11, 2023

I. SUMMARY OF APPLICATION REQUEST:

Mr. Barry Byrd of Barry Byrd Architecture is requesting approval of amendments to a previously approved Architectural Compliance Permit (AR-11-22) for a 6,760 square foot commercial retail building in the Planned Development zoning district known as Morganton Park South. The project, currently under construction, is located south of W Morganton Road on the west side of Patriot Boulevard, and consists of a single building accommodating two tenants (Walgreens and Heartland Dental Care). The requested modifications to the approved design are limited to the placement of the windows on the east side of the building, facing Patriot Blvd.

II. PROJECT INFORMATION:

1. **PARID** 20200421; **PIN** 857100581716

2. **Owners:**

Bradford Southern Pines, LLC
106 Barrington Commons Court
Suite 726
Barrington, Illinois 60010

3. **Applicant / Agent:**

Barry Byrd, Barry Byrd Architecture
900 South Gay Street, Suite 2301
Knoxville, TN 37902

III. STAFF REVIEW:

1. Review Process:

Applications for and amendments to Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: March 8, 2023

Town Council Agenda Meeting: April 4, 2023

Town Council Meeting: April 11, 2023

3. Criteria for Review:

Amendments to a previously approved Architectural Compliance Permit are considered based on the requirements forth in **UDO §2.26.8**, and are classified as either Minor or Major Amendments. Staff has determined that the requested revisions do not fall under any of the provisions allowing for an administratively approved Minor Amendment, and therefore must be classified as a Major Amendment, requiring Town Council approval.

4. Staff Comments Regarding the Proposed Amendment(s):

The revisions being reviewed are needed to accommodate topography and drainage between the building and Patriot Blvd. The grade is higher in this area than expected, and the windows on this side of the building must be raised +/- 30" to avoid being below grade. The architect is proposing that the awnings not be raised in the same manner, to provide privacy to the dental patients. He has provided a series of exhibits showing the previous proposal as compared to the current, included as attachments to this report, to illustrate the changes.

Staff has reviewed the proposed design revisions for compliance with UDO §4.10.4 *Building Design Requirements*, and has found no deviations or compliance issues. Staff recommends approval of the proposed amendments.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Elevation and Cross-section Drawings

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26 and the commercial building design requirements per UDO §4.10.4 as well as the central business zoning district purpose and development standards per UDO §3.5.8. The proposal has been assigned a distinct file number (AR-03-23), separate from the previous AR, for future clarity.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-03-23;

2. Approve AR-03-23 with the following condition(s):

3. Deny AR-03-23.



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 - OUTPARCEL 2
Street Address: 1720-1736 OLD MORGANTON ROAD
PIN: 857100581716 Parcel ID: 20200421 Zoning: PD
Type of building (retail, office, etc.): RETAIL Total square footage: 6760

Applicant:

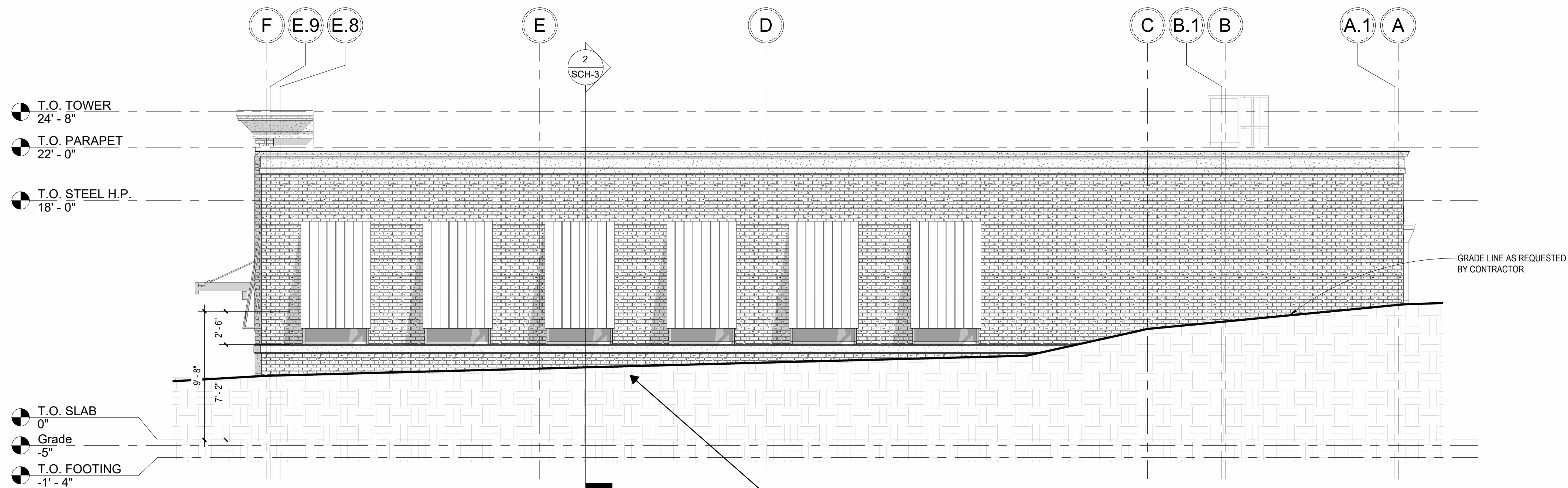
Name: _____
Email: _____ Phone: _____
Mailing Address: _____

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

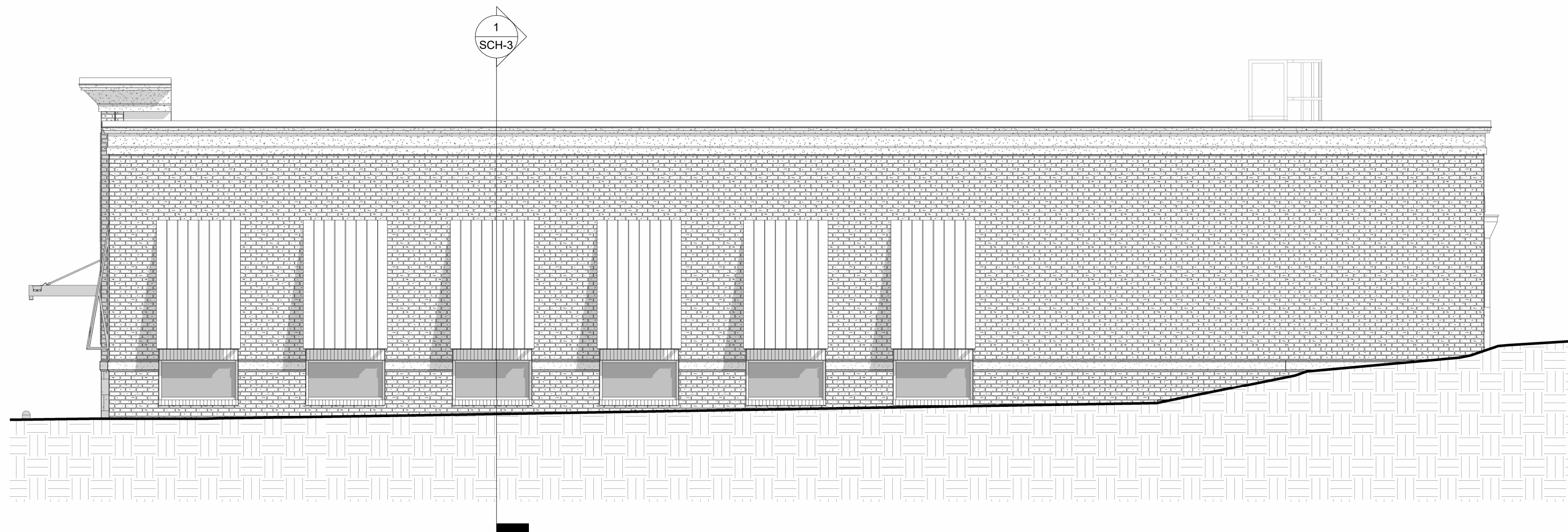
Name(s): BRADFORD SOUTHERN PINES, LLC
Email: wendt@bradfordchicago.com Phone: 312-493-6256
Mailing Address: 106 BARRINGTON COURT, SUITE 726 BARRINGTON, IL 60010

Date: 7 March 2023

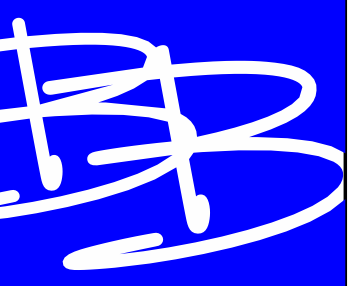

Applicant
Gary Wendt



1 EAST ELEVATION - CURRENT
3/16" = 1'-0"



2 EAST ELEVATION - PREVIOUS
3/16" = 1'-0"



BARRY BYRD
ARCHITECTURE

P.O. Box 5482
Knoxville, TN 37928
(865) 687-6500

NOT FOR
CONSTRUCTION

Walgreens
STORE PLANNING + DESIGN DEVELOPMENT
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

REVISIONS			
NO.	DATE	BY	DESCRIPTION

EAST ELEVATION - PREVIOUS AND CURRENT		STORE # 17554	
CADD PLOT: 3/29/2023 1:51:01 PM	DRAWN BY: MKC	WALGREENS	
DATE: 03-29-2023	REVIEWED:	WEST MORGANTON RD. & PATRIOT BLVD., SOUTHERN PINES, NC	

SCH-1



P.O. Box 5482
Knoxville, TN 37928
(865) 687-6500

NOT FOR
CONSTRUCTION

Walgreens

STORE PLANNING + DESIGN DEVELOPMENT I
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

[illegible]

EAST ELEVATION - COLOR - PREVIOUS AND CURRENT	GADD PLOT: 3/29/2023 1:51:17 PM		STORE # 17554
	DRAWN BY: MMC		WALGREENS WEST MORGANTON RD & PATRIOT BLVD., SOUTHERN PINES, NC
	DATE: 03-29-2023		
	REVIEWED:		

SCH-2



Grade at the building had to move up due to drainage/topography issues. Caused windows to slide up about 30"



P.O. Box 5482
Knoxville, TN 37928
(865) 687-6500

NOT FOR
CONSTRUCTION

Walgreens

STORE PLANNING + DESIGN DEVELOPMENT
106 WILMOT ROAD
DEERFIELD, IL 60015-5105

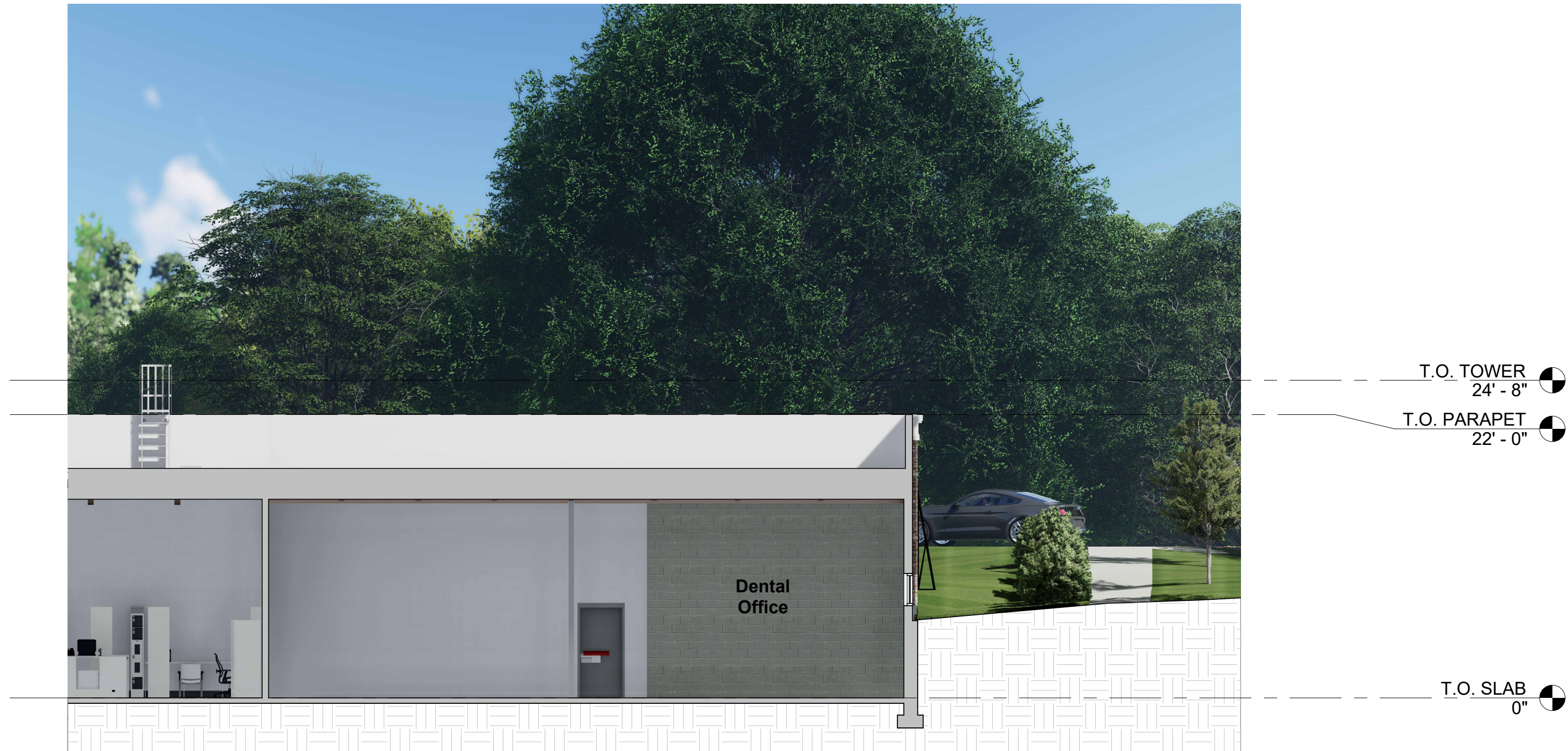
[illegible]

BUILDING SECTION - PREVIOUS AND CURRENT		STORE # 17554
CADD PLOT: 3/29/2023 1:51:23 PM		
DRAWN BY: MMC	WALGREENS	
DATE: 03-29-2023	WEST MORGANTON RD. & PATRIOT BLVD., SOUTHERN PINES, NC	
REVIEWED:		

SCH-3



1 BUILDING SECTION - PREVIOUS
1/8" = 1'-0"



2 BUILDING SECTION - CURRENT
1/8" = 1'-0"

Agenda Item

To: Reagan Parsons, Town Manager
From: Pamela Graham, Principal Planner
Subject: AR-01-23 Knollwood Multi-Family
Date: April 11, 2023

This report has been minimally revised from the version provided to the Town Council in March. Revised text is reflected as red-line text in this report and revised architectural renderings have been included as attachments.

I. SUMMARY OF APPLICATION REQUEST:

Mr. Philip Payonk with Hawthorne Residential Partners, LLC, on behalf of Knollwood Partners, LLC and Kaveri Investment Management (legal property owners), is requesting approval of an Architectural Compliance Permit for “Knollwood Multi-Family,” a 236-unit apartment home community constituting Phase 2 of the Knollwood Tract CDP. The PDP associated with this project is known as PD-11-22 and was approved in November of 2022. The property to be developed is located on the north side of US Highway 1, between Midland Road and St. Joseph Road and consists of +/-19.57 acres.

II. PROJECT INFORMATION:

A. Property Owners(s)

1. PIN 858211667500 (PARID 00039300701)
Owned by Knollwood Partners, LLC
1010 Midland Road
Southern Pines, NC 28387
2. PIN 858210471209 (PARID 00037785)
Owned by Mid-Pines Development Group, LLC
PO Box 88
Southern Pines, NC 28388
3. PIN 858207694691(PARID 00031176)
Owned by Kaveri Investment Management Company, LLC
3515 Collins Avenue, #4B
Miami Beach, Florida 33140

B. Applicant and Authorized Agent

Hawthorne Residential Partners c/o Philip M. Payonk
806 Green Valley Road, Suite 311
Greensboro, NC 27408

III. STAFF REVIEW:

1. Review Process:

Architectural Compliance Permit applications are reviewed pursuant to UDO §2.26.

2. Application Review Dates:

Application Submitted: February 6, 2023 and February 17, 2023

Application Complete: February 21, 2023

Town Council Agenda Meeting: March 7, 2023

Town Council Regular Meeting: March 14, 2023

3. Criteria for Review:

UDO §2.26.1 describes the purpose of the architectural compliance permit as follows:

“This section enables the Town Council and the developer of a multi-family, attached single-family, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town’s Commercial Design Standards.”

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 following Comprehensive Plan goals and policies may be considered relevant to the proposal, when considered in the broader scope of the project as a whole (including but not limited to the architectural character):
 - G-10. Economy. *Achieve a sustainable, resilient, balanced economy.*
 - G-11. Housing. *Facilitate the provision of a broad range of housing choices that serve residents of all abilities and incomes.*
 - G.13. Growth. *Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines’ residents.*
 - P-6. Mobility. *Enhance mobility options for residents of Southern Pines by:*
 - a. *Ensuring that new neighborhoods and mixed-use centers interconnect with adjoining land uses;*
 - b. *Making walking and bicycling safe, convenient and economical transportation alternatives to driving through development of greenways and streets that are designed to support all user.*
 - P-9. Access Management. *Enhance the safety and function of arterial and collector streets through access management strategies that:*
 - a. *Encourage common or shared parking facilities as well as common driveways;*
 - b. *Control the number, width, and location of driveways; and*
 - c. *Require site access from side streets where appropriate.*
 - P-10. Greenways. *Continue development of a greenway system in coordination with Moore County, Pinehurst, Aberdeen and other stakeholders to facilitate open space retention and link Southern Pines’*

neighborhoods, parks, civic uses, activity centers and connections to regional trails and greenways.

P-12. New Housing Choices. Foster the provision of a mix of housing that meets the financial and physical needs of existing and future residents by encouraging development of a variety of housing types in new residential areas and promoting compatible infill in existing neighborhoods.

- (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; *Staff has included two areas of compliance that we recommend be included in the conditions for approval of this project, bringing it into “substantial conformity” with the standards, while acknowledging the guidance found in the two remaining criteria that follow below.*
- (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 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 exhibit these variations in a fashion that is similar to each of the other buildings. This approach is commonly used in multi-family design to create a cohesive appearance throughout the development.

- *Group buildings in clusters.*

✓ Generally compliant with standard(s):

The proposal includes nine multi-family buildings with a clubhouse/amenity area and associated parking throughout. The buildings are clustered to a reasonable degree, given the need to position parking areas directly adjacent to the buildings and allow for vehicular circulation throughout the development, as well as provide for some open space areas easily accessible by residents.

- *Articulate facades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade.*

✓ **Current—The applicant has advised that the design requires a deviation approval for both residential Building Types now complies with this requirement-2:**

The multi-family structures are designed according to two proposed building types. Building Type 1 is compliant with this standard, providing projections from the front and rear facades of at least 8’-6” at least once every fifty feet, and 5’-10.5” along the side facades. Precise dimensions, revised to show compliance with this standard, for Building Type 2 had not been received at the time of this writing. The applicant has been advised that dimensioned elevation drawings showing compliance with this standard for Building Type 2 will be needed for Town Council review. ~~includes projections of less than 2’ along the front and rear facades and approximately 3’ along the side facades, and therefore does not comply with the standard.~~ This deviation is less frequently requested than others that are common to multi-family design proposals and staff ~~is~~ recommending that the design be revised to meet the standard prior to release of architectural permit approval documents.

- *Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures.*

✓ **Compliant with standard(s):**

Site plan indicates compliance with this standard and can be confirmed during site plan review.

- *Units above grade level shall have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet.*

✓ **Compliant with standard(s):**

All balconies for both Building Type 1 and Type 2 have minimum dimensions of 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:**

The applicant has responded to this standard by stating the following in their narrative:

“Three common entrances are provided 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.”

Because the planned development approval did not request (nor was it granted) a deviation from this standard, the justification for the deviation must be found elsewhere. This particular standard has been the topic of much discussion regarding the intent of the standard, the interpretation that should be applied, and the consistent pattern of deviation requests by applicants.

The ground floors of the Type 1 buildings comply with the requirement by a considerable margin by having only eight units accessed by four building entrances. Adding the unit entrances for the second floor, the Type 1 buildings still comply by now having sixteen units accessed by four building entrances. However, the third floor units change the ratio of unit entrances to building entrances with a calculation of twenty-four unit entrances to four building entrances, which exceeds the standard.

Building Type 2 is designed with an interior arrangement of three ground floor building entrances with eight unit entrances on each floor. Therefore, only the ground floor of these buildings are compliant with the standard. Staircases are positioned near all building entrances for both building types to allow access to the upper floor units.

Staff has no evidence that the buildings will benefit aesthetically from the application of this standard. Assuming that safe egress from buildings was, at least in part, the intent of the standard, the following estimates based on the floor plans provided by the applicant may offer justification for granting a deviation from this challenging standard:

- The common entrances for the buildings are between nine and ten feet wide.
- The greatest distance from any unit door to an exit/stairwell is +/- 31' for Type 1 buildings and +/- 53' for Type 2 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.*
- ✓ **Compliant with standard(s):**
Buildings have been situated over the site in a manner that avoids direct alignment of doorways.
- *Provide porches or roofed overhangs over building entrances.*
- ✓ **Compliant with standard(s):**
All common entrances to the buildings feature overhangs.
- *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.*

? Compliance is undetermined at this time:

The applicant has provided the following response to this requirement:
“The spatial requirements as described in section 4.10.8(B) of the UDO will be met and addressed during the site plan approval process.”

Staff agrees that this standard is related more to the site than to the architecture. Staff can assure compliance during site plan review if that is the desire of Town Council. A condition specific to this item is included in the staff-recommended conditions.

5. UDO §4.10.4 addresses 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.

✓ Compliant with standard(s):

All buildings face the private streets that provide access through 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.

✓ Compliant with standard(s):

The facades of the buildings are distinctly segmented through the use of building materials, fenestration, offsets, rooflines, and exterior design detailing. With the widest segment measuring 34’-6” and the building heights being less than 40’, the design easily complies with 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.

x Requesting a deviation:

The applicant has provided revised calculations related to this standard that are included below. The information indicates that the brick percentage is now a minimum of 53% on all facades. This change identifies brick as the majority material, and brings the project closer to compliance and in line with percentages proposed for previously approved projects. However, it remains which indicate that the percentage of brick for each multi-family building type is less than the 80% standard. The remaining percentages are made up of fiber cement exterior materials of different configurations (vertical, horizontal, and trim pieces).

The applicant's narrative states:

"We provide these materials to note that many of the buildings fall short of the brick percentage provisions. 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."

Building Type 1

Front Elevation = 53.42% brick

Typical Side Elevation = 55.40% brick

Rear Elevation = 54.43% brick

Building Type 2

Front Elevation = 53.45% brick

Typical Side Elevation = 53.44% brick

Rear Elevation = 53.44% brick

The frequency of deviation requests from this standard is quite high, with the justifications largely consistent in stating that, though the standard may be appropriate for commercial buildings, it results in an institutional look that is inappropriate or unappealing for multi-family residential construction.

- 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.

✓ **Compliant with standard(s):**

The elevation drawings show the transparency percentages to range between 25 and 33% for all multi-family buildings.

- 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.

✓ **Compliant with standard(s):**
No awnings are proposed for the buildings.

- 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.*

✓ **Compliant with standard(s):**
No galleries or arcades are proposed.

- 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'.*

✓ **Compliant with standard(s):**
There are frequent breaks in the roofline for the proposed multi-family buildings, and all are less than 200' in width. Therefore, there are no uninterrupted planes of longer than 200'.

- 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.*

? **Compliance is undetermined at this time:**

This standard is related more to the site than to the architecture. Staff is accustomed to reviewing landscape plans for compliance with screening standards during site plan review, and can assure that this standard is met at that time.

- 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.*

✓ **Compliant with standard(s):**
No garage buildings or loading bays are proposed.

- UDO §4.10.4 (J) *states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

? **Compliance will be determined during sign permit review:**

No signage has been submitted with the architectural plans. All signs will be reviewed under separate application and must comply with the standards as stated in the UDO.

6. Noteworthy Project Elements for Town Council Consideration and Staff Recommendation

~~Town Council should be aware that the applicant has submitted two sets of designs for the multi-family buildings, with the only differences being the building heights~~

~~and rooflines. One design option features a flat roof with varying parapet heights measuring less than 40' in height. The second set of designs include a pitched roof that exceeds the 40' height standard imposed by the Planned Development District language found in UDO §3.5.14 (O)(2), which defaults to the building height limitations for the RM-1 District unless otherwise approved by the Town Council. The elevation drawings highlight the impact that roof design has on building architecture; however, building height deviation requests are typically made during the PD process. The pitched roof designs measure 44' 9.5" for Building Type 1 and 45' 1.75" for Building Type 2.~~

~~Notwithstanding the building height options, t~~The application indicates ~~three~~four deviations from the UDO standards, as enumerated in this report. Some of these requests are consistent with those often made for multi-family projects and the frequency of these deviations reinforce the need for updates to the Town's architectural standards and processes. ~~With this in mind, staff has selected a single standard that is less commonly included in the list of deviations granted by Town Council, and is recommended that it be required as a condition of approval. This standard is found in UDO §4.10.8(C) and addresses the depth of projections along the buildings' facades.~~

We also acknowledge that there are standards included in UDO Sections 4.10.4 and 4.10.8 that are more related to site design and sign regulations than to building architecture. These items can be reviewed by TRC during the site plan review process, where more detailed site design is made available, or by staff during the standard sign permitting process. Staff has listed these in the conditions to remind the applicant and staff that compliance must be verified during site plan review and sign permit review prior to final approval.

Staff recommends approval of AR-01-23 with the following conditions:

1. The ~~applicant has indicated compliance design for all multi-family buildings shall comply~~ with the UDO §4.10.8 standard that each facade includes projections of at least five feet at least once every fifty feet. The applicant shall submit design drawings indicating full compliance with this standard prior to staff releasing approval documents for the architectural compliance permit.
2. The design shall be reviewed during the TRC's site plan review process and compliance with the UDO §4.10.8 standard that buildings must be set back at least ten feet from the sidewalk or public circulation walkway shall be confirmed prior to final approval of the site plan. Additionally, appropriate screening of mechanical equipment as required by UDO §4.10.4(H) shall be reviewed during the site plan review process and shall be deemed compliant with the standard prior to final approval of the site plan.
3. Any proposed signage for the project shall be compliant with UDO §4.6 and shall be reviewed and approved according to the sign permitting process established in UDO §2.41.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT:

1. Application
2. Deeds
3. Appointment of Agent
4. Applicant's Narrative
- ~~5. Dimensioned Building Elevation Drawings with Material Calculations~~
(revisions to these exhibits had not yet been submitted by the applicant at the time of this writing)
- ~~6.5.Architect's Email Specifying Revised Building Materials Exhibit Percentages~~
- ~~7.6.Floor Plans~~
- ~~7. Site Plan~~
8. Revised Architectural Renderings – a, b, and c

V. TOWN COUNCIL ACTION:

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application is consistent with the criteria per UDO §2.26.7, in that it is consistent with applicable Comprehensive Plan goals and policies, substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, is consistent with applicable conditions of prior development approvals, and the resulting development will be compatible with neighboring development and has mitigated potential conflicts.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-01-23;
2. Approve AR-01-23 with the conditions as recommended by staff (Town Council may include all or part of staff's recommended conditions listed at the top of this page, or choose an alternative set of conditions, at their discretion);
3. Deny AR-01-23.



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



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: KNOLLWOOD MULTI-FAMILY

Street Address: US HIGHWAY 1 (UNASSIGNED)

PIN: 858211667500; 858207694691; Parcel ID: 00039300701; 00031176; Zoning: PD
858208786370; 858300709512; 858200882301 00037579701; 00037581; 20080332

Type of building (retail, office, etc.): MULTI-FAMILY & CLUBHOUSE Total square footage: BLDG TYPE 1: ±29,579 SF
BLDG TYPE 2: ±36,459 SF
CLUBHOUSE: ±6,000 SF

Applicant:

Name: HAWTHORNE RESIDENTIAL PARTNERS C/O PHILIP M PAYONK

Email: ppayonk@hrpliving.com Phone: 336-553-1700

Mailing Address: 806 Green Valley Rd. Suite 311 Greensboro, NC 27408

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

Name(s): KNOLLWOOD PARTNERS, LLC; KAVERI INVESTMENT MANAGEMENT

Email: kelly.miller@rossresorts.com Phone: 910-692-5372

Mailing Address: 1010 MIDLAND RD. SOUTHERN PINES, NC 28387
C/O PINE NEEDLES & MID PINES, PO BOX 88 SOUTHERN PINES, NC 28388

Date: 2/1/2023

DocuSigned by:

Phil Payonk
 6C0EEF9C686642F...

Applicant

UDO §2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

- (A) The application is consistent with applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;
- (C) The application is consistent with applicable conditions of prior Development approvals; and
- (D) The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.

UDO §2.26.9. Effect of Approval

- (A) The Architectural Compliance Permit shall expire unless a Building Permit is issued within one (1) year of approval.
- (B) Development activities subject to this section shall conform to the approved application and any conditions or restrictions. Any deviation from the approved Architectural Compliance Permit, unless approved in advance and in writing by the Planning Director, is deemed a violation of the UDO.

Please review UDO §2.26 in its entirety as well as UDO §4.10.4 for Building and Design Requirements (www.southernpinesudo.org).

CW

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2005 DEC 30 04:08:26 PM
BK: 2952 PG: 233-241 FEE: \$6,220.00
NC REVENUE STAMP: \$6,182.00
INSTRUMENT # 2005025878

Excise Stamps \$6,182 00

Recording Time, Book & Page

Drafted by John M. May, Attorney at Law
120 Applecross Road
Pinehurst, NC 28374

No Title Examination by drafting attorney

Brief Description for Index 440 +/- acres, McNeill Twp

NORTH CAROLINA GENERAL WARRANTY DEED

THIS GENERAL WARRANTY DEED made this 30th day of December 2005, by and between **Pine Needles Country Club, Inc.**, a North Carolina corporation (hereafter "Grantor"), of Southern Pines, NC, and **Knollwood Partners, LLC**, a North Carolina limited liability company (hereafter "Grantee") of **PO Box 88 Southern Pines, NC 28388**

MAJ: 47.00

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, McNeill 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, other easements and restrictive covenants that are enforceable against or a benefit to the property, if any, and to the lien for ad valorem property taxes for the current year to be prorated at closing.

SellerDocs /PineNeedles toKnollwoodPartners

The property hereinabove described was acquired by Grantor by instrument recorded in ,
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 caused this instrument to be executed in its
official capacity, the day and year first above written.

PINE NEEDLES COUNTRY CLUB, INC.

By: [Signature]
Name: Bonnie Bell McGowan
Title: Vice President

STATE OF NORTH CAROLINA, COUNTY OF MOORE

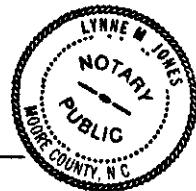
I, Lynne M. Jones, a Notary Public of the County and State
aforesaid, certify that ~~either being personally known to me or proven by satisfactory evidence~~
(~~said evidence being~~ _____), personally appeared before me this day and
acknowledged that (s)he is Vice President [title of officer] of Pine Needles Country Club, Inc. a
North Carolina corporation, and that (s)he, as Vice President, [title of officer] being authorized to
do so, voluntarily executed the foregoing on behalf of the corporation for the purposes stated
therein. * Bonnie Bell McGowan

WITNESS my hand and official stamp or seal, this 30 day of December 2005.

[Signature]

Notary Public

My Commission Expires: 10-19-07



SellerDocs /PineNeedles toKnollwoodPartners

EXHIBIT "A"

Tract 1

BEGINNING at the fourth corner of the E.R. Buchan grant, (being the third corner of 122 acre Knollwood tract, formerly Lovedy Jane Blue land) at a concrete monument set at the junction of a small branch from the southeast with McDeed's Creek, and running thence S 12-50 East with line of said 122 acre Knollwood tract, for 575 feet to a concrete monument; thence N 48-45 East, a new line across Ollie McNair lands, for 654 feet to a concrete monument; thence N 48-45 East the same course, for 458 feet to another concrete monument (probably beginning corner of L.E. Norris 230 acre tract), a corner of Nancy Chamber's 5.5 acres; thence, N 58 East with Nancy Chambers' line for 462 feet, (crossing Lower Pond Branch) to another concrete monument; thence N 39-30 West with northeast line of E.R. Buchan grant, for 561 feet, more or less, to McDeed's Creek; thence southwesterly up McDeed's Creek, with line of Scott lands (now Knollwood's 212 acre tract) for 1340 feet, more or less, to the beginning. The whole forming a roughly quadrilateral parcel of land lying along the east side of McDeed's Creek, which forms one of its boundaries, and containing 18 acres, more or less.

EXHIBIT "A" - Continued

TRACT 2 -

That certain tract or parcel of land as shown and delineated on a plan or map of land of the Niagara Realty Company made by James B. Swett and recorded in Map Book 1, Section 2, Page 103, in the Office of the Register of Deeds of Moore County, North Carolina, said tract of land located at the northeast edge of the Town of Southern Pines, located about two hundred fifty yards north of Highway No. 1, fronting on the north side of the 33 foot wide Pinehurst Road right of way, adjoining the lands of Bell and others, and beginning at a concrete monument at the northwest corner of Lot No. 1 of the Niagara Realty Company that is shown on a map of the Niagara Realty Company that is recorded in Map Book 1, Section 2, Page 103, in the Moore County Registry, running thence with the north lines of Lots Nos. 1 and 2, South 84 degrees 03 minutes East 650.44 feet to a concrete monument at the northeast corner of Lot No. 2, a common corner with Lot No. 3; thence with the east line of Lot No. 2, South 04 degrees 41 minutes East 471.30 feet to a concrete monument in the north line of the 33 foot wide Pinehurst Road right of way as set out on the Niagara Realty Company map, said monument being the southeast corner of Lot No. 2; thence with the north line of the Pinehurst Road right of way, South 85 degrees 25 minutes West 944.94 feet to a concrete monument, the southwest corner of Lot No. 1; thence with the west line of Lot No. 1, a line common with Bell, North 22 degrees 45 minutes East 664.08 feet to the beginning, containing 9.85 acres, more or less, and being all of Lots Nos. 1 and 2 as shown on a map entitled, "Property of The Niagara Realty Company", made by J.B. Swett, dated March 2, 1911, and recorded in the Office of the Register of Deeds for Moore County in Map Book 1, Section 2, Page 103.

EXHIBIT "A" - Continued

TRACT 3

A CERTAIN TRACT OR PARCEL OF LAND IN MCNEILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA NEAR THE TOWN OF SOUTHERN PINES, N. C.; SAID PROPERTY LYING ABOUT 300 YARDS NORTH OF U.S. HIGHWAY NO. 1 AND ABOUT 500 YARDS WEST OF THE VILLAGE OF NIAGARA AND THE SEABOARD COASTLINE RAILROAD, DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON STAKE IN THE WEST LINE OF THE MAGGIE MCNAIR DAVIS PROPERTY THAT IS RECORDED IN DEED BOOK 173 AT PAGE 42 IN THE MOORE COUNTY REGISTRY; SAID BEGINNING CORNER BEING LOCATED N 22 41' 33" W 26.64 FEET FROM A CONCRETE MONUMENT, THE BEGINNING CORNER OF OLLIE MCNAIR'S 47 ACRE TRACT THAT IS RECORDED IN DEED BOOK 75 AT PAGE 589 IN THE MOORE COUNTY REGISTRY; RUNNING THENCE FROM THE BEGINNING, ON THE NORTH SIDE OF A POST AND WIRE FENCE THE FOLLOWING CALLS; S 65 28' 48" W 140.01 FEET TO AN IRON STAKE; THENCE S 62 55' 51" W 147.61 FEET TO AN IRON STAKE; THENCE S 61 42' 12" W 243.33 FEET TO AN IRON STAKE; THENCE N 77 50' 52" W 182.87 FEET TO AN IRON STAKE; THENCE N 81 16' 24" W 54.07 FEET TO AN IRON STAKE; THENCE S 80 54' 47" W 325.09 FEET TO AN IRON STAKE IN THE PINE NEEDLES COUNTRY CLUB, INC., (TUERK & MCWILLIAM TRACT) LINE; THENCE WITH SAID LINE THE FOLLOWING CALLS; N 71 36' 14" E 422.74 FEET TO A CONCRETE MONUMENT; THENCE N 01 50' 14" E 662.20 FEET TO AN IRON STAKE IN GREEN POND BRANCH; THENCE WITH THE RUN OF SAID BRANCH THE FOLLOWING CHORD N 03 36' 04" E 312.69 FEET TO AN IRON STAKE IN THE BRANCH; SAID STAKE BEING A COMMON CORNER WITH MOSS LAND; THENCE WITH THE COMMON LINE OF MCNAIR WITH MOSS N 46 42' 10" E 654.00 FEET TO A CONCRETE MONUMENT IN SAID LINE; THENCE CONTINUING STRAIGHT N 46 42' 10" E 459.28 FEET TO A CONCRETE MONUMENT ON THE EAST SIDE OF A SMALL BRANCH; THENCE S 13 02' 46" E 330.00 FEET TO AN IRON STAKE ON THE EAST SIDE OF A SMALL BRANCH; SAID CORNER BEING THE NORTHWEST CORNER OF OLLIE MCNAIR'S TRACT THAT IS RECORDED IN DEED BOOK 87 AT PAGE 04 IN THE MOORE COUNTY REGISTRY; THENCE AS THE WEST LINE OF SAID TRACT S 02 15' 10" W 586.92 FEET TO AN IRON STAKE IN A SMALL BRANCH; THE SOUTHWEST CORNER OF MCNAIR'S TRACT THAT IS REFERENCED ABOVE; THENCE S 08 12' 51" E 228.91 FEET TO A CONCRETE MONUMENT, A CORNER OF MAGGIE MCNAIR DAVIS'S PROPERTY; THENCE WITH THE COMMON LINE OF MCNAIR WITH DAVIS S 48 42' 58" W 501.42 FEET TO A CONCRETE MONUMENT, ANOTHER CORNER OF MAGGIE MCNAIR DAVIS; THENCE S 22 41' 33" E 173.12 FEET TO THE BEGINNING, CONTAINING 25.68 ACRES MORE OR LESS AND BEING A PORTION OF OLLIE MCNAIR'S 47 ACRE TRACT THAT IS RECORDED IN DEED BOOK 75 AT PAGE 589 IN THE OFFICE OF THE REGISTER OF DEEDS FOR MOORE COUNTY, NORTH CAROLINA. BEARINGS BASED ON NORTH CAROLINA GRID COORDINATE SYSTEM.

EXHIBIT "A" - Continued

TRACT 4

A CERTAIN TRACT OR PARCEL OF LAND IN MCNEILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA NEAR THE TOWN OF SOUTHERN PINES, N. C.; SAID PROPERTY LYING ABOUT 300 YARDS NORTH OF U.S. HIGHWAY NO. 1 AND ABOUT 500 YARDS WEST OF THE VILLAGE OF NIAGARA AND THE SEABOARD COASTLINE RAILROAD, DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON STAKE IN A SMALL BRANCH; SAID STAKE BEING THE BEGINNING CORNER OF THE OLLIE MCNAIR TRACT THAT IS RECORDED IN DEED BOOK 87 AT PAGE 04 IN THE MOORE COUNTY REGISTRY; SAID CORNER ALSO BEING A CORNER OF THE FORMERLY ELWOOD BLAKE AND THE TOWN OF SOUTHERN PINES PROPERTY; RUNNING THENCE FROM THE BEGINNING WITH THE NORTHERN LINE OF SAID TRACT N 68 30' 06" E 1264.92 FEET TO AN IRON STAKE ON THE EAST SIDE OF A BRANCH WITH A POPLAR POINTER; THENCE N 58 00' 46" W 660.00 FEET TO AN IRON STAKE, A CORNER OF NANCY CHAMBERS PROPERTY RECORDED IN DEED BOOK 54 AT PAGE 387 IN THE MOORE COUNTY REGISTRY; THENCE WITH THE SOUTHERN LINE OF CHAMBERS S 69 05' 29" W 635.86 FEET TO AN IRON STAKE ON THE EAST SIDE OF A SMALL BRANCH; THENCE S 02 15' 10" W 586.92 FEET TO THE BEGINNING, CONTAINING 11.63 ACRES MORE OR LESS. BEARINGS BASED ON NORTH CAROLINA GRID COORDINATE SYSTEM.

EXHIBIT "A" – Continued

TRACT 5

A CERTAIN TRACT OR PARCEL OF LAND IN MCNEILLS TOWNSHIP, MOORE COUNTY, NORTH CAROLINA FRONTING ON THE SOUTH SIDE OF STATE ROAD NO. 1853, CAMP EASTER ROAD, ABOUT ONE HALF MILE EAST OF THE INTERSECTION OF STATE ROAD NO. 1853 WITH N. C. HIGHWAY NO. 22, BOUNDED ON THE SOUTH BY THE LANDS OF PINE NEEDLES (FORMERLY DENT), ON THE EAST BY THE MCDEEDS CREEK DEVELOPMENT, AND ON THE NORTH BY HUGH L. KERR AND GRANTOR, DESCRIBED AS FOLLOWS;

BEGINNING AT A P. K. NAIL IN THE CENTER OF THE PAVEMENT OF STATE ROAD NO. 1853, CAMP EASTER ROAD, WHERE A SOUTH LINE OF THE 202 ACRE TRACT DEEDED TO GRANTOR, RECORDED IN DEED BOOK 608 AT PAGE 125, CROSSES THE CENTER OF SAID ROAD, SAID BEGINNING CORNER BEING LOCATED S 77-32'08"E 13.97 FEET FROM A CORNER OF THE 202 ACRE TRACT REFERENCED ABOVE; RUNNING THENCE FROM THE BEGINNING N 70-27'21"E 1217.07 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF S. R. NO. 1853, A SOUTHWEST CORNER OF HUGH L. KERR'S TRACT RECORDED IN DEED BOOK 428 AT PAGE 187 IN THE MOORE COUNTY REGISTRY; THENCE AS THE COMMON LINES OF THIS TRACT AND HUGH L. KERR, THE FOLLOWING CALLS, N 70-23'14"E 177.78 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF S. R. NO. 1853; THENCE N 65-41'48"E 204.65 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF S. R. NO. 1853; THENCE N 56-04'33"E 150.17 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF S. R. NO. 1853; THENCE N 46-45'59"E 154.53 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF S. R. NO. 1853; THENCE N 38-01'38"E 147.74 FEET TO A NAIL IN THE CENTER OF THE PAVEMENT OF S. R. NO. 1853; THENCE N 29-25'11"E 112.56 FEET TO A NAIL IN THE PAVEMENT OF S. R. NO. 1853; THENCE AS A NEW LINE, LEAVING THE ROAD, ALONG THE CENTER OF AN ACCESS EASEMENT S 78-21'20"E 445.93 FEET TO AN IRON STAKE IN THE EAST LINE OF THE 202 ACRE TRACT REFERENCED ABOVE, IN THE CENTER OF A 60 FOOT WIDE ACCESS EASEMENT LEADING FROM STATE ROAD NO. 1853 TO THE MCDEEDS CREEK DEVELOPMENT, SAID EASEMENT BEING RECORDED IN DEED BOOK 437 AT PAGE 718 IN THE MOORE COUNTY REGISTRY; THENCE AS THE EAST LINE OF THE 202 ACRE TRACT S 02-40'22"W 1487.90 FEET TO A CONCRETE MONUMENT, THE SOUTHEAST CORNER OF THE 202 ACRE TRACT; THENCE AS THE SOUTH LINE OF THE 202 ACRE TRACT N 73-51'18"W 1876.98 FEET TO A CONCRETE MONUMENT, A CORNER OF THE 202 ACRE TRACT; THENCE N 77-32'08"W 459.68 FEET TO THE BEGINNING, CONTAINING 39.863 ACRES MORE OR LESS AND BEING A PORTION OF GRANTOR'S 202 ACRE TRACT RECORDED IN DEED BOOK 608 AT PAGE 125 IN THE MOORE COUNTY REGISTRY.

EXHIBIT "A" - Continued

TRACT 6

A certain tract of land located on the north side of the Town of Southern Pines, adjoining the corporate limits of the Town, adjoining the lands of the Pine Needles Golf Club property, Edwin Longcope, McDeeds Creek Development, Virginia Moss, McNair lands, Niagara Realty property and others, and BEGINNING at a concrete monument in the southeast line of Aiken Road, said monument being the common corner of Lots Nos. 78 and 79 of the Kenwood Subdivision that is recorded in Map Book 5, page 47, in the Office of the Register of Deeds for Moore County, North Carolina, running thence from the beginning with the southeast line of Aiken Road, North 70 degrees 00 minutes East 196.5 feet to a monument in the Kenwood-Longcope line, a corner of Lot No. 79; thence with the Kenwood-Longcope line, South 75 degrees 24 minutes East 368.0 feet to a monument; thence South 71 degrees 45 minutes East 4314.6 feet with the Longcope and McDeeds Creek lines to a corner on the west bank of McDeeds Creek; thence up the run of the creek, a line traversed South 44 degrees 21 minutes West 159.3 feet, South 26 degrees 12 minutes West 155.5 feet, and South 32 degrees 51 minutes West 185.5 feet to the confluence of Green Pond branch with McDeeds Creek; thence up the run of Green Pond branch, traversed South 06 degrees 51 minutes West 493.7 feet, South 39 degrees 39 minutes East 132.0 feet, South 02 degrees 25 minutes East 205.7 feet and South 35 degrees 39 minutes East 96.3 feet to an iron stake in the run of the branch, thence South 03 degrees 53 minutes West 662.2 feet to a concrete monument; thence South 73 degrees 39 minutes West 821.2 feet to a concrete monument; thence North 45 degrees 05 minutes West 198.0 feet to a concrete monument; thence South 66 degrees 54 minutes West 1183.5 feet to a concrete monument; thence North 81 degrees 46 minutes West 1010.5 feet to a concrete monument, a corner of a tract deeded from W.O. Moss to Warren Bell; thence with the Bell line, North 15 degrees 18 minutes West 2731.4 feet to a corner of the Bell-Moss tract and the Pine Needles land; thence with the Pine Needles lands, North 70 degrees 54 minutes West 988.9 feet to a concrete monument, South 51 degrees 20 minutes West 781.53 feet to a corner with Pine Needles; thence continuing with Pine Needles, North 55 degrees 30 minutes West 106.2 feet to a point of curvature; thence with the curve to the left having a radius of 52.94 feet, a chord of South 82 degrees 26 minutes West 70.95 feet to the point of tangency; thence South 33 degrees 03 minutes West 77.66 feet to a corner of the Dent "Home Tract"; thence with the Pine Needles line, North 55 degrees 30 minutes West 337.69 feet to a corner in the southeast line of Kenwood Lot No. 9; thence South 34 degrees 30 minutes West 257.2 feet to the south corner of Lot No. 8; thence with the southwest line of Kenwood Lot No. 8, North 55 degrees 30 minutes West 200.0 feet to a concrete monument in the southeast line of Fairway Drive, the west corner of Lot No. 8; thence with the line of Fairway Drive, North 34 degrees 30 minutes East 442.2 feet to the point of curvature of Fairway Drive; thence with the curve to the right, having a radius of 1532.88 feet, an arc distance of 949.8 feet to the point of tangency of the Drive near the intersection with Aiken Road; thence with the southeast line of Aiken Road, North 70 degrees 00 minutes East 722.9 feet to the beginning, containing 275.53 acres, more or less. The bearings in this description were based on a map of Kenwood that is recorded in Map Book 5, at page 47, in the Office of the Register of Deeds for Moore County, North Carolina.

EXHIBIT "A" - continued

TRACT 7

A certain tract of land lying partially in the town of Southern Pines fronting on the northeast side of Midland Road, fronting on the Northwest side of Highway #1, bounded on the northwest by McDeeds Creek, adjoining the land of Peggy Bell, Emery Smith and Pinehurst Road, described as follows:

BEGINNING in the center of the run of McDeeds Creek at the northeast line of the 120 foot wide Midland Road, running thence from the beginning with the line of Midland Road S 46°37'06"E 109.48 feet to an iron pipe, the southwest corner of the county of Moore's Southern Pines sewer pumping plant tract; thence with the sewer plant tract leaving the road, N 42°31'E 335.54 feet to an iron stake, S 48°45'00"E 100.00 feet to a stake, S 42°31'W 75.00 feet to a stake, N 48°45'W 30.00 feet to a stake and S 42°27'00"W 273.31 feet to an iron stake in the northeast line of Midland Road; thence with the line of Midland Road S 32°43'00"E 23.96 feet to an iron pin at the ramp intersection with Highway #1; thence with the west right of way line of the highway, N 69°06'59"E 226.65 feet to a concrete right-of-way marker; thence northeasterly with a curve of the right-of-way, having a radius of 100 feet, an arc distance of 119.18 feet as it curves to the right with a chord of N 34°58'27"E 112.25 feet; thence N 69°06'59"E 40.24 feet to a point of curve, thence with the right of way as it curves to the left with a radius of 925.00 feet, an arc distance of 318.02 feet with a chord of N 59°16'01"E 316.46 feet to a point of tangency of the right-of-way; thence continuing with the right-of-way N 49°25'03"E 2327.19 feet to a point of curve of the highway; thence with the curve to the right having a radius of 5859.65 feet and arc distance of 1599.06 feet with a chord of N 57°14'07"E 1594.09 feet to an iron stake in an east line of the Taylor 300 acre tract, said corner located N 66°57'33"E 240.58 feet from North Carolina Geodetic monument "Bank"; thence leaving the Highway with the Taylor line, N 16°31'33"W 544.40 feet to a concrete monument; a corner of the 300 acres in the south line of Pinehurst Road (road not open); thence with the south line of the 33 foot wide road right-of-way, S 85°33'39"W 1501.13 feet to a concrete monument at the west terminus of the road right-of-way; thence continuing with the Taylor-Bell line N 80°07'21"W 190 83 feet to the center of the run of McDeeds Creek; thence up the run of the creek the following chords, S 28°21'27"E 103.44 feet, S 04°50'13"W 210.82 feet, S 19°24'36"E 401.58 feet, S 23°08'46"W 435.83 feet, S 49°11'29"W 299.35 feet, S 51°46'11"W 405.05 feet, S 51°52'56"W 406.08 feet, S 42°15'03"W 398.66 feet, S 42°57'50"W 399.80 feet, S 42°28'36"W 297.78 feet and S 41°29'40"W 571.37 feet to the BEGINNING, containing 66.60 acres more or less and being a part of the 300 acre parcel No. 3 of the Taylor property that is recorded in Deed Book 489 at page 172 in the Office of Register of Deeds for Moore County, North Carolina. Bearings in this description based on the North Carolina Grid system.

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin
Moore County, NC

June 30, 2008 02:00:34 PM

Book 3437 Page 109-111

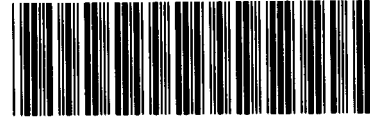
FEE: \$20.00

NC REVENUE STAMP: \$100.00

INSTRUMENT # 2008010715

HM

may



INSTRUMENT # 2008010715

Drafted by: Robert S. Thompson, Attorney at Law
 ROBERT S. THOMPSON, P.A.
 325 West Pennsylvania Avenue, Suite E
 Southern Pines, North Carolina 28387

NORTH CAROLINA

WARRANTY DEED

MOORE COUNTY

THIS DEED, made this 24th day of May, 2007, by **EMERY SMITH, III and wife, JEAN S. SMITH**, GRANTOR, to **KNOLLWOOD PARTNERS, LLC**, a North Carolina limited liability company GRANTEE;

Tax Address: 1005 Midland Road, Southern Pines, NC 28387

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 McNeill Township, Moore County, North Carolina, and more particularly described as follows:

BEING the property described in Exhibit A attached hereto and incorporated herein by reference.

The property hereinabove described is a portion of the land acquired by Grantor by instrument recorded in Book 1759, Page 81, 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; and (ii) utility easements and (iii) unviolated restrictive covenants that do not materially affect the value of the property.

TO HAVE AND TO HOLD the aforesaid lot, tract, or parcel of land, and all privileges and appurtenances thereto belonging to the said Grantee in fee simple; subject, however, to the hereinabove stated exceptions, reservations and conditions.

And the Grantor covenants with the Grantee, that Grantor is seized of said premises in fee simple and has the right to convey in fee simple; that the title is marketable and free and clear of all encumbrances; and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever; subject, however, to the exceptions, reservations and conditions hereinabove referred to.

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

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

 (SEAL)
EMERY SMITH, III

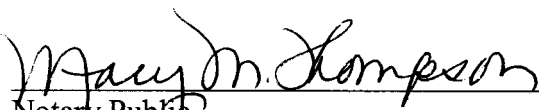
 (SEAL)
JEAN S. SMITH

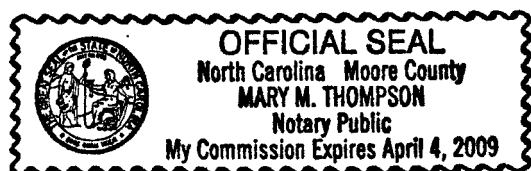
**MOORE COUNTY
 NORTH CAROLINA**

I certify that the following person(s) personally appeared before me this day and (✓) I have personal knowledge of the identify 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): **Emery Smith, III and Jean S. Smith**

Date: 6/26/2008


 Notary Public



Mary M. Thompson
 Printed or typed name of Notary Public

My commission expires: 04/04/2009

EXHIBIT A**PROPERTY DESCRIPTION**

Lying and being in McNeill Township, Moore County, North Carolina north of and about 1000' from US Hwy. #1. Bounded on the north, west and south by other lands of Knollwood Partners and on the east by Emery Smith, III and being more particularly described as follows:

BEGINNING at an existing concrete monument, the northwest corner of that Lot #3 as will be shown on a plat recorded in PC 8 Slide 252 and runs thence as the north line of said Lot #3 S 83°51'10" E 360.46' to an existing concrete monument, the northeast corner of Lot #3 and the northwest corner of Lot #4; thence as the north line of Lot #4 N 64°49'43" E 108.00' to a point in said north line of Lot #4; thence as a new line S 14°31'05" E 483.60' to an existing concrete monument, a corner in the south right-of-way of Pinehurst Road, said existing concrete monument also being the northwest corner of Lot #5; thence as said south right-of-way of Pinehurst Road S 85°36'09" W 539.42' to a point in said south right-of-way of Pinehurst Road; thence crossing Pinehurst Road N 04°30'03" W 33.11' to an existing concrete monument, the southwest corner of Lot #3; thence as the west line of Lot #3 N 04°30'03" W 470.63' to the BEGINNING, containing 5.35 acres and being the major portion of Lot #3, a portion of Lot #4 and a portion of Pinehurst Road right-of-way. The above-described land also being a portion of the lands conveyed to Emery Smith, III by deed recorded in Deed Book 1759 page 81, Moore County Registry.

For Registration Register of Deeds

Judy D. Martin

Moore County, NC

Electronically Recorded

March 13, 2020 3:39:48 PM

Book: 5289 Page: 399 - 401 #Pages: 3

Fee: \$26.00 NC Rev Stamp: \$331.00

Instrument# 2020004365

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$

Parcel Identifier No. 00031176 Verified by _____ County on the ____ day of _____, 2020

By: _____

Mail/Box to: GranteeThis instrument was prepared by: Mary Kay Baynard, Esq. 525 N. Tryon St., Ste. 700, Charlotte, NC 28202. Title examination performed by John M. May, 120 Applecross Road, Pinehurst, NC 28374.Brief description for the Index: 64 +/- acres, Southern Pines, Moore CountyTHIS DEED made this 11th day of March, 2020, by and between

GRANTOR

GRANTEE

WARREN KIRK BELL, WHOSE WIFE IS
SARAH ELIZABETH JOHNSON*15 Braemar Road
Pinehurst, North Carolina 28374-7046KAVERI INVESTMENT MANAGEMENT
COMPANY, LLC, a Delaware limited liability
company3315 Collins Avenue, #4B
Miami Beach, Florida 33140

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple all of Grantor's right, title and interest in and to that certain lot or parcel of land situated in the City of Southern Pines, McNeills Township, Moore County, North Carolina and more particularly described as follows:**SEE ATTACHED EXHIBIT A**

*Sarah Elizabeth Johnson joins in this conveyance solely for the purpose of conveying and waiving all right, title and interest which she has or may in the future have, in the land conveyed hereby and she does not join in any of the warranties contained in this instrument.

The Grantor's interest in the property above-described was acquired by Grantor by instruments recorded in Book 640 at Page 652 and Book 641 at Page 221 of the Moore County Registry.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in _____.

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions:

Restrictive covenants of record, easements and rights-of-way of record, existing leasehold interests, and the lien of real property taxes for the year in which this conveyance is made.

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

(Entity Name)

Warren Kirk Bell (SEAL)
Print/Type Name: WARREN KIRK BELL

By: _____

Print/Type Name & Title: _____

Sarah Elizabeth Johnson (SEAL)
Print/Type Name SARAH ELIZABETH JOHNSON

State of NORTH CAROLINA - County or City of Lee

I, the undersigned Notary Public of the County or City of Lee and State aforesaid, certify that WARREN KIRK BELL personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 12th day of March, 2020.

My Commission Expires: 04/25/2020

(Affix Seal)

Gladys T. Mills
Gladys T. Mills Notary Public
Notary's Printed or Typed Name

State of NORTH CAROLINA - County or City of Roanoke

I, the undersigned Notary Public of the County or City of Roanoke and State aforesaid, certify that SARAH ELIZABETH JOHNSON personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this 11 day of March, 2020.

My Commission Expires: 11-30-2021

(Affix Seal)

Jake Frazee
Notary Public
Commonwealth of Virginia
Reg. #7637136
My Commission Exps. Nov. 30, 2023

Jake Frazee Notary Public
Notary's Printed or Typed Name

State of North Carolina - County or City of _____

I, the undersigned Notary Public of the County or City of _____ and State aforesaid, certify that _____ personally came before me this day and acknowledged that he is the _____ of _____, a North Carolina or _____ corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this _____ day of _____, 201__.

My Commission Expires: _____
(Affix Seal)

Notary Public
Notary's Printed or Typed Name

Exhibit A

BEGINNING at a concrete monument by a pine on the north side of Beaver Dam Branch, a west corner of a 385.2 acre tract formerly lands of Knollwood, Inc., deeded to W. O. Moss by E. M. Aiken in 1949, also a corner of the Pine Needles Property east of the Golf Course Fairway #11, and running thence with three lines along the east side of the Golf Course as follows: North 10-45 West 536.9 feet to a concrete monument; North 19-16 West 697.2 feet to a concrete monument; North 27-36 East 1486.5 feet to a concrete monument in the south line of a 53.8 acre tract deeded to W. O. Moss by E. M. Aiken in 1949; thence South 15-44 East 2731.4 feet to a concrete monument, the northwestern corner of Lot #1 in the subdivision of the Niagara Realty Company property, Niagara, N.C.; thence with the western line of said Lot #1, South 24-31 West 700.8 feet to a concrete monument; thence North 78-30 West 792 feet to a concrete monument; thence North 1-15 West 604 feet to the Beginning, containing 64 acres, more or less.

APPOINTMENT OF AGENT

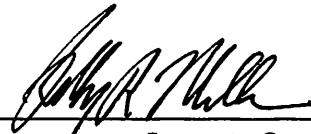
KNOLLWOOD PARTNERS, LLC

The undersigned owner(s), KAVERI INVESTMENT MANAGEMENT, hereby appoint(s) HAWTHORNE RESIDENTIAL PARTNERS 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.

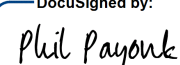
This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 1st day of February, 2023.



 Property Owner
Managing Member

 Property Owner

DocuSigned by:

 6C0EEF9C686642F...

Agent

1/12/22

February 17, 2023

Attn: Community Development Department
Town of Southern Pines
180 SW Broad Street
Southern Pines, North Carolina 28387

Re: Hawthorne at Southern Pines
Response to 2/13/23 Architectural Compliance Permit Application Comments

To the Town Council of the Town of Southern Pines:

4.10.4. Building Design Requirements

1. UDO 4.10.4 (B)(2) addresses the ratio of width to height of buildings or building segments in all zoning districts other than the CB and DTO Districts. Please provide horizontal dimensions on elevation drawings so that compliance with this standard can be confirmed. If the building design features vertical segmentation that assists with meeting this standard, those segments should be dimensioned. **Please see provided horizontal dimensions on elevations.**
2. UDO 4.10.4 (C) requires that exterior building materials be primarily composed of brick, with only 20% of the exterior walls be comprised of alternative material(s), exclusive of windows and doors. Please provide a table or other exhibit that clearly indicates the percentages of the exterior building materials proposed. I am attaching a calculation guide to assist you with putting together this information. **Please refer to the attached Architectural drawing and material percentages table for each site building. We provide these materials to note that many of the buildings fall short of the brick percentage provisions. 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.**
3. UDO 4.10.4(D)(3) requires that windows and doors comprise at least 25% of street-facing building facades between two and ten feet above grade. Please provide calculations showing if the proposal meets this standard. **We comply. Please see added window/door percentage table for each elevation type.**
4. UDO 4.10.4(G) addresses the allowed length of rooflines that do not include changes in the roof design. The horizontal dimensions requested in item #1 above will assist us in determining compliance with this standard. **Please see provided horizontal dimensions on elevations.**
5. UDO 4.10.8(C)(3) requires that facades be articulated by projections of at least five feet at least once every fifty feet along the façade. Please clearly show on either plan view or elevation drawings of the buildings if the proposal meets this standard. Dimensions showing compliance are needed. **6' deep Balconies are provided at each apartment, between 20' and 30' on center.**
6. UDO 4.10.8(C)(5) requires that units above grade level have access to private balconies of usable dimensions of no less than ten feet by six feet. Please clearly show on either plan view or elevation drawings of the buildings if the proposal meets this standard. Dimensions showing compliance are needed. **We comply. Please see building floor plans.**



7. UDO 4.10.8(C)(7)(a-d) – Please address these standards through clear indication on the drawings.

- a) 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. We would ask as part of the planned development that these be allowed to serve more than four dwelling units each.**
- b) 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.**
- c) Provide porches or roofed overhangs over building entrances. **We comply.**
- d) 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)

Respectfully,



Marc W. Mills, President
Planworx Architecture

From: [Marc Mills](#)
To: [Pam Graham](#); [Bob Koontz](#); [Kaitlyn Wrenn](#)
Cc: [Dan Schmidt](#)
Subject: RE: Southern Pines/Knollwood Renderings
Date: Monday, April 3, 2023 11:06:31 AM
Attachments: [image005.png](#)
[image006.png](#)
[image007.jpg](#)
[image008.jpg](#)
[image009.jpg](#)
[image010.jpg](#)

Pam and Southern Pines / Knollwood Team:

Here are the revised brick proportions for buildings 1 and 2:

Building Type 1

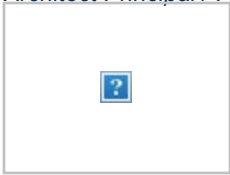
Front Elevation = 53% brick (increase of 11%)
Typical Side Elevation = 55% brick (increase of 15%)
Rear Elevation = 54% brick (increase of 11%)

Building Type 2

Front Elevation = 53% brick (increase of 8%)
Typical Side Elevation = 53% brick (increase of 9%)
Rear Elevation = 53% brick (increase of 9%)

In summary, all buildings have a minimum of 53% brick (becoming the majority material).

Please let me know if you have any questions.

Company Logo 	Marc Mills, RA, LEED AP <i>Architect Principal / President</i>  Direct 919 424 1949 Cell 919 795 3845 mmills@planworx.com
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From: Pam Graham <PGraham@southernpines.net>
Sent: Friday, March 31, 2023 12:10 PM
To: Bob Koontz <bkoontz@koontzjones.com>; Kaitlyn Wrenn <kwrenn@hrpliving.com>; Marc Mills

<mmills@planworx.com>

Subject: FW: Southern Pines/Knollwood Renderings

Good Afternoon Bob.

I wanted to inform you that the Agenda Session on 4/4 has been cancelled due to three Council members being unavailable. This item will be heard during the April 11 Regular Meeting.

I am submitting my staff report to the Clerk today and will include the revised renderings. However, I have not received the items requested in the email below and cannot advise Council that the brick percentages or the 5' projections have been verified by dimensioned drawings. Please push your team to provide those before the 11th so that I can give Council an update verbally.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003



From: Pam Graham

Sent: Monday, March 27, 2023 3:18 PM

To: 'Bob Koontz' <bkoontz@koontzjones.com>; Kaitlyn Wrenn <kwrenn@hrpliving.com>; mmills@planworx.com

Subject: FW: Southern Pines/Knollwood Renderings

Sorry Bob, but as I revise my report based on your email I will also need for these exhibits to be updated to reflect the +/- 55% brick. The previous report was worded as follows (are you saying all elevations of both buildings are now +/- 55%?)

Building Type 1

Front Elevation = 42% brick

Typical Side Elevation = 40% brick

Rear Elevation = 43% brick

Building Type 2

Front Elevation = 45% brick

Typical Side Elevation = 44% brick

Rear Elevation = 44% brick

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003



From: Pam Graham
Sent: Monday, March 27, 2023 3:09 PM
To: 'Bob Koontz' <bkoontz@koontzjones.com>; Kaitlyn Wrenn <kwrenn@hrpliving.com>;
mmills@planworx.com
Subject: RE: Southern Pines/Knollwood Renderings

Bob, before the meeting please submit revised dimensioned elevation drawings that verify compliance with the 5' projection requirement for Building 2. To replace pages 5 and 6 of the attached. I suppose we can remove the versions that show the pitched roofs.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003



From: Bob Koontz <bkoontz@koontzjones.com>
Sent: Monday, March 27, 2023 1:24 PM
To: Pam Graham <PGraham@southernpines.net>; Kaitlyn Wrenn <kwrenn@hrpliving.com>;
mmills@planworx.com
Subject: Re: Southern Pines/Knollwood Renderings

Pam,

The following is a bit of information that can be added to your staff report. The end on building 2 has been bumped out to meet the 5' requirement. In addition, the building brick percentage has been raised to +/- 55% of the building. Obviously, there is no response to the 4-unit access question. Please let us know if you need any additional information or exhibits for your staff report.

I have copied Marc and Kaitlyn on this email as well and would welcome them to add any additional information. We plan to present the new renderings that I sent you last week during the hearing and discuss the changes that have been made.

Thanks,
Bob

Bob Koontz, PLA
Principal

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 SOUTH PAGE STREET | SOUTHERN PINES, NC 28387 | P: [910-639-4058](tel:910-639-4058)

From: Pam Graham <PGraham@southernpines.net>
Sent: Monday, March 27, 2023 12:19 PM
To: Bob Koontz <bkoontz@koontzjones.com>
Subject: FW: Southern Pines/Knollwood Renderings

Bob, is there anything that you would like for an updated staff report, other than that the applicant is planning to present revised architectural renderings?

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387
(910) 692-4003



From: Pam Graham
Sent: Monday, March 20, 2023 11:08 AM
To: 'Bob Koontz' <bkoontz@koontzjones.com>
Subject: RE: Southern Pines/Knollwood Renderings

Thanks Bob. I saved these to my file but leave them to you to present to Council.

Pamela Graham, AICP
Principal Planner
Planning Department
Town of Southern Pines
801 SE Service Road, Southern Pines, NC 28387

(910) 692-4003



From: Bob Koontz <bkoontz@koontzjones.com>
Sent: Friday, March 17, 2023 5:25 PM
To: Pam Graham <PGraham@southernpines.net>
Subject: Fwd: Southern Pines/Knollwood Renderings

Pam,

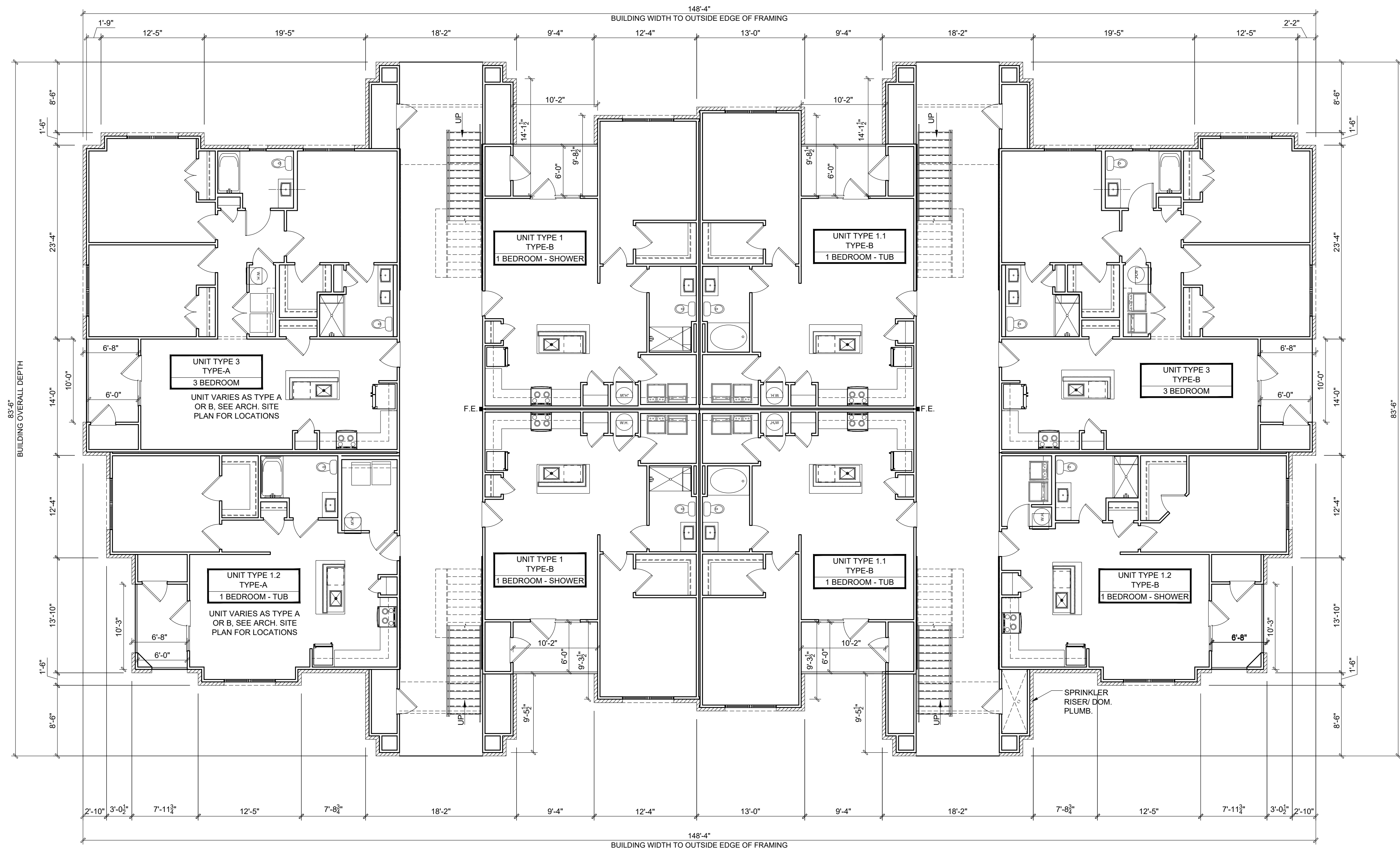
These are drafts of all buildings at Knollwood. The email includes the clubhouse and Type 1 and 2 buildings.

We can discuss on Monday. Been tied up in meetings and about to get on a plane to come back to NC.

Have a great weekend,
Bob

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE
[150 SOUTH PAGE STREET | SOUTHERN PINES, NC 28387](#) | P: [910-639-4058](tel:910-639-4058)

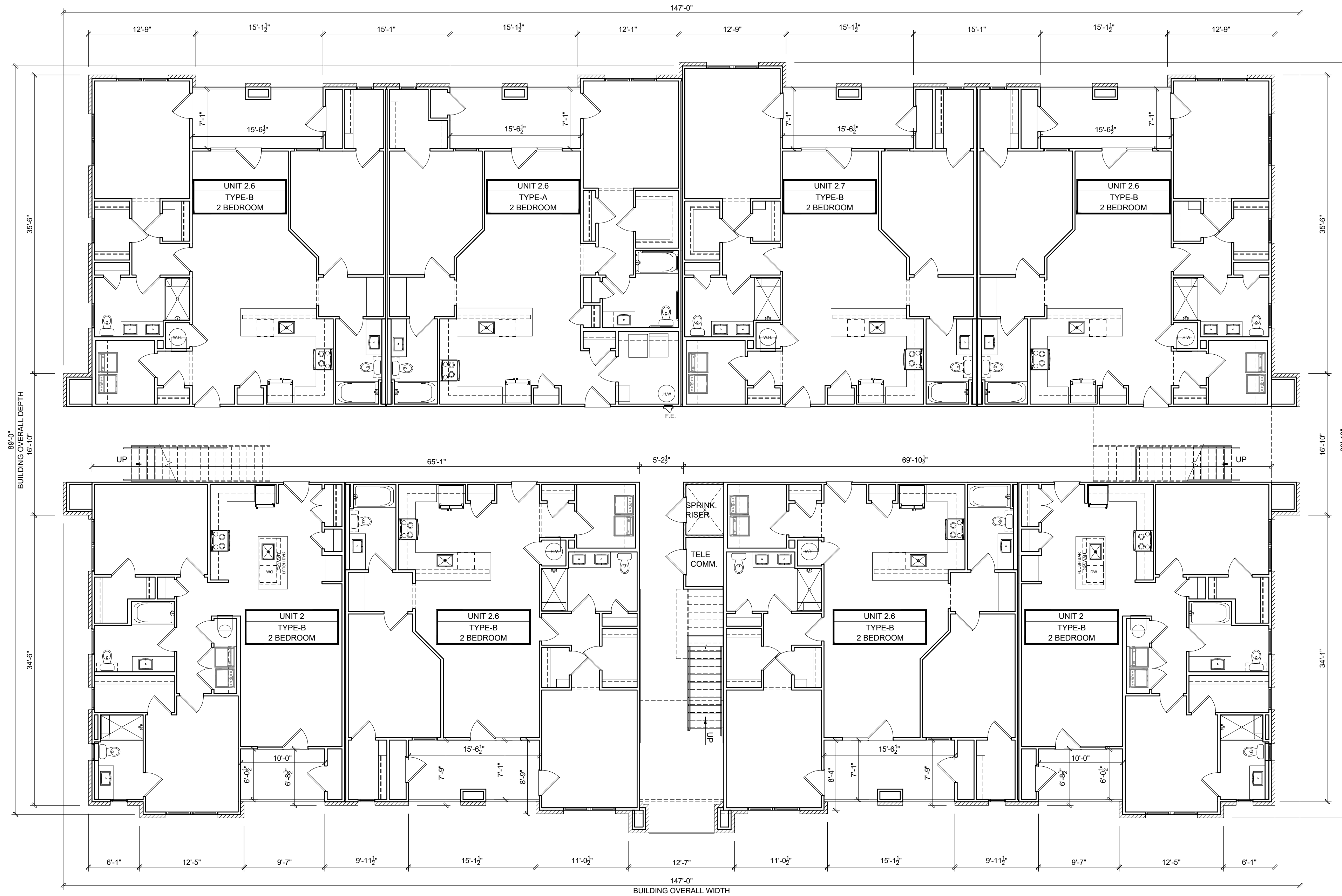
EXTERNAL EMAIL: Do not click any links or open attachments unless you recognize the sender and know the content is safe.



NOTE: BUILDING FRONT

BUILDING TYPE 1 - FIRST FLOOR PLAN

SCALE: $\frac{1}{8}"=1'-0"$

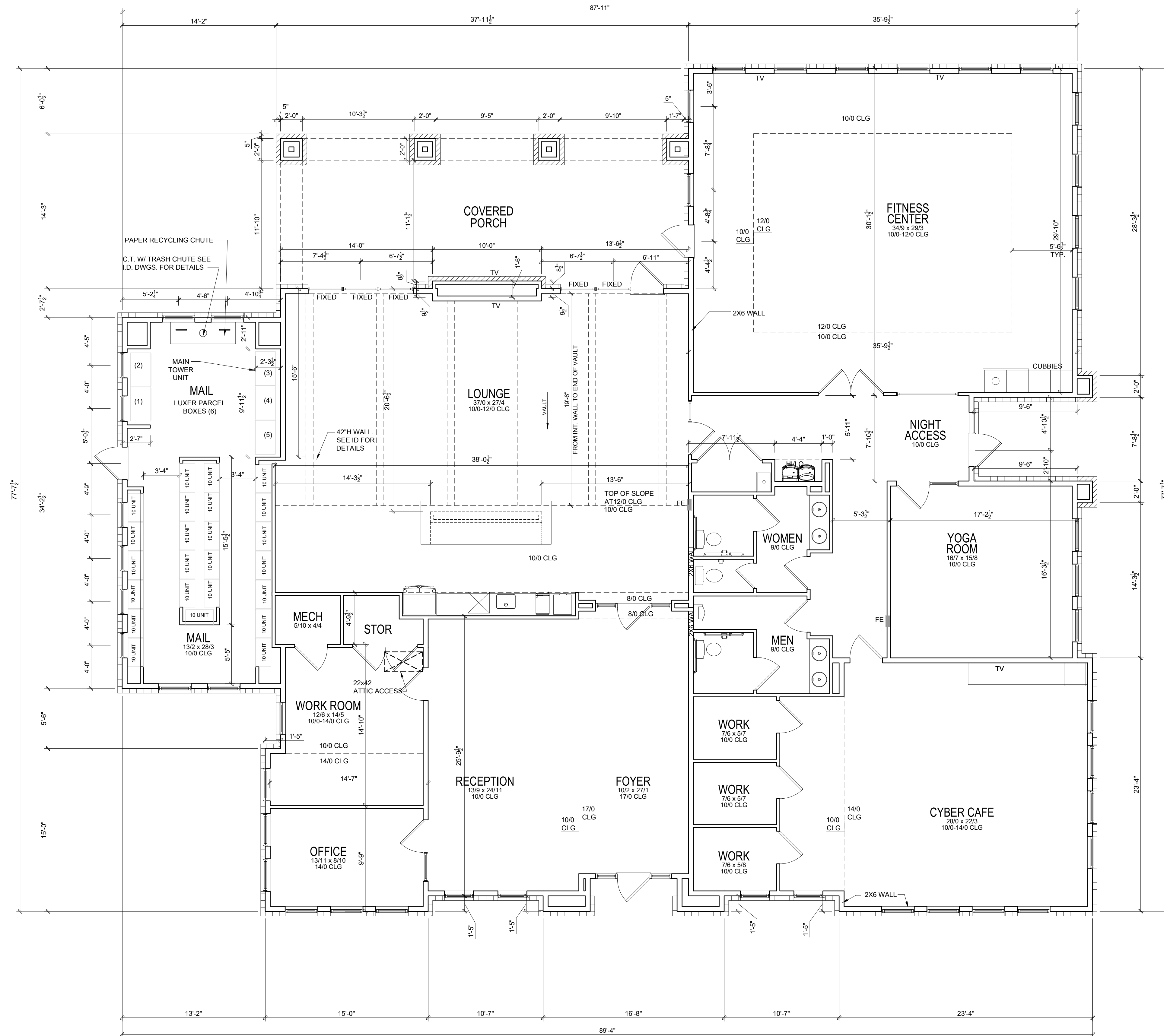


BUILDING TYPE 2 - FIRST FLOOR PLAN

SCALE: $\frac{1}{8}''=1'-0''$



Hawthorne at Southern Pines Apartments
Hawthorne Residential Properties
Southern Pines, NC



CLUBHOUSE - FLOOR PLAN

SCALE: $\frac{3}{16}" = 1' = 0"$

Clubhouse Htd.	4,879
Mail Kiosk Htd.	499
Porches (Front, Side, Rear)	621
Building Gross	5,999









Agenda Item

To: Reagan Parsons, Town Manager
From: Alaina Mallette, Senior Planner
Subject: AR-02-23, Homeward Kitchen, 10735 U.S. Highway 15-501 (Old Chick-Fil-A Building)
Date: April 11, 2023

I. SUMMARY OF APPLICATION REQUEST

The applicants, Mr. Dave Conklin of Golden Corral and Mr. Grey Isley of LMHT Associates, are requesting an Architectural Compliance Permit for property leased from the legal property owner, R & T Properties of North Carolina, LLC, for infill development of the previous Chick-Fil-A drive-through restaurant site, 10735 U.S. Highway 15-501. Golden Corral, the parent company for Homeward Kitchen, is a restaurant business. Homeward Kitchen is a new drive-through and dine-in fast-food dining project offering “southern comfort foods” to be piloted in Southern Pines, according to the applicants. The site is located in the General Business district on the same parcel as the Kickback Jack’s restaurant to the south and a retail building to the north. This parcel will have access from U.S. Highway 15-501 via internal streets and from the new Morganton Park South development in the rear. The infill development proposed will include modifications to the 4,233 square feet of commercial space, one drive-through lane, and an enclosed dumpster and storage area.

II. PROJECT INFORMATION

A. Property Owner

PIN 857100450600 (PARID 00055645)
R & T Properties
PO Box 10398
Greensboro, NC 27404-0398

B. Applicants and Authorized Agents*

Dave Conklin	Grey Isley
Senior Vice President of Development	Senior Designer and PM Manager
Golden Corral	LMHT Associates
5400 Trinity Road, #309	7208 ACC Boulevard, 2 nd Floor
Raleigh, NC 27607	Raleigh, NC 27617

*Note that these applicants and authorized agents solely have permission to modify the previous Chick-Fil-A building, and no authority was granted to modify the adjacent buildings on the property or overall site.

Figure 1. Zoning and Vicinity Map for Subject Property Highlighted in Yellow. The subject property is located about 500 feet north of the U.S. Highway 15-501 and Murray Hill Road intersection. The building fronts U.S. Highway 15-501, which is a part of the Urban Village Highway Corridor Overlay district. The relevant portion of the subject property is in the General Business district and adjacent parcels are zoned General Business and (new Morganton Park South) Planned Development. The broader neighborhood is the Sandhills Boulevard, which is predominantly zoned General Business.



Figure 2. CLRP Future Land Use Map Designation with Subject Property Highlighted in Yellow. The zones filled with pink, including the subject property, have a Future Land Use Map designation as “commercial” while the orange and brown areas are “residential” and “traditional mixed uses,” respectively.



Figure 3. Google Street View from internal street of subject building, and corresponding parking lot and drive-through lane.



Figure 4. Google Street View from U.S. Highway 15-501 of subject building, landscaping, and access road.



Figure 5. Aerial/Drone imagery (September 6, 2022) of subject building on parcel with adjacent land uses and internal traffic circulation.



III. STAFF REVIEW

1. **Review Process.** Applications for Architectural Compliance Permits are reviewed pursuant to UDO §2.26.

2. **Application Review Dates**

Application Submitted: **March 6, 2023**

Application Complete: **March 10, 2023**

Town Council Agenda Meeting: **April 4, 2023**

Town Council Regular Meeting: **April 11, 2023**

3. **Criteria for Review per UDO §2.26.7 and Staff Comments**

✓ = compliant ✗ = not compliant

⚡ = compliance has not been determined

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;*

✓ No inconsistency with the CLRP has been identified.

(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;*

✓ This specific use must comply with UDO sections 3.5.9, 4.3.5, 4.10, 5.8, 5.12, and Urban Village HCO district standards. The architectural design—as proposed in the application and subsequent submitted materials—conforms with UDO 3.5.9 General Business district standards, UDO 4.3.5, six out of the seven applicable design standards in UDO 4.10, UDO 5.8 Drive-Through Facilities, and UDO 5.12 Outside Storage provisions. Compliance for these and other applicable provisions will need to be determined at site plan review with the Technical Review Committee.

(C) *The application is consistent with applicable conditions of prior Development approvals; and*

✓ To the planning staff's knowledge, this proposed *development* and *application* are consistent with prior development approvals on subject property.

(D) *The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.*

✓ The proposed drive-through and dine-in restaurant is compatible with other commercial land uses along that portion of the U.S. Highway 15-501 corridor, such as other restaurants and retail shopping.

4. Staff Comments based on Commercial Building Design Requirements per UDO §4.10.4

✓ = compliant ✗ = not compliant

▲ = not applicable

The proposed new development includes the infill of a 4,233 square-foot building, previously occupied by Chick-Fil-A, for a dine-in and drive-through restaurant. Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*. See staff comments for each requirement below.

- **Applicant is generally compliant** for UDO §4.10.4 (A), *which states that the front of buildings shall face and have the primary customer entry facing the street. Maximum spacing or distance between customer entries shall not exceed the standards in Exhibit 4-15, 150 feet in the General Business Zone, which may be increased for buildings located at least 40 feet back from the sidewalk.*
 - ✓ The applicant is not changing the building orientation of existing entries, all of which are appropriately oriented and spaced.
- **Applicant is generally compliant** for UDO §4.10.4 (B), *which states in other districts, the width of 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.*
 - ✓ There appears to be sufficient segmenting on all elevations through changing roofline, building offsets, and materials to fulfill the width-no-more-than-twice-the-height regulation.
 - ✓ Note that this determination impacts the applicability of increased buffer development standards as provided in UDO 3.6.5(F)(3).
- **Applicant requires a deviation** for UDO §4.10.4 (C), *which states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.*
 - ✗ The applicant states that the existing building materials will remain the same, but will be painted as shown in conceptual color renderings and the proposed material board. For reference, the proposed/existing design of each elevation has less than 80% brick, excluding doors and windows. The use of exterior insulation and finish (EIFS) and board paneling accents cover over 20% of each elevation.
 - However, the proposed materials have equal durability to brick, and the left, right, and rear elevations are screened from U.S. Highway 15-501.

The Town Council may consider approving the use of alternative building materials that establish an equivalent appearance and have equal or greater durability as well as alternative building materials that satisfy minimum building code standards on walls that are screened and not visible from public streets.

- **Applicant is generally compliant** for UDO §4.10.4 (D), *which states that windows shall be glazed in non-reflective clear glass. The following standards apply in the GB district: 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. Window height shall be at least one and one-half (1.5) times the width*
 - ✓ Windows will be non-reflective, glazed and cover approximately 28% of the street-facing façade. The applicant intends to use the existing glass in doors and windows. The applicant did not confirm whether the glass would be clear or tinted. However, Google Street view shows clear glass with a slight tint.
- **Applicant is generally compliant** for UDO §4.10.4 (E), *which states that (1) awnings are encouraged and may encroach up to six feet into any street side setback within the GB district, (2) the minimum clearance between the lowest point of an awning and sidewalk shall be eight feet, and (3) awnings shall be canvas or material of similar appearance and flexibility, or metal. Street facing awnings shall not be taller than six feet unless specifically approved by the Town Council.*
 - ✓ All proposed awnings will be metal in copper color to match roofing. All proposed awnings are compliant for clearance height, awning height, and material.
- **Requirement does not apply** for UDO §4.10.4 (F), *which 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 minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.*
 - ▲ There will be no galleries or arcades provided. Therefore, this provision is not applicable.
- **Applicant is generally compliant** for UDO §4.10.4 (G), *which states that in the GB zone 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 100 feet. For buildings that are wider than 100 feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than 200 feet. The provision further states that 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.*

- ✓ The building depth is about 105 feet deep and the street-facing façade is 47 feet wide. There are several changes in roofline, which satisfies UDO requirements. The proposed metal roof panels will be copper colored and non-reflective.
- **Applicant is generally compliant** for UDO §4.10.4 (H), *which states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*
 - ✓ Mechanical equipment will remain located on the roof hidden behind parapets.
- **Requirement does not apply** for UDO §4.10.4 (I), *which 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.*
 - ▲ There will be no garage doors or loading bays. Therefore, this provision is not applicable.
- **Compliance will be determined during sign permit review** for UDO §4.10.4 (J), *which states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*
 - ▲ Signage will be reviewed for compliance during the sign permit application process. Therefore, compliance will be determined at a later date.
 - ▲ Note that no renderings were provided for modifications to the drive-through menu signage.
 - ▲ Note that HCO sign standards apply to this site.

5. Noteworthy Project Elements for Town Council Consideration and Staff Recommendation

The applicant is proposing the infill development of the old Chick-Fil-A building, which is a 4,233 square foot building located on the same parcel as Kickback Jack's Restaurant and a multi-tenant retail building. As mentioned in this report, there is one deviation that is required for the architectural compliance permit to be approved (building materials). Planning Staff emailed the applicant on March 10 and March 20, 2023, requesting additional information to determine compliance with the architectural design standards. The applicant provided updated renderings on March 17, 2023, and March 27, 2023, and addressed staff questions in emails as shown in Attachment 6 Communications.

The subject parcel, owned by R & T Properties of North Carolina, LLC, has had several inquiries over the past month. However, Homeward Kitchen is the only interested party that has applied for an architectural compliance permit. The agent authorization form was signed by the property owner's company secretary who has not been available via phone to clarify the applicant's right to develop the site. However, the agent authorization form does state, "This appointment shall be limited to such building and bollards... and shall not grant agents the authority to authorize agreements concerning

the other structures or other overall site conditions concerning this parcel...” A site plan application has yet to be submitted for this portion of the parcel, and landscaping shown in the renderings of this application should not be considered final landscaping plans as required by the UDO and the site plan review process.

Staff recommends approval of AR-24-23 with the following deviations:

- Regarding UDO §4.10.4 (C) Building Materials, the Planning Department recommends granting the deviation, since the applicant does not intend to modify the existing building materials and the existing building materials are equal in durability to brick and are well-screened from public streets.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Completed Application, including Appointment of Agent Form
2. Deed
3. Narrative Addressing Building Design Requirements
4. Site Layout
5. Exterior Building Elevations and Renderings
6. Staff Communication with Applicant

V. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26, the commercial building design requirements per UDO §4.10.4, and additional provisions in UDO §3.5.9, §4.3.5, §5.8, §5.12, and Urban Village HCO district standards.

The Town Council may make one of the following motions or any alternative they wish:

I move to:

1. Approve AR-02-23;
2. Approve AR-02-23 with the following conditions:

3. Deny AR-02-23.

Architectural Compliance Permit

REQUIRED APPLICATION MATERIALS:

- X 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).
- X Completed Application signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- X Appointment of Agent, if applicable, signed by the property owner(s) and the agent.
- X Deed copy to provide proof of ownership and property boundaries.
- X 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.
- X Renderings of elevations (color).
- X Site plan if applicable.
- X Electronic copy (PDF) of all application materials submitted to plan@southernpines.net.

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

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional information or materials are needed.
2. **Public 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



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: Homeward Kitchen
Street Address: 10735 US 15 501, Southern Pines, NC 28387
PIN: 857100450600 Parcel ID: 00055645 Zoning: CI
Type of building (retail, office, etc.): Restaurant Total square footage: 4,183

Applicant:

Name: Dave Conklin / Grey Isley
Email: david.conklin@goldencorral.net/cgisley@lmht.com Phone: 678-262-8877/919-544-0087
Mailing Address: 5400 Trinity Rd., #309, Raleigh, NC 27607 / 7208 ACC Blvd., 2nd Floor, Raleigh, NC 27617

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

Name(s): R & T Properties of North Carolina, LLC
Email: tmincher@brginc.com Phone: 336-908-5149
Mailing Address: PO Box 10398 Greensboro, NC 27404-0308

Date: 3/6/2023

Applicant

Applicant

3/6/2023

APPOINTMENT OF AGENT

R & T Properties of

The undersigned owner(s), *North Carolina, LLC*, hereby appoint(s) Dave Conklin & Grey Isley as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance Permit** for improvements to the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for an **Architectural Compliance Permit** under the Southern Pines Unified Development Ordinance.

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

Signed this 6 day of March, 2023.

R & T Properties of North Carolina, LLC

By: Battleground Restaurant Group, Inc., its

Manager

By: Thomas D. Mincher, Jr., it Exec V.P.

Note: This authorization by Property Owner shall be limited to the design elements of the approximately 4,200 square feet building, currently occupied by Chick-fil-a, located on the parcel as well as the removal of the bollards currently location around the drive-thru land around the building and to the improvements to be made by Homeward Kitchen to such building. This appointment shall be limited to such building and the bollards listed in the preceding sentence and shall not grant agents the authority to authorize agreements concerning the other structures or other overall site conditions concerning this parcel owned by R & T Properties of North Carolina, LLC.



Property Owner



Agent



Agent

UDO §2.26.7. Criteria

No Architectural Compliance Permit shall be approved unless the Town Council finds that:

- (A) The application is consistent with applicable Comprehensive Plan goals and policies;
- (B) The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;
- (C) The application is consistent with applicable conditions of prior Development approvals; and
- (D) The development as proposed will be compatible with neighboring development and has mitigated potential conflicts.

UDO §2.26.9. Effect of Approval

- (A) The Architectural Compliance Permit shall expire unless a Building Permit is issued within one (1) year of approval.
- (B) Development activities subject to this section shall conform to the approved application and any conditions or restrictions. Any deviation from the approved Architectural Compliance Permit, unless approved in advance and in writing by the Planning Director, is deemed a violation of the UDO.

Please review UDO §2.26 in its entirety as well as UDO §4.10.4 for Building and Design Requirements (www.southernpinesudo.org).

✓ TAX ADDRESS

RECORDING

STAMP

TOTAL

Nov 16 2 23 PM '99

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

Excise Stamps \$1,600.00
11/16/1999

Recording Time, Book & Page

MOORE COUNTY NC

Drafted by W. Daniel Pate, Attorney at Law
No Title Examination
PO Box 1669
Pinehurst, NC 28370

\$1600.00

STATE OF
NORTH
CAROLINA



Real Estate
Excise Tax

Brief Description for Index

4.88 Acres, Highway 15/501, Southern Pines

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 4th day of October, 1999, by and between **WILLIAM J. SIMPSON, JR. and wife, SHARON B. SIMPSON** (hereafter Grantor"), and **R&T PROPERTIES OF NORTH CAROLINA, LLC**, a North Carolina limited liability company (hereafter "Grantee"), of P. O. Box 10398, Greensboro, NC 27404-0398.

WITNESSETH:

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

Adjoining lands of U.S. Highway 15-501, D. P. Black, Golf Driving Range and Chamber of Commerce:

BEGINNING at a concrete monument in the northeast line of U.S. 15-501 and N. C. #211, in the southwest corner of the Simpson land adjoining D. P. Black, said corner is also S. 58°00'24" E. 3.34 feet from N.C.G.S. Mon. "Simpson"; and running thence with Black's line N. 89°27'54" E. 424.62 feet to a concrete monument; thence with another of Black's line N. 00°33'51" W. 355.06 feet to a new iron pipe; thence with the line of Gunter Furnmannek Golf Driving Range N. 77°06'03" W. 453.43 feet to an iron pipe; thence S. 13°03'42" W. 2.95 feet to an iron pipe; thence N. 77°01'48" W. 165.64 feet to an iron pipe in the edge of U.S. 15-501 and NC 211; thence with the northeasterly right-of-way of said highways, S. 20°18'09" E. 527.29 feet to the point of beginning, containing 4.88 acres and shown on a Survey plat entitled "Plan of Bettie Lane Simpson property, Southern Pines, Sandhill Township, Moore County, N.C.," made by Charles D. Ward, July 26, 1993.

Sharon B. Simpson joins in this conveyance for the purpose of conveying her marital interest in the subject property, and makes no warranties as to the title.

MAIL TO:

JAMES R. SAWTINS
P.O. Box 26000
Greensboro, NC 27420

01569 00335

019981

BOOK

PAGE

The property hereinabove described was acquired by Grantor by instrument recorded in Book 936, Page 270, Moore County Registry.

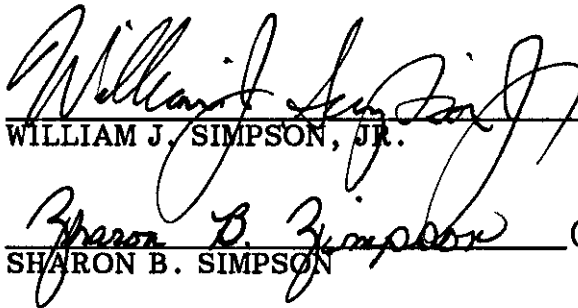
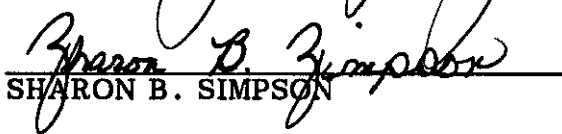
This conveyance is made subject to a right of way to Carolina Power & Light Company across the western part of the property and the possible encroachment of a wire fence onto the adjoining properties.

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, subject to the items above set forth.

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

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

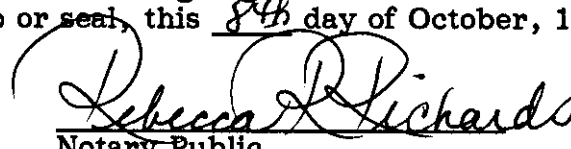
 (SEAL)
WILLIAM J. SIMPSON, JR.
 (SEAL)
SHARON B. SIMPSON

STATE OF NORTH CAROLINA
COUNTY OF MOORE

I, Notary Public of the County and State aforesaid, certify that WILLIAM J. SIMPSON, JR. and wife, SHARON B. SIMPSON, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 8th day of October, 1999.

My commission expires: 5/29/2001


Notary Public



NORTH CAROLINA-MOORE COUNTY
The foregoing certificate(s) Rebecca R. Richards
is/are certified to be correct. a Notary/Notaries Public
This 16th day of November 19 99
JUDITH M. ADAMS, REGISTER OF DEEDS
Caul C. Hiler ASSISTANT/DEPUTY

BOOK PAGE
01569 00336



National Restaurant Designers

A DIVISION OF LMHT ASSOCIATES

March 6, 2023

Homeward Kitchen
10735 US 15 501
Southern Pines, NC 28387

Re: Design Narrative
Conversion of existing Chick fil A

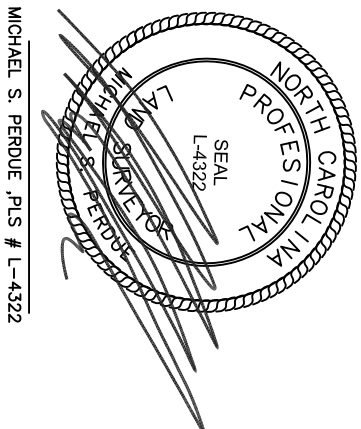
Homeward Kitchen is a new restaurant concept focused on bringing fresh home-style cooking to the community of Southern Pines. In this conversion, we have utilized the existing materials and glazing of the building to complement the existing buildings that surround the site to meet requirements for section 2.26.7. Existing masonry and stucco percentages will remain the same but will be painted to increase visual appeal and comply with section 4.10.4. In addition, a new awning on the front elevation with board and batten accent panel reference back to residential design elements that enhance the current structure and are essential for customer recognition, while keeping with section 4.10.4. Signage has been designed to comply within the square footage allotted by city per calculation established and be viewable from street and main entry. Additional lighting to the building will not be added, existing fixtures will be modified or replaced with new gooseneck lighting.



Chick-fil-A
5200 Buffington Road
Atlanta, Georgia 30349-2998



& ASSOCIATES
LAND SURVEYING, INC.
301 E HILLCREST DR.
GREENVILLE SC, 29609
864-370-2232
WWW.MSPSURVEYING.COM



CHICK-FIL-A

SOUTHERN PINES FSU

CITY: SOUTHERN PINES
COUNTY: MOORE
STATE: NORTH CAROLINA

FSU# 01412

REVISION SCHEDULE			
NO.	DATE	DESCRIPTION	
		MSP JOB #	201400
		PRINTED FOR	
	DATE	1/19/2020	
	DRAWN BY	MSP	

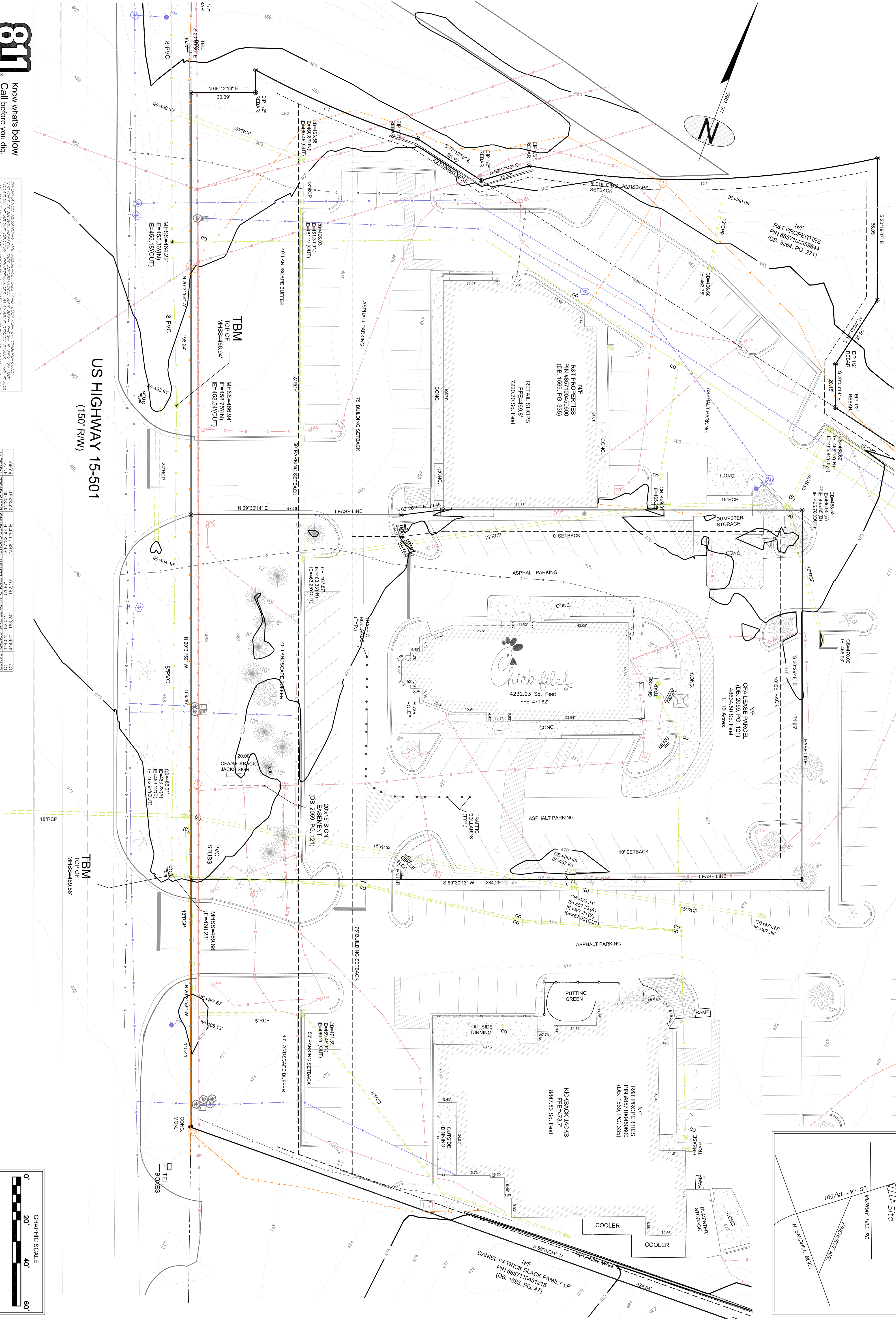
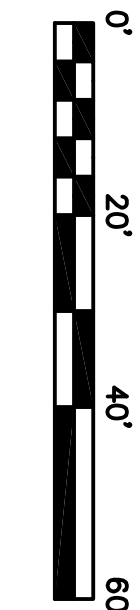
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SHEET

ASBUILT
SURVEY

SHEET NUMBER

C-010



Know what's below
Call before you dig.
Dial 811
Or Call 800-282-7411

INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES IS SHOWN HEREIN. THIS INFORMATION HAS BEEN SHOWN BASED ON THE LOCATION OF ABOVE GROUND APPLIANCES AVAILABLE DESIGN PLANS, AND FLAGGING OF THE UNDERGROUND PROTECTION SERVICE. NO CERTIFICATION IS MADE AS TO THE ACCURACY OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREIN.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	414.51'	82.01'	81.87'	S 87°32'55" E	11°20'08"	41.14'
C2	414.51'	163.24'	162.19'	N 68°11'30" E	22°33'51"	82.69'



 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025		CONVERSION	PESPECTIVE VIEW	EXTERIOR FACADE ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

These images indicate the general intent of the project at the completion of the current design phase. These images are a representation of the design direction and do not provide a realistic representation of the actual site conditions or final construction. Colors, materials, and other conditions represented in this image may differ from the final product. Final design documents and manufacturer information should be consulted for the project scope and associated design information, including dimensions, site conditions, materials, colors, and other properties that may be represented in these images. The contractor and material suppliers are responsible for the proper execution and completion of the work as described in the construction documents. That work should be based solely on the information contained in those documents. These images should not be used in any way to aid in the process.



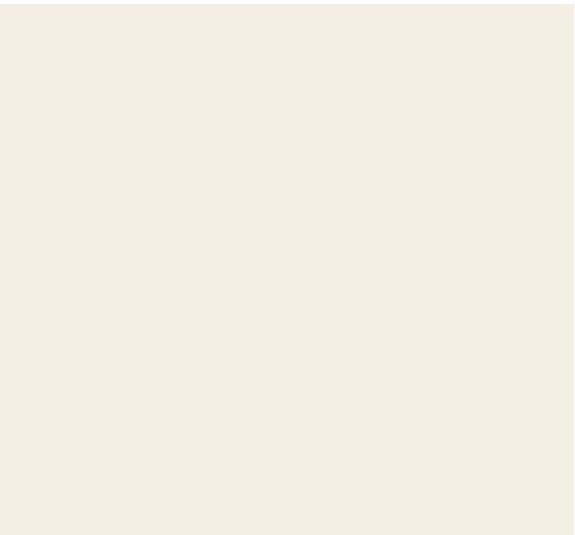
MT-01
DESCRIPTION: METAL AWNING
MANUFACTURER: AWNTECH OR SIMILAR
COLOR: COPPER TO MATCH M-2



MT-02
DESCRIPTION: METAL ROOF
MANUFACTURER: SHEFFIELD METALS
PRODUCT: STANDING SEAM ROOF
PROFILE: 1.5" MECHANICAL SEAM
COLOR: COPPER
WEBSITE: WWW.SHEFFIELDMETALS.COM



SF-05
DESCRIPTION: PANELING
MANUFACTURER:
PRODUCT: BEADBOARD
COLOR: SW WHITE FLOUR 7102



PT-01
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: ZFINISH: EGGSHELL



PT-02
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW GAUNTLET GRAY 7019
FINISH: EGGSHELL



PT-04
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW INVIGORATE 6886
FINISH: EGGSHELL



PT-05
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW ECRU 6135
FINISH: EGGSHELL

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025		CONVERSION	PRPOSED MATERIAL SELECTIONS	MATERIAL BOARD ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::



E1 EXTERIOR ELEVATION - RIGHT SIDE
A201 SCALE: 1/4" = 1'-0"

FACADE CALCULATIONS - RIGHT		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
STOREFRONT	418	20%
STOREFRONT DOORS	57	2%
EXISTING BRICK BR	698	33%
EXISTING EIFS EIFS	543	26%
EXISTING METAL SOFFIT MS	152	7%
NEW BEAD BOARD PANELING SF-05	4	1%
NEW METAL AWNING M-1	105	5%
NEW COPPER ROOF M-2	124	6%
TOTAL:	2,060	100%

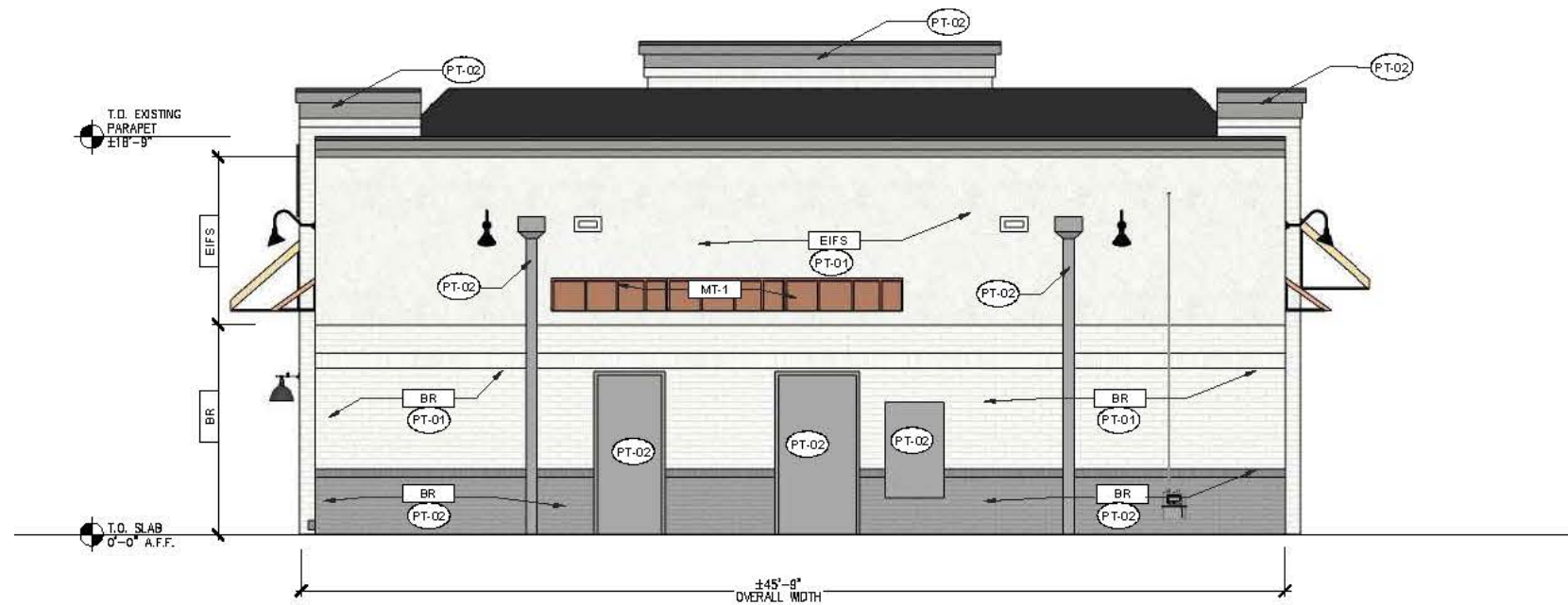


A1 EXTERIOR ELEVATION - FRONT
A201 SCALE: 1/4" = 1'-0"

FACADE CALCULATIONS - FRONT		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
STOREFRONT	221	26%
STOREFRONT DOORS	21	3%
EXISTING BRICK BR	274	32%
EXISTING EIFS EIFS	105	12%
EXISTING METAL SOFFIT MS	95	11%
NEW BEAD BOARD PANELING SF-05	55	6%
NEW METAL AWNING M-1	20	2%
NEW COPPER ROOF M-2	66	8%
TOTAL:	857	100%

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025		CONVERSION	ELEVATIONS AND CALCULATIONS	EXTERIOR FACADE ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

These images indicate the general intent of the project at the completion of the current design phase. These images are a representation of the design direction and do not provide a realistic representation of the actual site conditions or final construction. Colors, materials, and other conditions represented in this image may differ from the final product. Final design documents and manufacturer information should be consulted for the project scope and associated design information, including dimensions, site conditions, materials, colors, and other properties that may be represented in these images. The contractor and material suppliers are responsible for the proper execution and completion of the work as described in the construction documents. That work should be based solely on the information contained in those documents. These images should not be used in any way to aid in the process.



F1 EXTERIOR ELEVATION - REAR
SCALE: 1/4" = 1'-0"

FACADE CALCULATIONS - REAR		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
REAR DOORS	52	6%
EXISTING BRICK BR	395	46%
EXISTING EIFS EIFS	407	48%
TOTAL:	854	100%

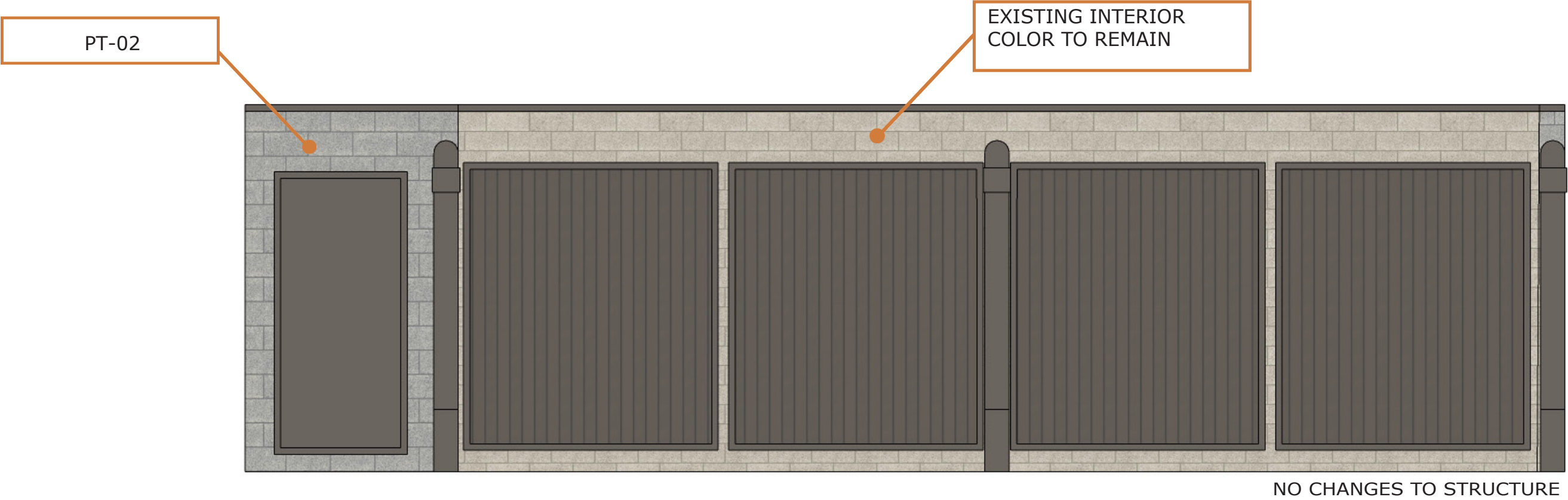
FACADE CALCULATIONS - LEFT		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
STOREFRONT/DT WINDOW	265	13%
EXISTING BRICK BR	887	42%
EXISTING EIFS EIFS	478	24%
EXISTING METAL SOFFIT MS	153	8%
NEW BEAD BOARD PANELING SF-05	4	1%
NEW METAL AWNING M-1	93	4%
NEW COPPER ROOF M-2	152	8%
TOTAL:	2,068	100%



A1 EXTERIOR ELEVATION - LEFT SIDE
SCALE: 1/4" = 1'-0"

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 HOMeward KITCHEN SINCE 2022	CONVERSION	ELEVATIONS AND CALCULATIONS	EXTERIOR FACADE ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

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 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 HOMeward KITCHEN SINCE 2022	CONVERSION	DUMPSTER ENCLOSURE	EXTERIOR FACADE ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

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 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 CONVERSION 3/2023	PESPECTIVE VIEW SOUTHERN PINES, NC	EXTERIOR FACADE :: EXTERIOR CONCEPT ::
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MT-01
DESCRIPTION: METAL AWNING
MANUFACTURER: AWNTECH OR SIMILAR
COLOR: COPPER TO MATCH M-2

MT-02
DESCRIPTION: METAL ROOF
MANUFACTURER: SHEFFIELD METALS
PRODUCT: STANDING SEAM ROOF
PROFILE: 1.5" MECHANICAL SEAM
COLOR: COPPER
WEBSITE: WWW.SHEFFIELDMETALS.COM

SF-05
DESCRIPTION: PANELING
MANUFACTURER:
PRODUCT: BEADBOARD
COLOR: SW WHITE FLOUR 7102

PT-01
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: ZFINISH: EGGSHELL

PT-02
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW GAUNTLET GRAY 7019
FINISH: EGGSHELL

PT-04
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW INVIGORATE 6886
FINISH: EGGSHELL

PT-05
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW ECRU 6135
FINISH: EGGSHELL

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 HOMEWARD KITCHEN SINCE 2017	CONVERSION	PROPOSED MATERIAL SELECTIONS	MATERIAL BOARD ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::



E1 EXTERIOR ELEVATION - RIGHT SIDE
A201 SCALE: 1/4" = 1'-0"

FACADE CALCULATIONS - RIGHT		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
STOREFRONT	418	20%
STOREFRONT DOORS	57	2%
EXISTING BRICK BR	698	33%
EXISTING EIFS EIFS	543	26%
EXISTING METAL SOFFIT MS	152	7%
NEW BEAD BOARD PANELING SF-05	4	1%
NEW METAL AWNING M-1	105	5%
NEW COPPER ROOF M-2	124	6%
TOTAL:	2,060	100%

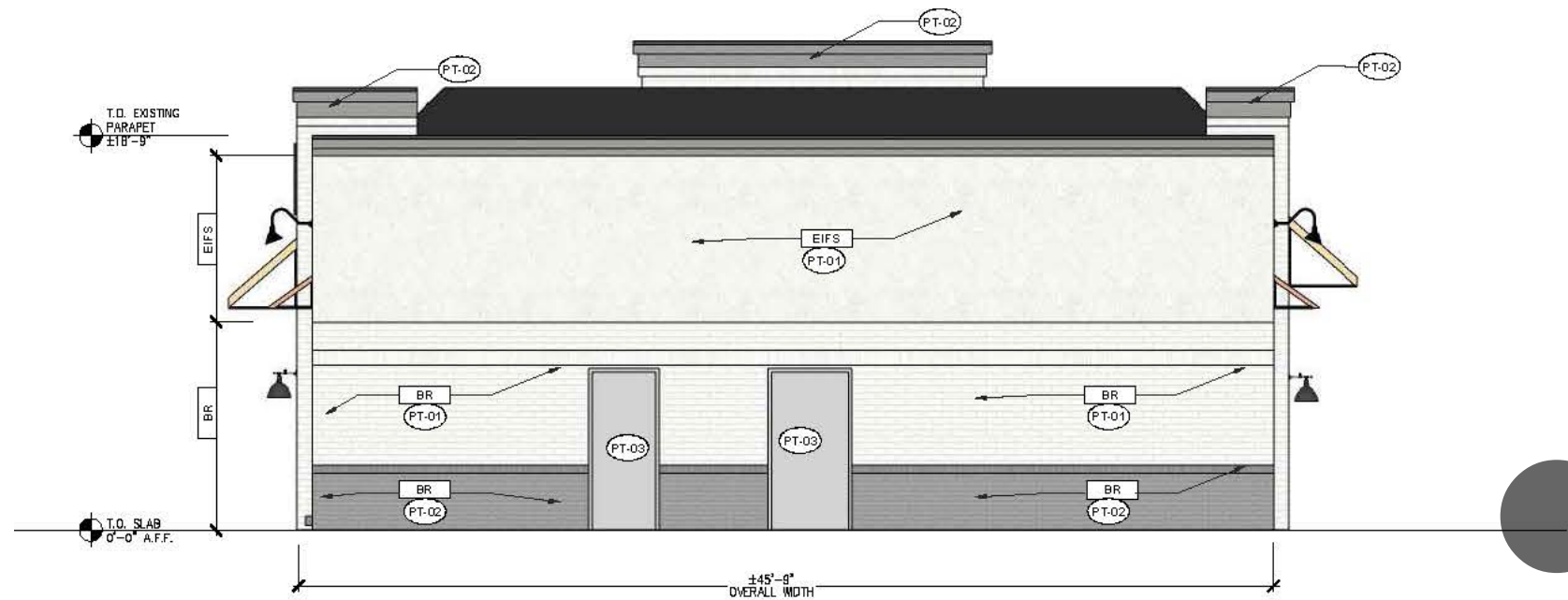


A1 EXTERIOR ELEVATION - FRONT
A201 SCALE: 1/4" = 1'-0"

FACADE CALCULATIONS - FRONT		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
STOREFRONT	221	26%
STOREFRONT DOORS	21	3%
EXISTING BRICK BR	274	32%
EXISTING EIFS EIFS	105	12%
EXISTING METAL SOFFIT MS	95	11%
NEW BEAD BOARD PANELING SF-05	55	6%
NEW METAL AWNING M-1	20	2%
NEW COPPER ROOF M-2	66	8%
TOTAL:	857	100%

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 CONVERSION	ELEVATIONS AND CALCULATIONS	EXTERIOR FACADE ::
		3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

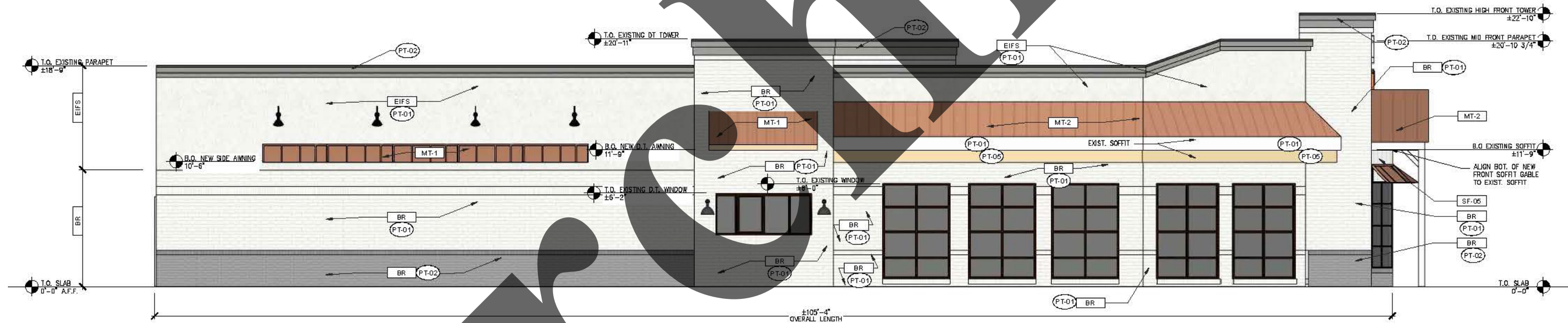
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F1
A202 **EXTERIOR ELEVATION - REAR**
SCALE: 1/4" = 1'-0"

FACADE CALCULATIONS - REAR		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
REAR DOORS	52	6%
EXISTING BRICK	BR 395	46%
EXISTING EIFS	EIFS 407	48%
TOTAL:	854	100%

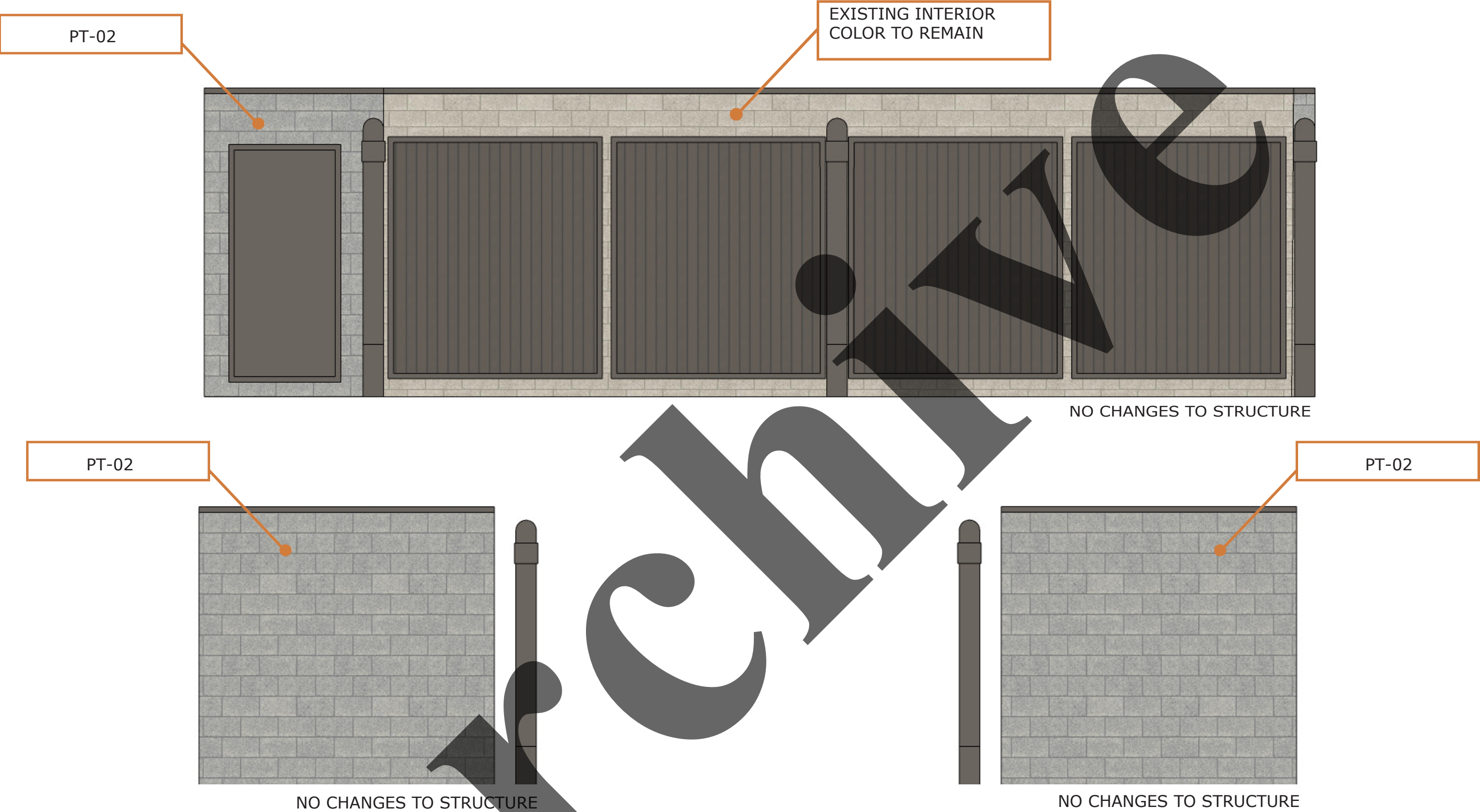
FACADE CALCULATIONS - LEFT		
MATERIAL	SQUARE FOOTAGE	PERCENTAGE
STOREFRONT/DT WINDOW	265	13%
EXISTING BRICK	BR 887	42%
EXISTING EIFS	EIFS 478	24%
EXISTING METAL SOFFIT	MS 153	8%
NEW BEAD BOARD PANELING	SF-05 4	1%
NEW METAL AWNING	M-1 93	4%
NEW COPPER ROOF	M-2 152	8%
TOTAL:	2,068	100%



A1
A202 **EXTERIOR ELEVATION - LEFT SIDE**
SCALE: 1/4" = 1'-0"

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025		CONVERSION	ELEVATIONS AND CALCULATIONS	EXTERIOR FACADE ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

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 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 HOMeward KITCHEN SINCE 2021	CONVERSION	DUMPSTER ENCLOSURE	EXTERIOR FACADE ::
			3/2023	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

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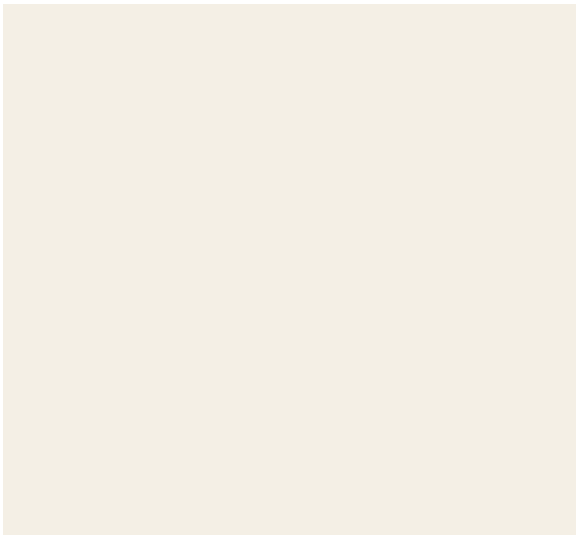


 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025	 CONVERSION 2/2023	PESPECTIVE VIEW SOUTHERN PINES, NC	EXTERIOR FACADE :: EXTERIOR CONCEPT ::
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MT-01
DESCRIPTION: METAL ROOF
MANUFACTURER: SHEFFIELD METALS
PRODUCT: STANDING SEAM ROOF
PROFILE: 1.5" MECHANICAL SEAM
COLOR: COPPER
WEBSITE: WWW.SHEFFIELDMETALS.COM



PT-01
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW WHITE FLOUR 7102
FINISH: EGGSHELL



PT-02
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW WHITE FLOUR 7102
FINISH: EGGSHELL



PT-04
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW INVIGORATE 6886
FINISH: EGGSHELL



MT-02
DESCRIPTION: METAL AWNING
MANUFACTURER: AWNTECH
PRODUCT: HOUSTONIAN METAL STANDING SEAM AWNING
COLOR: BRASS



SF-05
DESCRIPTION: PANELING
MANUFACTURER:
PRODUCT: BEADBOARD
COLOR: SW WHITE FLOUR 7102



PT-03
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW WHITE FLOUR 7102
FINISH: EGGSHELL



PT-05
DESCRIPTION: PAINT
MANUFACTURER: SHERWIN WILLIAMS
COLOR: SW INVIGORATE 6886
FINISH: EGGSHELL

 National Restaurant Designers A DIVISION OF LMHT ASSOCIATES	NRD-223025		CONVERSION	PRPOSED MATERIAL SELECTIONS	MATERIAL BOARD ::
			3.2.23	SOUTHERN PINES, NC	EXTERIOR CONCEPT ::

From: Ruby Thornton
To: Alaina Mallette; david.conklin@goldencorral.net; Grey Isley
Subject: Suspected SPAM RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review
Date: Monday, March 27, 2023 9:23:04 AM
Attachments: image003.png
Attachments.html
Importance: Low

Citrix Attachments

Expires September 23, 2023

23025 GC Homeward Kitchen Conversion D....23.pdf

5.7 MB

Download Attachments

Ruby Thornton uses Citrix Files to share documents securely.

Good morning Alaina,

Please find attached to this email the link for the updated Rendering for the Homeward Kitchen in Southern Pines. We added an awning to the back of the building, painted the downspouts, doors and utilities gray on the back and removed the 2 goose neck lights on the D/T.

Please let us know if there is anything else that you need.

Thank you

Ruby Thornton

Project Manager



LMHT ASSOCIATES



National Restaurant Designers

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7208 ACC Blvd, Second Floor

Raleigh, NC 27617

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From: Grey Isley
To: Alaina Mallette
Cc: david.conklin@goldencorral.net; Ruby Thornton; Ray Thornton
Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review
Date: Friday, March 24, 2023 4:04:12 PM
Attachments: image003.png

Alaina:

I recently called and left you a message. I wanted to briefly follow up with you regarding item #6 to provide additional explanation. You can reach me at 919-215-6729 so that we can discuss this more if you would like.

I do however, want to give you a summary of our reasoning so that it doesn't appear we are outright refusing. Currently we are not considering an architectural feature, like a pilaster or tower, due to the site conditions in these areas. Several services either enter or leave the building at the rear. The addition of the pilasters or tower could require the addition of a footing. This would be especially cost prohibitive in these areas due to the rerouting or manipulation of these services. We have considered several options and found them to either disrupt the architectural language of the building or potentially be cost prohibitive due to the described conditions. We are proposing that we use the elements that are present at the rear and the addition of an awing over the rear doors to help break up the rear façade and create the appearance of segments. We hope that this will help make the building more in line with your request but want to discuss this with you. We are revising the images and will be able to provide these once our client has reviewed.

Please feel free to reach out to me or let me know a good time to call. I look forward to speaking with you.

Thank you,

Grey Isley, PhD, AIA
Dir. of Project Management



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From: Ruby Thornton <rcthornton@lmht.com>
Sent: Thursday, March 23, 2023 9:20 AM

From: Ruby Thornton

Sent: Thursday, March 23, 2023 9:20 AM

To: Alaina Mallette <amallette@southernpines.net>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>

Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Good morningn Alaina,

Please see our responses below in RED.

Let me know if there is anything else that you need.

Thank you

Ruby Thornton

Project Manager



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From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, March 20, 2023 1:13 PM

To: Ruby Thornton <rcthornton@lmht.com>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>

Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Good afternoon, Ruby,

Thank you for providing the additional materials for our review. I have some follow-up questions as I complete my staff report:

1. Will the mechanical equipment remain on the roof? Yes
2. Is the proposed MT-02 metal roofing non-reflective? Yes
3. What is the proposed MT-02 metal roofing pitch? 6"/12"

4. Are the glass windows and glass in the doors clear and non-reflective? **They are existing to remain and non-reflective**
5. What is the height of the dumpster/storage enclosure? **8'8" Existing to remain**
6. Is there any possibility of adding a vertical architectural element (e.g., a brick column) to the rear elevation and left elevation (towards the rear)? I ask because there will be future access to the site from the new Morganton Park South planned development (i.e., the Target development), which is in the rear of the building. In effect, those elevations almost become a second front elevation. So, it would certainly improve the aesthetics of these two elevations from the town and clients' perspectives. Plus, it would help you become compliant with UDO Section 4.10.4(B) Building Dimensions, as those vertical elements would create compliant segmentation. **Not at this time.**

I appreciate your time in looking into these, and will update my report once I receive your response.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Ruby Thornton <rchornton@lmht.com>
Sent: Friday, March 17, 2023 3:47 PM
To: Alaina Mallette <amallette@southernpines.net>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Citrix Attachments

Expires September 13, 2023

23025 GC Homeward Kitchen Conversion D....22.pdf

5.7 MB

[Download Attachments](#)

From: Alaina Mallette
To: "Ruby Thornton"; david.conklin@goldencorral.net; Grey Isley
Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review
Date: Monday, March 20, 2023 1:12:51 PM
Attachments: image005.png

Good afternoon, Ruby,

Thank you for providing the additional materials for our review. I have some follow-up questions as I complete my staff report:

1. Will the mechanical equipment remain on the roof?
2. Is the proposed MT-02 metal roofing non-reflective?
3. What is the proposed MT-02 metal roofing pitch?
4. Are the glass windows and glass in the doors clear and non-reflective?
5. What is the height of the dumpster/storage enclosure?
6. Is there any possibility of adding a vertical architectural element (e.g., a brick column) to the rear elevation and left elevation (towards the rear)? I ask because there will be future access to the site from the new Morganton Park South planned development (i.e., the Target development), which is in the rear of the building. In effect, those elevations almost become a second front elevation. So, it would certainly improve the aesthetics of these two elevations from the town and clients' perspectives. Plus, it would help you become compliant with UDO Section 4.10.4(B) Building Dimensions, as those vertical elements would create compliant segmentation.

I appreciate your time in looking into these, and will update my report once I receive your response.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Ruby Thornton <rcthornton@lmht.com>
Sent: Friday, March 17, 2023 3:47 PM
To: Alaina Mallette <amallette@southernpines.net>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>
Cc: Cindy Williams <CWilliams@southernpines.net>

Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Citrix Attachments

Expires September 13, 2023

23025 GC Homeward Kitchen Conversion D....22.pdf

5.7 MB

[Download Attachments](#)

Ruby Thornton uses Citrix Files to share documents securely.

Good afternoon Alaina,

Please find attached to this email the additional information, renderings and elevations with the digital Material Board. The sign permit will be applied for separately.

I do need to let you know that we have been informed that the original standing seam metal brass awning that had been selected and spec'd on the original digital Material Board, is no longer available. We selected another awning in place of the one discontinued and spec'd it on the digital Material Board. The new awning is a copper color that will match the copper roofing on the front awning.

Please let me know if there is anything else that you need.

Thank you

Ruby Thornton

Project Manager



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From: Alaina Mallette <amallette@southernpines.net>
Sent: Friday, March 10, 2023 1:21 PM
To: Ruby Thornton <rcThornton@lmht.com>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Hi Ruby,

I would prefer to have them by Friday, March 17. That way I'll have enough time to review them and include an analysis in my staff report, which is due at the end of the week following that date. Otherwise, I'll have to say that I could not determine compliance for those elevations, which is not a favorable analysis.

Hope that helps,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Ruby Thornton <rcThornton@lmht.com>
Sent: Friday, March 10, 2023 12:55 PM
To: Alaina Mallette <amallette@southernpines.net>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: RE: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Good afternoon Alaina,

Will you need the additional renderings and material information prior to the April 4th meeting?

Thank you.

Ruby Thornton

Project Manager



7208 ACC Blvd, Second Floor

Raleigh, NC 27617

p:(919) 544-0087 ext. 155

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From: Alaina Mallette <amallette@southernpines.net>

Sent: Friday, March 10, 2023 8:51 AM

To: Ruby Thornton <rthornton@lmht.com>; david.conklin@goldencorral.net; Grey Isley <cgisley@lmht.com>

Cc: Cindy Williams <CWilliams@southernpines.net>

Subject: [EXTERNAL]AR-02-23 Homeward Kitchen at 10735 U.S. Highway 15-501 Completeness Review

Good morning, Ruby, Dave, and Grey,

Our office received the application for an Architectural Compliance Permit for the Homeward Kitchen infill development for a portion of PARID 00055645 (10735 U.S. Highway 15-501) on March 6, 2023. Upon reviewing the information submitted for architectural compliance review—and in accordance with the Town of Southern Pines UDO §2.6 Completeness Review, §2.26 Architectural Compliance Permit, and page A-23 of UDO Appendix A—the application AR-02-23 for Homeward Kitchen is deemed **complete** for review. Please note that review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the relevant provisions of the UDO.

Additional information and/or clarification may be required following an in-depth review of the application materials. In fact, we would like to request that you provide elevation renderings for the other sides of the building: the front, the left, and the rear sides as well as for modifications that are planned for the storage building and dumpster area. Please also send along the numeric values for building dimensions, percentage of each building material, percentage window/door for the front elevation, and the awning height and clearance height. Lastly, for now, can you confirm that you intend to apply for a sign permit separately from this application? Thank you, in advance, for getting this information to us.

This application is currently scheduled for the Town Council agenda meeting on April 4, 2023 at 6:00 p.m. in the C. Michael Haney Community Room of the Police Department.

Sincerely,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



TOWN OF SOUTHER PINES RESOLUTION #1044
ACCEPTING ARPA GRANT FOR WASTEWATER COLLECTION SYSTEM
IMPROVEMENTS

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State fiscal Recovery Fund was established in L.L. 2021-180 to assist eligible unites of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible unites of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of \$4,999,950 to perform construction of wastewater collection system improvements project, and

WHEREAS, the Town of Southern Pines intends to perform said project in accordance with the agreed scope of work,

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

1. That the Town of Southern Pines does hereby accept the ARPA Grant offer of \$4,999,950.
2. That the Town of Southern Pines does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will by adhered to, has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.
3. That Mayor Carol R. Haney, Town Manager Reagan Parsons, and Town Engineer James Michel, the Authorized Officials, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may by required by the Division of Water Infrastructure.

Adopted this 11th day of April, 2023.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor



(910) 692-2720

www.southernpines.net/fire

500 West Pennsylvania Avenue

To: Reagan Parsons, Town Manager

From: Mike Cameron, Fire Chief

Re: Budget Amendment

Date: 3/31/2023

The Southern Pines Fire Department is requesting a Budget Amendment for our Auto Repair and Auto Operating Line Items.

The requested modification to our existing budget is primarily based on 1) an increase in Emergency Call Volume and 2) an increase in Operating Expenses.

Costs associated with call volume are extremely difficult to predict: how many calls, travel distance to the call, the duration of the call, number of emergency apparatus needed, etc. Operating expenses are directly related to call volume, including fuel, tires, oil, and other maintenance and repair items. As you are well aware, repair parts have increased in cost and availability, and the hourly rates of these repairs have drastically increased.

While much of our maintenance is handled by our Town Garage, due to the uniqueness of our emergency response vehicles, some of the more critical repairs have to go to outside vendors. One example of this is our 2006 Ladder Truck which must pass annual ladder testing standards that are very strict. During this budget cycle, the outside vendor that tested our Ladder Truck located some maintenance issues that our Town Garage could not repair. These repairs were not anticipated but had to be made for the safety of our firefighters and to keep the truck in service.

I have always prided myself in building a fire department budget that is financially sound and then working within that budget to maintain the safety of our citizens and their property. The two line items in question directly impact our ability to continue providing our core services to our citizens in a timely and effective manner.

As always, Thank You for your support.

Cc: Tess Brubaker-Speis

**TOWN OF SOUTHERN PINES ORDINANCE #2061
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
Fire Department Auto Repair/Operating Budget**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of April, 2023 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Fire Department	Auto Repair	10-530-1700	\$ 21,000.00	
Fire Department	Auto Operating	10-530-3100	\$ 24,000.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$ 45,000.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 11, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

MEMO

TO: Town Council
FROM: Reagan
Date: 04-05-23

RE: CPF Budget Amendment

Staff is asking that the \$900,000 appropriated in the FY 23 Budget for the annual paving program be transferred to what has historically been called the Unpaved Streets Capital Project Fund. This request is the direct result of having let bids on this year's paving program, only to have received zero bids last week to perform the work.

Upon contacting the five contractors that had requested bid materials, Engineer Michel learned that none of the contractors had bid due to concerns over the ability to obtain sub-contractors for utility work (raising valves/manholes/etc.) in addition to no one having room in their current schedule to be able to guarantee completion by June 30.

As a result of these findings, internal staff will be performing the associated Utility work (a four to six-week project) while the paving itself will be rebid without the June 30 deadline, meaning it will extend into the next Fiscal Year. Moving the funds into the existing CPF will allow staff to move forward with purchase orders and contracts once a successful bidder is chosen.

Thank you for your consideration of this matter.

**TOWN OF SOUTHERN PINES ORDINANCE #2063
AMENDING THE 2022/2023 FISCAL YEAR BUDGET
(Unpaved Street Budget)**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 11th day of April, 2023 that the Operating Budget for the Fiscal Year 2022/2023 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Unpaved Streets	10-670-5500	\$900,000.00	
Street	Paving	10-560-7300		\$900,000.00

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 11, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES ORDINANCE #2064
AMENDING & RENAMING THE
UNPAVED STREET CAPITAL PROJECT FUND AND BUDGET

BE IT ORDAINED, by the Town of Southern Pines Town Council, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project budget is hereby amended:

Section 1: The project, originally authorized for the purpose of paving unimproved Town streets, is hereby amended for the purpose of utilization with the annual paving activities of the Town per the pavement conditions study performed every four years.

Section 2: The officers of this unit are hereby directed to rename the capital project fund the Paving Capital Project Fund.

Section 3: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

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

Construction	<u>\$900,000</u>
Total Additional Project Appropriation	<u>\$900,000</u>

Section 5: The following additional revenue is anticipated to be available for this project:

Transfer In - General Fund	<u>\$900,000</u>
Total Additional Project Revenues	<u>\$900,000</u>

Section 6: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 7: This amended ordinance becomes effective April 11, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 11, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES RESOLUTION #1043
RATIFYING, ACCEPTING AND APPROVING THE AMENDED CHARTER RESOLUTION
OF CENTRAL PINES REGIONAL COUNCIL
(FORMERLY TRIANGLE J COUNCIL OF GOVERNMENTS)

WHEREAS, the Councils of Governments system was created by the State of North Carolina in 1970 by Governor Bob Scott designating seventeen Regional Councils to serve across the state and Triangle J Council of Governments (TJCOG), formerly the Research Triangle Regional Planning Commission, as the regional entity serving Chatham, Durham, Johnston, Lee, Moore, Orange, and Wake counties, and the municipalities within those counties;

WHEREAS, the TJCOG Board of Delegates approved an organization rebrand process in its Fiscal Year 2022-2023 budget to identify and implement a new name, logo, and brand for the organization, and rebranding consultant Carrboro Creative was selected to conduct the process in the Fall of 2022;

WHEREAS, the proposed rebrand, including a name change from Triangle J Council of Governments to Central Pines Regional Council was presented to the TJCOG Officers, TJCOG Executive Committee, and TJCOG Board of Delegates in December, February, and March of 2023 for consideration;

WHEREAS, the TJCOG Executive Committee and TJCOG Board of Delegates unanimously approved the name Central Pines Regional Council and approved a proposed amended charter to reflect this change;

WHEREAS, the charter is TJCOG’s governing document and must be endorsed by all member governments when they join the organization and by a minimum of 2/3 when amendments to the document are made;

NOW THEREFORE BE IT RESOLVED, BY THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES that the Town of Southern Pines does hereby ratify, accept, and approve the amended Charter Resolution reflecting the organization’s new name of Central Pines Regional Council. Further, the governing body authorizes that the new name will be effective July 1, 2023, or once 2/3 of the member governments approve the Charter amendment, if it is after July 1, 2023.

Adopted this the 11th day of April, 2023.

ATTEST: TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor

CENTRAL PINES

REGIONAL COUNCIL

Triangle J Council of Governments (TJCOG) is in the process of changing its legal name to Central Pines Regional Council, an action that was unanimously adopted by our Board of Delegates. This change will formally occur after 2/3 of TJCOG's local government members adopt the charter amendment reflecting the name change.

REBRANDING TIMELINE

CENTRAL PINES

REGIONAL COUNCIL



WHY CENTRAL PINES?

- To distinguish ourselves as an organization within the region
- To be more representative of all communities we serve, in the Triangle and beyond
- To represent the pine tree as the North Carolina state tree
- To nod to the pine tree's rich history in our state through the production of tar, pitch, rosin, & turpentine, and as the main source of lumber for construction
- To reflect our organization's ability to change, grow, and evolve. Pine trees are easily adaptable to any soil conditions, from Moore County's sandy soil to Raleigh's red clay dirt.

MOVING FORWARD

The change will take effect on July 1, 2023 or once 2/3 of members adopt the charter.

Central Pines Regional Council

Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; and

WHEREAS, Central Pines Regional Council is the primary regional organization for its member units of local government and, where feasible, every effort should be made for member units to direct related programs to Central Pines Regional Council rather than to other agencies; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council.

ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

ARTICLE II

Name. The name of the regional council hereby established is the Central Pines Regional Council.

ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;

2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:

- a) human resource development and human relations.
- b) housing, public and private.
- c) health care and hospital services.
- d) recreation.
- e) sanitation and refuse disposal.
- f) communications.
- g) transportation.
- h) water, sanitary sewer, electric power and other utility services.
- i) air, water and other environmental development.
- j) commercial and industrial development.
- k) law enforcement.
- l) welfare.
- m) fire protection and prevention.
- n) regional land use planning.
- o) workforce development and training,
- p) conservation and development of natural resources.
- q) emergency management. and
- r) community and economic development.

3) To promote inter-governmental cooperation;

4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.

5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interest;

6) To review, upon request of any governmental unit within the Central Pines Region, applications of that unit for any grant in aid, federal, state or private; and

7) To provide services to local governments and residents in the area known as the Central Pines Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner that is mutually satisfactory and shall respect the autonomy of all local governments within the Central Pines Region.

ARTICLE IV

Membership

- 1) The initial membership of the Regional Council shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston, Lee, Orange, and Wake, known as the Central Pines (formerly Triangle J) Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.
- 2) Membership was extended to the general purpose governmental units of and in Moore county in 2001.
- 3) Any municipality or county in the Central Pines Region that is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by the Board of Delegates. Notice of such application for admission shall be given to existing members of the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 4) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 5) Any special purpose governmental agency in the Central Pines region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. The affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

ARTICLE VI

Governing Board.

- 1) The governing board of the Central Pines Regional Council shall be known as the Board of Delegates, which shall be constituted as described below.
- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate delegates. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.
- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the name of its delegate and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may serve as a voting member of the Board of Delegates.
- 4) The delegates shall be reimbursed, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the Central Pines Regional Council.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of the Central Pines Region.

ARTICLE VII

Meeting. Regular meetings of the Board of Delegates shall be held, as provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair may cancel the regular meeting if he or she determines that there is no need for the

meeting. Special meetings of the Board of Delegates may be called by the Chair, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic means. At least twenty-four (24) hours written notice (including electronic notice) shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement for himself/herself.

ARTICLE VIII

Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his or her absence, by an alternate delegate of the member government.
- 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of members present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board or any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
- 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
- 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.
- 5) Proxy voting is not allowed.

- 6) The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

ARTICLE IX

Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a Chair, a First Vice Chair, a Second Vice Chair and a Secretary-Treasurer to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.
- 2) The Chair shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The Chair shall have the same voting rights as other members.
- 3) The Chair may appoint such advisory committees as he or she finds necessary or desirable.
- 4) The First Vice Chair shall perform all of the duties of the Chair in the absence of the Chair, or in the event of the inability of the Chair to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

ARTICLE X

Finance Matters:

- 1) On or before the 15th day of May each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year. The Council shall notify member governments of anticipated member assessment on or before the 15th day of April each year.

- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method established in the Bylaws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.
- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer its share of the budget.
- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.S. 159-25. Finance officers shall be bonded as required by G.S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated by the Council. Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

ARTICLE XI

Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
- 2) Executive Committee. The Executive Committee shall consist of two delegates from each county in the Region. The officers of the Council and the immediate past Chair shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat on the committee. The other seat from each county will be occupied by a municipal delegate from that county. The municipal delegate will be chosen by a vote of all the municipal delegates from that county unless that seat is automatically assigned as provided above. If there are more eligible delegates than available seats for those delegates to serve on the Executive Committee due to the automatic assignments provided above, then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee.
- 3) Technical and Advisory Committees. The Chair may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

ARTICLE XII

Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

ARTICLE XIII

Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.

2) Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

- (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning member shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair of the Council shall designate the membership of all committees.
- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, any agency of the State or Federal government, any civic organization, or any private organization in the furtherance of the purposes and objects within its jurisdiction.
- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the provisions of Chapter

160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).

- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions establishing such agencies, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.
- (h) To contract with and provide services to local governmental units within the Central Pines Region.
- (i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.
- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.

- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the Regional Council.

ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975
 February 18, 1976
 April 28, 1982
 February 14, 1985
 March 27, 1996
 April 25, 2018
 Date, 2023

~~Triangle J Council of Governments~~Central Pines
Regional Council
Charter Resolution

WHEREAS, together with the other county and municipal governmental units adopting concurrent Resolutions identical hereto, recognize that there is a need for such governmental units to consult among themselves and to act in concert with reference to regional matters affecting health, safety, welfare, education, recreation, economic conditions, regional planning or planning development; and

WHEREAS, Central Pines Regional Council is the primary regional organization for its member units of local government and, where feasible, every effort should be made for member units to direct related programs to Central Pines Regional Council rather than to other agencies; now, therefore, be it

RESOLVED, that pursuant to the General Statutes of North Carolina, Chapter 160A, Article 20, Part 2, the following Resolution is adopted for the establishment of a regional council ~~of governments.~~

ARTICLE I

Short Title - Binding Effect. This Resolution is the "Charter" of this Regional Council; and said Charter, together with all amendments thereto, is binding upon and shall ensure the benefit of all governmental units adopting it.

ARTICLE II

Name. The name of the regional council ~~of governments~~ hereby established is the ~~Triangle J Council of Governments~~Central Pines Regional Council.

ARTICLE III

Purpose. The purposes of the Council are:

- 1) To serve as a forum for discussion of governmental problems of mutual interest and concern;
- 2) To develop and formalize policy recommendations concerning specific matters having an areawide significance which may include but are not limited to the following:
 - a) human resource development and human relations.
 - b) housing, public and private.
 - c) health care and hospital services.
 - d) recreation.
 - e) sanitation and refuse disposal.
 - f) communications.
 - g) transportation.
 - h) water, sanitary sewer, electric power and other utility services.
 - i) air, water and other environmental development.
 - j) commercial and industrial development.
 - k) law enforcement.
 - l) welfare.
 - m) fire protection and prevention.
 - n) regional land use planning.
 - o) workforce development and training, and
 - p) conservation and development of natural resources.
 - q) Emergency management. and
 - p)r) community and economic development.
- 3) To promote inter-governmental cooperation;
- 4) To provide organizational machinery to insure effective communication and coordination among the participating governmental units and other governmental units.
- 5) To serve as a vehicle for the collection and distribution of information concerning matters of areawide interest;
- 6) To review, upon request of any governmental unit within the ~~Triangle~~ Central Pines Region, applications of that unit for any grant in aid, federal, state or private; and
- 7) To provide services to local governments and residents in the area known as the ~~Triangle~~ Central Pines Region where appropriate and authorized.

The Council shall strive to promote harmony and cooperation among its members. It shall seek to deal with regional problems in a manner that is mutually satisfactory and shall respect the autonomy of all local governments within the ~~Triangle~~ Central Pines Region.

ARTICLE IV

Membership

- 1) The initial membership of the ~~Council of Governments~~ Regional Council shall consist of the general purpose governmental units of and in the counties of Chatham, Durham, Johnston, Lee, Orange, and Wake, known as the ~~Triangle~~ Central Pines ~~(formerly Triangle)~~ Region, which adopted a resolution pursuant to N.C.G.S. 160A-470 on or before June 30, 1972.
- 2) ~~Membership was extended to the general purpose governmental units of and in Moore county in 2001.~~
- 3) Any municipality or county in the ~~Triangle~~ Central Pines Region that is not an initial member of the Council may join this Council by ratifying or adopting this Charter and upon a majority vote of approval by the Board of Delegates. Notice of such application for admission shall be given to existing members of the Council at least ten (10) days prior to the date of the meeting at which the vote is to be taken.
- 4) All rights and privileges of membership in the Council shall be exercised on behalf of the member governments by their delegates to the Council.
- 5) Any special purpose governmental agency in the ~~Triangle~~ Central Pines region involved in matters affecting the health, safety, natural resources, welfare or education of the citizens of North Carolina, such as school boards, sanitary districts, and soil and water conservation districts, is eligible to apply for an affiliate membership in the Council. The application may be approved and an affiliate membership granted to such special purpose governmental unit upon the affirmative vote of the Board of Delegates. The affiliate member shall pay no assessment, but the Council may charge each affiliate member a reasonable sum to cover its proportionate share of the direct costs of providing services to the affiliate members, provided such payments are authorized by law. The affiliate member shall have no vote in the Council, but its designated representative may serve on any technical or advisory committee and may otherwise participate in the deliberations of the Council.

ARTICLE V

Withdrawal. Any member may withdraw from the Council at the end of any fiscal year, provided written notice of intent to withdraw is given to each of the other members at least sixty (60) days prior to the end of the fiscal year.

ARTICLE VI

Governing Board.

- 1) The governing board of the Central Pines Regional Council of Governments shall be known as the Board of Delegates, which shall be constituted as described below.
- 2) The Board of Delegates shall consist of one delegate from each member governmental unit. Each governmental unit may designate any number of alternate delegates. All delegates and alternates shall be elected members of the governing bodies of the member governmental units they represent. The delegates and alternates, as well as their successors, shall be selected by the member governing bodies in any manner consistent with law and the regulations governing such body, and their names shall be certified to the Council in the manner described by the Bylaws of the Council.
- 3) The term of office of each delegate shall commence upon the date of his/her appointment and certification to the Council by the governing body of the member governmental unit he or she represents; and such terms shall expire when the appointing body has appointed his or her successor and certified such successor to the Council, unless he or she shall sooner resign, or cease to be an elected member of said governing body, in which case his or her term shall expire on the effective date of such event. Each member shall certify to the Council the name of its delegate and any alternate(s) prior to the first Board of Delegates meeting of the calendar year. Only an individual who has been duly appointed and certified to the Council as a delegate or alternate may serve as a voting member of the Board of Delegates.
- 4) The delegates shall be ~~compensated~~ reimbursed, upon submittal of proper receipts, for direct expenses incurred in connection with discharging their duties as delegates to the ~~Triangle J Council of Governments~~ Central Pines Regional Council.
- 5) It is the intent of this Charter that all delegates to the Council shall have demonstrated an interest in the sound development of ~~Region J~~ the Central Pines Region.

ARTICLE VII

Meeting. Regular meetings of the Board of Delegates shall be held, as provided in the Bylaws to receive reports from its standing committees and to conduct necessary business. The Chair may cancel the regular meeting if he or she determines that there is no need for the meeting. Special meetings of the Board of Delegates may be called by the Chair, or by any three members thereof. All meetings shall be open to the public.

At least 48 hours written notice of any meeting shall be given to all delegates of the Board of Delegates. It shall state the time, place, and purpose of the meeting, and may be sent by electronic means. At least twenty-four (24) hours written notice (including electronic notice) shall be given of any committee meeting to all committee members. Any member may waive notice of this requirement for himself/herself.

ARTICLE VIII

Quorum and Voting Requirements.

- 1) Except as provided in Paragraph 4 of this Article, each member governmental unit shall be entitled to one vote on all matters coming before the Board of Delegates or before any committee to which such member unit is duly appointed. All votes shall be cast by the delegate, or in his or her absence, by an alternate delegate of the member government.
- 2) The quorum shall be established in the Bylaws. The affirmative vote of a simple majority of members present at any meeting at which a quorum is present shall be required for any action or recommendation of the Board or any Committee, unless this Charter or the Bylaws of the Council require a larger affirmative vote on particular matters.
- 3) Voting shall be by voice, by show of hands, or, upon the request of any three delegates, by a poll of the delegates.
- 4) At the request of any delegate present, any questions shall be determined by weighted voting. Weighted voting shall mean that each participating member local government shall have one vote for each 5,000 units of population, as determined by the most recent decennial census, and for any remaining fraction of 5,000 units within the geographical boundaries of the participating government, except that any participating government whose jurisdiction has a population of less than 5,000 shall have one vote. In the case of any weighted voting question delegates representing local governments with at least two thirds of the aggregate votes of member local

governments shall be present and participating. An affirmative vote of at least two thirds of the votes cast shall be required to decide any weighted voting question.

5) Proxy voting is not allowed.

6) The provisions in this Article VIII apply to all committees and boards of the Council except to the extent such committee or board has adopted different measures.

ARTICLE IX

Board of Delegates

- 1) At the first regular meeting of the Board of Delegates, and annually thereafter as provided by the Bylaws, the Board of Delegates shall elect a Chair, a First Vice Chair, a Second Vice Chair and a Secretary-Treasurer to serve as officers for one year or until their successors have been duly elected. The Board of Delegates may also elect such additional officers as the Board of Delegates finds to be necessary in the proper performance of its duties.
- 2) The Chair shall preside at all meetings of the Board of Delegates and shall conduct said meeting in an orderly and impartial manner so as to permit a free and full discussion by the membership of such matters as may be brought to the Board of Delegates. The Chair shall have the same voting rights as other members.
- 3) The Chair may appoint such advisory committees as he or she finds necessary or desirable.
- 4) The First Vice Chair shall perform all of the duties of the Chair in the absence of the Chair, or in the event of the inability of the Chair to act, and shall perform such other duties as the Board of Delegates may delegate to him or her. The Second Vice Chair shall perform all of the duties of the First Vice Chair in the absence of the First Vice Chair or in the event of the inability of the First Vice Chair to act.
- 5) All other officers elected by the Board of Delegates shall perform such duties as may be prescribed by the Board of Delegates.

ARTICLE X

Finance Matters:

- 1) On or before the 15th day of ~~April~~ May each year, the Council shall prepare and submit to each participating governmental unit its proposed general budget for the next fiscal year. The Council shall notify member governments of anticipated member assessment on or before the 15th day of April each year.
- 2) The general budget shall set out the proportionate share of the budget to be borne by each member governmental unit by a method established in the By-laws and reviewed periodically by the Board of Delegates.
- 3) A special budget providing for cooperative arrangements or coordinated action for two or more members may be adopted at the request of members participating in special functions. The share of the special budget to be borne by each participating member shall be determined by the participating members.
- 4) Upon approval of its share of each budget by a member local government, such member shall appropriate its share of the budget, and after adoption of its own budget, shall forward to the budget officer its share of the budget.
- 5) All local appropriations to the Council shall be made in accordance with the Local Government Budget and Fiscal Control Act, as may be appropriate.
- 6) The finance officer shall have authority to collect, deposit, and disburse funds made available to the Council from any source whatsoever, and also perform other duties as prescribed by G.S. 159-25. Finance officers shall be bonded as required by G.S. 159.29. All monies received for the Council shall be deposited into an official depository of the Council for the exclusive use of the Council, and shall be paid out only by check signed by the finance officer and countersigned by the Executive Director or another official designated by the Council. Funds shall be disbursed only when they are within the amount of appropriations made according to the budget of the Council.
- 7) The Board of Delegates may designate a Council employee or, with the agreement of the governing body involved, designate one of the city or county accountants as the finance officer to perform the duties as described in the Local Government Budget and Fiscal Control Act insofar as post-budget approval of expenditures is concerned.
- 8) It shall be the duty of the Board of Delegates to require that all financial records and accounts of the Council be audited annually by a certified public accountant or by an accountant certified by the Local Government Commission as qualified to audit local governmental accounts. A copy of the annual audit shall be forwarded to each member county and municipality and to the secretary of the Local Government Commission.

ARTICLE XI

Committee Structure.

- 1) The Board of Delegates may establish an Executive Committee, other committees of the Board itself, and technical and advisory committees.
- 2) Executive Committee. The Executive Committee shall consist of two delegates from each county in the Region. The officers of the Council and the immediate past Chair shall automatically be members, and will thereby occupy that number of the two seats allotted to their county. Each county government will occupy one seat on the committee. The other seat from each county will be occupied by a municipal delegate from that county. The municipal delegate will be chosen by a vote of all the municipal delegates from that county unless that seat is automatically assigned as provided above. If there are more eligible delegates than available seats for those delegates to serve on the Executive Committee due to the automatic assignments provided above, then the number of Executive Committee members shall be temporarily increased to allow all eligible delegates to serve on the Executive Committee. ⁂
- 3) Technical and Advisory Committees. The Chair may appoint technical or advisory committees with broadly representative membership for any of the planning studies and work elements in the Program of Work. These Committees should work directly with the Council staff and its consultants and make periodic reports to the Council. In addition to reviewing periodic progress reports, these advisory committees should directly participate in the planning process.

ARTICLE XII

Annual Report. The Council shall prepare and submit an annual written report of its activities, including a financial statement, to the participating governmental units.

ARTICLE XIII

Powers, Duties and Functions of the Council. Within the limits of funds and personnel available, the Council:

- 1) Shall have and may exercise, in accordance with its Charter and Bylaws, all of the powers which the General Assembly of North Carolina has authorized, and may

hereafter from time to time authorize, this Charter to confer upon the Council, including, but not limited to, all of the specific powers enumerated in Section 160A-475 (any amendments thereto) of the General Statutes of North Carolina, which powers are incorporated herein by reference.

2) Shall have, and may exercise, in addition to and not in limitation of the foregoing, the following powers:

- (a) To create such committees as it deems necessary to exercise the powers granted to the Council herein in dealing with problems or problem areas that do not involve all the members of the Council. At least one delegate from each member governmental unit affected by the problem or problem area to be dealt with by the committee is entitled to be a member of that committee. Any two or more member governmental units shall have the right to have a Council committee formed to exercise the powers of the Council with reference to any problem which affects the petitioning governmental units, unless the Council shall reasonably determine that the problem or problem area in question should be assigned to an existing committee, in which case the petitioning member shall be entitled to be represented on said committee. The subject matter over which any committee has jurisdiction to exercise the powers of the Council shall be specifically defined, but may be enlarged or restricted by the Council from time to time. Unless the right of a member of representation on any particular committee granted herein above is asserted, the Chair of the Council shall designate the membership of all committees.
- (b) To accept, receive and disburse in furtherance of the duties, purposes, powers, and functions specified in the Charter all member assessments, funds, grants, and services made available by the State of North Carolina, any other municipality or county or other governmental or quasi-governmental unit or agency, (whether or not a member of such Council) and private and civic sources. The Council may provide matching funds, grants or services, received from any source, to or from any governmental or quasi-governmental agencies established by the Council or any two or more member governmental units in furtherance of the duties, purposes, powers, and functions herein contained. None of the powers contained in this subparagraph may be exercised by any committee except with respect to funds budgeted or appropriated for their use by the Council.
- (c) To meet with, consult with, and act in concert with any county or municipality, any agency of the State or Federal government, any civic organization, or any private organization in the furtherance of the purposes and objects within its jurisdiction.

- (d) To participate, as a unit of local government, in any undertaking with any other unit of local government, whether or not a member of the Council, for the joint exercise of governmental powers in accordance with the provisions of Chapter 160A, Article 20, Part 1 of the General Statutes of North Carolina (and any amendments thereto).
- (e) To contract with any person, firm or corporation for goods and/or services when same have been authorized by budget appropriations or by special resolution of the Council appropriating available funds.
- (f) To adopt Bylaws containing such rules and regulations for the conduct of its business as it may deem necessary for the proper discharge of its duties and the performance of its functions, not inconsistent with the Charter of the laws of North Carolina.
- (g) To create agencies of the Council to act for and on behalf of the Council in the planning and development of particular programs which affect the health, safety, welfare, housing, education, economic conditions or regional development of two or more member governmental units. Such agencies shall have such membership, staff, powers, duties and responsibilities as may be specified in the Council Resolutions establishing such agencies, consistent with powers herein granted to the Council. Provided, however, such agency shall at all times be acting for and on behalf of, and shall be responsible to the Council. The Council may appropriate funds for the use of agency programs which it has received from any source, including member assessments, provided such appropriation is made in accordance with the Charter.
- (h) To contract with and provide services to local governmental units within ~~Region~~ the Central Pines Region.
- (i) To serve as an informational clearinghouse and, as a reviewing agency with respect to Federal, State and local services or resources available to assist in the solution of problems.
- (j) To request and receive contributions of research assistance from its own agencies, private research organizations, civil foundations, institutions of higher learning, and other organizations.
- (k) To purchase, lease, rent or otherwise acquire real and personal property to the extent necessary to discharge the other powers, duties and functions set forth herein and to the extent such purchases are authorized by general or special

budgets and are within the limits of funds appropriated for or provided to the Council by the participating governmental units and others for such purposes.

- (l) To act as the official reviewing agency of the participating governmental units for all programs, Federal, State, or private, requiring regional review.

It is the desire of the membership of this Council to avoid duplication of governmental functions, particularly in the planning and development of future programs in areas of governmental responsibility, and to that end this Council is created, should function, and these powers are given.

ARTICLE XIV

Amendments. Amendments to this Charter shall become effective when adopted by resolution of two-thirds (2/3rds) of the participating governmental units in the ~~Council of Governments~~ Regional Council.

ARTICLE XV

Dissolution. The Council may be dissolved at the end of any fiscal year only (1) upon the adoption of a dissolution resolution by the governing bodies of all member governmental units, or (2) the withdrawal from the Council of all but one (1) of the member governmental units. If such dissolution is affected by resolution of all member governments, such resolutions shall specify the method of liquidating the Council's assets and liabilities. If such dissolution is occasioned by withdrawal of all but one member, the remaining governmental unit shall have the power to liquidate all assets and liabilities and it shall then distribute the net proceeds, if any, to those members who paid the latest annual assessment and in the same proportion. Any deficit shall be the responsibility of those member governments who would have received the net proceeds, and in the same proportions.

Amended: July 1, 1975
February 18, 1976
April 28, 1982
February 14, 1985
March 27, 1996
April 25, 2018
Date, 2023



MINUTES

Tuesday, March 7, 2023: 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; Bill Pate; and Ann Petersen.

Absent: Paul Murphy

Mayor Haney made note of the ribbon cutting for the Comprehensive Cancer Care Center earlier that day and commented on the positive effects new resources will have for the community.

Mayor Haney commended Planning Director BJ Grieve on his short video updating the community on new projects taking place within the Town and reported that she had received positive feedback on the drone coverage.

Mayor Haney asked residents to remember to completed the survey for the update to the Town's Long Range Comprehensive Plan.

Mayor Haney gave an update on Resolution #1040 celebrating the 100th anniversary of the charter for West Southern Pines.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. PRESENTATIONS

a. Town Logo Options

Tripp Muldrow from Arnett Muldrow will share some new concepts for the Town's logo.

Asst. Town Manager Jessica Roth and Tripp Muldrow presented new options for the new Town Logo and tagline.

Discussion ensued.

The consensus of the Council was the angled pinecone for the logo and "Deeply Rooted" for the tagline.

b. Campbell House Addition

The Arts Council of Moore County leases the first floor of the Campbell House for their operations and gallery. The Council is interested in constructing a two-story addition to the Campbell House to expand their space. Chris Dunn will attend the meeting to present the proposal.

Chris Dunn, Director, and Ray Owen, Development Director, of the Arts Council of Moore County presented their proposal for an addition to the Campbell House and asked the Council for their thoughts before they move forward with fundraising. The addition will allow for increased meeting space, ADA-accessible bathrooms, access to the basement, side yard and an elevator to access the 2nd floor, among other advantages.

Discussion ensued.

The Council is in favor of the proposal and look forward to viewing the final project plan.

4. ITEMS FOR ACTION 03-07-23

a. Authorize the Town Manager to Sign a Minor Subdivision Plat for Parcel #00991984 Located Along Morganton Road, East of Henley St.

This will allow the Town to subdivide an existing parcel owned by the Town and record the subject plat.

Town Manager Parsons presented the request to the Council.

Discussion ensued.

Councilmember Petersen moved to Authorize the Town Manager to sign a Minor Subdivision Plat for Parcel #00991984 located along Morganton Road, east of Henley Street. The motion was seconded by Councilmember Clement and the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - absent

Councilmember Pate - aye

Councilmember Clement - aye

Councilmember Petersen - aye

Motion passed.

5. REVIEW PROPOSED ACTION ITEMS FOR MARCH 14, 2023 MEETING

a. AR-01-23 Knollwood Tract Phase 2 Apartments

Mr. Philip Payonk with Hawthorne Residential Partners, LLC, on behalf of Knollwood Partners, LLC and Kaveri Investment Management (legal property owners), is requesting approval of an Architectural Compliance Permit for "Knollwood Multi-Family," a 236-unit apartment home community constituting Phase 2 of the Knollwood Tract CDP.

Councilmember Pate has been recused from this application.

Principal Planner Pam Graham reviewed the application and staff report to the Council.

Discussion ensued.

Bob Koontz of KoontzJones Design and Mark Mills of Plant Works Architecture gave a detailed presentation and answered any Council questions regarding the project.

Mayor Haney exited the meeting at 7:56 pm.

Discussion ensued.

b. Convey Property to YMCA of the Sandhills

The Town owns approximately 49+/- acres of land located on the north side of Morganton Road along Henley Street. In accordance with NCGS §160A-279, the Town is interested in transferring

approximately 8.375+/- acres of the total 49 acres to the YMCA of the Sandhills. In exchange, the YMCA will construct and operate a recreation facility.

Town Manager Parsons gave a brief overview and Mr. Rick Houpp, representing the YMCA, addressed the Council with more details of their plans. A needs-based assessment would be done by a third party on behalf of the YMCA before designing the proposed building to best meet the community's needs. Some options would include affordable childcare, an indoor pool and both physical and mental therapy options for veterans and their families.

Discussion ensued.

c. Consider User Agreement with Southern Pines Pickleball Club

The Southern Pines Pickleball Club (SPPC) has approached the Town about formalizing a user agreement, to include a \$16,000 contribution toward a Town construction project to convert existing tennis courts at Memorial Park into permanent pickleball courts. The SPPC has requested that the Town take steps to expedite this project. Staff will provide more details at the meeting, but next steps include: 1) execute a user agreement between the Town and SPPC; 2) accept a \$16,000 donation from the SPPC; 3) amend the FY 22-23 budget to account for the donation and expenditures; and 4) Town staff begins the contractor selection process in accordance with state purchasing statutes. Staff will forward the necessary items to Council for formal approval as these steps advance.

Town Manager Parsons gave an overview of the request and an update on the project.

Discussion ensued.

Michele Peele, representing the Southern Pines Pickleball Association, thanked the Councilmembers who attended their fundraiser/exhibition and spoke to some of the requests the Association are proposing.

6. REVIEW PROPOSED CONSENT AGENDA FOR MARCH 14, 2023 MEETING

a. Approve Ordinance #2058 Amending the FY 22-23 Budget in the Amount of \$9,850

Council previously approved the condemnation and demolition of the former house at 875 Clark Street. This work has been completed and this budget amendment represents the total amount of this work.

Town Manager Parsons gave an overview of the item to the Council.

b. Approve Two Appointments for the Library Advisory Board.

Staff asks that the Council consider the applications of Kira Shoenfelder and Shawna Fink to the Library Advisory Board.

Town Manager Parsons gave an overview of the item to the Council.

c. Approve Resolution #1041 for Resident Exemption from Curbside Solid Waste Collection

Effective July 1, 2023, GFL will discontinue back door garbage collection and curbside collection will become the standard for both garbage and recycling. GFL will provide back door service to residents who qualify for a medical exemption. Staff has drafted a policy which contains suggested criteria that will make a resident eligible for medical exemption from curbside collection for both garbage and recycling.

Town Manager Parsons gave an overview of the item to the Council.

d. Approve Interlocal Agreement with Moore County for Mobile311 GIS

The Town's Mobile311 system uses GIS to provide mapping data for certain work orders.

Town IT staff has worked with Moore County IT staff to replace the vendor's interface with a hosted solution through Moore County. The Town will enter into an interlocal agreement that outlines this arrangement.

Town Manager Parsons gave an overview of the item to the Council.

e. Approve Town Council Meeting Minutes for February 2023

Staff has prepared meeting minutes for the Council's approval.

- February 7, 2023
- February 14, 2023
- February 28, 2023

No corrections were noted.

7. APPLICATIONS FOR MARCH 14, 2023 EVIDENTIARY (QUASI-JUDICIAL) HEARING

a. SU-06-22: MidSouth Modifications (hearing continued from 02/14/23)

On behalf of Plantation Investors, LLC, Mr. Jeremy Sparrow with Koontz Jones Design has submitted an application for a special use permit and a major subdivision preliminary plat for various modifications to the MidSouth development. Modifications include adding two residential lots near the north entrance and subdividing off the property on which the north gatehouse is located. The subject property is identified as PIN: 857200264820 (PARID: 00041026701).

8. ADJOURNMENT

Councilmember Pate noted that March 7, 2023 is the 136th birthday of the incorporation of The Town of Southern Pines.

Upon motion by Councilmember Petersen, seconded by Councilmember Pate and carried unanimously, Council adjourned at 8:55 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, March 14, 2023: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

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

Mayor Haney announced Planning Director's BJ Grieves resignation and complimented him on his accomplishments while with the Town.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Resolution #1040 celebrating the 100th anniversary of the charter for West Southern Pines has been amended and will be included at the March Work Session Packet for approval.

4. PUBLIC COMMENTS

Mayor Haney thanked the new members of the Library Advisory Board for their time.

Dot Brower of 102 E. Monroe wished everyone a Happy Women's History Month - aski. Ms. Brower then asked that the Council and citizens of the community be advocates for children to our school board and other citizens in our community and, that we all have a responsibility to educate and prepare our children for the future.

Michele Peele, Secretary of the Southern Pines Pickleball Association, thanked the Council for their consideration in upgrading pickleball courts. The Association ready to help in any way they can. Kathy Samakas, Treasurer, and Carol Henderson, President of the Southern Pines Pickle Ball Association, were also present.

Marsh Smith of 568 Santee Road, representing the Moore Council Wildlife and Conservation Club, read a resolution aloud to the Council regarding their opinions for future use of the Whitehall Tract.

5. CONSENT AGENDA

Town Manager Parsons reviewed the item on the Consent Agenda for the Council

Councilmember Petersen noted a correction to the February Meeting Minutes, Ms. Rylee Bowman's name is misspelled. The Town Clerk will correct the spelling before signing.

Councilmember Pate moved to approve the Consent Agenda, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

a. Approve Ordinance #2058 Amending the FY 22-23 Budget in the Amount of \$9,850

Council previously approved the condemnation and demolition of the former house at 875 Clark Street. This work has been completed and this budget amendment represents the total amount of this work.

b. Appoint Shawna Fink and Kira Shoenfelder to the Library Advisory Board.

- Kira Shoenfelder will fill an open position (current member's term expires 12/31/2023) and serve from 1/1/2023 - 12/31/2025.
- Shawna Fink will fill a non-resident member position because the current member is unable to continue and will serve from 1/1/2023 - 12/31/2024.

c. Approve Resolution #1041 for Resident Exemption from Curbside Solid Waste Collection

Effective July 1, 2023, GFL will discontinue back door garbage collection and curbside collection will become the standard for both garbage and recycling. GFL will provide back door service to residents who qualify for a medical exemption. Staff has drafted a policy which contains suggested criteria that will make a resident eligible for medical exemption from curbside collection for both garbage and recycling.

d. Approve Interlocal Agreement with Moore County for Mobile311 GIS

The Town's Mobile311 system uses GIS to provide mapping data for certain work orders. Town IT staff has worked with Moore County IT staff to replace the vendor's interface with a hosted solution through Moore County. The Town will enter into an interlocal agreement that outlines this arrangement.

e. Approve Town Council Meeting Minutes for February 2023

Staff has prepared meeting minutes for the Council's approval.

- February 7, 2023
- February 14, 2023
- February 28, 2023

6. ACTION ITEMS

a. Consider Resolution #1042 to Convey Property to the YMCA of the Sandhills

The Town owns approximately 49+/- acres of land located on the north side of Morganton Road along Henley Street. In accordance with NCGS §160A-279, the Town is interested in transferring approximately 8.375+/- acres of the total 49 acres to the YMCA of the Sandhills. In exchange, the YMCA will construct and operate a recreation facility. Following approval of this resolution, the intent to convey this property will be advertised and then the property may be sold at any time after 10 days after said publication.

Mayor Haney opened the item.

Discussion ensued regarding leasing the land versus conveyance and time limits of future agreements.

Councilmember Pate moved to approve Resolution #1042 Intent to Convey Property to the YMCA of the Sandhills, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

f. Approve Ordinances #2059 and #2060 Amending the FY 22-23 Budget for Recreation Improvements

These ordinances approve the allocation of \$32,000 from fund balance appropriations and transferring it to the Recreation Improvements capital fund in order to convert tennis courts at Memorial Park for pickleball.

Town Manager Parsons requested that the Council move item 5f from the Consent Agenda and move it to Action Item 6b due to some last minute information given to staff.
Councilmember Pate made a motion to move item 5f from the Consent Agenda and move it to Action Item 6b, seconded by Mayor Pro Tem Murphy. The vote was unanimous.
Motion passed

Town Manager Parson advised the Council that preliminary bids for the project are coming in higher than the originally quoted price of \$32,000 and asks that the amount be amended to \$40,000.
Discussion ensued.
Councilmember Petersen clarified and Town Manager Parsons agreed, that the Southern Pines Pickleball Association would still only contribute the original amount of \$16,000 should an agreement be finalized.

Councilmember moved to approve Ordinances #2059 and #2060 to amend the Fiscal Year 22-23 Budget for the Recreation Budget for recreation improvements for the allocation of \$40,000 from Fund Balance Appropriations transferred to the Recreation Improvements Capital Fund for the tennis court conversion at Memorial Park for pickleball, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

7. PUBLIC HEARINGS

a. SU-06-22: MidSouth Modifications (hearing continued from 02/14/23)

On behalf of Plantation Investors, LLC, Mr. Jeremy Sparrow with Koontz Jones Design has submitted an application for a special use permit and a major subdivision preliminary plat for various modifications to the MidSouth development. Modifications include adding two residential lots near the north entrance and subdividing off the property on which the north gatehouse is located. The subject property is identified as PIN: 857200264820 (PARID: 00041026701).

Town Manager Parsons advised the Council that the applicant had withdrawn their application. The Planning Department received a notification yesterday via email from the applicant.

8. ADJOURNMENT

Councilmember Pate advised the Council that he has a scheduling conflict regarding the planned Budget Retreat Meeting date of April 13, 2023. Council will all consult their calendars and advise Town Manager Parsons of their availability for that week.

Councilmember Petersen would like to acknowledge Archie Daniels in the Streets Department. She has received numerous compliments regarding his work from constituents over the last two weeks.

Upon motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 6:43 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, March 28, 2023: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

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

Mayor Haney thanked the members of the Planning Board who met late in the night the evening before and who are all volunteers and give up their time and talent to the betterment of the community.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. PRESENTATIONS

a. NCDOT S-Line Commuter Rail

Staff representatives from the Rail Division of NCDOT will attend to discuss the department's continued efforts to establish high performance rail service between Raleigh and Richmond on the S-Line passenger rail.

Jason Orthnor, Rail Division Director, and Julie White, Deputy Secretary for Multimodal Transportation, representing the North Carolina Department of Transportation (NCDOT) presented the NCDOT S-Line Commuter Rail project to the Council.

Discussion ensued.

b. CLRP Process Update

Project consultant Matt Noonkester with City Explained, Inc. and planning staff will present an update on the Comprehensive Long Range Plan project.

Matthew Noonkester from City Explained Inc. presented the Council with an update on the Comprehensive Long Range Project. The next step of the process is to enter the growth framework stage of the project and meetings with the advisory committees and community will be scheduled for later in the year. Mr. Noonkester reviewed all of the steps, surveys and community engagement opportunities that have been utilized so far and shared the information that had been compiled so far.

Discussion ensued.

4. ACTION ITEMS

a. Authorize the Mayor to Execute the Solid Waste, Yard Waste, Recycle Collection Agreement with Waste Industries, LLC

The Town has negotiated an extension of the current contract with Waste Industries, LLC dba GFL Environmental to provide collection of yard debris through December 31, 2023 and solid waste and recyclables through December 31, 2024. The Town will begin providing yard debris collection services in-house effective January 1, 2024.

Town Manager Parson gave a brief overview of the request.

Discussion ensued regarding the use of the word "may" in item 3b.

Councilmember Clement made a motion to Authorize the Mayor to Execute the Solid Waste, Yard Waste, Recycle Collection Agreement with Waste Industries as it is presented, seconded by Councilmember Pate; the vote was unanimous.
Motion passed.

5. COUNCIL UPDATES AND DISCUSSION

a. Creation of a Metropolitan Planning Organization (MPO)

The population in southern Moore County surpassed 50,000 people in the 2020 U.S. Census. At that threshold, southern Moore will need to transition from a rural planning organization (RPO) to a metropolitan planning organization (MPO). The MPO boundary currently includes Pinehurst, Southern Pines, Aberdeen, Pinebluff, Whispering Pines and Taylortown. Staff will discuss the next steps required to formalize this transition. More details on MPOs in North Carolina is available at www.ncampo.org.

Town Manager Parsons gave a detailed presentation on the proposal. The recent Census determined that there is an area in Southern Moore County that exceeds 50,000 in population and, as a result, there are 7 entities that include Pinehurst, Aberdeen, Southern Pines, Taylortown, Whispering Pines, Pine Bluff and portions of unincorporated Moore County that have been directed to create a Municipal Planning Organization (MPO).

Scott Walston from the North Carolina Department of Transportation and Matt Day, representing the Triangle J Council of Governments, were present to answer questions and explain details regarding MPO's.

Frank Quis, Moore County Commissioner, was present to add his opinion and knowledge of the subject.

Discussion ensued.

b. General Revenue Discussion Ahead of Budget Retreat

Staff will share some recent details relevant to revenue forecasting that will be relevant for discussions at the FY 23-24 Council budget retreat.

Town Manager Parsons and Asst. Town Manager Roth reviewed the items relative to the General Revenue Discussion ahead of the Budget Retreat.

Discussion ensued.

Wednesday, April 12th was agreed upon by the Council for the Annual Budget Retreat.

5.b.i. Ad Valorem Tax and Revaluations

5.b.ii. Sales Tax

5.b.iii. Waste Collection and Disposal Fees

6. COUNCIL ROUNDTABLE

Councilmember Clement advised that she is unable to attend the scheduled Agenda Meeting on April 4th. Councilmember Pate is also unable to attend the meeting on April 4th and Mayor Pro Tem Murphy added that he will also be unable to attend.

Discussion ensued.

Councilmember Petersen moved to cancel the scheduled Agenda Meeting on April 4, 2023, seconded by Mayor Haney; the vote was unanimous.
Motion passed.

Councilmember Clement moved to go into closed session per NC General §143-318.1(a)(3)(5), seconded Councilmember Petersen; the vote was unanimous.

No action was taken.

Councilmember Petersen move to exit closed session, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

7. ADJOURNMENT

Upon a motion by Councilmember Petersen, seconded by Mayor Pro Tem Murphy, the Council adjourned at 8:03 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk