



AGENDA

Tuesday, May 9, 2023: 6:00 PM

Town Council Business Meeting

E.S. Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Approve Relief from §50.035 of the Town Code of Ordinances: 385 Eastman Rd.

Mr. Scott Taliaferro is requesting relief from §50.035 of the Town Code of Ordinances, which requires any new house, lot, or subdivision to connect to the Town's water system if it is within 300 feet (plus 100 feet multiplied by the number of additional dwellings) of an existing water distribution pipe.

b. Approve Resolution #1046 Approving Local Water Supply Plan

NCGS 143-355 (l) requires that the Town submit a Local Water Supply Plan (LWSP) each year to the state.

c. Authorize Mayor to Execute Contract with FORVIS, LLC to Complete the FY 22-23 Audit

The Town will engage FORVIS, LLC of High Point to complete the audit for the current fiscal year, ending June 30, 2023.

d. Town Council Meeting Minutes for April 2023

Staff has prepared the following meeting minutes for approval:

- April 11, 2023
- April 25, 2023

6. PUBLIC HEARINGS

a. PD-02-23: Conceptual Development Plan for +/- .786 acres on the West Side of S. Bennett St. between New York Ave. and Pennsylvania Ave. (continued from April 11, 2023 Regular Meeting).

NOTE: Mr. Webster has requested that Council postpone this hearing to June 13th to allow for further work on this application.

Mr. Colin Webster, on behalf of Grovsnor Land, LLC, has submitted an application for a mixed-use development with condominiums, single-family townhouses, office, retail, and restaurant. The initial public hearing was opened at the April 11th meeting and immediately continued to May 9th.

b. Whitehall Master Plan

Staff will present the recommended Whitehall Master Plan for public comment and adoption by Town Council. The master plan and other project details can be viewed at bit.ly/tosp_whitehall

c. FY 23-24 Proposed Budget

This is the first public hearing on the proposed budget for FY 23-24. The second hearing will be on June 13. The

[budget](#) can be viewed at bit.ly/tosp_budget.

7. ACTION ITEMS

a. Consider Appointments for Two Vacant Planning Board Positions

There are presently two vacant positions on the Planning Board. One is an ETJ position and one is an in-town position.

b. Consider AR-04-23: Creston Commons

Mr. Patrick Nerz of DHIC, is requesting an Architectural Compliance Permit for modifications to 8 existing multi-family buildings and one existing clubhouse within the Creston Commons planned development.

c. Consider AR-06-23: American Whiskey Ko. (BHAWK) Rickhouse

Mr. Bryan Welborn of Neal Smith Engineering, is requesting an Architectural Compliance Permit for Rickhouse A (Phase 1.5) of the Brad Halling American Whiskey Ko. (BHAWK) whiskey distillery development.

8. ADJOURNMENT

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

Agenda Item

To: Reagan Parsons, Town Manager
From: James Michel, PE, Town Engineer
Subject: Relief from §50.035 of the Town Code of Ordinances
Date: April 27, 2023

I. SUMMARY:

Mr. Scott Taliaferro is proposing to build a house at 385 Eastman Road which currently is within the Town's ETJ. Mr. Taliaferro is requesting relief from §50.035 of the Town Code of Ordinances requiring any new house, lot, or subdivision to connect to the Town's water system if it is within 300 feet (plus 100 feet multiplied by the number of additional dwellings) of an existing [water] distribution pipe. Pursuant to the same section "Only the Town Council may waive this requirement." Therefore, the applicant must request of Town Council a waiver from §50.035 of the Town Code of Ordinances. The property is within approximately 85 feet of an existing water main and without receiving relief from this provision of the Code of Ordinances, would be required to connect to the Town's water system (see below Map).

To provide an acceptable connection to the Town's water system, a main extension to the point of the tap would also be required. The minimum waterline size for this extension would be a 2" line which would provide no additional fire protection, system looping, or other significant benefits to the distribution system. The Town Fire Marshall was consulted to ensure that adequate measures were in place to provide fire protection and he had no concerns with the placement of the house. The extension of a watermain would bring the distribution system 85' closer to the two adjacent lots that are not currently served by the Town's system. Any significant development or subdivision of the nearby larger lots would require an extension of a minimum 6" waterline which would then replace the 2" that would be installed for this property.

Mr. Taliaferro's Email Request:

"Petition for exemption to Southern Pines Code of Ordinances section § 50.035 MANDATORY CONNECTIONS.

I am petitioning the Southern Pines Town Council to grant an exemption to the aforementioned ordinance at 385 Eastman road (PIN 857200554090, PARID 00031926). The property is not within city limits but is located within the town's extraterritorial jurisdiction.

The primary reason I am asking the Southern Pines Town Council to waive the water connection requirement is that there is an existing well already on site. The well has been

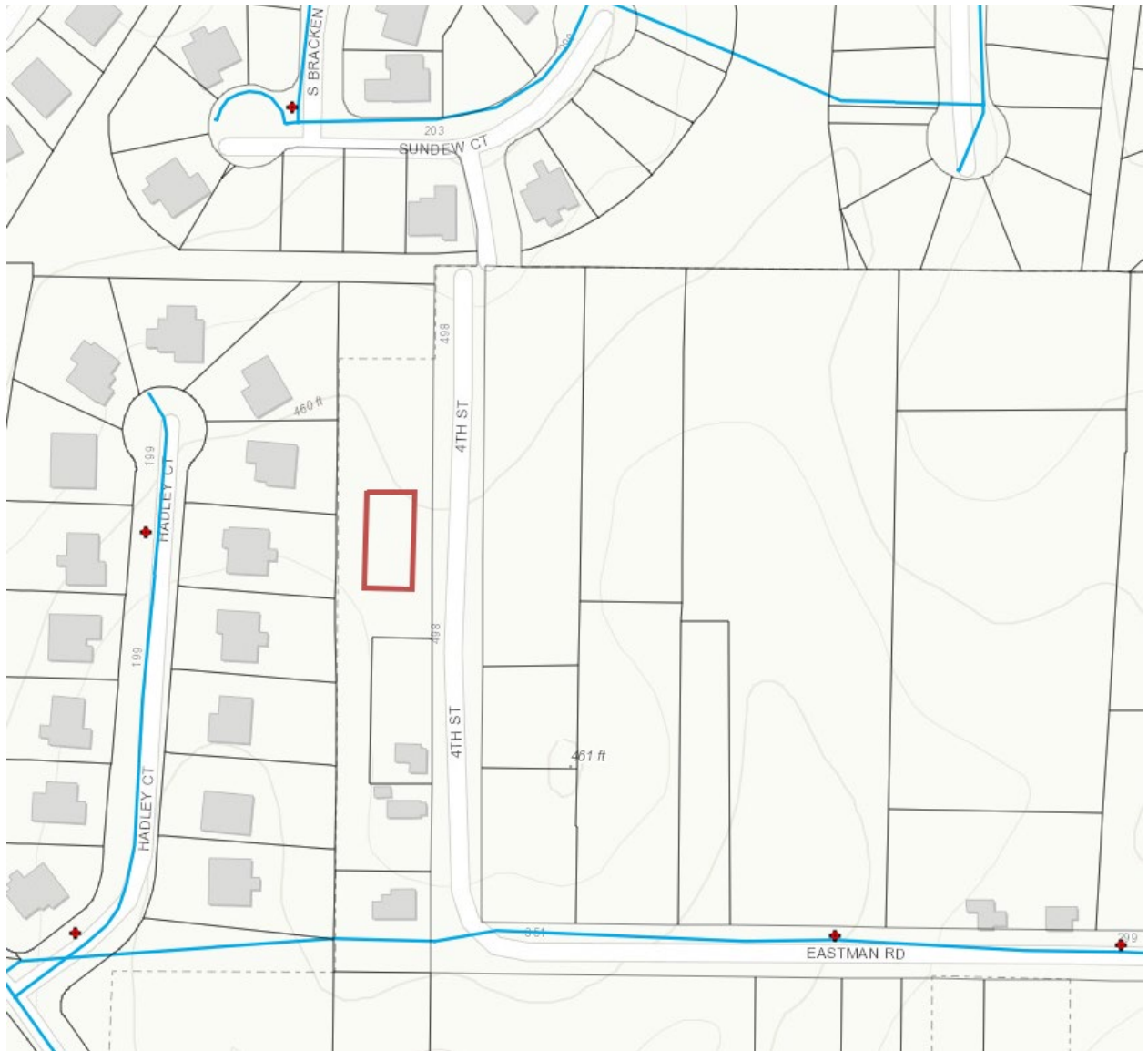
recently tested and the water is potable. Additionally, the well output is more than sufficient to meet the water requirements of a single-family home. Granting this exemption will allow me to use this existing resource and spare me the significant cost of running a two hundred plus foot line to the city water main. If this petition is approved, I will file permits with the Town planning department to build a single-family home at the address listed above.”

II. TOWN COUNCIL ACTION:

Town Council is being asked to grant a waiver from §50.035 of the Town Code of Ordinances for this property.

Council finds that that the requirement to extend the Town’s water system to serve the property would result and an inefficient extension of and provide no significant benefit to the distribution system and does hereby waive the requirements from §50.035 of the Town Code of Ordinances.

Council finds the that requirement to extend the Town’s water system to serve the property would result in an efficient extension of utilities due to expected growth and development in the area and that the requirements from §50.035 of the Town Code of Ordinances shall be followed.



ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

RICHARD E. ROGERS, JR.
Director



NORTH CAROLINA
Environmental Quality

April 11, 2023

Ron Istre
Utilities Superintendent
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

Subject: LWSP Meet Minimum Criteria
Town of Southern Pines Water System
PWSID#: 03-63-010
Moore County

Dear Mr. Istre,

This letter is to notify you that our staff has reviewed the information contained in the 2022 Local Water Supply Plan (LWSP) update submitted by your office. Since all the required information is complete, the LWSP for the Southern Pines Water System hereby meets the minimum criteria established in North Carolina General Statute 143-355(I).

Your water system's 2022 LWSP is now viewable online from the LWSP website found at: https://www.ncwater.org/Water_Supply_Planning/Local_Water_Supply_Plan/search.php. The plan has been made available after our best efforts to screen any errors. As a final check, please review and report any mistakes or omissions to the review engineer. Unless notified otherwise, the Division of Water Resources considers your 2022 LWSP complete.

Thank you very much for your efforts to provide your customers with a safe and reliable supply of drinking water. We look forward to continuing to work with you in these efforts. Please contact Louis Murray at louis.murray@ncdenr.gov or (919)707-9017, or Linwood Peele at linwood.peele@ncdenr.gov or (919) 707-9024, if we can be of further assistance.

Sincerely,

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

Linwood E. Peele, Supervisor
Division of Water Resources, NCDEQ



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1611 Mail Service Center | Raleigh, North Carolina 27699-1611
919.707.9000

Southern Pines

2022 ▾

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

1. System Information

Contact Information

Water System Name:	Southern Pines	PWSID:	03-63-010
Mailing Address:	801 SE Service Rd Southern Pines, NC 28387	Ownership:	Municipality
Contact Person:	Ron Istre	Title:	Utilities Superintendent
Phone:	910-692-1983	Cell/Mobile:	618-979-1678

Complete

Distribution System

Line Type	Size Range (Inches)	Estimated % of lines
Asbestos Cement	6-12	8.81 %
Cast Iron	1-12	15.67 %
Ductile Iron	6-18	4.08 %
Galvanized Iron	2	0.62 %
Other	1-16	13.02 %
Polyvinyl Chloride	2-12	57.80 %

What are the estimated total miles of distribution system lines? 246 Miles

How many feet of distribution lines were replaced during 2022? 400 Feet

How many feet of new water mains were added during 2022? 7,400 Feet

How many meters were replaced in 2022? 20

How old are the oldest meters in this system? 10 Year(s)

How many meters for outdoor water use, such as irrigation, are not billed for sewer services? 1,700

What is this system's finished water storage capacity? 5.5000 Million Gallons

Has water pressure been inadequate in any part of the system since last update? *Line breaks that were repaired quickly should not be included.* No

Programs

Does this system have a program to work or flush hydrants? Yes, Annually

Does this system have a valve exercise program? Yes, Annually

Does this system have a cross-connection program? Yes

Does this system have a program to replace meters? No

Does this system have a plumbing retrofit program? No

Does this system have an active water conservation public education program? No

Does this system have a leak detection program? No

Water Conservation

What type of rate structure is used? Flat/Fixed

How much reclaimed water does this system use? 0.0000 MGD For how many connections? 0

Does this system have an interconnection with another system capable of providing water in an emergency? Yes

2. Water Use Information

Service Area

Sub-Basin(s)	% of Service Population	County(s)	% of Service Population
Lumber River (09-1)	60 %	Moore	100 %
Cape Fear River (02-3)	40 %		

What was the year-round population served in 2022? 15,700

Has this system acquired another system since last report? No

Water Use by Type

Type of Use	Metered Connections	Metered Average Use (MGD)	Non-Metered Connections	Non-Metered Estimated Use (MGD)
Residential	9,840	1.7179	0	0.0000
Commercial	950	0.5455	0	0.0000
Industrial	7	0.0040	0	0.0000
Institutional	152	0.1183	0	0.0000

How much water was used for system processes (backwash, line cleaning, flushing, etc.)? 0.1678 MGD

System processes includes estimated unmetered water use for hydrant flow testing, FD response & training, sewer cleaning, hydrant flushing for water quality, new construction, storage tank draining for cleaning & maintenance, significant water breaks, street sweeping, portable grounds maintenance, etc.

Water Sales

Purchaser	PWSID	Average Daily Sold (MGD)	Days Used	MGD	Contract Expiration	Recurring	Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
Aberdeen	03-63-020	0.0000	0	0.5000	2053	Yes	Yes	8	Emergency
Dept of the Army (Camp Mackall) cust#: 16388	03-63-617	0.0397	365	0.0450	2025	Yes	Yes	8	Regular
Moore Co - Addor	03-63-153	0.0041	365	0.0450	2025	Yes	Yes	6	Regular
Moore Co - Carolina (Warrior Woods)	03-63-152	0.0090	365	0.0300	2025	Yes	Yes	6	Regular
Moore Co - Pinehurst (Midland Rd)	03-63-108	0.4372	324	1.0000	2025	Yes	Yes	8	Regular
Oakwood Hills-Pinebluff Cust#: 010258	03-63-151	0.0192	365	0.0000	2025	Yes	Yes	6	Regular
Town of Carthage	03-63-025	0.0375	78	0.5000	2027	Yes	Yes	8	Emergency
Whispering Pines (Carolina Water)	03-63-112	0.2768	365	0.6000	2025	Yes	Yes	8	Regular

Southern Pines checked and confirms the reported sales of 0.2768 MGD to Whispering Pines in 2022.

3. Water Supply Sources

Monthly Withdrawals & Purchases

	Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)		Average Daily Use (MGD)	Max Day Use (MGD)
Jan	2.9145	3.7400	May	3.6030	4.8390	Sep	4.0016	4.6152
Feb	2.5816	3.1900	Jun	4.8291	5.9540	Oct	3.4033	3.9444
Mar	2.8428	3.7771	Jul	4.3070	5.3640	Nov	2.7709	3.4508
Apr	2.9536	3.4876	Aug	4.2030	5.0540	Dec	2.2084	3.0170



Ground Water Sources

Name or Number	Average Daily Withdrawal (MGD)		Max Day Withdrawal (MGD)	12-Hour Supply (MGD)	CUA Reduction	Year Offline	Use Type
	MGD	Days Used					
No. 1 - Weymouth	0.0000	0		0.1200			Emergency
No. 2 - Henley	0.0000	0		0.1500			Emergency
No. 4 - Douglas Center	0.0000	0		0.1200			Emergency
Water Plant / 5	0.0000	0		0.1300			Emergency

Ground Water Sources (continued)

Name or Number	Well Depth (Feet)	Casing Depth (Feet)	Screen Depth (Feet)		Well Diameter (Inches)	Pump Intake Depth (Feet)	Metered?
			Top	Bottom			
No. 1 - Weymouth	250	180	180	220	10	231	Yes
No. 2 - Henley	250	180	180	220	10	231	Yes
No. 4 - Douglas Center	180	120	120	160	10	150	Yes

Water Plant / 5	122	80	80	112	10	117	Yes
-----------------	-----	----	----	-----	----	-----	-----

Are ground water levels monitored? No,

Does this system have a wellhead protection program? Yes

Surface Water Sources

Stream	Reservoir	Average Daily Withdrawal		Maximum Day Withdrawal (MGD)	Available Raw Water Supply		Usable On-Stream Raw Water Supply Storage (MG)
		MGD	Days Used		MGD	* Qualifier	
Drowning Creek	Southern Pines Plant Reservoir	3.3887	365	0.0000	14.0000	F	0.0000

* Qualifier: C=Contract Amount, SY20=20-year Safe Yield, SY50=50-year Safe Yield, F=20% of 7Q10 or other instream flow requirement, CUA=Capacity Use Area Permit

Surface Water Sources (continued)

Stream	Reservoir	Drainage Area (sq mi)	Metered?	Sub-Basin	County	Year Offline	Use Type
Drowning Creek	Southern Pines Plant Reservoir	178	Yes	Lumber River (09-1)	Moore		Regular

What is this system's off-stream raw water supply storage capacity? 160 Million gallons

Are surface water sources monitored? Yes, Daily

Are you required to maintain minimum flows downstream of its intake or dam? No

Does this system anticipate transferring surface water between river basins? No

Water Purchases From Other Systems

Seller	PWSID	Average Daily Purchased		Days Used	Contract		Required to comply with water use restrictions?	Pipe Size(s) (Inches)	Use Type
		MGD	MGD		Expiration	Recurring			
Aberdeen - Cypress Creek	03-63-020	0.0123		365			Yes	8	Regular
Aberdeen - Emergency Connection	03-63-020	0.0000	0.1000	0		Yes	Yes	8	Emergency
Carthage - Emergency Connection	03-63-011	0.0000	0.5000	0	2013	Yes	Yes	8	Emergency

Water Treatment Plants

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

Did average daily water production exceed 80% of approved plant capacity for five consecutive days during 2022? No

If yes, was any water conservation implemented?

Did average daily water production exceed 90% of approved plant capacity for five consecutive days during 2022? No

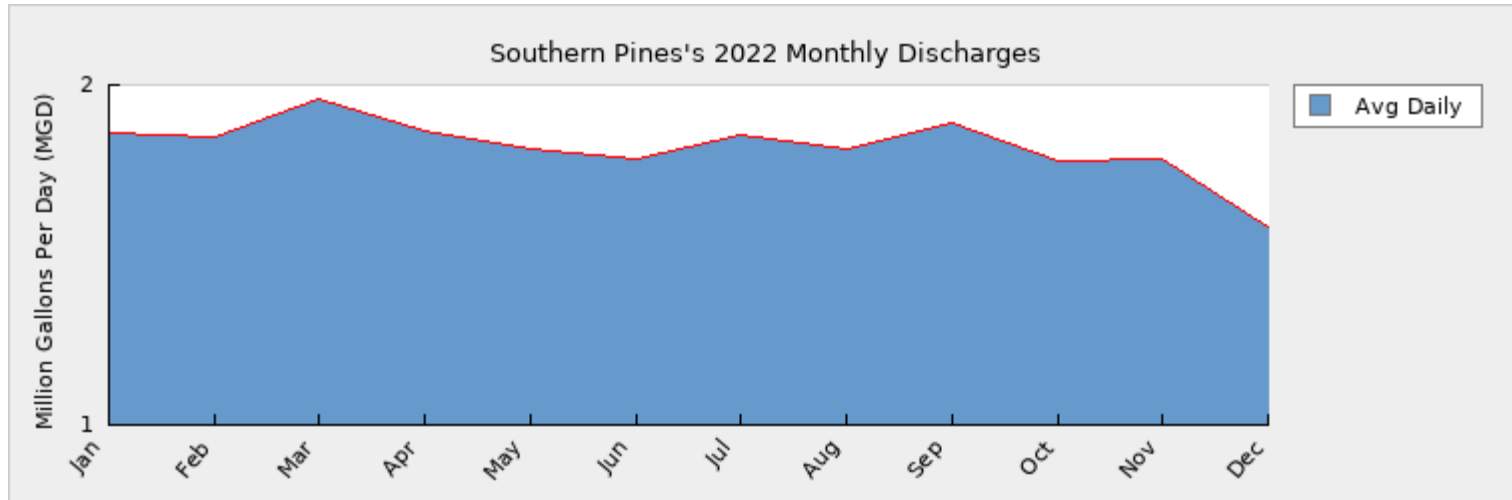
If yes, was any water conservation implemented?

Are peak day demands expected to exceed the water treatment plant capacity in the next 10 years? No

4. Wastewater Information

Monthly Discharges

	Average Daily Discharge (MGD)		Average Daily Discharge (MGD)		Average Daily Discharge (MGD)
Jan	1.8593	May	1.8126	Sep	1.8889
Feb	1.8464	Jun	1.7825	Oct	1.7743
Mar	1.9614	Jul	1.8548	Nov	1.7800
Apr	1.8658	Aug	1.8102	Dec	1.5825



How many sewer connections does this system have? 7,054

How many water service connections with septic systems does this system have? 1,677

Are there plans to build or expand wastewater treatment facilities in the next 10 years? No

Total daily discharge is a combination of our discharge to Moore County Public Utilities & Aberdeen Utilities (interconnections) and our NPDES discharge.

Wastewater Permits

Permit Number	Type	Permitted Capacity (MGD)	Design Capacity (MGD)	Average Annual Daily Discharge (MGD)	Maximum Day Discharge (MGD)	Receiving Stream	Receiving Basin
NCG590018	WTP	0.4800	0.8640	0.1448	0.3000	Aberdeen Creek	Lumber River (09-1)

Wastewater Interconnections

Water System	PWSID	Type	Average Daily Amount		Contract Maximum (MGD)
			MGD	Days Used	
Moore Co Public Utilities	03-63-108	Discharging	1.6300	365	0.0000
Town of Aberdeen - Poplar St	03-63-020	Discharging	0.0430	365	0.0000
Town of Aberdeen	03-63-020	Receiving	0.0297	365	0.0306

5. Planning

Projections

	2022	2030	2040	2050	2060	2070
Year-Round Population	15,700	15,810	18,000	20,000	22,000	25,000
Seasonal Population	0	0	0	0	0	0
Residential	1.7179	1.7233	1.9080	1.9600	2.1120	2.3500
Commercial	0.5455	0.5500	0.6200	0.6500	0.6800	0.7000
Industrial	0.0040	0.0045	0.0048	0.0050	0.0055	0.0057
Institutional	0.1183	0.1185	0.1188	0.1192	0.1195	0.1199
System Process	0.1678	0.1691	0.1708	0.1725	0.1743	0.1760
Unaccounted-for	0.1026	0.3000	0.3200	0.3400	0.3600	0.3800

Demand v/s Percent of Supply

	2022	2030	2040	2050	2060	2070
Surface Water Supply	14.0000	14.0000	14.0000	14.0000	14.0000	14.0000
Ground Water Supply	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Purchases	0.0123	0.0123	0.0123	0.0123	0.0123	0.0123
Future Supplies		0.0000	0.0000	0.0000	0.0000	0.0000
Total Available Supply (MGD)	14.0123	14.0123	14.0123	14.0123	14.0123	14.0123
Service Area Demand	2.6561	2.8654	3.1424	3.2467	3.4513	3.7316
Sales	0.7449	1.7767	1.7767	1.7767	1.7767	1.7767
Future Sales		0.0000	0.0000	0.0000	0.0000	0.0000
Total Demand (MGD)	3.4010	4.6421	4.9191	5.0234	5.2280	5.5083
Demand as Percent of Supply	24%	33%	35%	36%	37%	39%



The purpose of the above chart is to show a general indication of how the long-term per capita water demand changes over time. The per capita water demand may actually be different than indicated due to seasonal populations and the accuracy of data submitted. Water systems that have calculated long-term per capita water demand based on a methodology that produces different results may submit their information in the notes field.

Your long-term water demand is 109 gallons per capita per day. What demand management practices do you plan to implement to reduce the per capita water demand (i.e. conduct regular water audits, implement a plumbing retrofit program, employ practices such as rainwater harvesting or reclaimed water)? If these practices are covered elsewhere in your plan, indicate where the practices are discussed here. No changes

Are there other demand management practices you will implement to reduce your future supply needs? Water conservation education.

What supplies other than the ones listed in future supplies are being considered to meet your future supply needs? **None.**

How does the water system intend to implement the demand management and supply planning components above? **Unknown at this time.**

Additional Information

Has this system participated in regional water supply or water use planning? **No**

What major water supply reports or studies were used for planning?

Please describe any other needs or issues regarding your water supply sources, any water system deficiencies or needed improvements (storage, treatment, etc.) or your ability to meet present and future water needs. Include both quantity and quality considerations, as well as financial, technical, managerial, permitting, and compliance issues:

The Division of Water Resources (DWR) provides the data contained within this Local Water Supply Plan (LWSP) as a courtesy and service to our customers. DWR staff does not field verify data. Neither DWR, nor any other party involved in the preparation of this LWSP attests that the data is completely free of errors and omissions. Furthermore, data users are cautioned that LWSPs labeled **PROVISIONAL** have yet to be reviewed by DWR staff. Subsequent review may result in significant revision. Questions regarding the accuracy or limitations of usage of this data should be directed to the water system and/or DWR.

TOWN OF SOUTHERN PINES RESOLUTION #1046
APPROVAL OF LOCAL WATER SUPPLY PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the Town of Southern Pines, has been developed and submitted to the Town Council of the Town of Southern Pines for approval; and

WHEREAS, the Town Council of the Town of Southern Pines finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the Town of Southern Pines, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Local Water Supply Plan entitled, Southern Pines Local Water Supply Plan dated March 23, 2021 is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the Southern Pines Town Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

This the 9th day of May 2023.

ATTEST:

TOWN OF SOUTHERN PINES

Elizabeth Robertson, Town Clerk

Carol R. Haney, Mayor



1829 Eastchester Drive / High Point, NC 27265

D 336.889.5156 / F 336.889.6168

forvis.com

May 1, 2023

Town Council and Management
Town of Southern Pines, North Carolina
125 S.E. Broad Street
Southern Pines, North Carolina 28388

We appreciate your selection of **FORVIS, LLP** as your service provider and are pleased to confirm the arrangements of our engagement in this contract. Within the requirements of our professional standards and any duties owed to the public, regulatory, or other authorities, our goal is to provide you an **Unmatched Client Experience**.

In addition to the terms set forth in this contract, including the detailed **Scope of Services**, our engagement is governed by the following, incorporated fully by this reference:

- Terms and Conditions Addendum

Summary Scope of Services

As described in the attached **Scope of Services**, our services will include the following:

Town of Southern Pines

- Audit Services for the year ended June 30, 2023

You agree to assume full responsibility for the substantive outcomes of the contracted services and for any other services we may provide, including any findings that may result.

You also acknowledge these services are adequate for your purposes, and you will establish and monitor the performance of these services to ensure they meet management's objectives. All decisions involving management responsibilities related to these services will be made by you, and you accept full responsibility for such decisions.

We understand you have designated a management-level individual(s) to be responsible and accountable for overseeing the performance of nonattest services, and you have determined this individual is qualified to conduct such oversight.

Engagement Fees

Our fees will be based on time, skill, and resources, including our proprietary information required to complete the services. The fee for our services will be Our fee for these services and any additional services are detailed in the Contract to Audit Accounts (LGC 205).

Our pricing for this engagement and our fee structure are based upon the expectation that our invoices will be paid promptly. Payment of our invoices is due upon receipt. We will bill for services rendered in monthly amounts, beginning in June 2023. A final invoice will be sent in November 2023 for remaining unbilled amounts.

Our timely completion of services and the fees thereon depends on the assistance you provide us in accumulating information and responding to our inquiries. Inaccuracies or delays in providing this information or the responses may result in additional billings, untimely filings, or inability to meet other deadlines.

Our fees do not contemplate the following transactions or activities during the period of this engagement:

- Violation of covenants in debt arrangements
- Indications of fraudulent financial reporting or misappropriation of assets

If there are changes in circumstances where these or other conditions become known and significant additional time is necessary or additional services are requested, we reserve the right to revise our fees.

For the following items below, we will revise our fees through an amended contract when the additional time and cost required to complete (if necessary) are quantifiable:

- Administrative fee of five percent to cover certain technology and administrative costs associated with our services
- Additional procedures related to assistance with initial client prepared schedules or control deficiencies
- Assistance with implementation of GASB 96
- Postage, travel, report production and other reasonable out-of-pocket expenses

Assistance with New Standards

Assistance and additional time as a result of the adoption of the following new standards are not included within our standard engagement fees. These fees will be based on time expended and will vary based on the level of assistance and procedures required.

Governmental Accounting Standards Board Statement No. 96, *Subscription-Based Information Technology Arrangements*, is effective for fiscal years beginning after June 15, 2022.

Statement No. 96 addresses the accounting for the costs related to cloud computing agreements. Under this Statement, a government reports a subscription asset and subscription liability for agreements meeting the definition of a subscription-based information technology arrangement (SBITA) and to disclose essential information about the arrangement. We can assist you with the adoption by providing services which may include, but are not limited to:

- Assisting with changes required to adopt Statement No. 96, including:
 - Assisting with information gathering to develop an inventory of all SBITA agreements, service contracts, and other arrangements that may contain right-to-use IT assets
 - Recommending enhancements to existing controls and policies or suggesting new controls and policies to address Statement No. 96
 - Drafting the required disclosures

The time it will take to perform the above assistance and our additional audit procedures relating to the adoption of the Statement, and any time to assist you with the adoption, may be minimized to the extent your personnel will be available to provide timely and accurate documentation and information as requested by us.

Contract Agreement

Please sign and return this contract to indicate your acknowledgment of, and agreement with, the arrangements for our services including our respective responsibilities.

FORVIS, LLP

FORVIS, LLP

Acknowledged and agreed to as it relates to the entire contract, including the **Scope of Services** and **Terms and Conditions Addendum**, on behalf of Town of Southern Pines, North Carolina.

BY: _____
Carol R. Haney, Mayor

DATE: _____

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

BY: _____
Tess Brubaker-Speis, Finance Officer

DATE: _____

Scope of Services – Audit Services

We will audit the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information and related disclosures, which collectively comprise the basic financial statements for the following entity:

Town of Southern Pines as of and for the year ended June 30, 2023

The audit has the following broad objectives:

- Obtaining reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- Expressing an opinion on the financial statements
- Issuing a report on your internal control over financial reporting and compliance and other matters based on the audit of your financial statements in accordance with *Government Auditing Standards*
- Expressing an opinion on your compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect to each of your major federal award programs in accordance with the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) and the State Single Audit Implementation Act
- Issuing a report on your internal control over compliance in accordance with the Uniform Guidance and the State Single Audit Implementation Act
- Issuing a report on your schedule of expenditures of federal and state awards

We will also express an opinion on whether the General Fund - Comparative Balance Sheets and budgetary schedule; Budgetary schedules for all major funds other than the General Fund; Combining non-major and fiduciary fund statements; Budgetary schedules for all funds required to adopt a budget other than the General Fund, other major funds, and annually adopted major special revenue funds; Schedule of Ad Valorem Taxes Receivable; Analysis of Current Tax Levy; Schedule of Interfund Transfers; and the Schedule of Expenditures of Federal and State Awards ("supplementary information") is fairly stated, in all material respects, in relation to the financial statements as a whole.

We will also provide you with the following nonattest services:

- Completing the auditee portion of the Form SF-SAC (Data Collection Form) through the Federal Audit Clearinghouse. We will not make the submission on your behalf. You will review a draft(s) of the submission prior to transmission and agree that you are solely responsible for approving the final draft for transmission as well as for the auditee submission and certification, if required
- Preparing a draft of the financial statements and related notes
- Proposing for your review and approval the adjusting entries to convert your modified-accrual accounting records to full accrual-basis accounting records, for purposes of the government-wide financial statements. Management is responsible for the propriety of these adjustments
- Preparing a draft of supplementary information, including the schedule of expenditures of federal and state awards
- At the conclusion of the engagement, we will upload the audited financial statements and compliance reports on the North Carolina State Treasurer's website
- At the conclusion of the engagement, we will complete the applicable sections of the Data Input Worksheet, and upload to the North Carolina State Treasurer's website

You agree to assume all management responsibilities and to oversee the nonattest services we will provide by designating an individual possessing suitable skill, knowledge and/or experience. You acknowledge that nonattest services are not covered under *Government Auditing Standards*. You are responsible for:

- Making all management decisions and performing all management functions
- Evaluating the adequacy and results of the services performed
- Accepting responsibility for the results of such services
- Designing, implementing, and maintaining internal controls, including monitoring ongoing activities

Chad Cook is responsible for supervising the engagement and authorizing the signing of the report or reports. We plan to begin our audit work in June 2023.

We will issue a written report upon completion of our audit, addressed to the following parties:

Entity Name

Party Name

Town of Southern Pines

Town Council

You are responsible to distribute our reports to other officials who have legal oversight authority or those responsible for acting on audit findings and recommendations, and to others authorized to receive such reports.

The following apply for the audit services described above:

Our Responsibilities

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (GAAS), the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the State Single Audit Implementation Act, and the Uniform Guidance. Those standards require that we plan and perform:

- The audit of the financial statements to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether caused by fraud or error
- The audit of compliance to obtain reasonable rather than absolute assurance about whether the entity complied with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on a major federal award program

We will exercise professional judgment and maintain professional skepticism throughout the audit.

We will identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion.

We will obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We will also conclude, based on audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the entity's ability to continue as a going concern for a reasonable period of time.

We will identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the entity's compliance with compliance requirements subject to audit and performing such other procedures as the auditor considers necessary in the circumstances

We will obtain an understanding of the entity's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control over compliance. Accordingly, no such opinion is expressed.

Limitations & Fraud

We are required to communicate with those charged with governance, regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that the auditor identified during the audit.

Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit that is planned and conducted in accordance with GAAS will always detect a material misstatement when it exists or material noncompliance with federal award programs when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if, there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based the financial statements. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.

Noncompliance with compliance requirements is considered material if there is a substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about the entity's compliance with the requirements of the federal programs as a whole.

Our understanding of internal control is not for the purpose of expressing an opinion on the effectiveness of your internal control. However, we will communicate to you in writing any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we identify during the audit.

We are available to perform additional procedures with regard to fraud detection and prevention at your request, subject to completion of our normal engagement acceptance procedures. The actual terms and fees of such an engagement would be documented in a separate contract to be signed by you and FORVIS.

Opinion

Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinion, add an emphasis-of-matter paragraph or other-matter paragraph(s) to our auditor's report, or if necessary, decline to express an opinion or withdraw from the engagement.

If we discover conditions that may prohibit us from issuing a standard report, we will notify you. In such circumstances, further arrangements may be necessary to continue our engagement.

Your Responsibilities

Management and, if applicable, those charged with governance acknowledge and understand their responsibility for the accuracy and completeness of all information provided and for the following:

- **Audit Support** – to provide us with:
 - Unrestricted access to persons within the entity or within components of the entity (including management, those charged with governance and component auditors) from whom we determine it necessary to obtain audit evidence
 - Information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, including access to information relevant to disclosures
 - Information about events occurring or facts discovered subsequent to the date of the financial statements, of which management may become aware, that may affect the financial statements
 - Information about any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials
 - Identification and provision of report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented
 - Additional information that we may request for the purpose of the audit
- **Internal Control and Compliance** – for the:
 - Design, implementation, and maintenance of internal control relevant to compliance with laws and regulations and the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error
 - Alignment of internal control to ensure that appropriate goals and objectives are met; that management and financial information is reliable and properly reported; and that compliance with and identification of the laws, regulations, contracts, grants, or agreements (including any federal award programs) applicable to the entity's activities is achieved
 - Remedy, through timely and appropriate steps, of fraud and noncompliance with provisions of laws, regulations, contracts or other agreements reported by the auditor
 - Establishment and maintenance of processes to track the status and address findings and recommendations of auditors
- **Accounting and Reporting** – for the:
 - Maintenance of adequate records, selection and application of accounting principles, and the safeguard of assets
 - Adjustment of the financial statements to correct material misstatements and confirmation to us in the representation letter that the effects of any uncorrected misstatements aggregated by us are immaterial, both individually and in the aggregate, to the financial statements taken as a whole
 - Preparation and fair presentation of the financial statements in

accordance with accounting principles generally accepted in the United States of America

- Inclusion of the auditor's report in any document containing financial statements that indicates that such financial statements have been audited by us
- Distribution of audit reports to any necessary parties

The results of our tests of compliance and internal control over financial reporting performed in connection with our audit of the financial statements may not fully meet the reasonable needs of report users. Management is responsible for obtaining audits, examinations, agreed-upon procedures, or other engagements that satisfy relevant legal, regulatory, or contractual requirements or fully meet other reasonable user needs.

Required Supplementary Information

Accounting principles generally accepted in the United States of America provide for certain required supplementary information ("RSI") to accompany the basic financial statements. We understand the following RSI will accompany the basic financial statements:

1. Management's Discussion and Analysis ("MD&A")
2. Budgetary comparison
3. Pension and Other Postemployment Benefit information

Such information is the responsibility of management and, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context.

Management is responsible for the fair presentation of the RSI. As part of our engagement, we will apply certain limited procedures to the RSI in GAAS. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements.

We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance

Supplementary Information

With regard to any supplementary information that we are engaged to report on:

- Management is responsible for its preparation in accordance with applicable criteria
- Management will provide certain written representations regarding the supplementary information at the conclusion of our engagement
- Management will include our report on this supplementary information in any document that contains this supplementary information and indicates we have reported on the supplementary information
- Management will make the supplementary information readily available to intended users if it is not presented with the audited financial statements

Such information is:

- Presented for the purpose of additional analysis of the financial statements
- Not a required part of the financial statements

- The responsibility of management
- Subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with GAAS

Written Confirmations Required

As part of our audit process, we will request from management, and if applicable, those charged with governance written confirmation acknowledging certain responsibilities outlined in this contract and confirming:

- The availability of this information
- Certain representations made during the audit for all periods presented
- The effects of any uncorrected misstatements, if any, resulting from errors or fraud aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole

Peer Review Report

Government Auditing Standards require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract, upon request. If you would like a copy, please request from your engagement executive.

FORVIS, LLP Standard Terms & Conditions Addendum

GENERAL

1. **Overview.** This addendum describes **FORVIS, LLP's** standard terms and conditions ("Terms and Conditions") applicable to Our provision of services to the Client ("You"). The Terms and Conditions are a part of the contract between You and FORVIS, LLP. For the purposes of the Terms and Conditions, any reference to "Firm," "We," "Us," or "Our" is a reference to FORVIS, LLP ("FORVIS"), and any reference to "You" or "Your" is a reference to the party or parties that have engaged Us to provide services and the party or parties ultimately responsible for payment of Our fees and costs.

BILLING, PAYMENT, & TERMINATION

2. **Billing and Payment Terms.** We will bill You for Our professional fees and costs as outlined in Our contract. Unless otherwise provided in Our contract, payment is due upon receipt of Our billing statement. Interest will be charged on any unpaid balance after 30 days at the rate of 10 percent per annum, or as allowed by law at the earliest date thereafter, and highest applicable rate if less than 10 percent. All fees, charges and other amounts payable to FORVIS hereunder do not include any sales, use, excise, value added or other applicable taxes, tariffs or duties, payment of which shall be Your sole responsibility, and do not include any applicable taxes based on FORVIS' net income or taxes arising from the employment or independent contractor relationship between FORVIS and FORVIS' personnel.

We reserve the right to suspend or terminate Our work for this engagement or any other engagement for nonpayment of fees. If Our work is suspended or terminated, You agree that We will not be responsible for Your failure to meet governmental and other deadlines, for any penalties or interest that may be assessed against You resulting from Your failure to meet such deadlines, and for any other damages (including but not limited to consequential, indirect, lost profits, or punitive damages) incurred as a result of the suspension or termination of Our services.

Our fees may increase if Our duties or responsibilities are increased by rulemaking of any regulatory body or any additional new accounting or auditing standards. Our engagement fees do not include any time for post-engagement consultation with Your personnel or third parties, consent letters and related procedures for the use of Our reports in offering documents, inquiries from regulators, or testimony or deposition regarding any subpoena. Charges for such services will be billed separately.

3. **Billing Records.** If these services are determined to be within the scope and authority of Section 1861(v)(1)(I) of the Social Security Act, We agree to make available to the Secretary of Health and Human Services, or to the U.S. Comptroller General, or any of their duly authorized representatives, such of Our books, documents, and records that are necessary to certify the nature and extent of Our services, until the expiration of four (4) years after the furnishing of these services. This contract allows access to contracts of a similar nature between subcontractors and related organizations of the subcontractor, and to their books, documents, and records.

4. **Termination.** Either party may terminate these services in good faith at any time for any reason, including Your failure to comply with the terms of Our contract or as We determine professional standards require. Both parties must agree, in writing, to any future modifications or extensions. If services are terminated, You agree to pay FORVIS for time expended to date. In addition, You will be billed costs and fees for services from other professionals, if any, as well as an administrative fee of five (5) percent to cover certain technology and administrative costs associated with our services. Unless terminated sooner in accordance with its terms, this engagement shall terminate upon the completion of FORVIS' services hereunder.

DISPUTES & DISCLAIMERS

5. **Mediation.** Any dispute arising out of or related to this engagement will, prior to resorting to litigation, be submitted for nonbinding mediation upon written request by either party. Both parties agree to try in good faith to settle the dispute in mediation. The mediator will be selected by agreement of the parties. The mediation proceeding shall be confidential. Each party will bear its own costs in the mediation, but the fees and expenses of the mediator will be shared equally.
6. **Indemnification.** Unless disallowed by law or applicable professional standards, You agree to hold FORVIS harmless from any and all claims which arise from knowing misrepresentations to FORVIS, or the intentional withholding or concealment of information from FORVIS by Your management or any partner, principal, shareholder, officer, director, member, employee, agent, or assign of Yours. You also agree to indemnify FORVIS for any claims made against FORVIS by third parties, which arise from any wrongful actions of Your management or any partner, principal, shareholder, officer, director, member, employee, agent, or assign of Yours. The provisions of this paragraph shall apply regardless of the nature of the claim.
7. **Statute of Limitations.** You agree that any claim or legal action arising out of or related to this contract and the services provided hereunder shall be commenced no more than one (1) year from the date of delivery of the work product to You or the termination of the services described herein (whichever is earlier), regardless of any statute of limitations prescribing a longer period of time for commencing such a claim under law. This time limitation shall apply regardless of whether FORVIS performs other or subsequent services for You. A claim is understood to be a demand for money or services, demand for mediation, or the service of suit based on a breach of this contract or the acts or omissions of FORVIS in performing the services provided herein. This provision shall not apply if enforcement is disallowed by applicable law or professional standards.
8. **Limitation of Liability.** You agree that FORVIS' liability, if any, arising out of or related to this contract and the services provided hereunder, shall be limited to the amount of the fees paid by You for services rendered under this contract. This limitation shall not apply to the extent it is finally, judicially determined that the liability resulted from the intentional or

willful misconduct of FORVIS or if enforcement of this provision is disallowed by applicable law or professional standards.

9. **Waiver of Certain Damages.** In no event shall FORVIS be liable to You or a third party for any indirect, special, consequential, punitive, or exemplary damages, including but not limited to lost profits, loss of revenue, interruption, loss of use, damage to goodwill or reputation, regardless of whether You were advised of the possibility of such damages, regardless of whether such damages were reasonably foreseeable, and regardless of whether such damages arise under a theory of contract, tort, strict liability, or otherwise.
10. **Choice of Law.** You acknowledge and agree that any dispute arising out of or related to this contract shall be governed by the laws of the State of Texas, without regard to its conflict-of-laws principles.
11. **WAIVER OF JURY TRIAL. THE PARTIES HEREBY AGREE NOT TO ELECT A TRIAL BY JURY OF ANY ISSUE TRIABLE OF RIGHT BY JURY, AND WAIVE ANY RIGHT TO TRIAL BY JURY FULLY TO THE EXTENT THAT ANY SUCH RIGHT SHALL NOW OR HEREAFTER EXIST WITH REGARD TO THIS AGREEMENT, OR ANY CLAIM, COUNTERCLAIM OR OTHER ACTION ARISING IN CONNECTION THEREWITH. THIS WAIVER OF RIGHT TO TRIAL BY JURY IS GIVEN KNOWINGLY AND VOLUNTARILY BY THE PARTIES, AND IS INTENDED TO ENCOMPASS INDIVIDUALLY EACH INSTANCE AND EACH ISSUE AS TO WHICH THE RIGHT TO A TRIAL BY JURY WOULD OTHERWISE ACCRUE.**
12. **Severability.** In the event that any term or provision of this agreement shall be held to be invalid, void or unenforceable, then the remainder of this agreement shall not be affected, and each such term and provision of this agreement shall be valid and enforceable to the fullest extent permitted by law.
13. **Assignment.** You acknowledge and agree that the terms and conditions of this contract shall be binding upon and inure to the parties' successors and assigns, subject to applicable laws and regulations.
14. **Disclaimer of Legal or Investment Advice.** Our services do not constitute legal or investment advice.

RECORDS, WORKPAPERS, DELIVERABLES, & PROPRIETARY INFORMATION

15. **Maintenance of Records.** You agree to assume full responsibility for maintaining Your original data and records and that FORVIS has no responsibility to maintain this information. You agree You will not rely on FORVIS to provide hosting, electronic security, or backup services, e.g., business continuity or disaster recovery services, to You unless separately engaged to do so. You understand that Your access to data, records, and information from FORVIS' servers, i.e., FORVIS portals used to exchange information, can be terminated at any time and You will not rely on using this to host Your data and records.
16. **FORVIS Workpapers.** Our workpapers and documentation retained in any form of media for this engagement are the property of FORVIS. We can be compelled to provide information under legal process. In addition, We may be requested by regulatory or enforcement bodies (including any

State Board) to make certain workpapers available to them pursuant to authority granted by law or regulation. Unless We are prohibited from doing so by law or regulation, FORVIS will inform You of any such legal process or request. You agree We have no legal responsibility to You in the event We determine We are obligated to provide such documents or information.

17. **Subpoenas or Other Legal Process.** In the event FORVIS is required to respond to any such subpoena, court order or any government regulatory inquiry or other legal process relating to You or Your management for the production of documents and/or testimony relative to information We obtained or prepared incident to this or any other engagement in a matter in which FORVIS is not a party, You shall compensate FORVIS for all time We expend in connection with such response at normal and customary hourly rates, and to reimburse Us for all out of pocket expenses incurred in regard to such response.
18. **Use of Deliverables and Drafts.** You agree You will not modify any deliverables or drafts prepared by Us for internal use or for distribution to third parties. You also understand that We may on occasion send You documents marked as draft and understand that those are for Your review purpose only, should not be distributed in any way, and should be destroyed as soon as possible.

Our report on any financial statements must be associated only with the financial statements that were the subject of Our engagement. You may make copies of Our report, but only if the entire financial statements (exactly as attached to Our report, including related footnotes) and any supplementary information, as appropriate, are reproduced and distributed with Our report. You agree not to reproduce or associate Our report with any other financial statements, or portions thereof, that are not the subject of Our engagement.

19. **Proprietary Information.** You acknowledge that proprietary information, documents, materials, management techniques, and other intellectual property are a material source of the services We perform and were developed prior to Our association with You. Any new forms, software, documents, or intellectual property We develop during this engagement for Your use shall belong to Us, and You shall have the limited right to use them solely within Your business. All reports, templates, manuals, forms, checklists, questionnaires, letters, agreements, and other documents which We make available to You are confidential and proprietary to Us. Neither You, nor any of Your agents, will copy, electronically store, reproduce, or make any such documents available to anyone other than Your personnel. This provision will apply to all materials whether in digital, "hard copy" format, or other medium.

REGULATORY

20. **U.S. Securities and Exchange Commission ("SEC") and other Regulatory Bodies.** Where We are providing services either for (a) an entity that is registered with the SEC, (b) an affiliate of such registrant, or (c) an entity or affiliate that is subject to rules, regulations, or standards beyond those of the American Institute of Certified Public Accountants ("AICPA"), any term of this contract that would be prohibited by or impair Our independence under applicable law or regulation shall not apply to the extent necessary only to avoid such prohibition or impairment.

21. **Offering Document.** You may wish to include Our report(s) on financial statements in an exempt offering document. You agree that any report, including any auditor's report, or reference to Our firm, will not be included in any such offering document without notifying Us. Any agreement to perform work in connection with an exempt offering document, including providing agreement for the use of the auditor's report in the exempt offering document, will be a separate engagement.

Any exempt offering document issued by You with which We are not involved will clearly indicate that We are not involved by including a disclosure such as, "FORVIS, LLP, our independent auditor, has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. FORVIS, LLP also has not performed any procedures relating to this offering document."

22. **FORVIS Not a Municipal Advisor.** FORVIS is not acting as Your municipal advisor under Section 15B of the *Securities Exchange Act of 1934*, as amended. As such, FORVIS is not recommending any action to You and does not owe You a fiduciary duty with respect to any information or communications regarding municipal financial products or the issuance of municipal securities. You should discuss such matters with internal or external advisors and experts You deem appropriate before acting on any such information or material provided by FORVIS.
23. **FORVIS NOT A Fiduciary.** In providing Our attest services, We are required by law and our professional standards to maintain our independence from You. We take this mandate very seriously and thus guard against impermissible relationships which may impair the very independence which You and the users of our report require. As such, You should not place upon us special confidence that in the performance of Our attest services We will act solely in Your interest. Therefore, You acknowledge and agree we are not in a fiduciary relationship with You and We have no fiduciary responsibilities to You in the performance of Our services described herein.

TECHNOLOGY

24. **Electronic Sites.** You agree to notify Us if You desire to place Our report(s), including any reports on Your financial statements, along with other information, such as a report by management or those charged with governance on operations, financial summaries or highlights, financial ratios, etc., on an electronic site. You recognize that We have no responsibility to review information contained in electronic sites.
25. **Electronic Signatures and Counterparts.** This contract and other documents to be delivered pursuant to this contract may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document, and will be effective when counterparts have been signed by each of the parties and delivered to the other parties. Each party agrees that the electronic signatures, whether digital or encrypted, of the parties included in this contract are intended to authenticate this writing and to have the same force and effect as manual signatures. Delivery of a copy of this contract or any other document contemplated hereby, bearing an original manual or

electronic signature by facsimile transmission (including a facsimile delivered via the internet), by electronic mail in "portable document format" (".pdf") or similar format intended to preserve the original graphic and pictorial appearance of a document, or through the use of electronic signature software, will have the same effect as physical delivery of the paper document bearing an original signature.

26. **Electronic Data Communication and Storage.** In the interest of facilitating Our services to You, We may send data over the internet, temporarily store electronic data via computer software applications hosted remotely on the internet, or utilize cloud-based storage. Your confidential electronic data may be transmitted or stored using these methods. In using these data communication and storage methods, We employ measures designed to maintain data security. We use reasonable efforts to keep such communications and electronic data secure in accordance with Our obligations under applicable laws, regulations, and professional standards.

You recognize and accept that We have no control over the unauthorized interception or breach of any communications or electronic data once it has been transmitted or if it has been subject to unauthorized access while stored, notwithstanding all reasonable security measures employed by Us. You consent to Our use of these electronic devices and applications during this engagement.

OTHER MATTERS

27. **Cooperation.** You agree to cooperate with FORVIS in the performance of FORVIS' services to the You, including the provision to FORVIS of reasonable facilities and timely access to Yours data, information and personnel. You shall be responsible for the performance of Your employees and agents.
28. **Third-Party Service Providers.** FORVIS may from time to time utilize third-party service providers, including but not limited to domestic software processors or legal counsel, or disclose confidential information about You to third-party service providers in serving Your account. FORVIS maintains, however, internal policies, procedures, and safeguards to protect the confidentiality and security of Your information. In addition, FORVIS will secure confidentiality agreements with all service providers to maintain the confidentiality of Your information. If We are unable to secure an appropriate confidentiality agreement, You will be asked to consent prior to FORVIS sharing Your confidential information with the third-party service provider.
29. **Independent Contractor.** When providing services to You, We will be functioning as an independent contractor; and in no event will We or any of Our employees be an officer of You, nor will Our relationship be that of joint venturers, partners, employer and employee, principal and agent, or any similar relationship giving rise to a fiduciary duty to You. Decisions regarding management of Your business remain the responsibility of Your personnel at all times. Neither You nor FORVIS shall act or represent itself, directly or by implication, as an agent of the other or in any manner assume or create any obligation on behalf of, or in the name of, the other.

30. **Use of FORVIS Name.** Any time You intend to reference FORVIS' firm name in any manner in any published materials, including on an electronic site, You agree to provide Us with draft materials for review and approval before publishing or posting such information.
31. **Praxity.** FORVIS is an independent accounting firm allowed to use the name "Praxity" in relation to its practice. FORVIS is not connected, however, by ownership with any other firm using the name "Praxity." FORVIS will be solely responsible for all work carried out on Your behalf. In deciding to engage FORVIS, You acknowledge that We have not represented to You that any other firm using the name "Praxity" will in any way be responsible for Our work.
32. **Entire Agreement.** The contract, including this Terms and Conditions Addendum and any other attachments or addenda, encompasses the entire agreement between You and FORVIS and supersedes all previous understandings and agreements between the parties, whether oral or written. Any modification to the terms of this contract must be made in writing and signed by both You and FORVIS.
33. **Force Majeure.** We shall not be held responsible for any failure to fulfill Our obligations if such failure was caused by circumstances beyond Our control, including, without limitation, fire or other casualty, act of God, act of terrorism, strike or labor dispute, war or other violence, explosion, flood or other natural catastrophe, epidemic or pandemic, or any law, order or requirement of any governmental agency or authority affecting either party, including without limitation orders incident to any such epidemic or pandemic, lockdown orders, stay at home orders and curfews.

The of and	Governing Board Town Council
	Primary Government Unit Town of Southern Pines, North Carolina
	Discretely Presented Component Unit (DPCU) (if applicable)

Primary Government Unit, together with DPCU (if applicable), hereinafter referred to as Governmental Unit(s)

and	Auditor Name FORVIS, LLC
	Auditor Address 1829 Eastchester Drive, High Point, NC 27265

Hereinafter referred to as Auditor

for	Fiscal Year Ending 06/30/2023	Date Audit Will Be Submitted to LGC 10/31/2023

Must be within four months of FYE

hereby agree as follows:

1. The Auditor shall audit all statements and disclosures required by U.S. generally accepted auditing standards (GAAS) and additional required legal statements and disclosures of all funds and/or divisions of the Governmental Unit(s). The non-major combining, and individual fund statements and schedules shall be subjected to the auditing procedures applied in the audit of the basic financial statements and an opinion shall be rendered in relation to (as applicable) the governmental activities, the business- type activities, the aggregate DPCUs, each major governmental and enterprise fund, and the aggregate remaining fund information (non-major government and enterprise funds, the internal service fund type, and the fiduciary fund types). The basic financial statements shall include budgetary comparison information in a budgetary comparison statement, rather than as RSI, for the General Fund and any annually budgeted Special Revenue funds.

2. At a minimum, the Auditor shall conduct the audit and render the report in accordance with GAAS. The Auditor shall perform the audit in accordance with *Government Auditing Standards (GAGAS)* if the Governmental Unit expended \$100,000 or more in combined Federal and State financial assistance during the reporting period. The auditor shall perform a Single Audit if required by Title 2 US Code of Federal Regulations Part 200 *Uniform Administration Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F* (Uniform Guidance) or the State Single Audit Implementation Act. This audit and all associated audit documentation may be subject to review by Federal and State agencies in accordance with Federal and State laws, including the staffs of the Office of State Auditor (OSA) and the Local Government Commission (LGC). If the audit requires a federal single audit in accordance with the Uniform Guidance (§200.501), it is recommended that the Auditor and Governmental Unit(s) jointly agree, in advance of the execution of this contract, which party is responsible for submission of the audit and the accompanying data collection form to the Federal Audit Clearinghouse as required under the Uniform Guidance (§200.512).

Effective for audits of fiscal years beginning after June 30, 2023, the LGC will allow auditors to consider whether a unit qualifies as a State low-risk auditee based upon federal criteria in the Uniform Guidance §200.520(a), and (b) through (e) as it applies to State awards. In addition to the federal criteria in the Uniform Guidance, audits must have been submitted timely to the LGC. If in the reporting year, or in either of the two previous years, the unit reported a Financial Performance Indicator of Concern that the audit was late, then

the report was not submitted timely for State low-risk auditee status. Please refer to "Discussion of Single Audits in North Carolina" on the LGC's website for more information.

If the audit and Auditor communication are found in this review to be substandard, the results of the review may be forwarded to the North Carolina State Board of CPA Examiners (NC State Board).

3. If an entity is determined to be a component of another government as defined by the group audit standards, the entity's auditor shall make a good faith effort to comply in a timely manner with the requests of the group auditor in accordance with AU-6 §600.41 - §600.42.

4. This contract contemplates an unmodified opinion being rendered. If during the process of conducting the audit, the Auditor determines that it will not be possible to render an unmodified opinion on the financial statements of the unit, the Auditor shall contact the LGC Staff to discuss the circumstances leading to that conclusion as soon as is practical and before the final report is issued. The audit shall include such tests of the accounting records and such other auditing procedures as are considered by the Auditor to be necessary in the circumstances. Any limitations or restrictions in scope which would lead to a qualification should be fully explained in an attachment to this contract.

5. If this audit engagement is subject to the standards for audit as defined in *Government Auditing Standards*, 2018 revision, issued by the Comptroller General of the United States, then by accepting this engagement, the Auditor warrants that he/she has met the requirements for a peer review and continuing education as specified in *Government Auditing Standards*. The Auditor agrees to provide a copy of the most recent peer review report to the Governmental Unit(s) and the Secretary of the LGC prior to the execution of an audit contract. Subsequent submissions of the report are required only upon report expiration or upon auditor's receipt of an updated peer review report. If the audit firm received a peer review rating other than pass, the Auditor shall not contract with the Governmental Unit(s) without first contacting the Secretary of the LGC for a peer review analysis that may result in additional contractual requirements.

If the audit engagement is not subject to *Government Auditing Standards* or if financial statements are not prepared in accordance with U.S. generally accepted accounting principles (GAAP) and fail to include all disclosures required by GAAP, the Auditor shall provide an explanation as to why in an attachment to this contract or in an amendment.

6. It is agreed that time is of the essence in this contract. All audits are to be performed and the report of audit submitted to LGC Staff within four months of fiscal year end. If it becomes necessary to amend the audit fee or the date that the audit report will be submitted to the LGC, an amended contract along with a written explanation of the change shall be submitted to the Secretary of the LGC for approval.

7. It is agreed that GAAS include a review of the Governmental Unit's (Units') systems of internal control and accounting as same relate to accountability of funds and adherence to budget and law requirements applicable thereto; that the Auditor shall make a written report, which may or may not be a part of the written report of audit, to the Governing Board setting forth his/her findings, together with his recommendations for improvement. That written report shall include all matters defined as "significant deficiencies and material weaknesses" in AU-C 265 of the *AICPA Professional Standards (Clarified)*. The Auditor shall file a copy of that report with the Secretary of the LGC.

For GAAS or *Government Auditing Standards* audits, if an auditor issues an AU-C §260 report, commonly referred to as "Governance Letter," LGC staff does not require the report to be submitted unless the auditor cites significant findings or issues from the audit, as defined in AU-C §260.12 - .14. This would include issues such as difficulties encountered during the audit, significant or unusual transactions, uncorrected misstatements, matters that are difficult or contentious reviewed with those charged with governance, and other significant matters.

8. All local government and public authority contracts for audit or audit-related work require the approval of the Secretary of the LGC. This includes annual or special audits, agreed upon procedures related to internal controls, bookkeeping or other assistance necessary to prepare the Governmental Unit's records for audit, financial statement preparation, any finance-related investigations, or any other audit-related work in the State of North Carolina. Approval is also required for the Alternative Compliance Examination Engagement for auditing the Coronavirus State and Local Fiscal Recovery Funds expenditures as allowed by US Treasury. Approval is not required on audit contracts and invoices for system improvements and similar services of a non-auditing nature.
9. Invoices for services rendered under these contracts shall not be paid by the Governmental Unit(s) until the invoice has been approved by the Secretary of the LGC. This also includes any progress billings [G.S. 159-34 and 115C-447]. All invoices for audit work shall be submitted in PDF format to the Secretary of the LGC for approval. The invoice marked 'approved' with approval date shall be returned to the Auditor to present to the Governmental Unit(s) for payment. This paragraph is not applicable to contracts for audits of hospitals.
10. In consideration of the satisfactory performance of the provisions of this contract, the Governmental Unit(s) shall pay to the Auditor, upon approval by the Secretary of the LGC if required, the fee, which includes any costs the Auditor may incur from work paper or peer reviews or any other quality assurance program required by third parties (federal and state grantor and oversight agencies or other organizations) as required under the Federal and State Single Audit Acts. This does not include fees for any pre-issuance reviews that may be required by the NC Association of CPAs (NCACPA) Peer Review Committee or NC State Board of CPA Examiners (see Item 13).
11. If the Governmental Unit(s) has/have outstanding revenue bonds, the Auditor shall submit to LGC Staff, either in the notes to the audited financial statements or as a separate report, a calculation demonstrating compliance with the revenue bond rate covenant. Additionally, the Auditor shall submit to LGC Staff simultaneously with the Governmental Unit's (Units') audited financial statements any other bond compliance statements or additional reports required by the authorizing bond documents, unless otherwise specified in the bond documents.
12. After completing the audit, the Auditor shall submit to the Governing Board a written report of audit. This report shall include, but not be limited to, the following information: (a) Management's Discussion and Analysis, (b) the financial statements and notes of the Governmental Unit(s) and all of its component units prepared in accordance with GAAP, (c) supplementary information requested by the Governmental Unit(s) or required for full disclosure under the law, and (d) the Auditor's opinion on the material presented. The Auditor shall furnish the required number of copies of the report of audit to the Governing Board upon completion.
13. If the audit firm is required by the NC State Board, the NCACPA Peer Review Committee, or the Secretary of the LGC to have a pre-issuance review of its audit work, there shall be a statement in the engagement letter indicating the pre-issuance review requirement. There also shall be a statement that the Governmental Unit(s) shall not be billed for the pre-issuance review. The pre-issuance review shall be performed prior to the completed audit being submitted to LGC Staff. The pre-issuance review report shall accompany the audit report upon submission to LGC Staff.

14. The Auditor shall submit the report of audit in PDF format to LGC Staff. For audits of units other than hospitals, the audit report should be submitted when (or prior to) submitting the final invoice for services rendered. The report of audit, as filed with the Secretary of the LGC, becomes a matter of public record for inspection, review and copy in the offices of the LGC by any interested parties. Any subsequent revisions to these reports shall be sent to the Secretary of the LGC. These audited financial statements, excluding the Auditors' opinion, may be used in the preparation of official statements for debt offerings by municipal bond rating services to fulfill secondary market disclosure requirements of the Securities and Exchange Commission and for other lawful purposes of the Governmental Unit(s) without requiring consent of the Auditor. If the LGC Staff determines that corrections need to be made to the Governmental Unit's (Units') financial statements and/or the compliance section, those corrections shall be provided within three business days of notification unless another deadline is agreed to by LGC Staff.

15. Should circumstances disclosed by the audit call for a more detailed investigation by the Auditor than necessary under ordinary circumstances, the Auditor shall inform the Governing Board in writing of the need for such additional investigation and the additional compensation required therefore. Upon approval by the Secretary of the LGC, this contract may be modified or amended to include the increased time, compensation, or both as may be agreed upon by the Governing Board and the Auditor.

16. If an approved contract needs to be modified or amended for any reason, the change shall be made in writing and pre-audited if the change includes a change in audit fee (pre-audit requirement does not apply to hospitals). This amended contract shall be completed in full, including a written explanation of the change, signed and dated by all original parties to the contract. It shall then be submitted to the Secretary of the LGC for approval. No change to the audit contract shall be effective unless approved by the Secretary of the LGC, the Governing Board, and the Auditor.

17. A copy of the engagement letter, issued by the Auditor and signed by both the Auditor and the Governmental Unit(s), shall be attached to this contract, and except for fees, work, and terms not related to audit services, shall be incorporated by reference as if fully set forth herein as part of this contract. In case of conflict between the terms of the engagement letter and the terms of this contract, the terms of this contract shall take precedence. Engagement letter terms that conflict with the contract are deemed to be void unless the conflicting terms of this contract are specifically deleted in Item 30 of this contract. Engagement letters containing indemnification clauses shall not be accepted by LGC Staff.

18. Special provisions should be limited. Please list any special provisions in an attachment.

19. A separate contract should not be made for each division to be audited or report to be submitted. If a DPCU is subject to the audit requirements detailed in the Local Government Budget and Fiscal Control Act and a separate audit report is issued, a separate audit contract is required. If a separate report is not to be issued and the DPCU is included in the primary government audit, the DPCU shall be named along with the primary government on this audit contract. DPCU Board approval date, signatures from the DPCU Board chairman and finance officer also shall be included on this contract.

20. The contract shall be executed, pre-audited (pre-audit requirement does not apply to hospitals), and physically signed by all parties including Governmental Unit(s) and the Auditor, then submitted in PDF format to the Secretary of the LGC.

21. The contract is not valid until it is approved by the Secretary of the LGC. The staff of the LGC shall notify the Governmental Unit and Auditor of contract approval by email. The audit should not be started before the contract is approved.

22. Retention of Client Records: Auditors are subject to the NC State Board of CPA Examiners' Retention of Client Records Rule 21 NCAC 08N .0305 as it relates to the provision of audit and other attest services, as well as non-attest services. Clients and former clients should be familiar with the requirements of this rule prior to requesting the return of records.

23. This contract may be terminated at any time by mutual consent and agreement of the Governmental Unit(s) and the Auditor, provided that (a) the consent to terminate is in writing and signed by both parties, (b) the parties have agreed on the fee amount which shall be paid to the Auditor (if applicable), and (c) no termination shall be effective until approved in writing by the Secretary of the LGC.

24. The Governmental Unit's (Units') failure or forbearance to enforce, or waiver of, any right or an event of breach or default on one occasion or instance shall not constitute the waiver of such right, breach or default on any subsequent occasion or instance.

25. There are no other agreements between the parties hereto and no other agreements relative hereto that shall be enforceable unless entered into in accordance with the procedure set out herein and approved by the Secretary of the LGC.

26. E-Verify. Auditor shall comply with the requirements of NCGS Chapter 64 Article 2. Further, if Auditor utilizes any subcontractor(s), Auditor shall require such subcontractor(s) to comply with the requirements of NCGS Chapter 64, Article 2.

27. **Applicable to audits with fiscal year ends of June 30, 2020 and later.** For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct and *Government Auditing Standards, 2018 Revision* (as applicable). Financial statement preparation assistance shall be deemed a "significant threat" requiring the Auditor to apply safeguards sufficient to reduce the threat to an acceptable level. If the Auditor cannot reduce the threats to an acceptable level, the Auditor cannot complete the audit. If the Auditor is able to reduce the threats to an acceptable level, the documentation of this determination, including the safeguards applied, must be included in the audit workpapers.

All non-attest service(s) being performed by the Auditor that are necessary to perform the audit must be identified and included in this contract. The Governmental Unit shall designate an individual with the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the services and accept responsibility for the results of the services performed. If the Auditor is able to identify an individual with the appropriate SKE, s/he must document and include in the audit workpapers how he/she reached that conclusion. If the Auditor determines that an individual with the appropriate SKE cannot be identified, the Auditor cannot perform both the non-attest service(s) and the audit. See "Fees for Audit Services" page of this contract to disclose the person identified as having the appropriate SKE for the Governmental Unit.

28. **Applicable to audits with fiscal year ends of June 30, 2021 and later.** The auditor shall present the audited financial statements including any compliance reports to the government unit's governing body or audit committee in an official meeting in open session as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary. The auditor's presentation to the government unit's governing body or audit committee shall include:

- a) the description of each finding, including all material weaknesses and significant deficiencies, as found by the auditor, and any other issues related to the internal controls or fiscal health of the government unit as disclosed in the management letter, the Single Audit or Yellow Book reports, or any other communications from the auditor regarding internal controls as required by current auditing standards set by the Accounting Standards Board or its successor;
- b) the status of the prior year audit findings;
- c) the values of Financial Performance Indicators based on information presented in the audited financial statements; and
- d) notification to the governing body that the governing body shall develop a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters," if required under 20 NCAC 03 .0508.

29. Information based on the audited financial statements shall be submitted to the Secretary for the purpose of identifying Financial Performance Indicators and Financial Performance Indicators of Concern. See 20 NCAC 03 .0502(c)(6).

30. All of the above paragraphs are understood and shall apply to this contract, except the following numbered paragraphs shall be deleted (See Item 17 for clarification).

31. The process for submitting contracts, audit reports and invoices is subject to change. Auditors and units should use the submission process and instructions in effect at the time of submission. Refer to the N.C. Department of State Treasurer website at <https://www.nctreasurer.com/state-and-local-government-finance-division/local-government-commission/submitting-your-audit>

32. All communications regarding audit contract requests for modification or official approvals will be sent to the email addresses provided on the signature pages that follow.

33. Modifications to the language and terms contained in this contract form (LGC-205) are not allowed.

FEES FOR AUDIT SERVICES

1. For all non-attest services, the Auditor shall adhere to the independence rules of the AICPA Professional Code of Conduct (as applicable) and *Government Auditing Standards, 2018 Revision*. Refer to Item 27 of this contract for specific requirements. The following information must be provided by the Auditor; contracts presented to the LGC without this information will be not be approved.

Financial statements were prepared by: ☐ Auditor ☐ Governmental Unit ☐ Third Party

If applicable: Individual at Governmental Unit designated to have the suitable skills, knowledge, and/or experience (SKE) necessary to oversee the non-attest services and accept responsibility for the results of these services:

Name:**Title and Unit / Company:****Email Address:**

Tess Brubaker-Speis

Finance Officer

TSpeis@southernpines.net

OR Not Applicable ☐ (Identification of SKE Individual on the LGC-205 Contract is not applicable for GAAS-only audits or audits with FYEs prior to June 30, 2020.)

2. Fees may not be included in this contract for work performed on Annual Financial Information Reports (AFIRs), Form 990s, or other services not associated with audit fees and costs. Such fees may be included in the engagement letter but may not be included in this contract or in any invoices requiring approval of the LGC. See Items 8 and 13 for details on other allowable and excluded fees.

3. The audit fee information included in the table below for both the Primary Government Fees and the DPCU Fees (if applicable) should be reported as a specific dollar amount of audit fees for the year under this contract. If any language other than an amount is included here, the contract will be returned to the audit form for correction.

4. Prior to the submission of the completed audited financial report and applicable compliance reports subject to this contract, or to an amendment to this contract (if required) the Auditor may submit interim invoices for approval for services rendered under this contract to the Secretary of the LGC, not to exceed 75% of the billings for the unit's last annual audit that was submitted to the Secretary of the LGC. All invoices for services rendered in an audit engagement as defined in 20 NCAC .0503 shall be submitted to the Commission for approval before any payment is made. Payment before approval is a violation of law. (This paragraph not applicable to contracts and invoices associated with audits of hospitals).

PRIMARY GOVERNMENT FEES

Primary Government Unit	Town of Southern Pines, North Carolina
Audit Fee	\$ 52,750
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$ 4,000 for first major program, \$3,000 for each additional program
Writing Financial Statements	\$ 8,250
All Other Non-Attest Services	\$

DPCU FEES (if applicable)

Discretely Presented Component Unit	
Audit Fee	\$
Additional Fees Not Included in Audit Fee:	
Fee per Major Program	\$
Writing Financial Statements	\$
All Other Non-Attest Services	\$

SIGNATURE PAGE**AUDIT FIRM**

Audit Firm* FORVIS, LLC	
Authorized Firm Representative (typed or printed)* Chad Cook, Director	Signature*
Date* 05/01/23	Email Address* Chad.Cook@forvis.com

GOVERNMENTAL UNIT

Governmental Unit* Town of Southern Pines, North Carolina	
Date Primary Government Unit Governing Board Approved Audit Contract* (G.S.159-34(a) or G.S.115C-447(a))	
Mayor/Chairperson (typed or printed)* Carol R. Haney, Mayor	Signature*
Date	Email Address CHaney@southernpines.net

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

GOVERNMENTAL UNIT – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

Primary Governmental Unit Finance Officer* (typed or printed) Tess Brubaker-Speis, Finance Officer	Signature*
Date of Pre-Audit Certificate*	Email Address* TSpeis@southernpines.net

**SIGNATURE PAGE – DPCU
(complete only if applicable)**

DISCRETELY PRESENTED COMPONENT UNIT

DPCU*	
Date DPCU Governing Board Approved Audit Contract* (Ref: G.S. 159-34(a) or G.S. 115C-447(a))	
DPCU Chairperson (typed or printed)*	Signature*
Date*	Email Address*

Chair of Audit Committee (typed or printed, or "NA")	Signature
Date	Email Address

DPCU – PRE-AUDIT CERTIFICATE

Required by G.S. 159-28(a1) or G.S. 115C-441(a1).
Not applicable to hospital contracts.

This instrument has been pre-audited in the manner required by The Local Government Budget and Fiscal Control Act or by the School Budget and Fiscal Control Act.

DPCU Finance Officer (typed or printed)*	Signature*
Date of Pre-Audit Certificate*	Email Address*

Remember to print this form, and obtain all
required signatures prior to submission.

PRINT



MINUTES

Tuesday, April 11, 2023: 6:00 PM

Town Council Business Meeting

E.S. 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.

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Discussion ensued.

4. PUBLIC COMMENTS

Lynn Thompson of 957 SanDavis Road had several comments for the Council:

- Ms. Thompson reviewed the draft budget published online as part of the upcoming budget retreat and thanked the staff and Council for their time and efforts in working on it.
- Ms. Thompson noted the use of different interest rates within the budget and expressed some confusion.
- Ms. Thompson thanked Councilmember Clement for her request to keep the budget this fiscal year revenue neutral.
- Ms. Thompson shared her opinion in regards to the budget which she feels can be reduced by \$0.01 if the police department's request to buy a tactical vehicle is denied.
- Ms. Thompson expressed her pleasure that the Town still plans to allocate funds for the MLK celebration
- Ms. Thompson supports the staff request for funds dedicated to professional training and hopes the training will be town wide.
- Ms. Thompson asks that the Council review the memo dated 7/15/22 from West Southern Pines Community Connectors again and their requests for consideration when allocating the ARPA funds.

Marsh Smith of 568 Santee Road expressed concern over the ability to see oncoming traffic when approaching W. Pennsylvania intersection from S. Paige Street due to the parking of vehicles so close to the intersection. He asks that the Council consider removing one parking space at the corner or installing convex mirrors to aid drivers. Town Manager Parsons will address this issue with Asst Public Works Director Cory Albers.

Dorothy Brower of 102 E Monroe wished to give recognition to the Town's Staff for their attendance and help with the organization of the March 25th Spring Into Community Event. Several staff members of the Planning Department and Police Department were named and thanked: Rachel Mann, Community Development Specialist, was thanked for her work on organizing and planning the event, Planning Director BJ Grieve and Senior Planner Alaina Mallette were mentioned and from the Police Department: Lt. Jack Austin, Maricruz Guererro, Desiree Jimenez and Marcus Rummel. Ms. Brower found the clean up of S. Carlise and W. Indiana especially gratifying.

Bob Koontz voiced his agreement with Marsh Smith's comments and believes that the removal of the end parking spaces and the installation of mirrors will help address the issue.

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.

Councilmember Pate moved to open the public hearing for Z-01-23 Tiara Office Park, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Senior Planner Mallette presented the application and staff report to the Council.
Discussion ensued.

Marsh Smith addressed the Council regarding the installation of a foot bridge at this location to connect East and West Southern Pines over US 1. Mr. Smith also expressed concern regarding the loss of watershed property.

Councilmember Clement moved to close the public hearing for Z-01-23 Tiara Office Park, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

Councilmember Clement moved 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, the proposed amendment to the Town of Southern Pines zoning map is reasonable in the public interest and consistent with the current character of Memorial Park neighborhood and the Town of Southern Pines comprehensive long-range plan considering that the parcel switched from a publicly owned right-of-way to private ownership the future land use map does not categorize a subject parcel therefore pursuant to N.C.G.S. 160D-605A the planning 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's recommendation attached to Staff Report Z-01-23. Councilmember Pate seconded and the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - aye

Councilmember Clement - aye

Councilmember Petersen - nay

Motion passed.

Councilmember Clement moved to approve Z-01-23 as submitted and as set forth in attachments to staff report Z-01-23, seconded by Councilmember Pate, the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - aye

Councilmember Clement - aye

Councilmember Petersen - nay

Motion passed.

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

Councilmember Pate moved to open the hearing for PD-02-23 Conceptual Development Plan for +/- .786 acres on the West Side of S. Bennett Street, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

An emailed request for continuance was received on March 30, 2023.

Councilmember Pate moved to continue the hearing for PD-02-23 to May 9, 2023, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

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.

Planning Director BJ Grieve gave an overview of the request to the Council and presented the staff report.

Discussion ensued.

Councilmember Pate made a motion to approve WP-01-23 Tiara Office Park, seconded by Mayor Pro Tem Murphy; the vote was as follows:

Mayor Haney - aye

Mayor Pro Tem Murphy - aye

Councilmember Pate - aye

Councilmember Clement - aya

Councilmember Petersen - nay

Motion passed.

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.

Principal Planner Graham presented the application and staff report to the Council.

Barry Bird of Barry Bird Architecture located in flat rock, nc, presented more details about the project to the Council on behalf of the applicant.

Discussion ensued.

Councilmember Pate moved to approve AR-03-23: Amendments to AR-11-22 Walgreens & Heartland Dental Care, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Petersen issued a warning to the applicant that his client needs to respect the Town's procedural requirements in the future.

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.

Mayor Haney announced that Councilmember Pate has been recused from voting on this application.

Principal Planner Graham reviewed the changes in the application from the last meeting. Discussion ensued.

Bob Koontz of KoontzJones Design, representing the applicant, presented renderings of the project and answered the Council's questions.

Mark Mill of Planworks Architecture, spoke to the Council and addressed issues raised in the staff report. Discussion ensued.

Mayor Pro Tem Murphy moved to approve AR-01-23: Knollwood Tract Phase 2 Apartments as agreed upon with the extra 5 foot portico for building #2, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

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.

Senior Planner Mallette reviewed the application and staff report for the Council. Discussion ensued.

Greg Osley of LMHT Associates, representing the applicant, addressed the Council regarding the drive-thru size and traffic concerns.

Discussion ensued.

Councilmember Pate moved to approve AR-02-23 Homeward Kitchen, seconded by Mayor Pro Tem Murphy; the vote was unanimous. Motion passed.

7. CONSENT AGENDA

Councilmember Clement requests that within the discussion regarding the Town's rebranding, that the addition of "as needed" or "when needed" to the tag line be inserted within the March 7th minutes for clarification purposes.

Mayor Pro Tem Murphy moved to approve the Consent Agenda with the change to the March 7, 2023 minutes as discussed, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

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

Councilmember Pate moved to enter a closed hearing per N.C.G.S. 143-318.11(A3) (A5), seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

Councilmember [name] moved to exit the closed hearing, seconded by Councilmember [name]; the vote was unanimous.

Motion passed.

No action was taken.

Upon motion by [name], seconded by [name] and carried unanimously, Council adjourned at [time] pm.
adjourn

Motion passed.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, April 25, 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.

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. COUNCIL UPDATES AND DISCUSSION

a. DISCUSSION WITH DFI REGARDING MORGANTON ROAD PROJECT

Sarah Odio will be present to discuss current status of the DFI project and rezoning effort.

Town Manager Parson opened the discussion with a brief overview of the project and the ramifications of searching for an alternate parcel of land suitable for the YMCA building's needs.

Sarah Odio, Asst. Director for Housing and Revitalization, and Marcia Perritt, Director, of the Development Finance Initiative (DFI) at UNC Chapel Hill School of Government reviewed and discussed what their role could be in the future depending on the Council's wishes for the project moving forward.

Discussion ensued.

Councilmember Pate moved to withdraw the application for PD-01-23, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

b. TAP FEES

Per discussion at Retreat, Town staff has reviewed the suggestion of increasing our utility tap fees.

Current Fee

Water Tap Fee = \$1,726

Sewer Tap Fee = \$1,726

Calculated Cost of Tap

Water = \$3,244

Sewer = \$2,577

Town Engineer/Asst. Public Works Director James Michel was present to answer any questions by the Council.

Councilmember Clement is comfortable raising the fees but is nervous regarding our fees in relation to surrounding communities.

Town Engineer/Asst. Public Works Director Michel advised the Council that it is in the Town's best interest for our staff to be conducting the taps as it provides access to the system and allows us to review and monitor its status.

Councilmember Petersen voiced her support for the proposed increase.

Councilmember Pate voiced his support for the proposed increase.

Mayor Pro Tem Murphy voiced his support for the increase and stated that he felt this would protect the community from possibly being charged exorbitant fees by private contractors.

Discussion ensued.

Town Manager Parsons confirmed the Council's choice to update the fees per the proposal effective July 1, 2023 and update the CPI language to reflect that the October 1, 2023 scheduled revision of the tap fees will be waived due to the increase on July 1, 2023.

c. BUDGET UPDATES

An opportunity to discuss changes made since the Council Retreat and provide an update regarding the bottom line ahead of the May Public Hearing.

Town Manager Parsons reviewed the changes made per the Council's request to the proposed draft budget for FY 2023/24.

- decreased tax rate to 29 pennies
- solid waste fees updated from 60/40 split to 50/50 split of costs (\$17/month for residential)
- transfer funds for Whitehall Phase I Planning.
- reserve funds for grants - Library and Recreation
- April sales tax monies updated
- building revenues to date have been updated.
- removed \$20,000 + 25% line item marked Training in the Administration Budget
- adjustment to monies paid to Moore County based on the decrease to 29 pennies in the tax rate.
- removed the requested tactical vehicle from the Police Budget
- removed street sign toppers from the Planning budget.
- moved the paving project monies to a capital fund
- removed the Police Department painting project
- removed Pool Park Bathhouse project
- assigned the pickleball court project monies to the ARPA spreadsheet

Revised requested changes to the ARPA spreadsheet.

- Whitehall Phase I Planning monies
- Downtown Park play surface
- Pool Park play surface
- removed the Pool Park Bathhouse

Council was advised that after discussion between Fire Chief/Asst. Town Manager Cameron, Police Chief Nick Polidori and IT Dept. Director Nedra Norton, the departments are combining two currently unfilled positions into one position, which will result in a small increase to the IT Budget under Payroll but a decrease to the Police Dept Budget.

Town Manager Parsons also noted:

- removal of one (1) of the two (2) requested employees positions in the Utilities Budget
- removal of the all-terrain vehicle requested in the Utilities Budget.
- the \$50,000 commitment to the future skate park project is not included in the budget right now, but the commitment can be covered by the available fund balance should

the request come this fiscal year.

Councilmember Clement requested the guidelines on spending the 25% reserve monies in the budget. Town Manager Parsons advised that by NC State Statute the Town is required to have a reserve of at least 8%. Any monies above that can be spent by Council appropriation.

Town Manager Parsons shared a discussion that occurred with Mr. Brugglio of Davenport revealed that banks/lenders are being more restrictive when issuing 20-year terms without collateral, with the suggestion being that the Town might consider rolling any upcoming projects that include structures into the parkway loans in an effort to provide the requested collateral.

After discussion, the Council asked that the \$50,000 Skate Park Funding be added to the budget as a line item.

d. WHITEHALL MASTER PLAN

Staff will present the recommended master plan for Whitehall to Town Council.

Asst. Town Manager Roth and Parks & Recreation Director Cindi King presented the Master Plan for Whitehall at Reservoir Park.

40% of the property is under a conservation easement and so is permanently protected.

Mayor Pro Tem Murphy reminisced that when he was a child the generous man who originally owned the land, Mr. Drexel, would take youths from the community to Reservoir Park to teach them sailing.

Mayor Haney confirmed that all the presented information is available to the public on the Southern Pines website while Councilmember Petersen suggests placing monetary amounts for projects on the website and, making it clear on the website the order of project phases. Councilmember Petersen also voiced her opinion that bikes should be allowed on the outside trail.

Staff recommend the name of Whitehall at Reservoir Park to give both status.

Noted = once Whitehall is combined with Reservoir Park and Elizabeth Rounds Park it will total 300+ acres, making it in the top 5 municipal parks in the state.

4. COUNCIL ROUNDTABLE

Town Manager Parsons and Asst. Town Manager Roth spoke to the Council regarding the MPO. Town Manager Parsons advised that Matt Day of Triangle J provided a number of map choices that were used at a meeting held the day prior which included the mayor and one other representative from each of the seven affected entities. It was the conclusion of the meeting that there was no advantage to including all of the entities in the county.

Town Manager Parsons advised the Council that there is a small piece of property belonging to Carthage is currently included in the MPO map and the ramifications of it are currently being researched.

Councilmember Clement feels there is not a pro or con to being part of the MPO and voiced displeasure at not having attended any of the MPO meetings,

Councilmember Petersen advised that she has also not attended any meetings regarding the MPO.

Councilmember Pate exited the meeting at 6:05 pm.

Councilmember Petersen would like to acknowledge Chief Cameron who, when the citizens of Village Green contacted Councilmember Petersen upset about the lack of trash service to their back doors, he met with GFL and met with Village Green residents, working out a solution that satisfied them.

Mayor Haney reminded all that Arbor Day is being celebrated this Friday at 10:00 am at Pool Park,

where they will be planting 5 trees in its honor.

Council member Clement advised the Council that she would be meeting with Georgia at Richard Hudson's office to provide an overview of the DOT rail meeting that was held.

Mayor Pro Tem Murphy complimented the Police Department for providing quick assistance to a citizen who had locked her keys in her car at the Lowes Foods parking lot.

Mayor Haney shared that the owner of Gully's in downtown complimented the Planning Department, who had visited his store to do research on native plants and trees.

5. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Clement, and carried unanimously, Council adjourned at 6:20 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons

From: Pamela Graham, Principal Planner

Subject: PD-02-23: Planned Development District - Conceptual Development Plan for +/- .786 Acres on the West Side of S. Bennett Street Between New York Avenue and Pennsylvania Avenue

Date: May 9, 2023

I. SUMMARY OF CURRENT REQUEST:

Following discussion with staff, Mr. Colin Webster, on behalf of Grovsner Land, LLC, has made a request to continue the hearing on this item until the June 13, 2023 Regular Business Meeting of Town Council. Staff is prepared to respond to questions from Council, and engage in further discussion regarding this request, should members of Council desire more information.

II. GENERAL OVERVIEW OF PROPOSAL:

Mr. Colin Webster, on behalf of Grovsner Land, LLC, has submitted a Planned Development District – Conceptual Development Plan application pursuant to §2.18.4 of the Town of Southern Pines Unified Development Ordinance (UDO) to allow a mixed-use development containing residential uses in the form of condominiums, single-family townhouses, office, retail, and restaurant. The proposal's project area consists of two adjoining parcels totaling +/- .786 acres located in the Central Business (CB) Zoning and Downtown Transition Overlay Districts, identified as PIN: 858105282734 (PARID: 00032263) and PIN: 858105281747 (PARID: 00031983). The owner of record for both parcels is The Cottages at Legacy Lakes, LLC.

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

April 27th, 2023

Ref: Continuance of CDP Application

Ms. Graham,

Per your request please continue or CDP Application for the New York St project until the June meeting of the Town Council.

Respectfully,

Colin S. Webster
Manager

Agenda Item

To: Reagan Parsons, Town Manager
From: BJ Grieve, Planning Director
Subject: Planning Board Appointments
Date: May 9, 2023

I. RECOMMENDATION:

The Planning Director is requesting that the following individuals be considered for appointment to serve on the Planning Board for a term of three (3) years beginning May 9, 2023 and ending May 8, 2026:

Jennifer Garner (in-Town)	Andy Bleggi (ETJ)
John Earp (in-Town)	James Walker (ETJ)

II. BACKGROUND:

Ms. Jennifer Garner and Mr. John Earp have applied for appointment to the Planning Board to fill one vacant position for an in-Town member. The vacant position was last held by Gary Carroll, whose second consecutive term expired on March 9, 2023.

Mr. Andy Bleggi completed his first three-year term on the Planning Board as an ETJ member on March 9, 2023 and is requesting reappointment for a second term. Mr. Bleggi's participation is appreciated by both his fellow Planning Board members and Planning staff.

Mr. James Walker has applied for appointment to the Planning Board as an ETJ member to fill the position that is presently vacant due to the expiration of Andy Bleggi's first term.

III. LEGAL REVIEW:

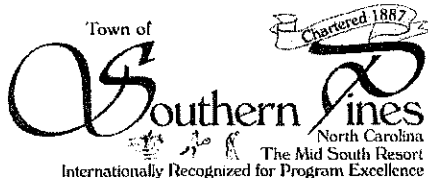
In accordance with UDO §8.13.1(B), the Planning Board shall consist of seven (7) members, all of which shall be resident citizens. Five (5) members appointed by the Town Council shall reside within the Town. Two members appointed by the County Board of Commissioners shall reside within the Town's Extraterritorial Planning Area, also referred to as the Extraterritorial Jurisdiction (ETJ).

- *The Board currently consists of four (4) active members who reside in Town and one (1) active member who resides in the ETJ.*
- *Ms. Garner currently resides in Town and is thereby eligible for appointment as an in-Town member of the Board.*

- *Mr. Earp currently resides in Town and is thereby eligible for appointment as an in-Town member of the Board.*
- *Mr. Bleggi currently resides in the Town's ETJ and is thereby eligible for reappointment as an ETJ member of the Board.*
- *Mr. Walker currently resides in the Town's ETJ and is thereby eligible for appointment as an ETJ member of the Board.*

In accordance with UDO §8.13.1(C), Planning Board members shall be appointed for three-year staggered terms, but may continue to serve until their successors have been appointed. Members may be appointed to not more than two successive full terms but may be eligible for reappointment after one year has elapsed from the date of termination of the second term.

- *The members who are appointed will each serve a term beginning May 9, 2023 and expiring on May 8, 2026.*



DATA SHEET FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Planning Board

NAME: Jennifer B Garner TELEPHONE: 910-6930043 office

ADDRESS: 208 Lazar Lane Southern Pines EMAIL: jennifer.garner@jennifergarnerlaw.com

EDUCATIONAL BACKGROUND

Pinecrest High School 1987, UNC-G, Magna Cum Laude, BA- Political Science 1990,

Wake Forest School of Law 1994

EMPLOYMENT

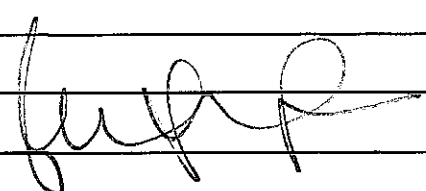
JOB TITLE: Attorney

EMPLOYER: Garner Law Firm, PLLC

CIVIC AND PROFESSIONAL ACTIVITIES: See Attached

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: See attached

ANY ADDITIONAL INFORMATION AND COMMENTS: _____

DATE: 9/30/2022 SIGNATURE: 

PLEASE RETURN TO:

Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

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

Jennifer B. Garner
Garner Law Firm, PLLC
125 Applecross Road
Pinehurst, NC 28374
jennifer.garner@jennifergarnerlaw.com
910-693-0043
910-693-0045 (facsimile)

Education

Pinecrest High School, Moore County, 1987

Bachelor of Arts in Political Science, University of North Carolina at Greensboro,
December 1990, Magna Cum Laude

Wake Forest University of Law, Juris Doctor, 1994

Professional and Community Involvement

Sandhills Area Chamber of Commerce

Operation Thank you, Chair, 1995

Business EXPO, Chair, 1995

Ambassador, Chair, 1996

William F. Hollister Award, Volunteer of the Year, 1996

Board of Directors, 1996- 2004

Treasurer, 2003-2004

Sandhills Career Education Partnership- Executive Committee

Past Member

Moore County Board of Education, 1999-2006

Chair, 2001 and 2002

Moore Regional Hospital Foundation, Professional Advisory Council 1995-present

Chair- 2009

Retired and Seniors Volunteer Program, Board of Directors, 1996-2000

National Academy of Elder Law Attorneys (National and North Carolina Chapter)

Southern Pines Jaycees 1995-2006

President, 1998-1999

Charitable Development Vice President, 1997-1998

Management Development Vice President, 1996-1997

Secretary, 1995-1996

Sandhill Business and Professional Women, 1st Vice-President, 1995

First Tee, Board Member, 2001-2003

Public Education Foundation of Moore County, ex-officio
Until 2003

North Carolina Bar Association
Real Property Section, Elder Law Section, Estate Planning and Probate Section
Elder Law Section Counsel 2002-2012, and 2017-2019

North Carolina Bar

Moore County Bar Association
Secretary, 1997-1998
Member Office Practice Section

US Congressional District Outstanding Citizen Award, 1996

Whispering Pines Board of Adjustment, 2000-2003

Areas of Practice

Elder Law
Estate Planning
Estate Administration
Real Estate

Family

Resident of Southern Pines, 34 years

Resident of Whispering Pines, 1998-2003

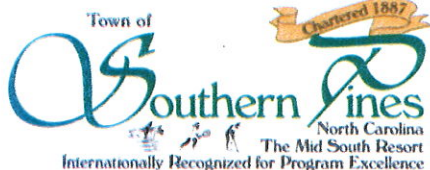
Husband, Brad, Airline Pilot, American Airlines

Children- Caitlin (20), Andrew (18), Emma (17)

Parents- George and Lynn Barnhart of Pinehurst

In laws- Harold (Deceased) and Dorothy Garner of Pinehurst

Grandparents- William and Jean Barnhart of Southern Pines (Deceased)
Gerard and Jeanne Hildebrand of Southern Pines (Deceased)



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

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Planning Board

NAME: John Earp TELEPHONE: 313 231 0220

ADDRESS: 815 East Massachusetts Ave, SP EMAIL: john@theotherearp.com

EDUCATIONAL BACKGROUND

Master in Human Resource Development - Webster University (St. Louis, MO))

Bachelor in Business Administration - Texas Tech University (Lubbock, TX)

EMPLOYMENT

JOB TITLE: Regional Manager - Export Division (retired)

EMPLOYER: Ford Motor Company

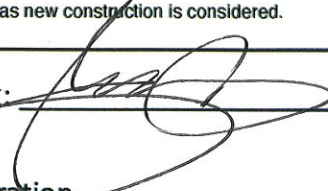
CIVIC AND PROFESSIONAL ACTIVITIES: Board of Directors for Weymouth Center for the Arts, Arts Council of Moore County and The Penick Foundation. Additionally was member of the Sunrise Theater's Event

Committee

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

ANY ADDITIONAL INFORMATION AND COMMENTS: During my time with Ford Motor Company I was responsible for regions such as Asia Pacific, Middle East, Sub-Sahara Africa, etc.... As part of my duties I approved over 70 facility actions which included new construction or building restoration. Additionally, I have both appreciation & concern for impact of development on quality of life in the community and the need for balance as new construction is considered.

DATE: 10-19-22

SIGNATURE: 

PLEASE RETURN TO:

Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

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

BJ Grieve

From: Andy Bleggi <andybleggi@gmail.com>
Sent: Monday, March 6, 2023 5:04 PM
To: BJ Grieve
Cc: Andy Bleggi; Cindy Williams
Subject: Re: Term expiration

Yes, I would like another term, I am just getting the hang of it.

Sent from my iPhone

On Mar 6, 2023, at 4:23 PM, BJ Grieve <BJGrieve@southernpines.net> wrote:

Thanks.

You “would accept” or you *want* another term? I ask because we’ve received an application from another guy who lives in the ETJ so I’m trying to figure out what to do with it.

Just want to know your preference.

BJ Grieve, AICP®, CFM®, CZO
Planning Director
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>

<image002.jpg>

From: Andy Bleggi <andybleggi@gmail.com>
Sent: Monday, March 6, 2023 4:19 PM
To: BJ Grieve <BJGrieve@southernpines.net>
Cc: Andy Bleggi <andybleggi@icloud.com>; Cindy Williams <CWilliams@southernpines.net>
Subject: Re: Term expiration

Yes, I would accept an additional 3 yr term

Sent from my iPhone

On Mar 6, 2023, at 3:37 PM, BJ Grieve <BJGrieve@southernpines.net> wrote:

Hi Andy,

As you may recall, your 3-year term on the Planning Board ends March 9. I'm emailing to see if you would like to request the Town Council appoint you for another term?

If you're up for it, staff and the rest of the Planning Board have enjoyed working with you and benefitting from your professional experience.

However, if you've had enough, we did recently receive an application from another resident of the ETJ so we won't be without a person for the ETJ position.

Up to you, let us know and thanks for your service to the community!

Thanks,

BJ Grieve, AICP®, CFM®, CZO

Planning Director

Town of Southern Pines

801 SE Service Road

Southern Pines, NC 28387

Office: (910) 692-4003

<http://www.southernpines.net/>

<image001.jpg>

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

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: PLANNING BOARD.

NAME: JAMES B. WALKER TELEPHONE: 201 419 8624
ADDRESS: 265 New Haven Place, S.P. EMAIL: JBW5COT@yahoo.com

EDUCATIONAL BACKGROUND

B.S. MATHEMATICS, UNIVERSITY OF GLASGOW, 1985.
FINANCE DIPLOMA, UNIVERSITY OF STIRLING, 1986.

EMPLOYMENT (RETIRED).

JOB TITLE: GROUP CDD / MEMBER OF EXECUTIVE BOARD.
EMPLOYER: CREDIT SUISSE GROUP.

CIVIC AND PROFESSIONAL ACTIVITIES: VARIOUS FINANCIAL SERVICES INDUSTRY
BOARDS.

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: EFFECTIVE APRIL 1, 2023,
BOARD MEMBER, COUNTRY CLUB OF NORTH CAROLINA.

ANY ADDITIONAL INFORMATION AND COMMENTS: Recently retired from Credit Suisse
after 37 years in Financial Services. Have owned property here
in S.P. for 6 years and resident for 2 years. My real focus
is on how I can help preserve what we have in this special place
DATE: 5 March, 2023 SIGNATURE: Jim Wall. called Southern Pines!

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

admin@southernpines.net

Agenda Item

To: Reagan Parsons, Town Manager
From: Alaina Mallette, Senior Planner
Subject: AR-04-23, Creston Commons, 555 Talmadge Way
Date: May 9, 2023

I. SUMMARY OF APPLICATION REQUEST

The applicant, Mr. Patrick Nerz of DHIC, is requesting an Architectural Compliance Permit for modifications to 8 existing multi-family buildings and one existing clubhouse within the Creston Commons planned development on behalf of the legal property owners, Creston Commons, LLC and Creston Commons II, LLC. A total of 80 dwelling units are distributed across the 8 two- and three-story multi-family buildings. The modification includes changing siding on all buildings, replacing the roofing on 3 buildings, and replacing the dumpster fencing. The site is located in a Planned Development district (no Planned Development on file with the Town, see Attachment 7). The subject properties have access Felton Capel Lane (a state street) and Patrick Road (a town street) as well as private streets, Talmadge Drive and Talmadge Way.

II. PROJECT INFORMATION

A. Property Owners

PIN 857217118169 (PARID 99000583)	PIN 857217203855 (PARID 99000584)
Creston Commons II, LLC	Creston Commons, LLC
113 S Wilmington St	113 S Wilmington St
Raleigh, NC 27601	Raleigh, NC 27601

B. Applicants and Authorized Agents

Patrick Nerz
DHIC
113 S Wilmington St
Raleigh, NC 27601

Figure 1. Site Layout Plan for Creston Commons (as of March 10, 2023)

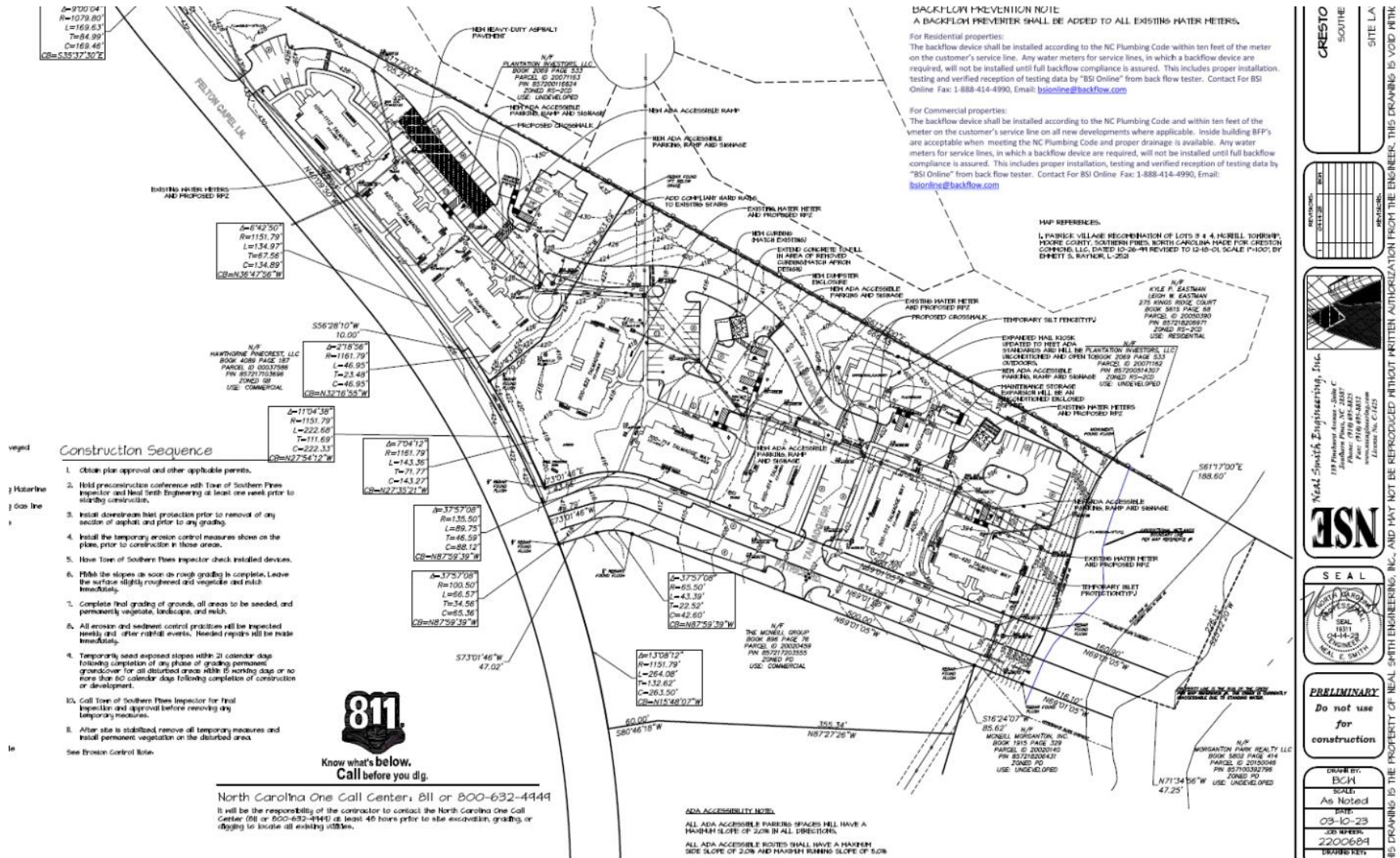


Figure 2. Zoning and Vicinity Map for Property (Outlined in Yellow). The subject property is located approximately 700 feet north of the intersection of West Morganton Road and Felton Capel Lane and is on the corner of Felton Capel Road and Patrick Road. The properties are zoned Planned Development. The properties are adjacent to Plantation Investors, LLC, and private landowners within the Mid-South RS-2 conditional zoning district (Industrial zoning) and across the street (Felton Capel Road) from a commercial development (i.e., Hawthorne Pinecrest, LLC; “Belk” plaza). The proposed buildings are within the Morganton Road Overlay district, which is meant to promote mixed-use development on land well-suited for relatively “intense” development.

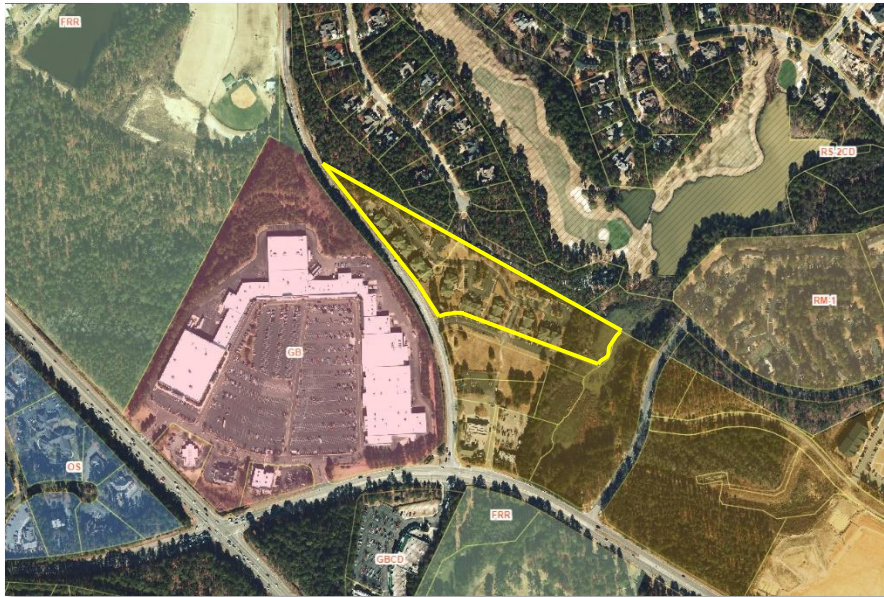


Figure 3 CLRP Future Land Use Map Designation with Subject Property Outlined in Yellow. The zones filled with brown and light green, including the subject properties, have a Future Land Use Map designation as “Traditional Mixed Use” and “Residential/Golf, respectively”. Properties surrounding Patrick Road are also designated to be “Traditional Mixed Use” while Hawthorne Pinecrest, LLC (i.e., the “Belk” plaza) has a Future Land Use designation of “Commercial.”



Figure 4. Drone footage of the subject property highlighting Phase I buildings, looking north (January 6, 2023).

The three buildings circled in red are “building type I for phase I” while the buildings circled in yellow are “building type II for phase I.”



Figure 5. Drone footage of the subject property highlighting Phase II buildings, looking northeast (January 6, 2023).

The building circled in orange is “building type I for phase II;” the green circle is for “building type II for phase II;” and the green circle is for “building type III for phase II.”



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 13, 2023**

Application Complete: **March 13, 2023**

Town Council Agenda Meeting: **May 2, 2023**

Town Council Regular Meeting: **May 9, 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**. The modifications are for 8 existing two- and three-story multi-family buildings (totaling of 80 dwelling units), a clubhouse, and dumpster fencing. Staff has reviewed the project for compliance with **UDO §2.26.7**. See staff comments for each requirement below.

(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 the following UDO sections:
 - 3.5.14 PD – Planned Development District. **Generally Compliant.**
 - 3.6.6 MRO – Morganton Road Overlay District. **Generally Compliant.**
 - 4.10.1 Applicability of Development Design Standards. Planning staff have determined that an architectural compliance permit is required since the change of siding from vinyl to Hardie plank is not “routine maintenance,” rather a “change of an exterior portion of a building.” Many site design standards from Chapter 4 are being reviewed for compliance (in addition to prior development approvals, local codes, and other applicable codes and standards) by the Technical Review Committee during Site Plan Review (see ZP-10-23).
 - 4.3.5 Landscape Screens. **Generally Compliant.**
 - 4.6. Signs. Signage will be reviewed for compliance during the sign permit application process.

- 4.10.4 Development Design Standards. Of the 10 standards, 6 apply, and **1 deviation** is being requested, and 2 standards would require a deviation, but no modifications are being proposed to those elements at this time. See staff comments in the following section for more details.
- 4.10.5. Frontage. Compliance with frontage requirements will be determined during Site Plan Review with the Technical Review Committee (see ZP-10-23).
- 4.10.8. Multi-Family Development. The buildings are all existing and non-conforming to three of the building design standards [4.10.8(C)], but no modifications are being proposed that would trigger compliance with these standards.
- 5.3 Accessory Uses and Accessory Structures (applies to the clubhouse). **Generally Compliant.**
- Chapter 7.4. Non-Conforming Structures. Note that “*Subject to all limitations in this chapter, any non-conforming structure may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended.*”

(C) *The application is consistent with applicable conditions of prior Development approvals;* In 1998, the Town Manager invited DHIC to develop affordable housing and phasing was discussed. In 1999, a subdivision was recorded for the property. In 2000, Phase I (5 multi-family buildings with 48 dwelling units) and 1 clubhouse) was complete. Between 2003 and 2004, a landscape architect submitted preliminary plans for landscaping to the Planning Department. In 2004, a site plan was reviewed, erosion control approved, and water, sewer, and NC Department of Transportation permits were all signed while the Town Council at the time approved a moratorium on new multi-family buildings. In 2005, Creston Commons won its vested rights appeal to proceed with development, and Phase II (3 multi-family buildings with 32 additional dwelling units) was completed. In 2006, the picnic shelter was approved (per AR-11-06).

- ✓ AX-01-05 Creston Commons II
- ✓ AR-07-05 Creston Commons II.
- ✓ AR-11-06 Creston Commons Picnic Shelter

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

- ✓ Neighboring development includes retail development and single-family residences. The existing buildings are generally compatible with the former two neighboring uses and provides a transition from commercial development to the south and west of the subject properties to single-family development to the north. Therefore, it appears that potential conflicts have been mitigated through other development approval processes and in owner conversations with neighboring residents.

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

✓ = compliant ✗ = not compliant
 ▲ = not applicable or non-conforming ? = compliance undetermined

Staff have reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*. See staff comments for each requirement below. As there are 8 multi-family buildings that are part of different building types and phases as well as a clubhouse, staff have provided a brief summary table of compliance for each building, as well. Please note that the buildings are all existing and non-conforming to some of these building design requirements, but no modifications are being proposed that would trigger compliance with those standards. Siding [4.10.4(C)] and roofing [4.10.4(G)] are the only elements being modified, as present.

Table 1. Compliance with 4.10.4 Applicable Sub-Sections

Building	(A)(1)	(B)(2)	(C)	(D)(1)	(D)(3)	(G)(2)	(G)(3)	(H)
400	✓	✓	✗	✓	?	✓	✓	✓
500	✓	✓	✗	✓	?	✓	✓	✗
600	✓	✓	✗	✓	?	✓	✓	✗
700	✗	✓	✗	✓	?	✓	✓	✗
800	✗	✓	✗	✓	?	✓	✓	✗
900	✗	✓	✗	✓	?	✓	✓	✓
1000	✗	✓	✗	✓	?	✓	✓	✓
1100	✗	✓	✗	✓	?	✓	✓	✗
Clubhouse	✓	✓	✗	✓	?	✓	✓	▲

- **Applicant is non-conforming and no changes are being made to trigger UDO §4.10.4 (A), which states that the front of buildings shall face and have the primary customer entry facing the street. Corner Lot Buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block 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—which is unknown—at time of Final Development Plan approval in the Planned Development district.**

▲ The primary entries to Buildings 400, 500, 600, and the Clubhouse are facing the higher order street.

▲ The primary entries to Buildings 700, 800, 900, 1000, and 1100 are not facing the higher order street. They face adjacent buildings, internal parking lots, or Talmadge Way (a private road) rather than Patrick Road or Felton Chapel Road, which are a town and a state street, respectively. However, these are existing buildings that were permitted (i.e., granted building

permits) by Moore County in 2000, and were compliant with zoning regulations at that time (see Attachment 7).

- ▲ Note that there is no file for a conceptual and preliminary development plan for this planned development, therefore no maximum spacing or distance between entries has been established.

- **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 the all elevations of all modified buildings through building offsets, changes in rooflines, and architectural features to fulfill the width-no-more-than-twice-the-height regulation.

- **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 applicants are proposing replacing the existing vinyl siding from 8 multifamily buildings and 1 clubhouse with fiber, cement lap siding (i.e., “Hardie plank siding”). The applicants are requesting a deviation on the basis that the Hardie plank siding is greater in durability to vinyl siding and that brick is too cost prohibitive. Note that the existing brick will not be removed or replaced. No calculations were provided for building materials. The Town Council may consider approving:

- *The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.*
- *Alternative materials satisfying minimum Building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.*

- **Applicant is non-conforming and no changes are being made to trigger** UDO §4.10.4 (D), *which states that windows shall be glazed in non-reflective clear glass. The following standards apply in the PD 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.*

- ▲ All existing windows and doors are glazed in non-reflective, clear glass.

- ▲ However, no calculations were provided for the street-facing façades coverage of windows and doors between 2’ and 10’.

- **Requirement does not apply** 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.*
 - ▲ There will be no awnings provided. Therefore, this provision is not applicable.
- **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 non-CB zoning districts buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than 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.*
 - ✓ 5 of the 8 buildings had new roofs installed within the past 3 years. The remaining 3 buildings' roofing will be replaced with the same dark grey asphalt shingle roofing.
 - ✓ Buildings 400, 800, 900, and 1000 are all over 100' wide, but the changes in roofline are sufficient to create interrupted planes on each elevation.
- **Applicant is non-conforming and no changes are being made to trigger** 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 for Buildings 400, 900, and 1000 are properly screened and are not located between the building and the street.
 - ▲ All of the other multi-family buildings (Buildings 500, 600, 700, 800, and 1100) are properly screened, but they are located between the buildings and the street.
 - ▲ The clubhouse does not contain any mechanical equipment.

- **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 or residential district unless buffered or screened in accordance with UDO §4.3.4 and 4.3.5.*
 - ▲ The proposed modifications do not include the addition of garages 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.*
 - ▲ No signs within the development will be modified at present, but the applicant is aware that they will need to apply for a sign permit when any changes to existing signage are made.

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

The modifications are for 8 existing two- and three-story multi-family buildings (totaling of 80 dwelling units), a clubhouse, and dumpster fencing. The modification includes changing siding on all buildings, replacing the roofing on 3 buildings, and replacing the dumpster fencing. Neighboring development includes retail development and single-family residences. Creston Commons provides a transition from commercial development to the south and west of the subject properties to single-family development to the north.

Staff recommends approval of AR-04-23 with the following deviation:

- Regarding UDO §4.10.4 (C) Building Materials, the Planning Department recommends granting the deviation, since the Hardie plank siding is an alternative building material that has equal durability to what is required, satisfies minimum building code standards, and exterior walls are screened from public streets, walkways, and residential districts.

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
7. Creston Commons Zoning Determination Letter

V. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria

per UDO §2.26, the commercial building design requirements per UDO §4.10.4, and additional provisions in UDO §3.5.14, §3.6.6, §4.3.5, §4.10.8, §5.3, §7.4 and prior development approvals.

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

I move to:

1. Approve AR-04-23;
2. Approve AR-04-23 with the following conditions:

;
3. Deny AR-04-23.



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

1/12/22



Architectural Compliance Permit Application

Date Received: _____ Fee Paid: _____ Case No.: AR-____-____

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

I, the undersigned, do hereby make application for an Architectural Compliance Permit regarding for the following project:

Project Information:

Project Name: Creston Commons - Siding Replacement

Street Address: 555 Talmadge Way

PIN: 857217118169/857217203355 Parcel ID: 99000583/99000584 Zoning: PD

Type of building (retail, office, etc.): Multifamily Total square footage: 77,000

Applicant:

Name: Patrick Norz

Email: patrick@dhic.org Phone: 919-349-4980

Mailing Address: 113 S. Wilmington Street, Raleigh, NC 27601

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

Name(s): Creston Commons, LLC / Creston Commons II, LLC

Email: _____ Phone: _____

Mailing Address: 113 S. Wilmington Street, Raleigh NC 27601

Date: 2-28-23

Patrick Norz
Applicant

APPOINTMENT OF AGENT

The undersigned owner(s), Creston Commons, LLC and Creston Commons II, LLC, hereby appoint(s) Patrick Nerz as the exclusive agent for the purpose of making an application to the Town of Southern Pines for an **Architectural Compliance Permit** for improvements to the property described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 28th day of February, 2023.



Property Owner
vice President, Community Revitalization and Preservation Corporation, Managing Member of Creston Commons, LLC



Property Owner
Vice President, Community Revitalization and Preservation Corporation, Managing Member of Creston Commons II, LLC



- Patrick Nerz
Agent

TAX ADDRESS ✓

RECORDING

12.00

STAMP

489.00

TOTAL

501.00 PL

✓ Return to:

Ragsdale Liggett
2840 Plaza Place
Suite 400
Raleigh, N.C. 27612

Excise Tax \$ 489.00

MOORE COUNTY NC

11/15/1999

STATE OF
NORTH
CAROLINA

\$489.00

Real Estate
Excise Tax

Recording Time, Book and Page

BOOK PAGE

01568 00471

Nov 15 11 25 AM '99

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

019842

Tax Lot No.

Parcel Identifier No.

Verified by

County on the

day of

19

by

Mail after recording to

This instrument was prepared by Robert N. Page, III, Attorney at Law

Brief Description for the index

Lots 3 and 4, Patrick Village, PC 7, Slide
664, McNeill Township, Moore County,
North Carolina

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made November 11, 1999, by and between

GRANTOR

McNeill Group, Limited Partnership, A North Carolina
Limited Partnership with an office in Moore County,
N.C. acting by and through its General Partner, Frank
A. McNeill, Jr..

GRANTEE

Creston Commons, LLC
c/o DHIC, Inc.
P.O. Box 2185
234 Fayetteville St. Mall, Suite 300
Raleigh, N.C. 27602

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

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

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

Being Lots No. 3 & No. 4 of Patrick Village. The following description is taken from the map of Patrick Village made by Emmett S. Raynor, dated 10-26-99, made for McNeill Group, Limited Partnership. Said map being recorded in Plat Cabinet 7, Slide 664, Moore County Registry, Carthage, NC.

This conveyance is made subject to all matters and things shown, indicated and designated on the plat or map afore referred to, Plat Cabinet 7, Slide 664, Moore County Registry.

BEGINNING at a concrete monument in the easterly right away line of Knoll Road, a corner of the property of which this land is a part and a corner of the Plantation Golf Club property, see Book 999 Page 503, Moore County Registry, Carthage, NC; and running thence as the easterly right away line of Knoll Road in a southerly direction as follows: a curve to the left (radius 1079.80; arch 169.63; Chord bearing south 35° 37' 30" east, Chord 169.46 feet to an iron rod and continuing south 40° 09' 50" east 369.03 feet to an iron rod; and continuing a curve to the right (radius 1151.79; arch length 134.96; Chord bearing south 36° 47' 56" east, Chord 134.89) to an iron rod; thence leaving Knoll Road north 56° 28' 10" east 46.04 feet to an iron rod; north 53° 09' 10" east 29.55 feet to an iron rod; north 52° 49' 42" east 32.12 feet to an iron rod; north 52° 08' 52" east 81.65 feet to an iron rod; north 32° 38' 43" east 90.58 feet to an iron rod in the property line of the Plantation Golf Club, Book 999, Page 503, and the property of which this is a part; thence as the Plantation Golf Club north 61° 17' west 705.21 feet to the Beginning, containing 2.23 acres, more or less.

The foregoing is a legal description of Lot No. 4; and, the following is a legal description of Lot No. 3:

BEGINNING at the easterly most corner of Lot No. 4 and running thence as the Plantation Golf Club property line, common line with the lands of which this lot is a part, south 61° 17' east 666.55 feet to a concrete monument; thence south 61° 17' east 188.60 feet to an iron rod and continuing south 61° 17' east about 10 feet to the center line of the Run of the Creek; thence as the Creek in a southwesterly direction to a corner of Lot A of Patrick Village; running thence north 69° 01' 05" west 12 feet to an iron rod and continuing north 69° 01' 05" west 622.26 feet to an iron rod; thence a curve to the left in a westerly direction (radius of 100.5; arch length 66.57; Chord bearing north 87° 59' 39" west, Chord 65.36) to an iron rod; thence south 73° 01' 46" west 49.79 feet to an iron rod in the easterly right away line of Knoll Road; thence as the easterly right away line of Knoll Road in a northerly direction a curve to the left (radius is 1151.79; arch length 222.68; Chord bearing north 27° 54' 12" west, Chord 222.34) from an iron rod which is the southerly most corner of the afore described Lot No. 4; thence as Lot No. 4, common with Lot No. 3, as follows: north 56° 28' 10" east 46.04 feet and north 53° 09' 10" east 29.55 feet and north 52° 49' 42" east 32.12 feet and north 52° 08' 52" east 81.65 feet and north 32° 38' 43" east 90.58 feet to the Beginning, being Lot No. 3 and containing 5.91 acres, more or less.

Reference is hereby made to Book 896, Page 76; and Plat Cabinet 7 Slide 639, Moore County Registry.

This conveyance is made subject to all matters and things shown, indicated and designated by the aforementioned Plats and Maps; again, see Plat Cabinet 7 Slide 639 and Slide 664.

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

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

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

Subject of course to restrictions, reservations, conditions and easements that are enforceable against the property; and matters and things apparent from a careful inspection of the premises; and any and all taxes, assessments and similar matters and things payable after the date of this Deed.

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

McNeill Group, Limited Partnership
(Corporate Name)

By: Frank A. McNeill, Jr.

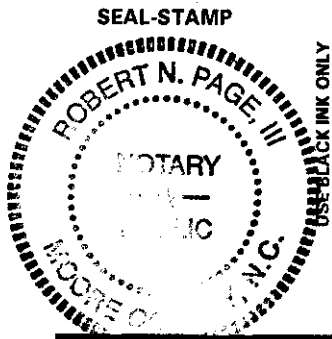
Frank A. McNeill, Jr., General Partner

ATTEST:

Secretary (Corporate Seal)

USE BLACK INK ONLY

NORTH CAROLINA-MOORE COUNTY
The foregoing certificate(s) Robert N. Page, Jr.
Page 76 a Notary/Notaries Public
is/are certified to be correct.
This 15th day of November 1999 (SEAL)
JUDITH M. ADAMS, REGISTER OF DEEDS
Carol C. Wilson ASSISTANT/DEPUTY



NORTH CAROLINA, MOORE COUNTY:
I, a Notary Public of the County and State aforesaid, certify that Frank A. McNeill, Jr., General Partner of McNeill Group, a North Carolina Limited Partnership, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 12 day of Nov., 1999.

My commission expires: 3-20-2001

Robert N. Page, Jr. Notary Public

The foregoing Certificate(s) of _____

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

REGISTER OF DEEDS FOR _____ COUNTY

By _____ Deputy/Assistant-Register of Deeds.

Exhibit A
General Warranty Deed
McNeill Group, Limited Partnership, Grantor
to
Creston Commons, LLC, Grantee

The conveyance of Lots 3 and 4, Patrick Village, as shown on a plat thereof recorded in Plat Cabinet 7, Slide 664, Moore County Registry (the "Plat") is made TOGETHER WITH the non-exclusive right privilege and easement to Grantee to construct, install, improve, remove, replace, inspect, repair, maintain, and use a system of pipelines or mains for sanitary sewer thereto, in, upon, and across Lots A and Lot 2 within the area identified as the "Utility Easement" as shown on the Plat, together with the right to go upon any reasonable portion of Lots A and Lot 2 necessary to carrying out the aforesaid activities including a temporary easement for construction (the "Easement"). As to Lot 2 Grantor has an easement on Lot 2 from the owner of Lot 2.

In connection therewith:

(1) Grantee is authorized hereunder to remove and keep removed from the easement all trees, vegetation, and other obstructions as necessary to construct, maintain, repair or protect the sanitary sewer line of lines, and appurtenances. The Grantor will, however, be allowed to plant and maintain shallow-rooted shrubs and other landscape material within the easement area, provided all risk of damage to such material caused by maintenance or repair of the sewer line and appurtenant facilities shall be with the Grantor.

(2) Following the installation of a sanitary sewer main and appurtenant facilities within the permanent easement herein described (the "Completed Sewer System") (i) any temporary construction easement interest herein conveyed to the Grantee shall terminate, and (ii) Grantee shall re-grade, mulch, and re-seed or otherwise restore all disturbed areas within the permanent and temporary easements, in accordance with generally accepted landscaping and engineering practices (iii) and the Easement shall be dedicated to the governmental authority having jurisdiction thereof.

BOOK PAGE
01568 00473

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2004 JAN 15 10:18:36 AM
BK: 2477 PG: 404-408 FEE: \$343.00
NC REVENUE STAMP: \$320.00
INSTRUMENT # 20040000858

Revenue: \$320

(For Recording Data)

Parcel Identifier/Tax Account/PIN No.:

Brief Description for the Index: Lot 4, Patrick Village, Plat Cabinet 7, Slide 664

After recording (mail to): Ragsdale Liggett, PLLC (Southern)
P.O. Box 31507, Raleigh, NC 27622

Prepared by: Ragsdale Liggett PLLC (Southern)

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED is made as of this the 31st day of December, 2003, by and between **CAROHOME, LLC**, a North Carolina limited liability company ("**Grantor**") and **CRESTON COMMONS II, LLC**, a North Carolina limited liability company ("**Grantee**") with a mailing address of c/o DHIC, Inc., 113 South Wilmington Street, Raleigh, North Carolina 27601.

For valuable consideration paid by Grantee to Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor has and by these presents does hereby grant, bargain, sell and convey unto Grantee in fee simple absolute all of that certain lot or parcel of land (the "**Premises**") located in or near the Town of Southern Pines, Moore County, North Carolina, and more particularly described on Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Premises and all privileges and appurtenances thereto belonging to Grantee in fee simple absolute.

And Grantor covenants with 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 claiming by, under or through Grantor, except the exceptions set forth on Exhibit B which exhibit is attached hereto and incorporated herein by reference.

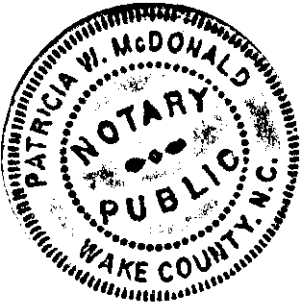
The designation of "Grantor" and "Grantee" as used in this Deed includes the parties expressly named herein, their heirs, successors, and assigns and shall include the singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, the undersigned being all the member entities of Grantor have executed this instrument under seal in their respective corporate names (as such corporations are members of Grantor) by and through their respective officer(s) all by authority duly given as of the day and year first above written

CAROHOME, LLC (SEAL)

By: **Carolina Power and Light Company, Member**

By: Thomas R. Sullivan
Name: Thomas R. Sullivan
Title: Treasurer



By: **CaroFund, Inc., Member**

By: Thomas R. Sullivan
Name: Thomas R. Sullivan
Title: VP and Treasurer

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, Patricia W. McDonald, a Notary Public for the State and County aforesaid do hereby certify that Thomas R. Sullivan, Vice President and/or Treasurer of Carolina Power and Light Company, a corporation, (the "Corporation"), Member of CAROHOME, LLC, a North Carolina limited liability company (the "Company") personally appeared before me and acknowledged that s/he is Vice President and/or Treasurer of the Corporation and that by authority duly given s/he executed the aforesaid instrument in the name of the Corporation in its capacity as member of the Company. Witness my hand and notarial seal this the 31 day of December, 2003.

My Commission Expires:

My Commission Expires 1-22-2008

Notary Public

STATE OF NORTH CAROLINA

COUNTY OF Wake

I, Patricia W. McDonald, a Notary Public for the State and County aforesaid do hereby certify that Thomas R. Sullivan, Vice President and/or Treasurer of CaroFund, Inc., (the "Corporation"), Member of CAROHOME, LLC, a North Carolina limited liability company (the "Company") personally appeared before me and acknowledged that s/he is Vice President and/or Treasurer of the Corporation and that by authority duly given s/he executed the aforesaid instrument in the name of the Corporation in its capacity as member of the Company. Witness my hand and notarial seal this the 31 day of December, 2003.

My Commission Expires:

My Commission Expires 1-22-2008

Notary Public



EXHIBIT A

LEGAL DESCRIPTION

**Special Warranty Deed from
CaroHome, LLC, Grantor
to
Creston Commons II, LLC Grantee**

Being a portion of Patrick Village located in or near the Town of Southern Pines, Moore County, North Carolina and more particularly described as follows:

Being all of Lot 4 containing 2.23 acres, more or less, as shown on plat entitled APatrick Village, a minor subdivision of Lot A,@ by Emmett S. Raynor, dated October 26, 1999, and recorded in Plat Cabinet 7, Slide 664, Moore County Registry, to which plat reference is hereby made for more particular description of same and being the same property conveyed by Creston Commons, LLC to Grantor by Creston Commons, LLC by deed dated March 27, 2000, and recorded in Book 1606, Page 220, Moore County Registry.

EXHIBIT B

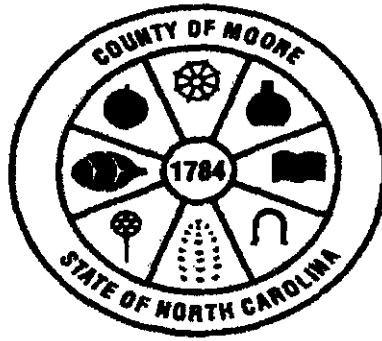
PERMITTED EXCEPTIONS

**Special Warranty Deed from
CaroHome, LLC, Grantor
to
Creston Commons II, LLC Grantee**

Lien of ad valorem Taxes for the year 2004 and subsequent years, not yet due and payable;

Matters set forth in Deed recorded in 1568, Page 471;

Matters shown on plats recorded in (i) Plat Cabinet 7, Slide 664, Moore County Registry including without limitation the notation that *"Development of Lot 4 is contingent upon prior installation of sanitary sewer extension to its boundary within the utility easement shown below."*



JUDY D. MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

Filed For Registration: 01/15/2004 10:18:36 AM

Book: RE 2477 Page: 404-408

Document No.: 2004000858

DEED 5 PGS \$343.00

NC REAL ESTATE EXCISE TAX: \$320.00

Recorder: REGINA GARNER

State of North Carolina, County of Moore

The foregoing certificate of PATRICIA W MCDONALD Notary is certified to be correct. This 15TH of January 2004

JUDY D. MARTIN , REGISTER OF DEEDS

By: Regina Garner
Deputy/Assistant Register of Deeds

2004000858

2004000858

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).

UDO Compliance

The project contemplated in this application involves removing existing white and yellow vinyl siding from eight 2-3 story residential buildings and one community building in the Creston Commons apartment community located at 555 Talmadge Road, and replacing that siding with new fiber cement lap siding (Hardie) painted as indicated in the colored renderings. The change is compliant with Section 2.26.7 of the UDO:

- The application is consistent with the Comprehensive Plan; by replacing existing siding with siding of superior quality and attractiveness, we are lengthening the lifespan of Creston Commons apartments, improving the range of housing choices available to Southern Pines residents in the future.
- The application is consistent with design standards for multi-family contained in the UDO; the buildings will continue to vary in height, color, and roofline to create visual diversity between structures.
- The change is compatible with surrounding neighborhood development. The improvement will enhance compatibility with surrounding communities by providing new and more attractive materials, and updated colors.

In terms of UDO Section 4.10, we request a deviation from building design requirement 4.10.4(c), which states that “the exterior finish of building walls shall be primarily composed of brick.” Changing siding material to brick is not feasible given the existing construction of the project and budgetary constraints. The change proposed here is a major improvement from the existing condition (and a major improvement from like-for-like replacement of the existing vinyl siding), and will improve overall community appearance.

ASPHALT REPAVING NOTE:

ALL PAVEMENT REPLACED WITH DRIVE AISLES SHALL BE HEAVY DUTY PAVEMENT, ALL OTHER AREAS SHALL BE STANDARD DUTY PAVEMENT.

LIGHTING NOTE:

NO NEW LIGHTING IS PROPOSED.

LANDSCAPING NOTE:

ALL EXISTING TREES AND SHRUBS ARE TO REMAIN. NO SHRUBS OR TREES ARE PROPOSED FOR REMOVAL.

ANY LANDSCAPING THAT IS DAMAGED DURING CONSTRUCTION SHALL BE REPLACED.

PARKING AREA STRIPING NOTE:

ALL PARKING AREA STRIPING SHALL MEET THE MINIMUM REQUIREMENTS OF THE TOWN OF SOUTHERN PINES AND ALL ADA ACCESSIBLE PARKING SHALL MEET LOCAL, STATE, AND FEDERAL STANDARDS.

SEE DETAIL ON SHEET CD-1

EROSION CONTROL NOTE:

THE TYPE OF DOWNSTREAM EROSION CONTROL MEASURES INSTALLED WILL VARY WITH EACH INDIVIDUAL AREA AND EXISTING SITE CONDITIONS. CONTRACTOR SHALL REFER TO THE DETAILS PROVIDED.

NOT ALL AREAS WILL BE DISTURBED SIMULTANEOUSLY.

Legend:

- IFP = Iron Pipe Found
- IRF = Iron Rod Found
- CMF = Concrete Monument Found
- ▲ PKF = PK Nail Found
- PKS = PK Nail Set
- = Existing Right of Way
- = Proposed Right of Way
- = Boundary Line
- = Adjacent Property Lines not Surveyed
- = Existing Setback Lines
- = Proposed Setback Lines
- = Existing Contour
- = Proposed Contour
- = Approximate Location of Existing Waterline
- = Proposed 6" Waterline
- = Approximate Location of Existing Gas Line
- = Proposed 6" Sanitary Sewer Line
- = Existing Easement
- = Proposed Easement
- = Existing Overhead Utility
- = Existing Underground Utility
- = Existing Wetland Limits
- = Existing Fence
- = Proposed Fence
- = Proposed 4" Sewer Service
- = Proposed 2" Water Service
- = Limits of Disturbance
- = Proposed Silt Fence
- = Proposed Temporary Diversion
- = Existing Stream Centerline
- = Existing Soil Road
- = Existing Gravel Road
- = Existing Light Pole
- = Proposed Light Pole
- = Existing Utility Pole
- = Proposed Utility Pole
- = Existing Water Meter
- = Proposed Water Meter
- = Existing Water Valve
- = Proposed Water Valve
- = Existing Fire Hydrant
- = Proposed Fire Hydrant
- = Existing Sanitary Sewer Manhole
- = Proposed Sanitary Sewer Manhole
- = Existing Sewer Clean out
- = Proposed Sewer Clean out
- = Curb Inlet
- = Existing Storm Drain Manhole
- = High Density Polyethylene Pipe
- = Reinforced Concrete Pipe
- = Flared End Section
- = Proposed Spot Elevation
- = 10" Pine (typ.)
- = Existing Tree to be Removed

Construction Sequence

- Obtain plan approval and other applicable permits.
- Hold preconstruction conference with Town of Southern Pines Inspector and Neal Smith Engineering at least one week prior to starting construction.
- Install downstream inlet protection prior to removal of any section of asphalt and prior to any grading.
- Install the temporary erosion control measures shown on the plans, prior to construction in those areas.
- Have Town of Southern Pines Inspector check installed devices.
- Finish the slopes as soon as rough grading is complete. Leave the surface slightly roughened and vegetate and mulch immediately.
- Complete final grading of grounds, all areas to be seeded, and permanently vegetate, landscape, and mulch.
- All erosion and sediment control practices will be inspected weekly and after rainfall events. Needed repairs will be made immediately.
- Temporarily seed exposed slopes within 21 calendar days following completion of any phase of grading, permanent groundcover for all disturbed areas within 15 working days or no more than 60 calendar days following completion of construction or development.
- Call Town of Southern Pines Inspector for final inspection and approval before removing any temporary measures.
- After site is stabilized, remove all temporary measures and install permanent vegetation on the disturbed area.

See Erosion Control Note:



Know what's below.
Call before you dig.

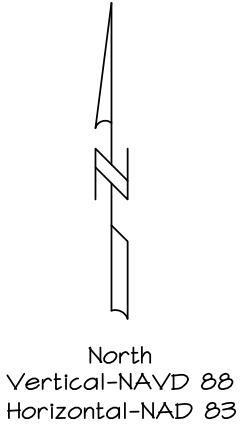
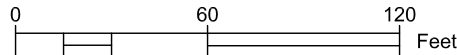
North Carolina One Call Center: 811 or 800-632-4444

It will be the responsibility of the contractor to contact the North Carolina One Call Center (811 or 800-632-4444) at least 48 hours prior to site excavation, grading, or digging to locate all existing utilities.

ADA ACCESSIBILITY NOTE:

ALL ADA ACCESSIBLE PARKING SPACES WILL HAVE A MAXIMUM SLOPE OF 2.0% IN ALL DIRECTIONS.

ALL ADA ACCESSIBLE ROUTES SHALL HAVE A MAXIMUM SIDE SLOPE OF 2.0% AND MAXIMUM RUNNING SLOPE OF 5.0%



North
Vertical-NAVD 88
Horizontal-NAD 83

BACKFLOW PREVENTION NOTE

A BACKFLOW PREVENTER SHALL BE ADDED TO ALL EXISTING WATER METERS.

For Residential properties:

The backflow device shall be installed according to the NC Plumbing Code within ten feet of the meter on the customer's service line. Any water meters for service lines, in which a backflow device are required, will not be installed until full backflow compliance is assured. This includes proper installation, testing and verified reception of testing data by "BSI Online" from back flow tester. Contact For BSI Online Fax: 1-888-414-4990, Email: bsionline@backflow.com

For Commercial properties:

The backflow device shall be installed according to the NC Plumbing Code and within ten feet of the meter on the customer's service line on all new developments where applicable. Inside building BFP's are acceptable when meeting the NC Plumbing Code and proper drainage is available. Any water meters for service lines, in which a backflow device are required, will not be installed until full backflow compliance is assured. This includes proper installation, testing and verified reception of testing data by "BSI Online" from back flow tester. Contact For BSI Online Fax: 1-888-414-4990, Email: bsionline@backflow.com

MAP REFERENCES:

1. PATRICK VILLAGE RECOMBINATION OF LOTS 3 & 4, MCNEILL TOWNSHIP, MOORE COUNTY, SOUTHERN PINES, NORTH CAROLINA MADE FOR CRESTON COMMONS, LLC, DATED 10-26-99 REVISED TO 12-18-01, SCALE 1"=100', BY EMMETT S. RAYNOR, L-2521

N/F
KYLE P. EASTMAN
LEIGH W. EASTMAN
275 KINGS RIDGE COURT
BOOK 5615 PAGE 68
PARCEL ID 20050390
PIN 857218206971
ZONED RS-200
USE: RESIDENTIAL

N/F
PLANTATION INVESTORS, LLC
BOOK 2069 PAGE 533
PARCEL ID 20071163
PIN 857200116824
ZONED RS-200
USE: UNDEVELOPED

N/F
HAWTHORNE PINECREST, LLC
BOOK 4089 PAGE 187
PARCEL ID 00037586
PIN 857217103696
ZONED GB
USE: COMMERCIAL

N/F
THE MCNEILL GROUP
BOOK 896 PAGE 76
PARCEL ID 2020459
PIN 857217203555
ZONED PD
USE: COMMERCIAL

N/F
MCNEILL MORGANTON, INC.
BOOK 1915 PAGE 329
PARCEL ID 20020140
PIN 857218206431
ZONED PD
USE: UNDEVELOPED

N/F
MORGANTON PARK REALTY LLC
BOOK 5802 PAGE 414
PARCEL ID 20150046
PIN 857100392796
ZONED PD
USE: UNDEVELOPED

CRESTON COMMONS

SOUTHERN PINES, NC

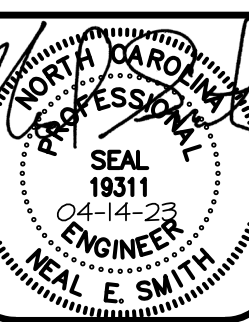
SITE LAYOUT PLAN

Neal Smith Engineering, Inc.

139 Pinchurst Avenue - Suite C
Southern Pines, NC 28387
Phone: (910) 695-4825
Fax: (910) 695-4832
www.nseengineering.com
License No. C-1425

TSN

SEAL



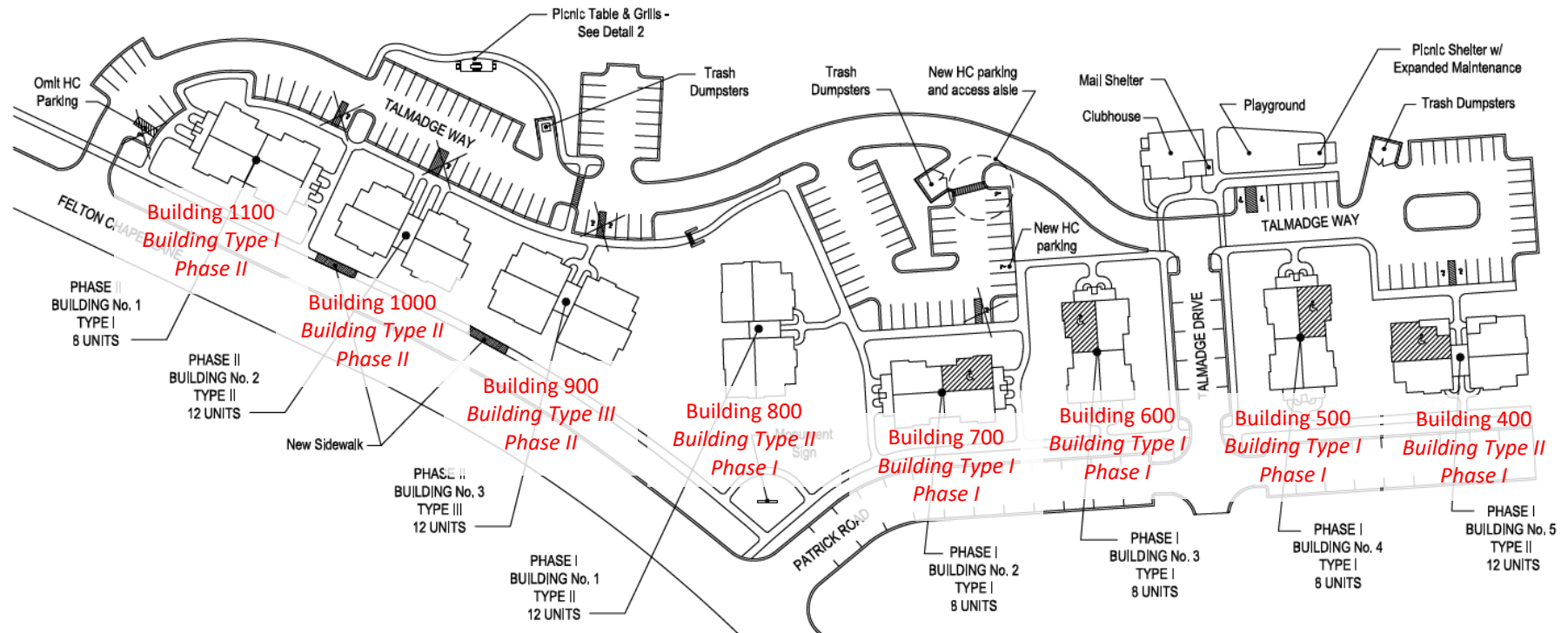
PRELIMINARY

Do not use
for
construction

DRAWN BY:
BCW
SCALE:
As Noted
DATE:
03-10-23
JOB NUMBER:
2200689
DRAWING KEY:
SP-1

THIS DRAWING IS THE PROPERTY OF NEAL SMITH ENGINEERING, INC., AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.

Creston Commons – Building Key





Building Type I - Phase II Front/Rear Elevations

SCALE: 3/16"=1'-0"

4



Building Type I - Phase II Side Elevations

SCALE: 3/16"=1'-0"

3



Building Type I - Phase I Side Elevations

SCALE: 3/16"=1'-0"

2



Building Type I - Phase I Front/Rear Elevations

SCALE: 3/16"=1'-0"

1

ELEVATION NOTES

1. BASE PLANS ARE TAKEN FROM EXISTING CONDITION DRAWINGS. VERIFY ALL CONDITIONS IN FIELD.
2. SEE SHEET G1 FOR "SCOPE OF WORK".
3. ALL NEW WORK TO COMPLY WITH ADA / UFAS / NCHFA REGULATIONS PER 2022 QAP.

PAINT COLOR LEGEND

- PURE WHITE SW7005
- SENSIBLE HUE SW6198
- ILLUSIVE GREEN SW9164

ELEVATION KEYNOTES

- 1 NEW ALSHPLT SHINGLE ROOF, TYPICAL. SEE SCOPE OF WORK FOR EXTENT.
- 2 INSTALL NEW INSULATED UNIT ENTRY DOOR, TYP.
- 3 EXISTING VENTED SOFFIT TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 4 EXISTING VINYL RAILINGS / GUARDRAILS TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 5 NOT USED.
- 6 REPAIR GWS AT SPRINKLER CLOSETS. INSTALL NEW HEATER, TYP.
- 7 EXAMINE ALL ATTIC SEPARATION PARTITIONS AND REPAIR AS REQ.
- 8 INSTALL HARDIE BOARD SIDING AND BUILDING WRAP, TYP.
- 9 REPAIR OR REPLACE VINYL WINDOWS AS NEEDED, TYP.
- 10 RE-POINT ALL EXISTING MASONRY.
- 11 PRESSURE WASH ALL DECKING & HANDRAILS AT BREEZEWAYS. REPAIR AS REQ.
- 12 INVENTORY EXISTING PATIO DOORS AND REPLACE AS REQ. SEE SCOPE OR WORK.
- 13 INSPECT AND REPAIR ALL BALCONY WALLS AND FRAMING AND REPLACE ANY ROT OR DETERIORATION.
- 14 NOT USED.
- 15 REMOVE ALL EXISTING GABLE VENTS. INFILL AND FINISH TO MATCH, TYP.
- 16 EXISTING ROOF TO REMAIN.
- 17 INSPECT EXISTING CUPOLA. REPAIR AS NECESSARY, OR REMOVE IF DAMAGED BEYOND REASONABLE REPAIR.
- 18 REMOVE EXISTING MAILBOXES AND INSTALL NEW MAILBOXES THAT MEET ADA AND NCHFA REQUIREMENTS.

TISE · KIESTER
ARCHITECTS

TKa

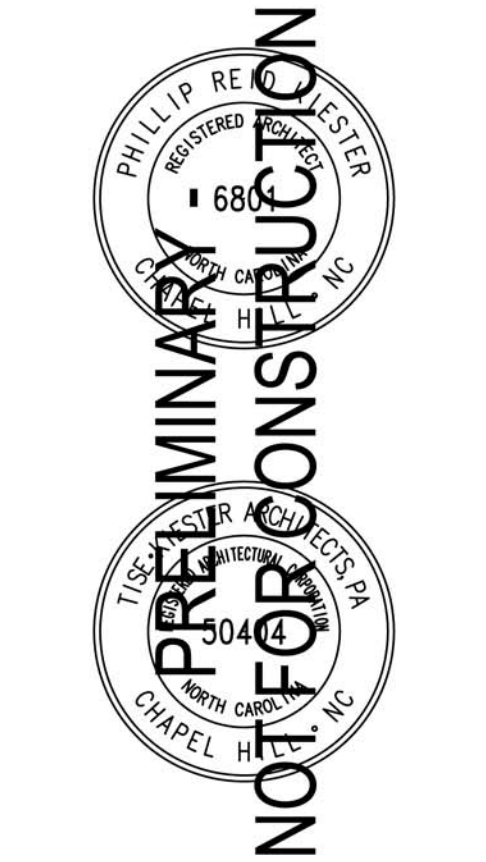
119 E. Franklin St. Suite 300
Chapel Hill, NC 27514
Tel: 919.967.0158
Fax: 919.967.0159
www.tisekiester.com

These drawings have been commissioned for this construction project and remain the property of Tise-Kiester Architects. No reproduction or use is allowed without first obtaining the Architect's written consent.

Creston Commons

Southern Pines, NC

- Job Number: -
- Date: 2022-0121
- Revisions:



Building Type I - Phases I & II
Exterior Elevations

Sheet

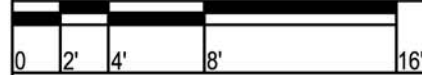
A2.1



Building Type II - Phase I Rear Elevation

SCALE: 1/8"=1'-0"

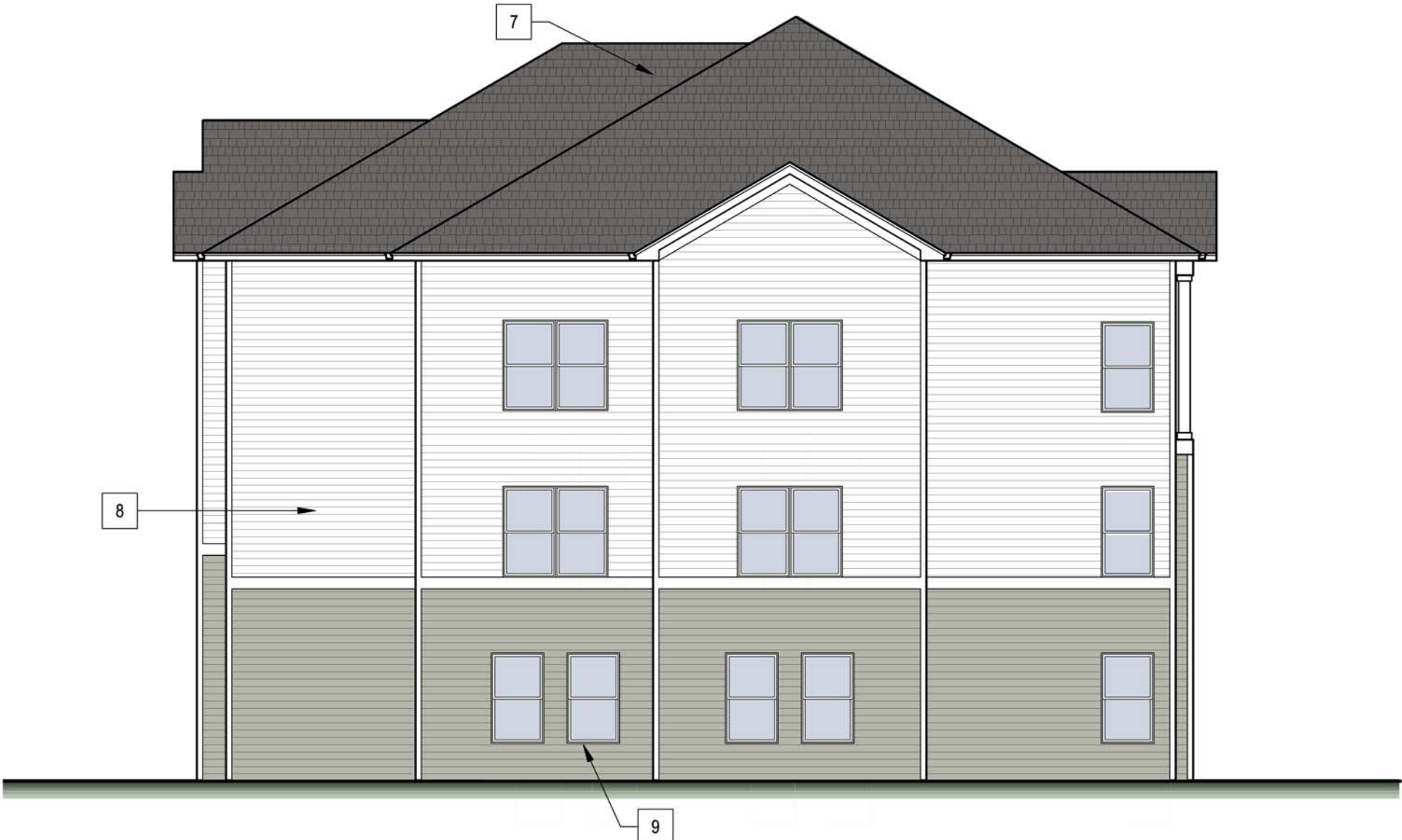
4



Building Type II - Phase I Side Elevation

SCALE: 1/8"=1'-0"

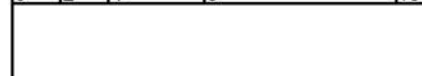
3



Building Type II - Phase I Side Elevation

SCALE: 1/8"=1'-0"

2



Building Type II - Phase I Front Elevation

SCALE: 1/8"=1'-0"

1



ELEVATION NOTES

1. BASE PLANS ARE TAKEN FROM EXISTING CONDITION DRAWINGS. VERIFY ALL CONDITIONS IN FIELD.
2. SEE SHEET G1 FOR "SCOPE OF WORK".
3. ALL NEW WORK TO COMPLY WITH ADA / UFAS / NCHFA REGULATIONS PER 2022 QAP.

PAINT COLOR LEGEND

- PURE WHITE SW7005
- SENSIBLE HUE SW6198
- ILLUSIVE GREEN SW9164

ELEVATION KEYNOTES

- 1 NEW ALSPHALT SHINGLE ROOF, TYPICAL. SEE SCOPE OF WORK FOR EXTENT.
- 2 INSTALL NEW INSULATED UNIT ENTRY DOOR, TYP.
- 3 EXISTING VENTED SOFFIT TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 4 EXISTING VINYL RAILINGS / GUARDRAILS TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 5 NOT USED.
- 6 REPAIR GWS AT SPRINKLER CLOSETS. INSTALL NEW HEATER, TYP.
- 7 EXAMINE ALL ATTIC SEPARATION PARTITIONS AND REPAIR AS REQ.
- 8 INSTALL HARDIE BOARD SIDING AND BUILDING WRAP, TYP.
- 9 REPAIR OR REPLACE VINYL WINDOWS AS NEEDED, TYP.
- 10 RE-POINT ALL EXISTING MASONRY.
- 11 PRESSURE WASH ALL DECKING & HANDRAILS AT BREEZEWAYS. REPAIR AS REQ.
- 12 INVENTORY EXISTING PATIO DOORS AND REPLACE AS REQ. SEE SCOPE OR WORK.
- 13 INSPECT AND REPAIR ALL BALCONY WALLS AND FRAMING AND REPLACE ANY ROT OR DETERIORATION.
- 14 NOT USED.
- 15 REMOVE ALL EXISTING GABLE VENTS. INFILL AND FINISH TO MATCH, TYP.
- 16 EXISTING ROOF TO REMAIN.
- 17 INSPECT EXISTING CUPOLA. REPAIR AS NECESSARY, OR REMOVE IF DAMAGED BEYOND REASONABLE REPAIR.
- 18 REMOVE EXISTING MAILBOXES AND INSTALL NEW MAILBOXES THAT MEET ADA AND NCHFA REQUIREMENTS.

These drawings have been commissioned for this construction project and remain the property of Tise-Kiester Architects. No reproduction or use is allowed without first obtaining the Architect's written consent.

Creston Commons

Southern Pines, NC

- Job Number: -
- Date: 2022-0121
- Revisions:



Building Type II - Phase I
Exterior Elevations

Sheet

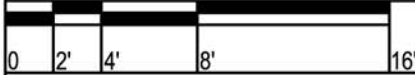
A2.2



Building Type II - Phase II Rear Elevation

SCALE: 1/8"=1'-0"

4



Building Type II - Phase II Side Elevation

SCALE: 1/8"=1'-0"

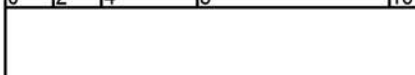
3



Building Type II - Phase II Side Elevation

SCALE: 1/8"=1'-0"

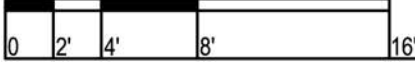
2



Building Type II - Phase II Front Elevation

SCALE: 1/8"=1'-0"

1



ELEVATION NOTES

1. BASE PLANS ARE TAKEN FROM EXISTING CONDITION DRAWINGS. VERIFY ALL CONDITIONS IN FIELD.
2. SEE SHEET G1 FOR "SCOPE OF WORK".
3. ALL NEW WORK TO COMPLY WITH ADA / UFAS / NCHFA REGULATIONS PER 2022 QAP.

PAINT COLOR LEGEND

- PURE WHITE SW7005
- SENSIBLE HUE SW6198
- ILLUSIVE GREEN SW9164

ELEVATION KEYNOTES

- 1 NEW ASPHALT SHINGLE ROOF, TYPICAL. SEE SCOPE OF WORK FOR EXTENT.
- 2 INSTALL NEW INSULATED UNIT ENTRY DOOR, TYP.
- 3 EXISTING VENTED SOFFIT TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 4 EXISTING VINYL RAILINGS / GUARDRAILS TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 5 NOT USED.
- 6 REPAIR GWS AT SPRINKLER CLOSETS. INSTALL NEW HEATER, TYP.
- 7 EXAMINE ALL ATTIC SEPARATION PARTITIONS AND REPAIR AS REQ.
- 8 INSTALL HARDIE BOARD SIDING AND BUILDING WRAP, TYP.
- 9 REPAIR OR REPLACE VINYL WINDOWS AS NEEDED, TYP.
- 10 RE-POINT ALL EXISTING MASONRY.
- 11 PRESSURE WASH ALL DECKING & HANDRAILS AT BREEZEWAYS. REPAIR AS REQ.
- 12 INVENTORY EXISTING PATIO DOORS AND REPLACE AS REQ. SEE SCOPE OR WORK.
- 13 INSPECT AND REPAIR ALL BALCONY WALLS AND FRAMING AND REPLACE ANY ROT OR DETERIORATION.
- 14 NOT USED.
- 15 REMOVE ALL EXISTING GABLE VENTS. INFILL AND FINISH TO MATCH, TYP.
- 16 EXISTING ROOF TO REMAIN.
- 17 INSPECT EXISTING CUPOLA. REPAIR AS NECESSARY, OR REMOVE IF DAMAGED BEYOND REASONABLE REPAIR.
- 18 REMOVE EXISTING MAILBOXES AND INSTALL NEW MAILBOXES THAT MEET ADA AND NCHFA REQUIREMENTS.

These drawings have been commissioned for this construction project and remain the property of Tise-Kiester Architects. No reproduction or use is allowed without first obtaining the Architect's written consent.

Creston
Commons

Southern Pines, NC

- Job Number: -
- Date: 2022-0121
- Revisions:



Building Type II - Phase II
Exterior Elevations

Sheet

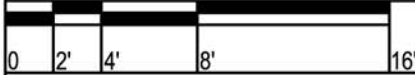
A2.3



Building Type III - Phase II Rear Elevation

SCALE: 1/8"=1'-0"

4



Building Type III - Phase II Side Elevation

SCALE: 1/8"=1'-0"

3



Building Type III - Phase II Side Elevation

SCALE: 1/8"=1'-0"

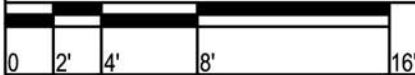
2



Building Type III - Phase II Front Elevation

SCALE: 1/8"=1'-0"

1



ELEVATION NOTES

1. BASE PLANS ARE TAKEN FROM EXISTING CONDITION DRAWINGS. VERIFY ALL CONDITIONS IN FIELD.
2. SEE SHEET G1 FOR "SCOPE OF WORK".
3. ALL NEW WORK TO COMPLY WITH ADA / UFAS / NCHFA REGULATIONS PER 2022 QAP.

PAINT COLOR LEGEND

- PURE WHITE SW7005
- SENSIBLE HUE SW6198
- ILLUSIVE GREEN SW9164

ELEVATION KEYNOTES

- 1 NEW ALSPHALT SHINGLE ROOF, TYPICAL. SEE SCOPE OF WORK FOR EXTENT.
- 2 INSTALL NEW INSULATED UNIT ENTRY DOOR, TYP.
- 3 EXISTING VENTED SOFFIT TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 4 EXISTING VINYL RAILINGS / GUARDRAILS TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 5 NOT USED.
- 6 REPAIR GWS AT SPRINKLER CLOSETS. INSTALL NEW HEATER, TYP.
- 7 EXAMINE ALL ATTIC SEPARATION PARTITIONS AND REPAIR AS REQ.
- 8 INSTALL HARDIE BOARD SIDING AND BUILDING WRAP, TYP.
- 9 REPAIR OR REPLACE VINYL WINDOWS AS NEEDED, TYP.
- 10 RE-POINT ALL EXISTING MASONRY.
- 11 PRESSURE WASH ALL DECKING & HANDRAILS AT BREEZEWAYS. REPAIR AS REQ.
- 12 INVENTORY EXISTING PATIO DOORS AND REPLACE AS REQ. SEE SCOPE OR WORK.
- 13 INSPECT AND REPAIR ALL BALCONY WALLS AND FRAMING AND REPLACE ANY ROT OR DETERIORATION.
- 14 NOT USED.
- 15 REMOVE ALL EXISTING GABLE VENTS. INFILL AND FINISH TO MATCH, TYP.
- 16 EXISTING ROOF TO REMAIN.
- 17 INSPECT EXISTING CUPOLA. REPAIR AS NECESSARY, OR REMOVE IF DAMAGED BEYOND REASONABLE REPAIR.
- 18 REMOVE EXISTING MAILBOXES AND INSTALL NEW MAILBOXES THAT MEET ADA AND NCHFA REQUIREMENTS.

TISE · KIESTER
ARCHITECTS

TKa

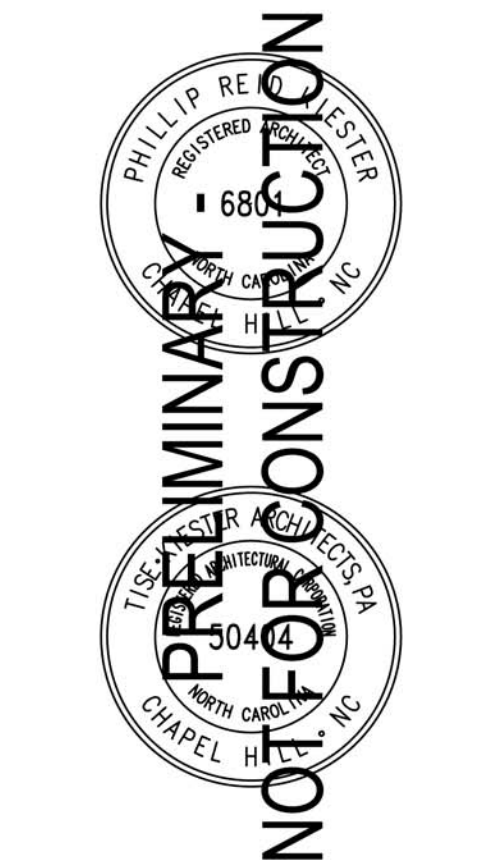
119 E. Franklin St. Suite 300
Chapel Hill, NC 27514
Tel: 919.967.0158
Fax: 919.967.0159
www.tisekiester.com

These drawings have been commissioned for this construction project and remain the property of Tise-Kiester Architects. No reproduction or use is allowed without first obtaining the Architect's written consent.

Creston Commons

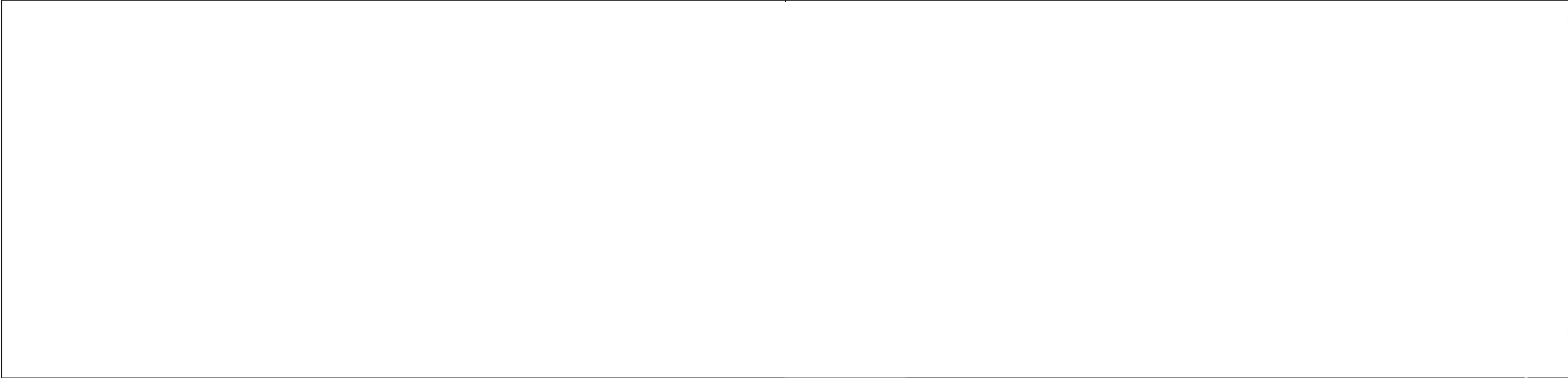
Southern Pines, NC

- Job Number: -
- Date: 2022-0121
- Revisions:



Building Type III - Phase II
Exterior Elevations

Sheet
A2.4



ELEVATION NOTES

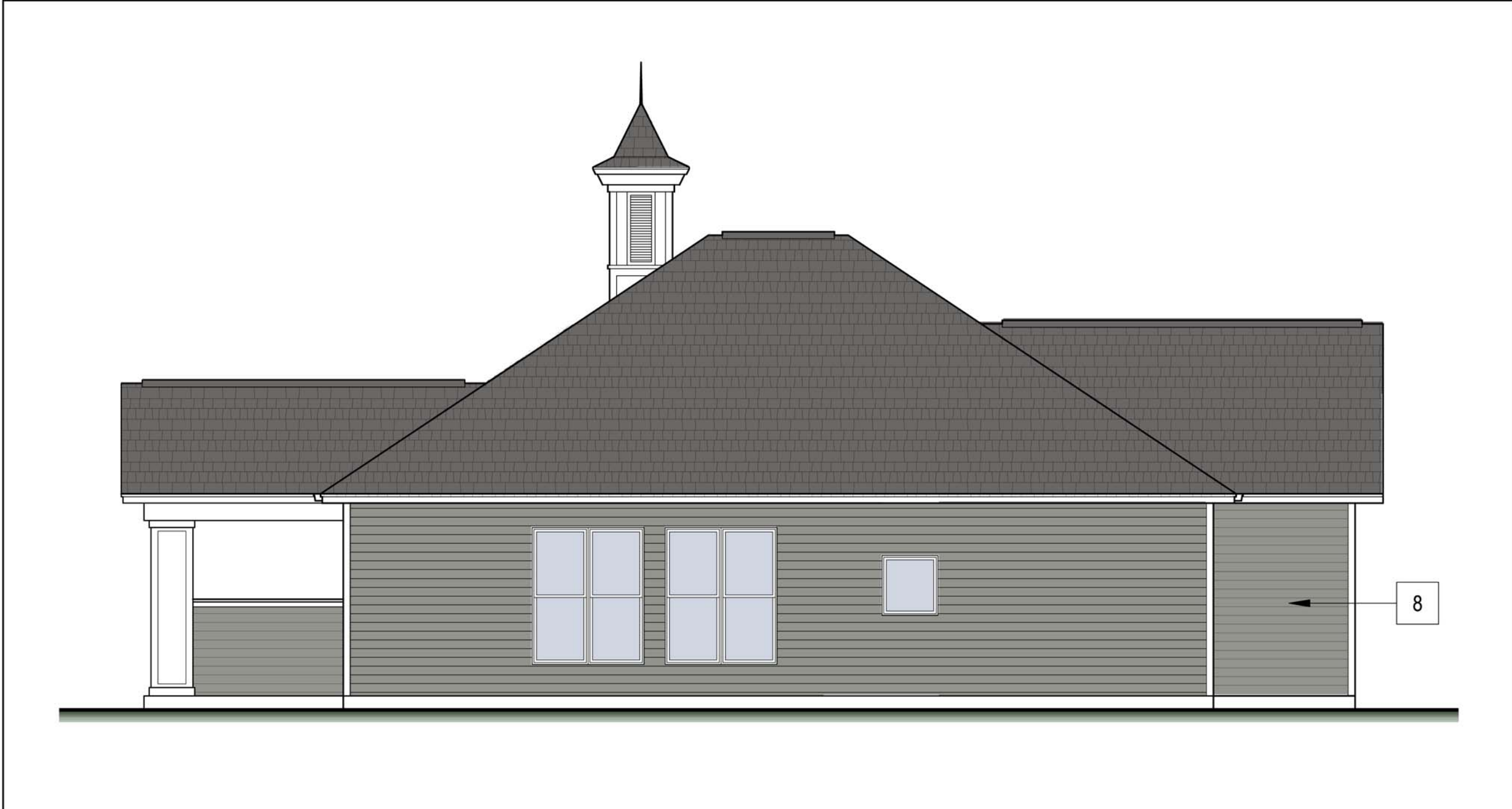
1. BASE PLANS ARE TAKEN FROM EXISTING CONDITION DRAWINGS. VERIFY ALL CONDITIONS IN FIELD.
2. SEE SHEET G1 FOR "SCOPE OF WORK".
3. ALL NEW WORK TO COMPLY WITH ADA / UFAS / NCHFA REGULATIONS PER 2022 QAP.

PAINT COLOR LEGEND

- PURE WHITE SW7005
- SENSIBLE HUE SW6198
- ILLUSIVE GREEN SW9164

ELEVATION KEYNOTES

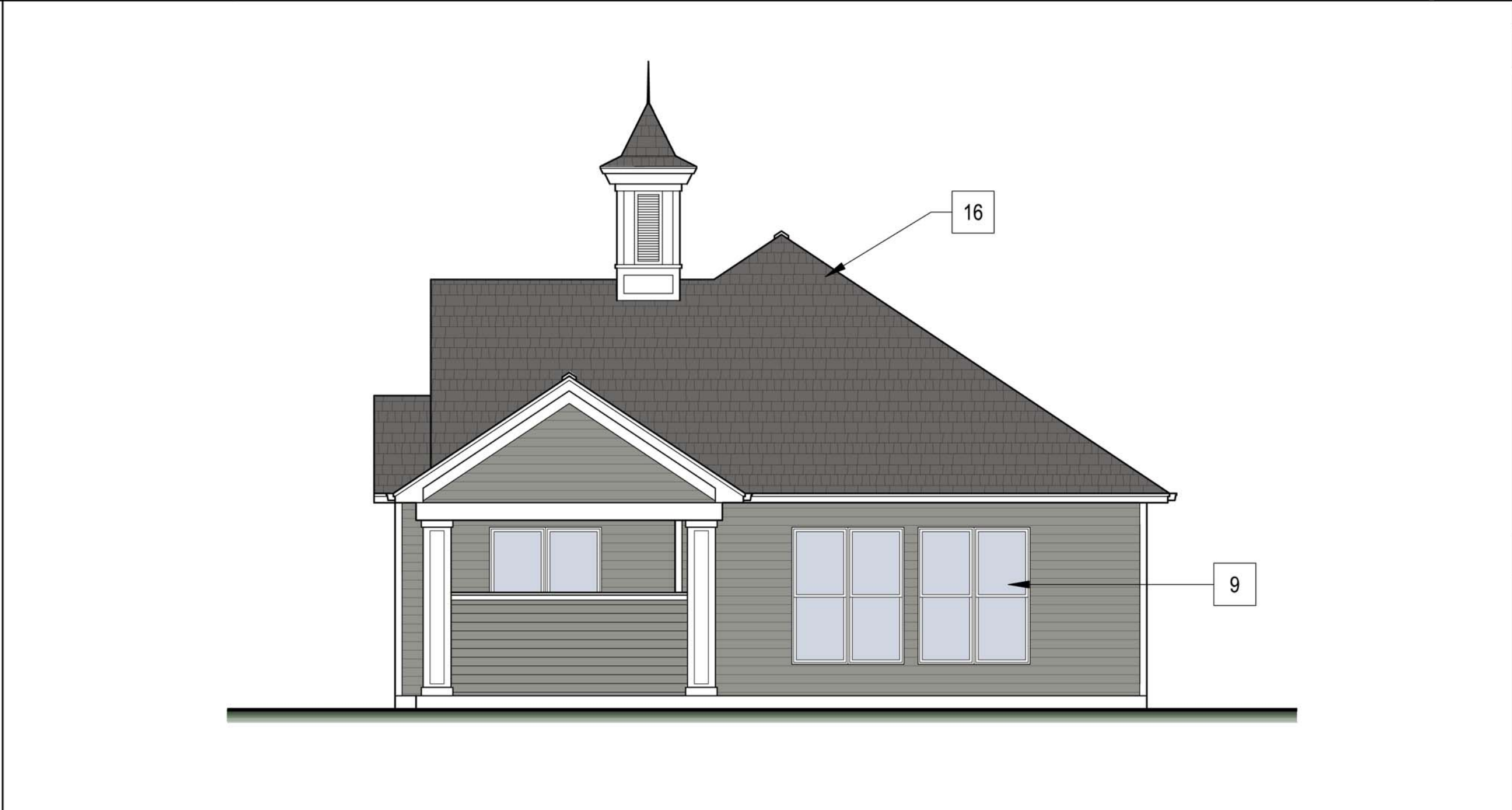
- 1 NEW ALSPHALT SHINGLE ROOF, TYPICAL. SEE SCOPE OF WORK FOR EXTENT.
- 2 INSTALL NEW INSULATED UNIT ENTRY DOOR, TYP.
- 3 EXISTING VENTED SOFFIT TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 4 EXISTING VINYL RAILINGS / GUARDRAILS TO REMAIN, TYP. CLEAN AND REPAIR AS REQ.
- 5 NOT USED.
- 6 REPAIR GWB AT SPRINKLER CLOSETS. INSTALL NEW HEATER, TYP.
- 7 EXAMINE ALL ATTIC SEPARATION PARTITIONS AND REPAIR AS REQ.
- 8 INSTALL HARDIE BOARD SIDING AND BUILDING WRAP, TYP.
- 9 REPAIR OR REPLACE VINYL WINDOWS AS NEEDED, TYP.
- 10 RE-POINT ALL EXISTING MASONRY.
- 11 PRESSURE WASH ALL DECKING & HANDRAILS AT BREEZEWAYS. REPAIR AS REQ.
- 12 INVENTORY EXISTING PATIO DOORS AND REPLACE AS REQ. SEE SCOPE OR WORK.
- 13 INSPECT AND REPAIR ALL BALCONY WALLS AND FRAMING AND REPLACE ANY ROT OR DETERIORATION.
- 14 NOT USED.
- 15 REMOVE ALL EXISTING GABLE VENTS. INFILL AND FINISH TO MATCH, TYP.
- 16 EXISTING ROOF TO REMAIN.
- 17 INSPECT EXISTING CUPOLA. REPAIR AS NECESSARY, OR REMOVE IF DAMAGED BEYOND REASONABLE REPAIR.
- 18 REMOVE EXISTING MAILBOXES AND INSTALL NEW MAILBOXES THAT MEET ADA AND NCHFA REQUIREMENTS.



Clubhouse Rear Elevation

SCALE: 3/16"=1'-0"

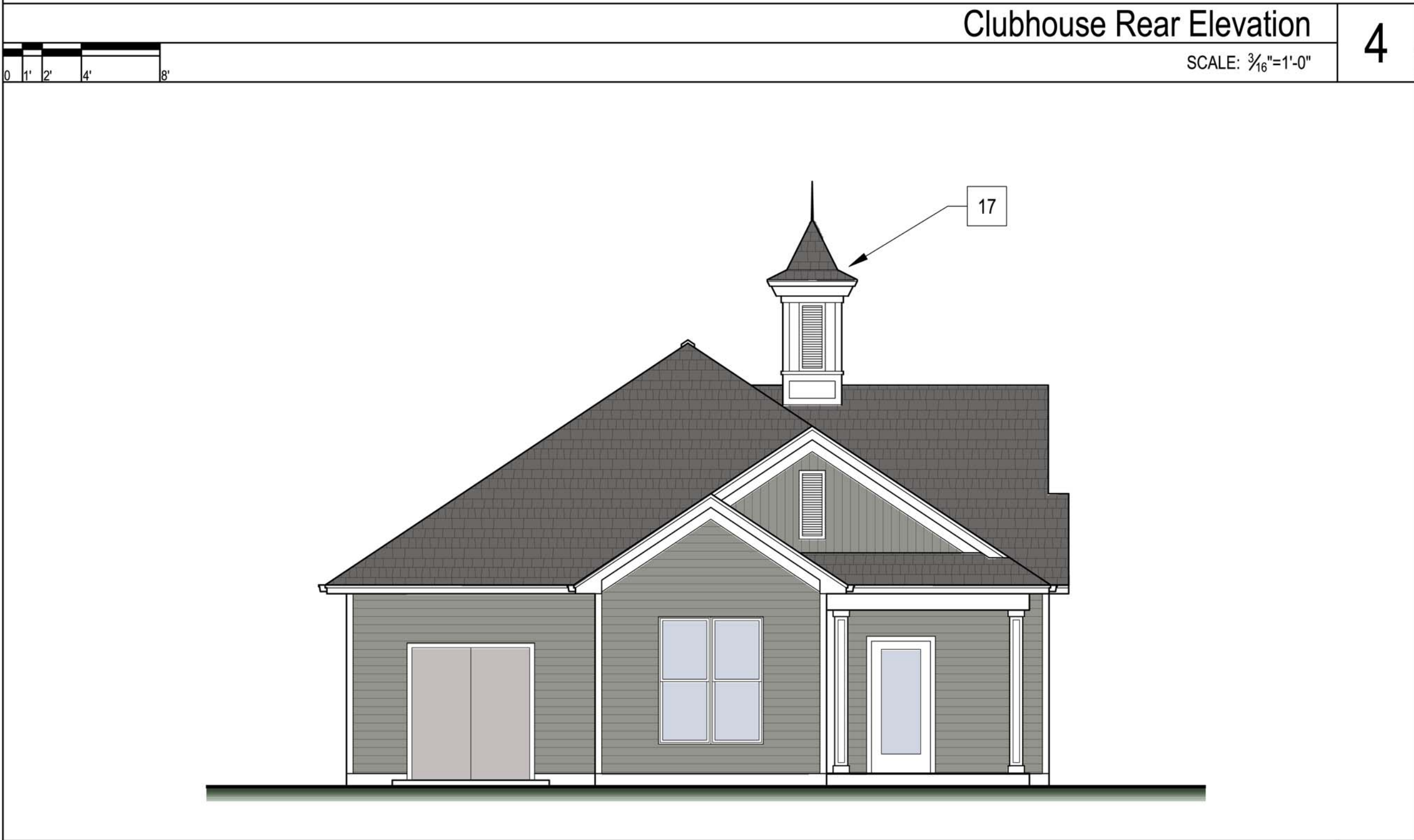
4



Clubhouse Side Elevation

SCALE: 3/16"=1'-0"

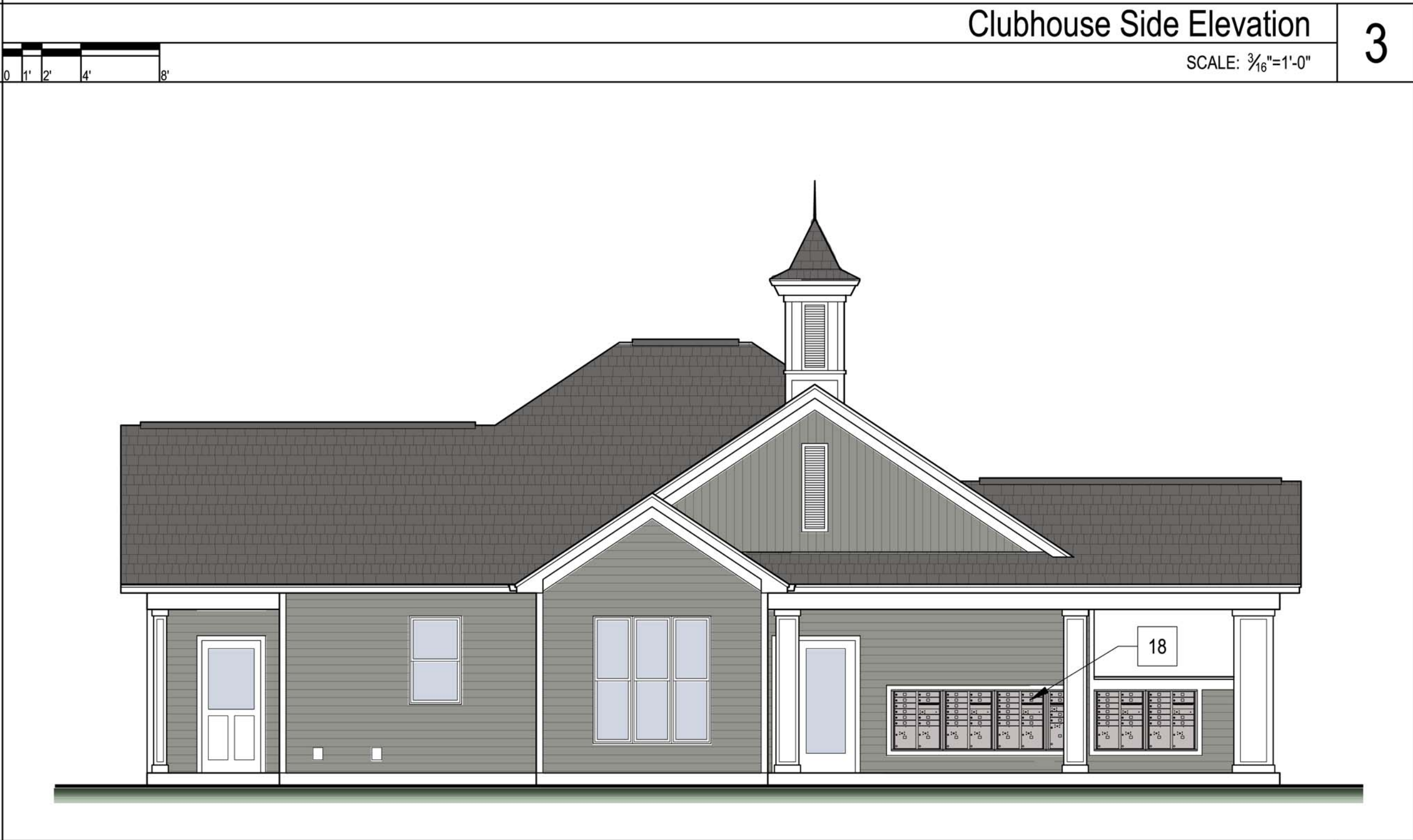
3



Clubhouse Side Elevation

SCALE: 3/16"=1'-0"

2



Clubhouse Front Elevation

SCALE: 3/16"=1'-0"

1

These drawings have been commissioned for this construction project and remain the property of Tise-Kiester Architects. No reproduction or use is allowed without first obtaining the Architect's written consent.

Creston Commons

Southern Pines, NC

- Job Number: -
- Date: 2022-0121
- Revisions:



Clubhouse
Exterior Elevations
Sheet
A2.5

Building 400



Building 500



Building 600



Building 700



Building 800



Building 900

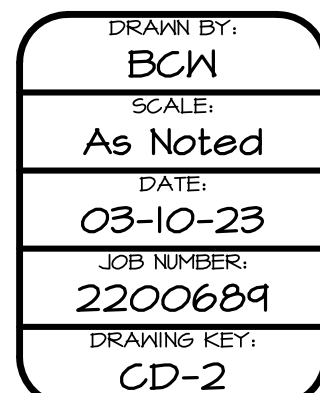
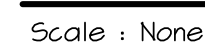
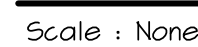


Building 1000



Building 1100





From: [Alaina Mallette](#)
To: ["patrick@dhic.org"](mailto:patrick@dhic.org)
Cc: [BJ Grieve](#)
Subject: RE: Southern Pines Appendices
Date: Thursday, January 12, 2023 4:29:13 PM

Good afternoon, Patrick, and thank you for your follow-up email regarding the Creston Commons improvements. To your points:

1. This really gets at 4.10.1 Applicability in the town's UDO, which states "*The commercial building design standards of this section are applicable to the new Development and reDevelopment of all commercial structures in any zoning district. The standards may be modified pursuant to Architectural Compliance Permit or Certificate of Appropriateness approval. For purposes of this section, reDevelopment does not include any project that is considered routine maintenance, such as painting, re-roofing or replacement or repair of existing doors, windows, trim or existing walls. Remodeling that involves the change of an exterior portion of a building shall comply with these standards for portion of the building being changed.*" Since, the structures are non-conforming, thus triggering 7.4 Non-Conforming Structures, which states, "*Subject to all limitations in this chapter, any non-conforming structure may be occupied, operated, and maintained in a state of good repair, but no non-conforming structure shall be enlarged or extended.*"
 - a. What I have highlighted most likely applies to your project. However, we need you to confirm precisely what siding and color siding will be used. We interpret vinyl and Hardie siding to be quite different. If the current vinyl siding and color will be replaced with the same/similar vinyl siding and color, then that would constitute "routine maintenance." If you replace the vinyl siding with vinyl siding of a different color or with Hardie siding, then you would have to apply for a Architectural Compliance Permit and would need to request a deviation for 4.10.4(C), which the Town Council may grant.
2. It appears that you intend to enlarge the porch area to accommodate the new orientation of mailboxes, but not the building itself, is that correct? We don't see an issue with that, but you will definitely need to include that information on the site plan, and perhaps include a comment in your "general notes" section that explains the porch modification for ADA compliance. That will help our team review and may save you have to make an edit down the road. A porch expansion would trigger some building code compliance standards, so for that reason you should be as clear as possible.

I hope that helps you move forward. Reach out if you have any further questions, otherwise we'll be on the lookout for the site plan submittal.

Best wishes,

Alaina

Alaina Mallette, MSc
Senior Planner

Planning Department

Town of Southern Pines

801 SE Service Road, Southern Pines, NC 28387

(910) 692-4003 x7232

amallette@southernpines.net



From: BJ Grieve <BJGrieve@southernpines.net>
Sent: Tuesday, January 10, 2023 9:11 PM
To: Alaina Mallette <amallette@southernpines.net>
Subject: Fwd: Southern Pines Appendices

Let's discuss.

Sent from my iPhone

Begin forwarded message:

From: Patrick Nerz <patrick@dhic.org>
Date: January 10, 2023 at 8:51:25 PM EST
To: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: Southern Pines Appendices

Thank you BJ, and nice to meet you all today. I really appreciate the pre-application meeting—that is a great way to start the process, and I apologize that we submitted some old information that confused our current plans and caused unnecessary work for you all.

As soon as I started driving away, I realized that I failed to mention two items that I meant to bring up. Both minor in my mind, but please let me know if either of these raise questions or cause concerns:

1. We are planning to replace the existing vinyl siding on all buildings with new vinyl or new Hardie siding.
2. We need to rework the mailboxes to make sure they all meet current ADA standards for height, which will require that add linear feet of mailbox area (the blue highlighted area below):



Thanks again,
Patrick

Patrick Nerz

Project Manager
113 S Wilmington Street | Raleigh, NC 27601
(919) 349-4980

DHIC | HOME TO OPPORTUNITY

Visit us on the [web](#) | Like us on [Facebook](#) | Follow us on [Twitter](#)

This electronic communication (including attachments) may contain confidential information intended only for the use of the named recipient. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. If you have received this communication in error, please immediately notify us by return message or by telephone and delete this communication from your system. Thank you.

From: BJ Grieve <BJGrieve@southernpines.net>

Sent: Tuesday, January 10, 2023 2:25 PM

To: Patrick Nerz <patrick@dhic.org>

Subject: Southern Pines Appendices

BJ Grieve, AICP[®], CFM[®], CZO
Planning Director
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>

From: [Patrick Nerz](#)
To: [Alaina Mallette](#)
Cc: [Cindy Williams](#)
Subject: RE: AR-04-23 Creston Commons at 555 Talmadge Way Completeness Review
Date: Tuesday, March 14, 2023 8:37:52 AM
Attachments: [image001.png](#)

Hi Alaina,

See below, in blue. Thanks,

Patrick

Patrick Nerz

Project Manager
113 S Wilmington Street | Raleigh, NC 27601
(919) 349-4980

DHIC | HOME TO OPPORTUNITY

Visit us on the [web](#) | Like us on [Facebook](#) | Follow us on [Twitter](#)

This electronic communication (including attachments) may contain confidential information intended only for the use of the named recipient. If you are not the intended recipient, you are not authorized to intercept, read, print, retain, copy, forward, or disseminate this communication. If you have received this communication in error, please immediately notify us by return message or by telephone and delete this communication from your system. Thank you.

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, March 13, 2023 4:12 PM
To: Patrick Nerz <patrick@dhic.org>
Cc: Cindy Williams <CWilliams@southernpines.net>
Subject: AR-04-23 Creston Commons at 555 Talmadge Way Completeness Review

Good morning, Patrick

Our office received the application for an Architectural Compliance Permit for the siding replacement of PARIDs 99000583 and 99000584 (555 Talmadge Way) on March 13, 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-04-23 for Creston Commons 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 additional details on the following:

- The percentage of each building material being proposed (note that I know Creston Commons

is requesting a deviation for this, but we'd like to see what percentage of each is being proposed for our records); All siding material (except brick) is to be removed and replaced, so I'm guessing that you are asking for the percentage of each color of Hardie siding? I can ask our architect to estimate those percentages.

- The proposed color of the new asphalt shingle roofing; 5 of the 8 buildings had new roofs installed within the last ~3 years. The remaining 3 roofs will be removed and replaced to match the other 5. They have a standard gray/black shingle—the photo of Building 600 in the ACP package shows the “final” roofs pretty clearly. Let me know if you'd like me to find a spec.
- Are there any changes being proposed to the screening of the dumpsters?; and The dumpsters corrals will be removed and rebuilt; elevations and details for this are included in our site plan submission, per instruction at the pre-submittal meeting.
- Lastly, for now, will any signage be changing/updated/added? Not signage, but we plan to remove the pergola adjacent to the existing monument sign (screenshot from Google Maps below). This is included in the site plan submission. No changes to the monument sign are currently proposed. If we do want to make changes down the road, I know that I will need to submit another ACP for it.



Thank you, in advance, for getting this information to us.

This application is currently scheduled for the Town Council agenda meeting on May 2, 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

From: [Alaina Mallette](#)
To: "Patrick Nerz"
Subject: AR-04-23 Creston Commons - Request for Additional Information
Date: Wednesday, April 26, 2023 8:52:00 AM
Attachments: [image001.png](#)

Hello Patrick,

Thanks for making some time this morning to speak with me. Here is a table summarizing compliance of each building with each of the applicable UDO 4.10.4 standards.

Building	(A) (1)	(B)(2)	(C)	(D) (1)	(D) (3)	(G) (2)	(G) (3)	(H)
400	✓	✓	✗	✓	?	✓	✓	✓
500	✓	✓	✗	✓	?	✓	✓	✗
600	✓	✓	✗	✓	?	✓	✓	✗
700	✗	✓	✗	✓	?	✓	✓	✗
800	✗	✓	✗	✓	?	✓	✓	✗
900	✗	✓	✗	✓	?	✓	✓	✓
1000	✗	✓	✗	✓	?	✓	✓	✓
1100	✗	✓	✗	✓	?	✓	✓	✗
Clubhouse	✓	✓	✗	✓	?	✓	✓	▲

I also checked for compliance with additional provisions in UDO—including §3.5.14, §3.6.6, §4.3.5, §4.10.8, §5.3, §7.4—and prior development approvals. Planning is hoping that by noon on May 2, 2023, you and your team could provide additional information:

1. Confirm that the color of the dumpster fencing will match the clubhouse siding,
2. Provide additional narrative for compliance with UDO Sections 4.10.8(C)(3-5),
 - *(3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade,*
 - *(4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures;*
 - *(5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;*
3. Address whether or not there are any retaining walls on site, and
4. Provide calculations for glazing on street-facing building façades between the elevations of 2' and 10' above the grade of the building entry.

Thank you, in advance, for any additional information that you are able to provide. We'll see you next Tuesday.



Planning Department

801 SE Service Road
Southern Pines, NC 28387

Phone (910) 692-4003

March 21, 2023

Mr. Patrick Nerz
DHIC
113 S. Wilmington Street
Raleigh, NC 27601
patrick@dhic.org

RE: PARID 99000584; 555 Talmadge Way, Southern Pines, NC

Dear Mr. Nerz:

The above-referenced property was rezoned from Planned Development (PD) to Mixed Use (MU) in June 2000 following annexation into the Town of Southern Pines. The MU district was established to encourage traditional infrastructure and land use patterns in large tracts, with grid street patterns, on-street parking and commercial and multi-family and single-family residential use. Each tract to be zoned MU, in conjunction with that zoning of the tract, was required to have provision made for land development standards for that tract, which in this case were the Morganton Road Area Land Development Standards.

Based on the Moore County tax record, a building permit was issued for apartments on the subject property in 2000. A copy of the permit is no longer available, as the retention period for building permit files is only six (6) years. However, issuance of the permit is an indication that the project was compliant with zoning regulations in effect at that time.

In October 2013, properties zoned MU were rezoned to PD with adoption of the Zoning Map (file Z-14-13) and the Morganton Road Overlay district (MRO) was established with the adoption of a new Unified Development Ordinance (file OA-03-13).

The subject property is currently zoned Planned Development (PD) and is located within the Morganton Road Overlay (MRO) district. Applicable development and design standards may be found online at www.southernpinesudo.org.

Please do not hesitate to contact our office if additional information is needed.

Sincerely,

Cindy Williams

Cindy Williams
Planning Technician

Agenda Item

To: Reagan Parsons, Town Manager
From: Alaina Mallette, Senior Planner
Subject: AR-06-23, Brad Halling American Whiskey Ko (BHAWK) Phase 1.5 Rickhouse A, 175 Yadkin Road
Date: May 9, 2023

Table of Figures

I. SUMMARY OF APPLICATION REQUEST

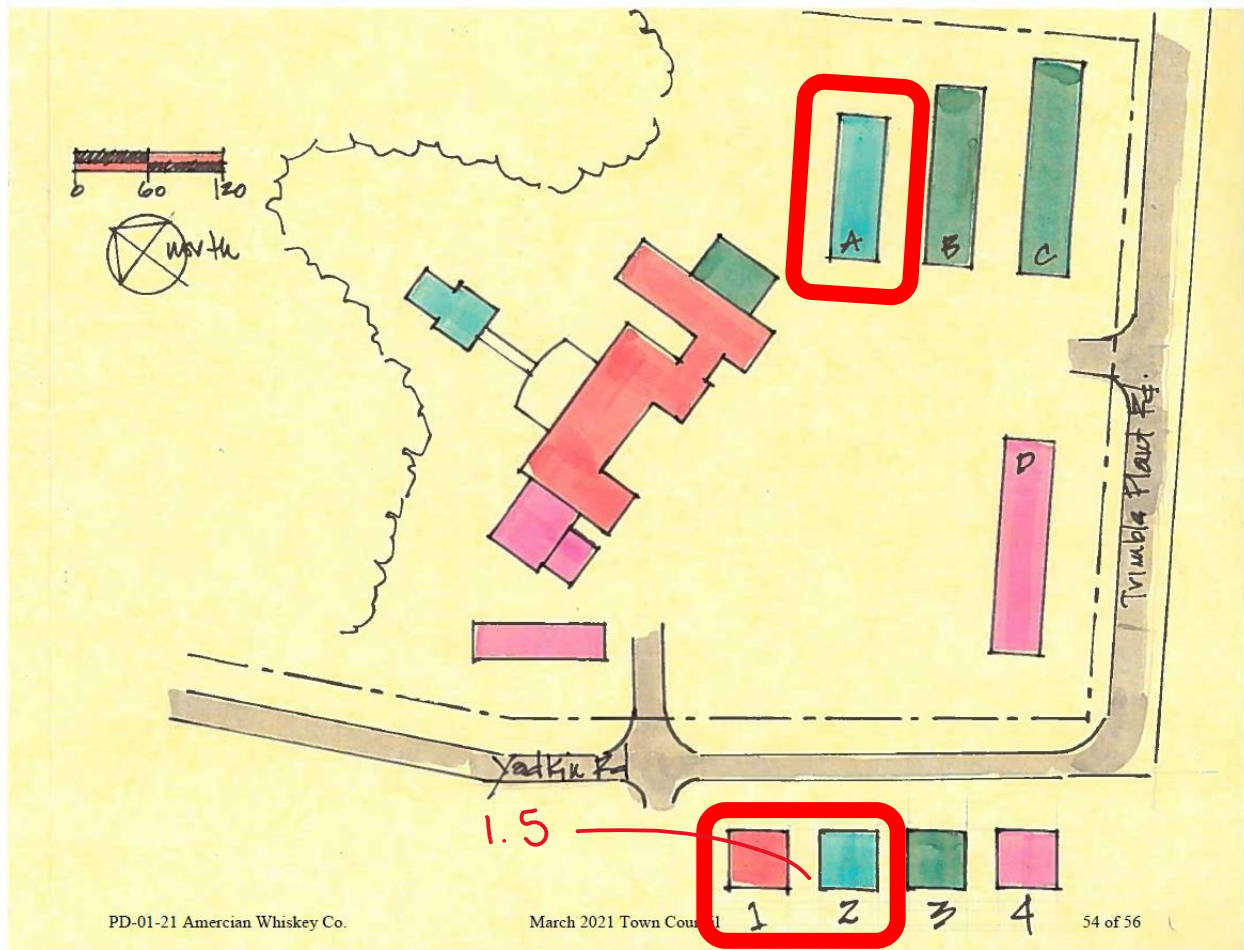
The applicant, Mr. Bryan Welborn of Neal Smith Engineering, is requesting an Architectural Compliance Permit for Rickhouse A (Phase 1.5) of the Brad Halling American Whiskey Ko. (BHAWK) whiskey distillery mixed-use planned development on behalf of the legal property owner, Brad Halling American Whiskey Co., LLC. The proposed new development includes the construction of a 4,800 square-foot building to store whiskey barrels, known as a “rickhouse.” According to the [Whiskey Wash lifestyle website](#), a rickhouse—or rackhouse—is a whiskey aging warehouse where barrels are stored racks that stack barrels. The approved site plans dated February 2, 2023, also have the proposed rickhouses labeled as “warehouses.”

The site is located in a Planned Development district (PD-01-21 and PD-03-21) on the same parcel as the whiskey distillery, principal (mixed-use) building—both of which have been approved for architectural compliance (AR-04-21)—and other proposed rickhouses that are not being considered at present for architectural compliance, which will come in Phases 3 and 4 of the development. This parcel will have access from Yadkin Road and Trimble Plant Road, as it is located on a corner lot. There will also be internal service streets/drive aisles.

Rickhouse A will be accessed by staff and by customers on guided tours of the distillery. Although the PD-01-21 and PD-03-21 show the subject building in Phase 2, the Technical Review Committee has approved Rickhouse A as “Phase 1.5” as long as the applicant provides an engineering bulletin (to supplement the approved site plan, ZP-13-21) showing the required pathway from a public way to the second entry, per fire codes. Phase 3 development will construct two additional Rickhouses between the current proposed rickhouse and Trimble Plant Road, as well as an expanded distillery. And, Phase 4 will construct another rickhouse between the parking and Trimble Plant Road, as well as an office, kitchen, and restaurant/bar.

[illegible]

Figure 2. Phasing Plan Approved During PD-01-21 (additions in red added by staff to highlight Rickhouse A and the new, approved phasing)



II. PROJECT INFORMATION

A. Property Owners

PIN 858200642631 (PARID 00036849)
 Brad Halling American Whiskey Co., LLC.
 304 Edgewood Road
 Cameron, NC 28326

B. Applicants and Authorized Agents

Bryan Welborn
 Neal Smith Engineering
 139 Pinehurst Avenue
 Southern Pines, NC 28327

Figure 3. Zoning and Vicinity Map for Property (Outlined in Yellow) with the Approximate Location of the Proposed Rickhouse (Highlighted in Red). The subject property is located east of U.S. Highway 1 (off northbound Exit 42B) on the corner of Yadkin Road and Trimble Plant Road. The proposed building is adjacent to JBO HOLDINGS, LLC (Industrial zoning) and between the approved AR-04-21 mixed use whiskey distillery and Trimble Plant Road. The proposed rickhouse is outside the Urban Transition Highway Corridor Overlay district (400 feet from U.S. Highway 1 ROW) and the freshwater forested/shrub wetland (shown in hash marks on western portion of property). The subject property was zoned Planned Development district in 2021 (PD-01-21 CDP and PD-03-21 PDP). The broader neighborhood includes FRR, OS, RS-2, RS-3, PD, and I zoning districts.



Figure 4 CLRP Future Land Use Map Designation with Subject Property Outlined in Yellow and Proposed Rickhouse in Red. The zones filled with purple, including the subject property, have a Future Land Use Map designation as “Industrial”. Across the street on Yadkin Road, properties have a Future Land Use designation of “Residential.”

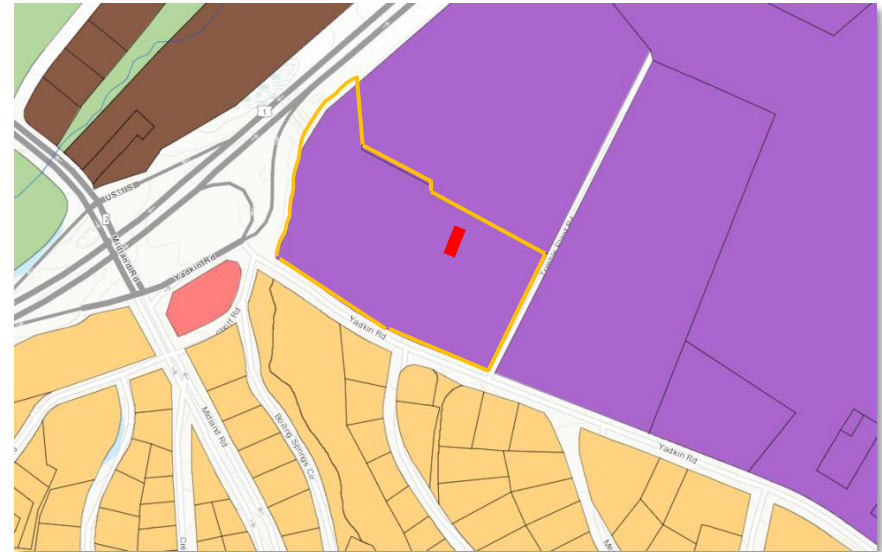


Figure 5. Drone footage of on-going construction on the subject property, looking southeast (February 3, 2023).



III. STAFF REVIEW

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

2. **Application Review Dates**

Application Submitted: **April 3, 2023**

Application Complete: **April 4, 2023**

Town Council Agenda Meeting: **May 2, 2023**

Town Council Regular Meeting: **May 9, 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**. The proposed new development includes the construction of a 4,800 square-foot building to store whiskey barrels (i.e., rickhouse/warehouse). Staff has reviewed the project for compliance with **UDO §2.26.7**. See staff comments for each requirement below.

(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;*

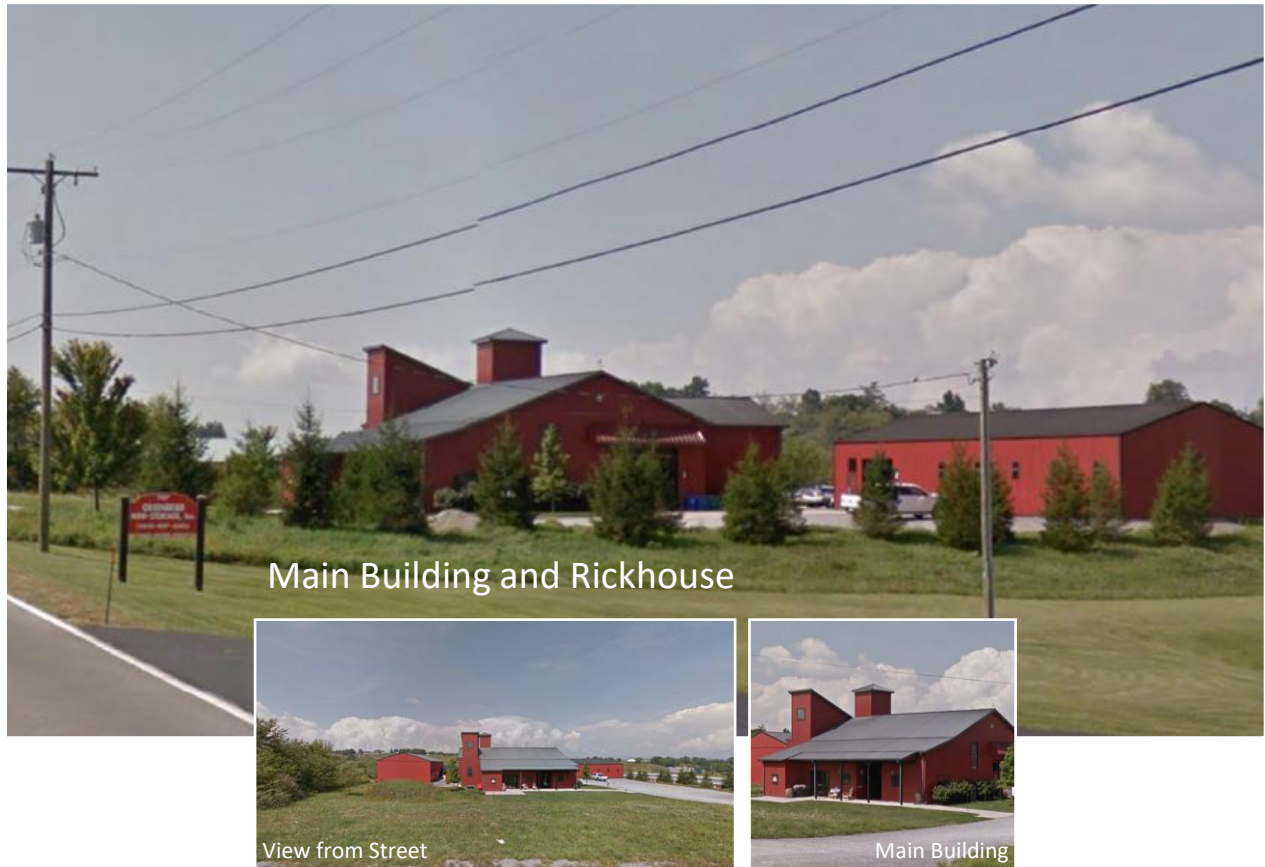
- This specific use must comply with the following UDO sections. Comments about compliance are provided for each applicable section. Text in green indicate compliance with the relevant architectural standards while text in red indicate non-compliance.
 - 3.5.14 PD – Planned Development District. **Generally compliant.**
 - 3.6.8 WPO – Watershed Protection Overlay District. **Generally Compliant.**
 - Many site design standards from Chapter 4 were reviewed for compliance (in addition to prior development approvals, local codes, and other applicable codes and standards) by the Technical Review Committee during Site Plan Review (see ZP-13-21).
 - 4.6. Signs. Signage will be reviewed for compliance during the sign permit application process either through individual sign permit applications or through a unified sign plan.

- 4.10.4 Development Design Standards. Of the 10 standards, 6 apply, and **3 deviations** are being requested. See staff comments in the following section for more details.
- 4.10.5. Frontage. Compliance with frontage requirements was determined at CDP and PDP with the Planning Board and Town Council, as well as Site Plan Review with the Technical Review Committee (see ZP-13-21).
- 5.3 Accessory Uses and Accessory Structures. **Generally compliant.**

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

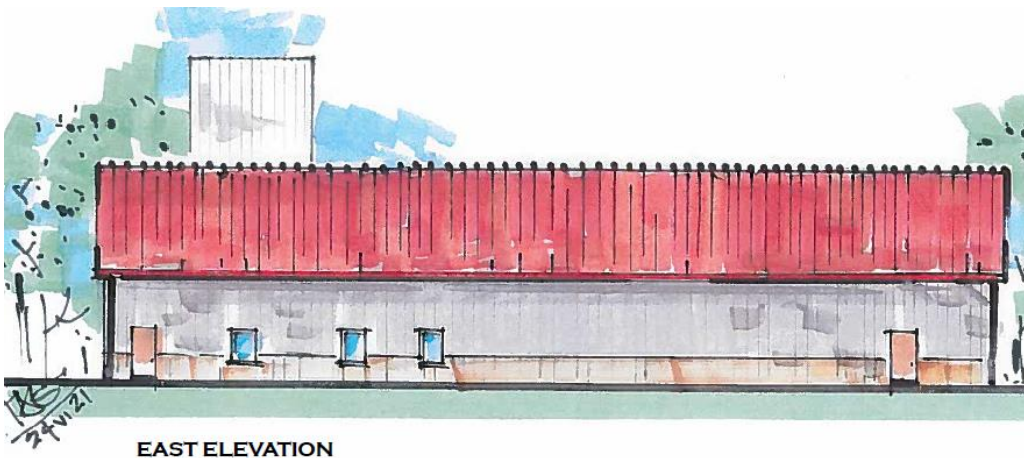
- ✓ PD-01-23 Conceptual Development Plan (CDP) for BHAWK. **Generally compliant.**

Figure 6. Approved Building Design Precedents from PD-01-23 BHAWK CDP



- ✓ PD-03-23 Preliminary Development Plan (PDP) for BHAWK. **Generally compliant.**
- ✓ AR-04-21 Architectural Compliance Permit for BHAWK Principal Building and Primary Distillery. **Generally consistent.**

Figure 7. Approved Elevation Renderings of Principal Building from AR-04-21



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

- ✓ Neighboring development includes NC Self Storage/Penske Truck Rentals, Hamilton Beach, and single-family residences. The proposed Rickhouse is generally compatible with the former two neighboring uses, though the proposed design contains less brick than the two neighboring industrial buildings. The proposed metal building is generally incompatible with single-family residences. However, the Town Council determined during PD-03-21 that *“the PDP is in an area of the Town that is appropriate because the proposed mixed-use development establishes a compatible transition into the surrounding Industrial zoned land. With a distilled spirit plant being an allowed land use in the Industrial zoning district the distilled spirit plant along with the mutually supportive uses will behave as a transition to the surrounding Industrial (I) zoned properties.”* Therefore, it appears that potential conflicts have been mitigated through other development approval processes and in owner conversations with neighboring residents.

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

✓ = compliant ✗ = not compliant
▲ = not applicable

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. 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, NEVER DETERMINED at time of Final Development Plan approval in the Planned Development district.*
 - ✓ The primary entry to the rickhouse will face Yadkin Road. A second entry is shown on the right (south) elevation 91' from the front of the building, and that entry faces Trimble Plant Road. For fire safety and through an engineering bulletin updating the current site plan, a sidewalk will need to be constructed between a public way/drive aisle and the second entry—and the applicant has been informed about this requirement by staff.
 - Note that during conceptual and preliminary development plan processes (PD-01-21 and PD-03-21, respectively), no maximum spacing or distance between entries was established.
- **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 the left (north) and right (south) elevations with the inclusion of 15 total vent windows (2'-11" by 2'-11") to fulfill the width-no-more-than-twice-the-height regulation. Furthermore, the widths of the front (west) and rear (east) elevations are 40' and the height is 28'-8", which is a width less than two times the height of the building.
- **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 proposed/existing design of each elevation has no proposed brick, rather Hi-Rib steel siding. The Hi-Rib steel siding was approved as a deviation on the main building in Phase 1 (see AR-04-21). The applicant requests that another deviation be granted on the basis of UDO 4.10.4(C)(1), which allows the Town Council to approve alternative building materials that have equal or greater durability to what is required. Staff agree that the proposed materials have equal durability to brick, and are consistent with past development approvals.
- **Applicant requires a deviation** for UDO §4.10.4 (D), *which states that windows shall be glazed in non-reflective clear glass. The following standards apply in the PD 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.*
 - ✓ The applicant states in their narrative that "[Windows] shall meet or exceed this requirement. The windows will be tinted to meet the requirements of NC Energy Conservation Codes."
 - ✓ The front/west (Yadkin Road-facing) elevation has 61.8% of the elevation between 2' and 10' covered by windows and doors.
 - ✗ The right/south (Trimble Plant Road-facing) elevation has 16.1% of the elevation between 2' and 10' covered by windows and doors.
- **Requirement does not apply** 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.*

- ▲ There will be no awnings provided. Therefore, this provision is not applicable.
- **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 requires a deviation** for UDO §4.10.4 (G), *which states that in the non-CB zoning districts buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than 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 Trimble Plant Road-facing roofline will be 120' wide with no changes in parapet height or any other roofline design. The property owner stated in correspondence with staff that "[r]oofline changes have not been considered due to 1) additional cost required and 2)... this design is consistent with world renowned whiskey distilleries."
 - ✓ The Hi-Rib standing seam steel roofing will be black (as seen in Attachment 5) and non-reflective.
- **Requirement does not apply** 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.*
 - ▲ There will be no mechanical equipment for Rickhouse A. Therefore, this provision is not applicable.
- **Applicant is generally compliant** 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 or residential district unless buffered or screened in accordance with UDO §4.3.4 and 4.3.5.*
 - ✓ There will be a garage door facing the internal service drive aisle. The garage door will be buffered and screened per UDO §4.3.4 and 4.3.5, as seen in [Figure 1](#). Landscaping for the vehicle use areas will provide further screening from public streets and the RS-2 district across the street on Yadkin Road.
- **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. The applicant stated that “A [unified sign plan] will need to be submitted separately.” Therefore, compliance will be determined at a later date.

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

The proposed new development includes the construction of a 4,800 square-foot building to store whiskey barrels (i.e., rickhouse/warehouse) on an approved Planned Development (PD-01-23 and PD-03-23) for the mixed-use Brad Halling American Whiskey Ko. whiskey distillery. The site plan has also been approved (ZP-13-21), pending an engineer’s bulletin attachment. As mentioned in this report, there are 3 deviations that are required for the architectural compliance permit to be approved (building materials, windows, and roofing). Planning Staff emailed the applicant on April 4, April 17, April 18, and April 20, 2023, requesting additional information to determine compliance with the architectural design standards. The applicant and property owner provided answers (see additional narrative included in Attachment 3 - Narrative) on April 18 and April 20, 2023; and addressed staff questions in emails as shown in Attachment 6 - Communications.

For reference, the site is located in a high quality, protected watershed (Little River Intake No. 2) and a bike route is proposed in the Town’s Bike Plan for Yadkin Road, which passes the planned development. Lastly, Planning staff attended a hard hat tour of the principal building on April 13, 2023, and significant progress has been made on the site for improvements approved prior to this application.

Staff recommends approval of AR-06-23 with the following deviations:

- Regarding UDO §4.10.4 (C) Building Materials, the Planning Department recommends granting the deviation, since the Hi-Rib steel siding was approved as a deviation on the main building in Phase 1 (see AR-04-21). Furthermore, per UDO 4.10.4(C)(1), the steel siding is an alternative building material that has equal durability to what is required and the design (via a building precedent) was approved during PD-01-23.
- Regarding UDO §4.10.4 (D) Windows, the Planning Department recommends granting the deviation for the right/south (Trimble Plant Road-facing) elevation, since the rickhouse is designed to age whiskey and the addition of larger windows will modify the internal temperature, thus impacting the aging and evaporative processes of the whiskey. Furthermore, the design (via a building precedent) was approved during PD-01-23.
- Regarding UDO §4.10.4 (G) Roofs, the Planning Department recommends granting the deviation for the right/south (Trimble Plant Road-facing) elevation, considering that the building design is consistent with neighboring parcels zoned industrial and the design (via a building precedent) was approved during PD-01-23

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
7. Prior Development Approval Documentation

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 §3.5.14, §3.6.8, §5.3, and prior development approvals.

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

I move to:

1. Approve AR-06-23;
2. Approve AR-06-23 with the following conditions:

3. Deny AR-06-23.

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: Brad Halling American Whiskey Co dba BHAWLK

Street Address: 175 Yarkin Rd.

PIN: 958200642631 Parcel ID: 36849 Zoning: PD

Type of building (retail, office, etc.): Ric House Total square footage: 4800
(industrial, commercial)
Whiskey barrel storage

Applicant:

Name: Neal Smith Engineering

Email: _____ Phone: 910 695 8825

Mailing Address: 139 Pinehurst Ave So Pines NC 28327

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

Name(s): Brad Halling American Whiskey Co

Email: jessBhallingwhiskey.com Phone: 910 986 6885

Mailing Address: 304 Edgewood Rd Cameron NC 28326

Date: 04-03-23

Bryan C Welborn
Applicant

APPOINTMENT OF AGENT

Bryan Welborne

The undersigned owner(s), BHAWIK, hereby appoint(s) Neal Smith Engineering 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 3 day of April, 2023

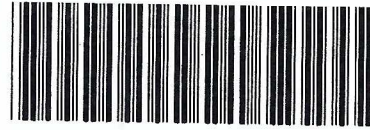
Jessica A Halling
Property Owner

Brian Halling
Property Owner

Bryan C Welborn
Agent

FOR REGISTRATION REGISTER OF DEEDS

Judy D. Martin
Moore County, NC
April 18, 2022 02:41:04 PM
Book 5833 Page 318-321
FEE: \$26.00
INSTRUMENT # 2022006781



INSTRUMENT # 2022006781

Excise Tax: \$0.00

* No excise tax is payable on this deed because this is a retitling of property for business convenience, without any money due or paid by transferee to transferor. (See NCGS §105-229.29)

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 858200642631
Verified by _____ County on the _____ day of _____, 20____
by _____

Mail after recording to: Grantee

This instrument was prepared by: Shumaker, Loop & Kendrick, LLP, 101 South Tryon Street, Suite 2200
Charlotte, NC 28280 (TB) (on behalf of Grantor)

Brief Description for the Index: 15.04 +/- Acres Yadkin Road (Tract 1, Plat Cabinet 15, Slide 858)

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made 14th day of April, 2022, by and between:

GRANTOR

BRADLEY J. HALLING, and wife
JESSICA ANNE HALLING

Mailing Address:

304 Edgewood Road, Cameron, NC 28326

GRANTEE

BRAD HALLING AMERICAN WHISKEY CO., LLC,
a North Carolina limited liability company

Mailing Address:

304 Edgewood Road, Cameron, NC 28326



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

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5457, Page 429 Moore County Public Registry.

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

A map showing the above described property is recorded in Plat Cabinet 15, Slide 858.

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

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

1. Ad Valorem property taxes for the year 2022 which have been prorated between the parties and shall be paid by Grantee when due.
2. Any zoning or other governmental ordinances affecting the property.
3. All presently enforceable easements, restrictions, conditions, rights-of-way, and other matters of record.
4. Any matter which may be shown by a current survey of the Property.

[Signature Page to Follow]

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed and delivered as of the day and year first above written.

Bradley J. Halling
Bradley J. Halling

Jessica Anne Halling
Jessica Anne Halling

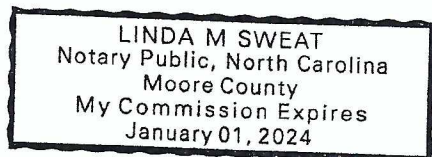
STATE OF NC

COUNTY OF Moore

I, a Notary Public of the County of Moore and State of NC,
certify that Bradley J. Halling and Jessica Anne Halling each personally appeared before me this day and acknowledged
to me the due and voluntarily execution of the foregoing document for the purpose stated therein and in the capacity
indicated.

Date: 4-14, 2022

(Official Stamp-Seal)



Linda M Sweat
Official Signature of Notary Public

Linda M Sweat
Printed Name of Notary Public

My commission expires: 01-01-2024

Exhibit "A" to Special Warranty Deed

Legal Description

(BRADLEY J. HALLING and wife JESSICA ANNE HALLING as Grantor to BRAD HALLING AMERICAN WHISKEY CO., LLC as Grantee)

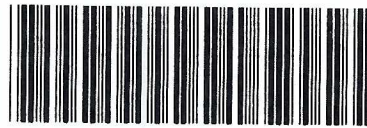
BEING Tract 1 containing 15.04 acres, more or less, as shown on a plat thereof recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Plat Cabinet 15, Slide 858.

This conveyance is made subject to (i) utility easements of record, including but not limited to easements to Carolina Power and Light Company recorded in Book 210, Page 542 and Book 247, Page 474 Moore County Registry; (ii) Right of Way Easement to the North Carolina Highway Commission recorded in Book 236, Page 438, Moore County Registry; (iii) all wetlands, easements and other items depicted on the above referenced Plat; (iv) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; and (v) unviolated restrictive covenants of record that do not materially affect the value of the property.

This conveyance is also made subject to any inaccuracies and discrepancies which an accurate inspection of the property may disclose the presence or disposal, except as in accordance with applicable law, within the buildings or on the Property of hazardous or toxic waste or substances, which are defined as those substances, materials and wastes, including, but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CFR Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law.

Judy D. Martin
Moore County, NC
April 18, 2022 02:41:04 PM
Book 5833 Page 314-317
FEE: \$26.00
INSTRUMENT # 2022006780

jm



INSTRUMENT # 2022006780

Excise Tax: \$0.00

* No excise tax is payable on this deed because this is a retitling of property for business convenience, without any money due or paid by transferee to transferor. (See NCGS §105-229.29)

Recording Time, Book and Page

Tax Lot No. _____ Parcel Identifier No. 858200642631
Verified by _____ County on the _____ day of _____, 20____
by _____

Mail after recording to: Grantee

This instrument was prepared by: Shumaker, Loop & Kendrick, LLP, 101 South Tryon Street, Suite 2200
Charlotte, NC 28280 (TB) (on behalf of Grantor)

Brief Description for the Index: 15.04 +/- Acres Yadkin Road (Tract 1, Plat Cabinet 15, Slide 858)

NORTH CAROLINA SPECIAL WARRANTY DEED

THIS DEED made 14th day of April, 2022, by and between:

GRANTOR

RICKHOUSE PROPERTIES, LLC,
a North Carolina limited liability company

Mailing Address:

304 Edgewood Road, Cameron, NC 28326

GRANTEE

BRADLEY J. HALLING, and wife
JESSICA ANNE HALLING

Mailing Address:

304 Edgewood Road, Cameron, NC 28326

mail

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

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5475, Page 429 Moore County Public Registry.

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

A map showing the above described property is recorded in Plat Cabinet 15, Slide 858.

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

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

1. Ad Valorem property taxes for the year 2022 which have been prorated between the parties and shall be paid by Grantee when due.
2. Any zoning or other governmental ordinances affecting the property.
3. All presently enforceable easements, restrictions, conditions, rights-of-way, and other matters of record.
4. Any matter which may be shown by a current survey of the Property.

[Signature Page to Follow]

IN WITNESS WHEREOF, Grantor has caused this instrument to be duly executed and delivered as of the day and year first above written.

RICKHOUSE PROPERTIES, LLC

By: Jessie A Halling
Jessica Anne Halling, Manager

By: Bradley J Halling
Bradley J. Halling, Manager

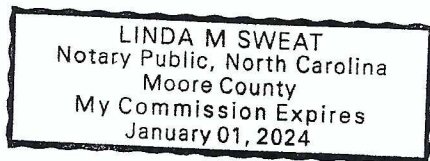
STATE OF NC

COUNTY OF Moore

I, a Notary Public of the County of Moore and State of NC, certify that Jessica Anne Halling and Bradley J. Halling each personally appeared before me this day and acknowledged to me the due and voluntarily execution of the foregoing document for the purpose stated therein and in the capacity indicated.

Date: 4-14-, 2022

(Official Stamp-Seal)



Linda M Sweat
Official Signature of Notary Public

Linda M Sweat
Printed Name of Notary Public

My commission expires: 01-01-2024

Exhibit "A" to Special Warranty Deed
Legal Description

(RICKHOUSE PROPERTIES, LLC as Grantor to BRADLEY J. HALLING JESSICA and wife ANNE HALLING as Grantee)

BEING Tract 1 containing 15.04 acres, more or less, as shown on a plat thereof recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Plat Cabinet 15, Slide 858.

This conveyance is made subject to (i) utility easements of record, including but not limited to easements to Carolina Power and Light Company recorded in Book 210, Page 542 and Book 247, Page 474 Moore County Registry; (ii) Right of Way Easement to the North Carolina Highway Commission recorded in Book 236, Page 438, Moore County Registry; (iii) all wetlands, easements and other items depicted on the above referenced Plat; (iv) the lien of the County of Moore for taxes and other assessments for the current year, which taxes or other assessments shall be pro-rated as of the date of closing and which Grantee by acceptance of this deed expressly agrees to pay; and (v) unviolated restrictive covenants of record that do not materially affect the value of the property.

This conveyance is also made subject to any inaccuracies and discrepancies which an accurate inspection of the property may disclose the presence or disposal, except as in accordance with applicable law, within the buildings or on the Property of hazardous or toxic waste or substances, which are defined as those substances, materials and wastes, including, but not limited to, those substances, materials and wastes listed in the United States Department of Transportation Hazardous Materials Table (49 CFR Part 172.101) or by the Environmental Protection Agency as hazardous substances (40 CRF Part 302.4) and amendments thereto, or such substances, materials and wastes, which are or become regulated under any applicable local, state or federal law.



Neal Smith Engineering, Inc.

139 Pinehurst Ave. – Suite C

Southern Pines, NC 28387

Phone: (910) 695-8825 | Fax: (910) 695-8832

www.nseengineering.com | NC License No. C-1425



**NARRATIVE AND ARCHITECTURAL COMPLIANCE
FOR
BRAD HALLING AMERICAN WHISKEY KO.
CORNER OF TRIMBLE PLANT RD. / YADKIN RD. – SOUTHERN PINES
NSE PROJECT NO. 2000534
REV. APRIL 20, 2023**

NARRATIVE:

This is a project that will consist of an approximately 4800 square foot building that will house whiskey barrels.

ARCHITECTURAL COMPLIANCE – CHAPTER 4 DEVELOPMENT AND DESIGN STANDARDS:

4.10.4(A)(1): The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage.

This facility sits on a corner lot with the primary entrance facing mostly towards Yadkin Rd. which would be classified as the higher order road.

4.10.4(A)(2): Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15.

This project is classified as PD. PD has no requirements listed in the above-mentioned exhibit.

4.10.4(B)(1): In the CB and DTO districts, buildings or building segments shall be taller than wide.

This facility is not located within the CB or the DTO districts

4.10.4(B)(2): In other districts, the width of buildings or building segments shall not be more than twice the building height.

Based on sketches provided by the architect, the width of the building is not greater than twice the highest roof line. The proposed building height is 28'-8".

4.10.4(B)(3): Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

The building materials match the previously approved building currently being constructed.

4.10.4(B)(4): Large scale retail structures shall comply with Section 4.10.6.

This is not a large retail structure.

4.10.4(C): 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.

Comments from Owner:

“Rickhouse A satisfies 4.10.4(C)1 (as did the main Distilled Spirits Plant): “The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.” While the material is called hi-rib steel, this is a Morton Building and Morton Buildings are nationally known as a best-in-class metal pole barn style building of exceptional quality and durability. That the charcoal color of Rickhouse A matches the main Distilled Spirits Plant creates a design relationship of “an equivalent appearance” to brick materials, which would look odd and out of place for a whiskey storage building. I note that the building materials selected for this project are nested with the overall goals of Paragraph 1.22 of the UDO to enhance commercial vitality, character, and fiscal growth of Southern Pines as the aesthetic of the Distilled Spirits Plant and Rickhouse A are consistent with the aesthetic of America’s world-renowned whiskey distilleries in Kentucky and Tennessee. That legitimacy will contribute to a feeling of local pride and culture in Southern Pines, foster our golf and equestrian cultures (both whiskey cultures), and tourism generally.

Therefore, an analysis of 4.10.4(C)2 should not be required, but if the Town should disagree, I note that the entire property contains a natural landscape screen of Pines including along Yadkin and Trimble Plant Roads creating a 360 screen, which will be augmented to ensure compliance with UDO landscape standards. Parking lot landscape will create additional screening.”

4.10.4(D): Windows

4.10.4(D)(1): Windows shall be glazed in non-reflective, clear glass

They shall meet or exceed this requirement. The windows will be tinted to meet the requirements of NC Energy Conservation Codes

4.10.4(D)(2): The following standards apply in the CB district

This project does not lie within the CB district

4.10.4(E): Awnings

There are not awnings proposed for this building.

4.10.4(F): Galleries and Arcades

None are planned.

4.10.4(G): Roofs

4.10.4(G)(1): In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings.

This facility is not located within the CB district.

4.10.4(G)(2): In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet)

Comments from Owner:

“Rickhouse A is 40-feet wide. If the Town applies building “width” to both the length and width of the building, please note again the property has a nice natural landscape screen of Pines surrounding it to include along Yadkin and Trimble Plant Roads creating a 360 degree screen, which will be augmented to ensure compliance with UDO landscape standards. Again, parking lot landscape will create additional screening. Roofline changes have not been considered due to 1) additional cost required and 2) again, this design is consistent with world-renowned whiskey distilleries.”

4.10.4(G)(3): Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

The building will have a Hi-Rib roofing system and shall be (see example provided)

4.10.4(H): Mechanical Equipment

No mechanical units are proposed for this structure.

4.10.4(I): Loading Zones and Garage Bays

The property has a mature natural landscape screen along Trimble Plant Road and Yadkin road. Parking lot interior and perimeter landscaping will provide additional screening.

4.10.4(J): Signage

Signage will be applied for under a different permit and shall meet all the requirements of this section.

Percentage of windows/doors for each elevation between 2' and 10'

Based on the elevation drawing provided, the percentage of windows/doors between 2' and 10' are as follows:

North Elevation	-	7.08%
South Elevation	-	16.1%
East Elevation	-	0.00%
West Elevation	-	61.8%

If you have any additional questions or concerns, please feel free to contact us at any time.

Sincerely,
NEAL SMITH ENGINEERING, INC.

Bryan C Welborn

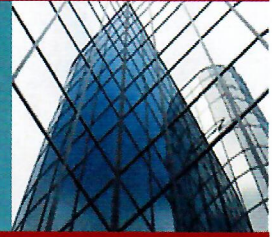
Bryan C Welborn



Neal Smith Engineering, Inc.

139 Pinehurst Ave. – Suite C
Southern Pines, NC 28387

Phone: (910) 695-8825 | Fax: (910) 695-8832
www.nseengineering.com | NC License No. C-1425



**NARRATIVE AND ARCHITECTURAL COMPLIANCE
FOR
BRAD HALLING AMERICAN WHISKEY KO.
CORNER OF TRIMBLE PLANT RD. / YADKIN RD. – SOUTHERN PINES
NSE PROJECT NO. 2000534
APRIL 3, 2023**

NARRATIVE:

This is a project that will consist of an approximately 4800 square foot building that will house whiskey barrels.

ARCHITECTURAL COMPLIANCE – CHAPTER 4 DEVELOPMENT AND DESIGN STANDARDS:

4.10.4(A)(1): The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage.

This facility sits on a corner lot with the primary entrance facing mostly towards Yadkin Rd. which would be classified as the higher order road.

4.10.4(A)(2): Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-16.

This project is classified as PD. PD has no requirements listed in the above-mentioned exhibit.

4.10.4(B)(1): In the CB and DTO districts, buildings or building segments shall be taller than wide.

This facility is not located within the CB or the DTO districts

4.10.4(B)(2): In other districts, the width of buildings or building segments shall not be more than twice the building height.

No portion of the building based on sketches provided by the architect are greater than twice the highest roof line.

4.10.4(B)(3): Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.

The building materials match the previously approved building currently being constructed.

4.10.4(B)(4): Large scale retail structures shall comply with Section 4.10.6.

This is not a large retail structure.

4.10.4(C): 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.

This facility is primarily consisting of metal walls and metal roof panels and matches the previously approved structure.

4.10.4(D): Windows

4.10.4(D)(1): Windows shall be glazed in non-reflective, clear glass

They shall meet or exceed this requirement. The windows will be tinted to meet the requirements of NC Energy Conservation Codes

4.10.4(D)(2): The following standards apply in the CB district

This project does not lie within the CB district

4.10.4(E): Awnings

There are not awnings proposed for this building.

4.10.4(F): Galleries and Arcades

None are planned.

4.10.4(G): Roofs

4.10.4(G)(1): In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings.

This facility is not located within the CB district.

4.10.4(G)(2): In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet)

This building is not longer that 100ft as it is viewed from the road.

4.10.4(G)(3): Shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.

The building will have a Hi-Rib roofing system and shall be (see example provided)

4.10.4(H): Mechanical Equipment

Any mechanical equipment will be screened, refer to civil plans.

4.10.4(I): Loading Zones and Garage Bays

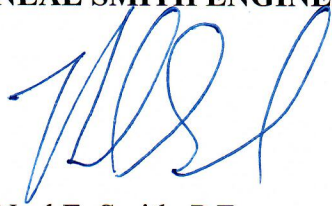
The loading area will be at the front of the building as shown in the approved site plan.

4.10.4(J): Signage

Signage will be applied for under a different permit and shall meet all the requirements of this section.

If you any additional questions or concerns, please feel free to contact us at any time.

Sincerely,
NEAL SMITH ENGINEERING, INC.



Neal E. Smith, P.E.
President

Legend:

- IRF = Iron Pipe Found
- IRF = Iron Rod Found
- CMF = Concrete Monument Found
- PK = PK Nail Found
- PKS = PK Nail Set
- = Existing Right of Way
- = Proposed Right of Way
- = Boundary Line
- = Adjacent Property Lines not Surveyed
- = Existing Setback Lines
- = Proposed Setback Lines
- = Existing Contour
- = Proposed Contour
- = Approximate Location of Existing Waterline
- = Proposed 6" Waterline
- = Approximate Location of Existing Gas Line
- = Existing Sanitary Sewer Line
- = Proposed 8" Sanitary Sewer Line
- = Existing Easement
- = Proposed Easement
- = Existing Overhead Utility
- = Existing Underground Utility
- = Existing Wetland Limits
- = Existing Fence
- = Proposed Fence
- = Proposed 4" Sewer Service
- = Proposed 2" Water Service
- = Limits of Disturbance
- = Proposed Silt Fence
- = Proposed Temporary Diversion
- = Existing Stream Centerline
- = Existing Soil Road
- = Existing Gravel Road
- = Existing Light Pole
- = Proposed Light Pole
- = Existing Utility Pole
- = Proposed Utility Pole
- = Existing Water Meter
- = Proposed Water Meter
- = Existing Water Valve
- = Proposed Water Valve
- = Existing Fire Hydrant
- = Proposed Fire Hydrant
- = Existing Sanitary Sewer Manhole
- = Proposed Sanitary Sewer Manhole
- = Existing Sewer Clean out
- = Proposed Sewer Clean out
- = Curb Inlet
- = Existing Storm Drain Manhole
- = High Density Polyethylene Pipe
- = Reinforced Concrete Pipe
- = Flared End Section
- = Proposed Spot Elevation
- = 10" Pine (typ.)
- = Existing Tree to be Removed

PARKING NOTE

147 PARKING SPACES PROVIDE AS PER PD APPROVED ZONING.

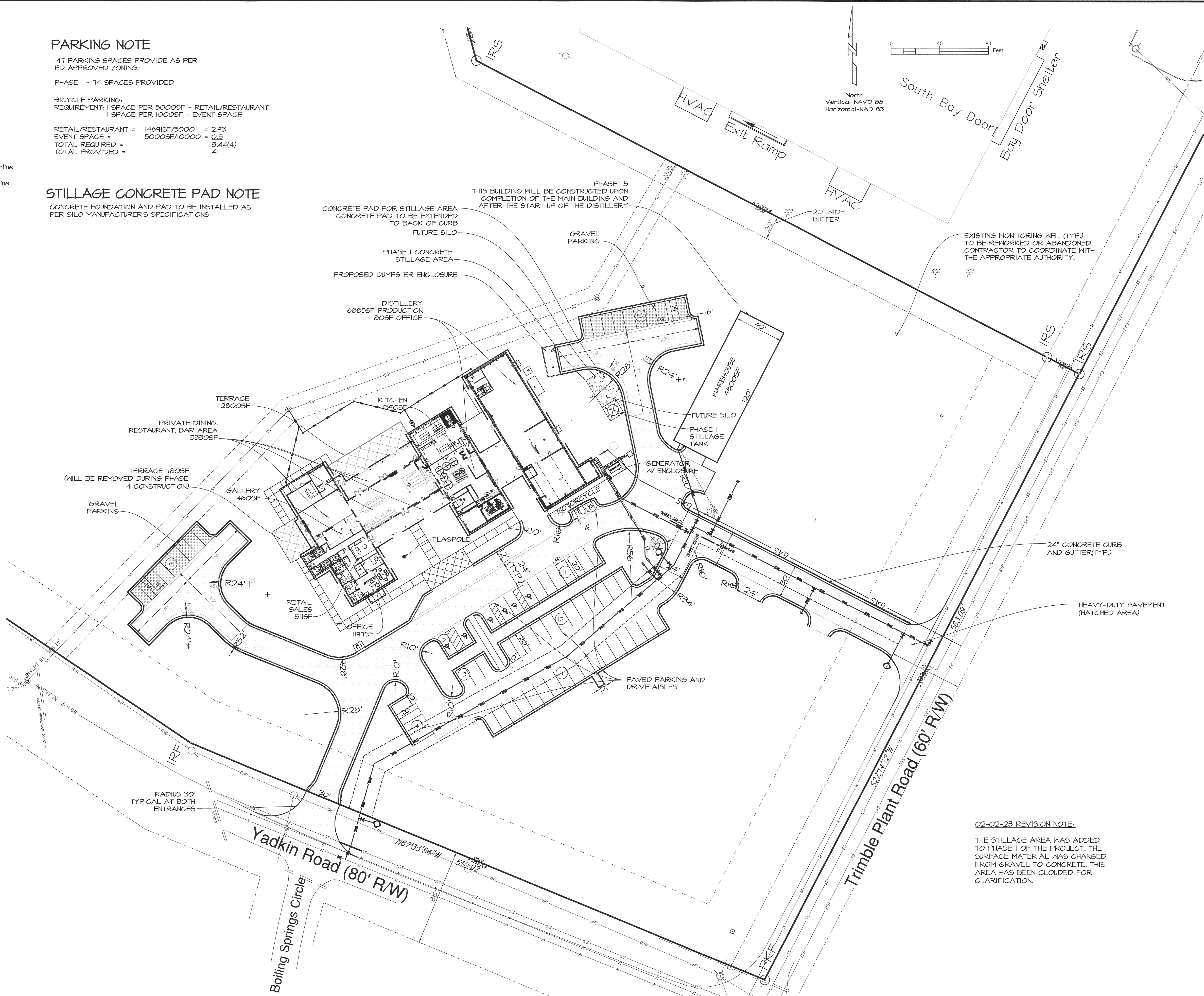
PHASE I - 14 SPACES PROVIDED

BICYCLE PARKING:
REQUIREMENT: 1 SPACE PER 5000SF - RETAIL/RESTAURANT
1 SPACE PER 1000SF - EVENT SPACE

RETAIL/RESTAURANT = 14691SF/5000 = 2.93
EVENT SPACE = 5000SF/10000 = 0.5
TOTAL REQUIRED = 3.44(4)
TOTAL PROVIDED = 4

STILLAGE CONCRETE PAD NOTE

CONCRETE FOUNDATION AND PAD TO BE INSTALLED AS PER SILO MANUFACTURER'S SPECIFICATIONS



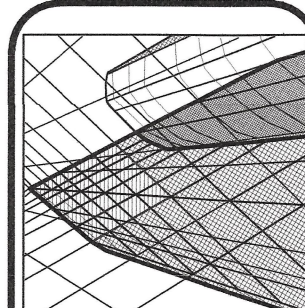
02-02-23 REVISION NOTE:
THE STILLAGE AREA WAS ADDED TO PHASE I OF THE PROJECT. THE SURFACE MATERIAL WAS CHANGED FROM GRAVEL TO CONCRETE. THIS AREA HAS BEEN CLOUDED FOR CLARIFICATION.

BRAD HALLING AMERICAN WHISKEY CO.

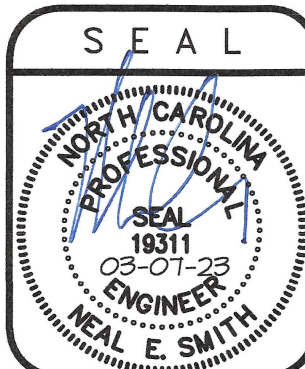
SOUTHERN PINES, NC

SITE LAYOUT PLAN PHASE I

REVISIONS:	BY:	DATE:
1	BCW	01-02-23
2	BCW	02-02-23
3	BCW	05-07-23



Neal Smith Engineering, Inc.
139 Pinhurst Avenue - Suite C
Southern Pines, NC 28387
Phone: (910) 695-8825
Fax: (910) 695-8832
www.nseengineering.com
License No. C-1425



RELEASED
for
CONSTRUCTION

DRAWN BY:
BCW
SCALE:
As Noted
DATE:
06-07-22
JOB NUMBER:
2000534
DRAWING KEY:
SP-2

THIS DRAWING IS THE PROPERTY OF NEAL SMITH ENGINEERING, INC., AND MAY NOT BE REPRODUCED WITHOUT WRITTEN AUTHORIZATION FROM THE ENGINEER. THIS DRAWING IS VOID WITHOUT ORIGINAL SIGNATURE AND SEAL.





BRAD OR JESSICA HALLING

SOUTHERN PINES, INC.

**MORTON BUILDINGS, INC.**

MORTON, IL 61550-0999

P.O. BOX 399



DRAWN BY: RP

DATE: 12/12/2022

CHECKED BY: ----

DATE: ----

REVISED DATE: 3/20/2023

REVISED DATE: ----

REVISED DATE: ----

REVISED DATE: ----

**PRELIMINARY DRAWING
FOR OWNER'S APPROVAL**

- ☐ - DRAWING APPROVED AS SUBMITTED
☐ - DRAWING APPROVED PENDING CHANGES NOTED
☐ - REVISE DRAWING WITH NOTED CHANGES AND RESUBMIT

OWNERS SIGNATURE

DATE

This document is the property of Morton Buildings, Inc. and represents a preliminary layout and rough sketch of a Morton building. Use of this document for purposes of construction is strictly prohibited. Reproduction of this document by anyone for any reason without written permission from Morton Buildings, Inc. is prohibited.

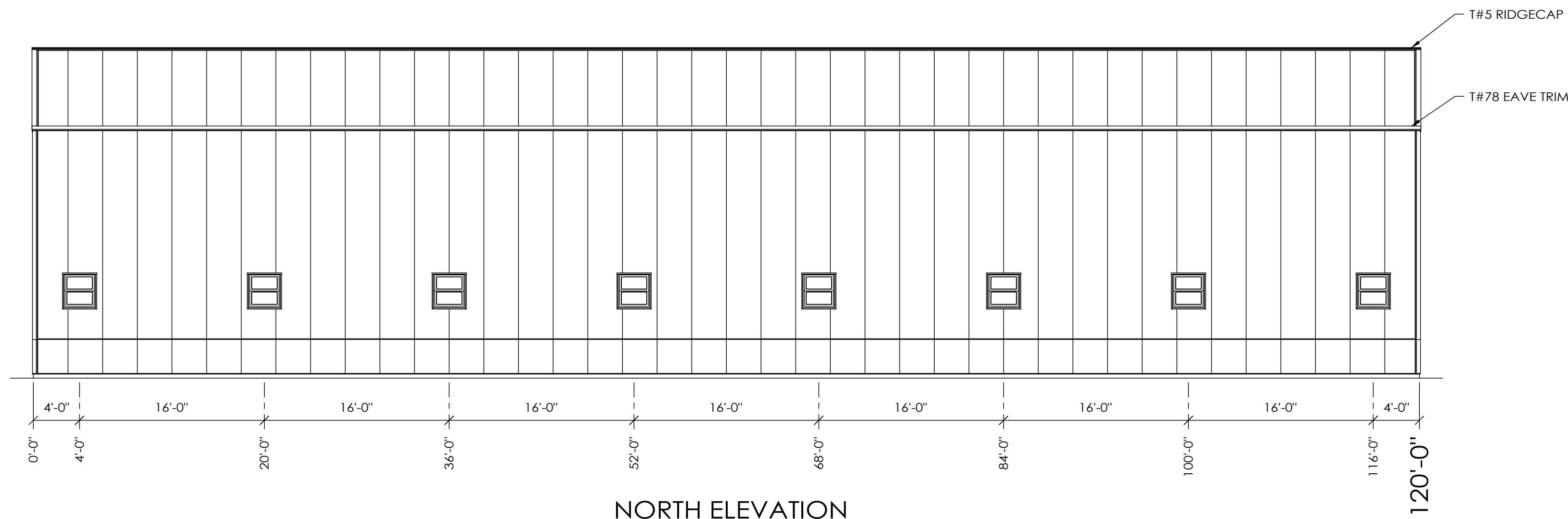
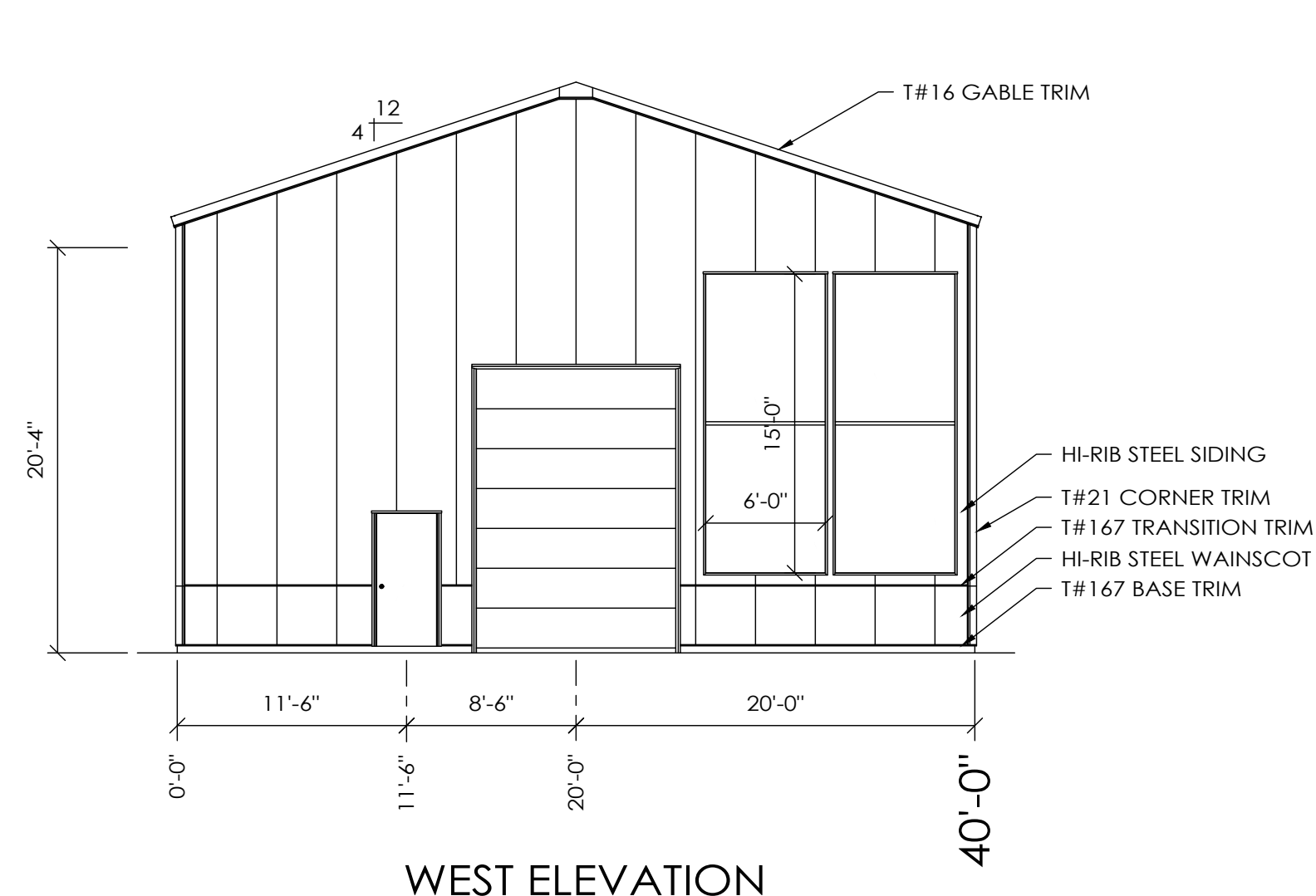
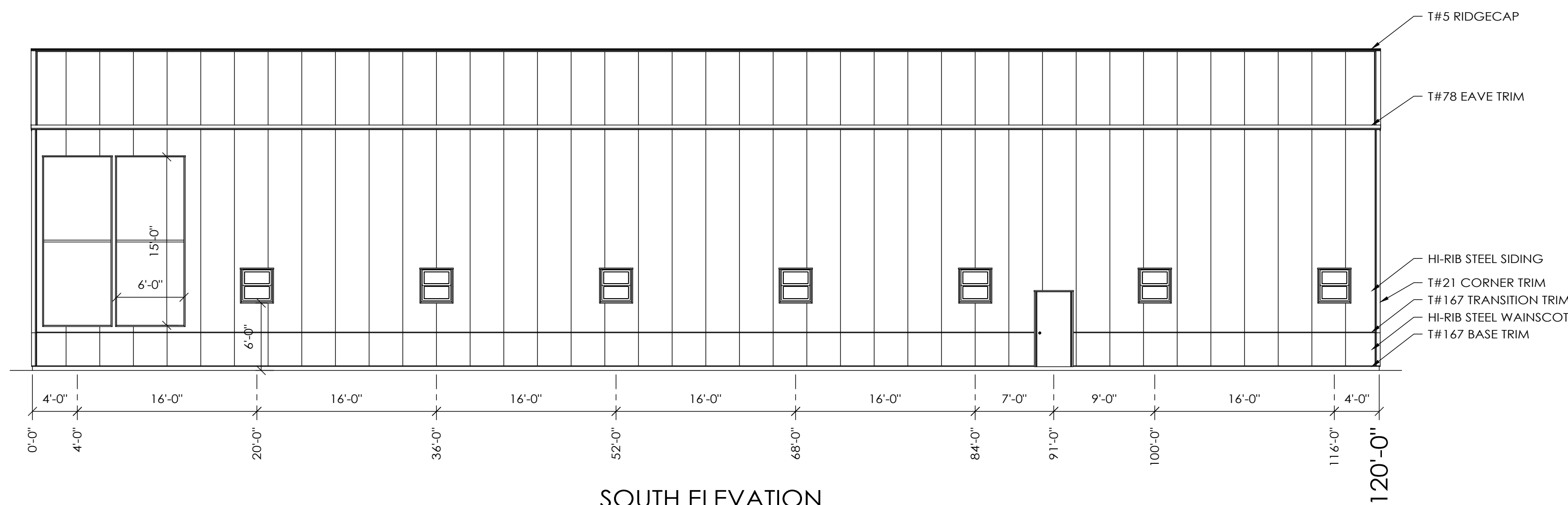
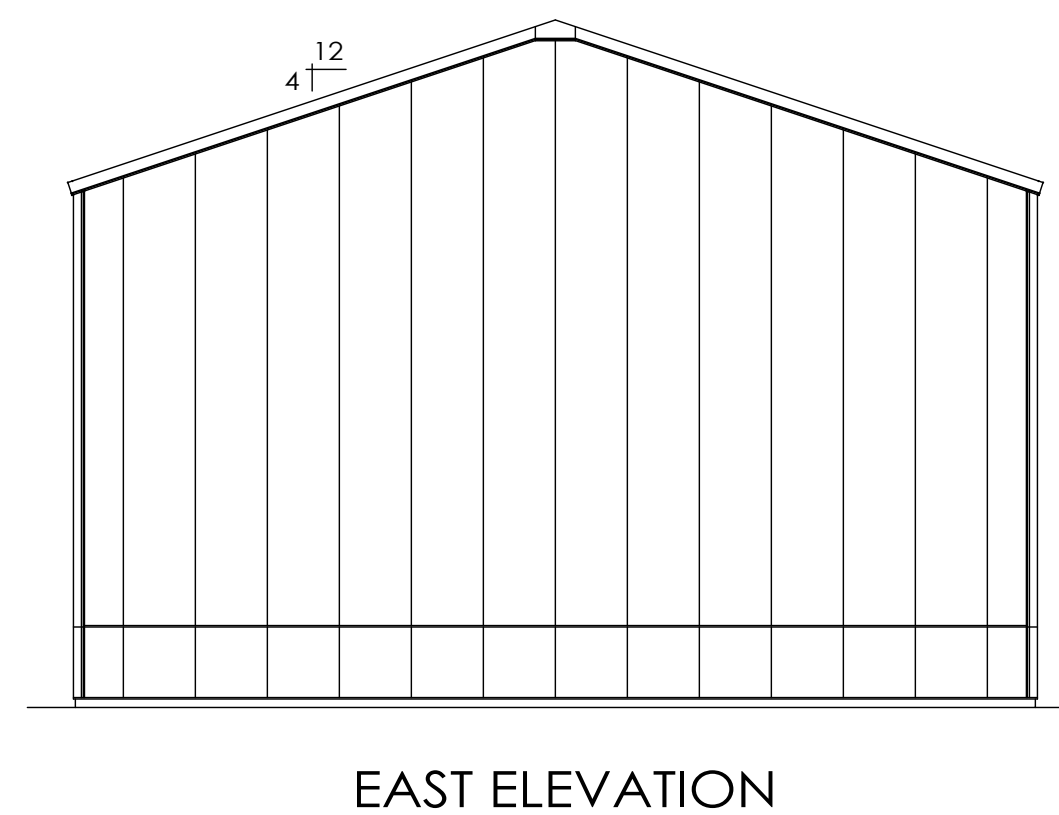
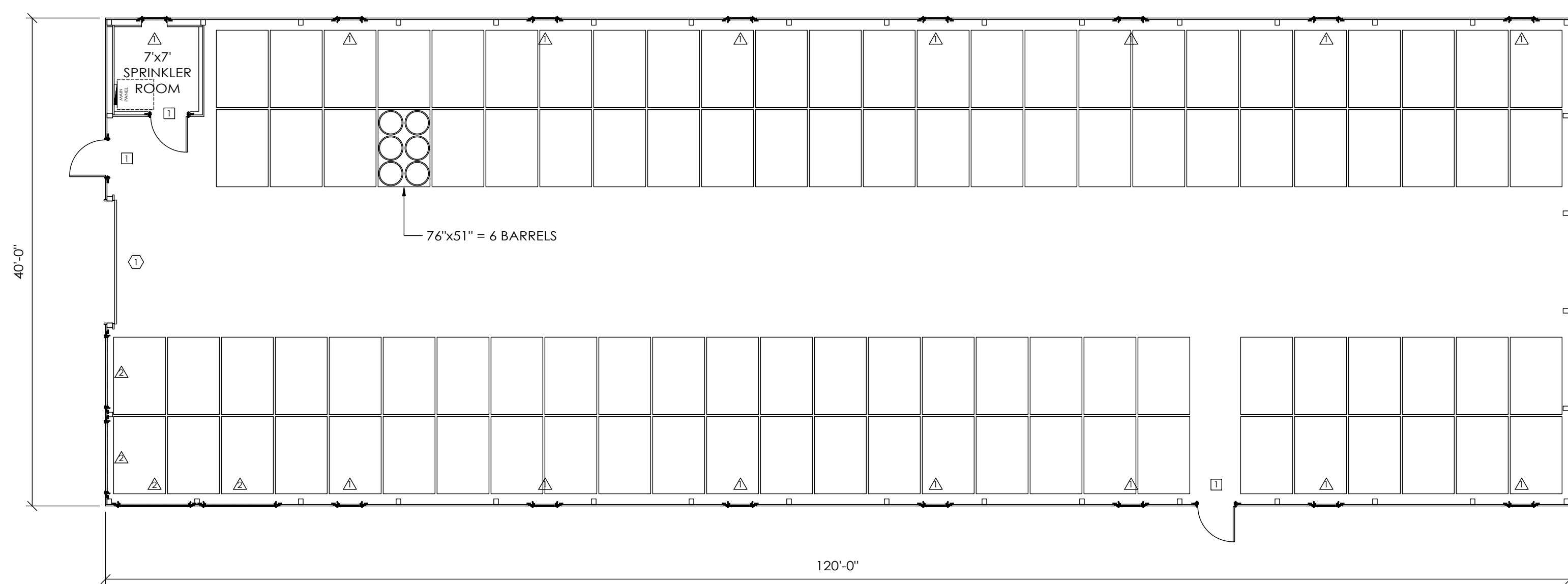
**MORTON BUILDINGS, INC.**

SCALE: AS NOTED

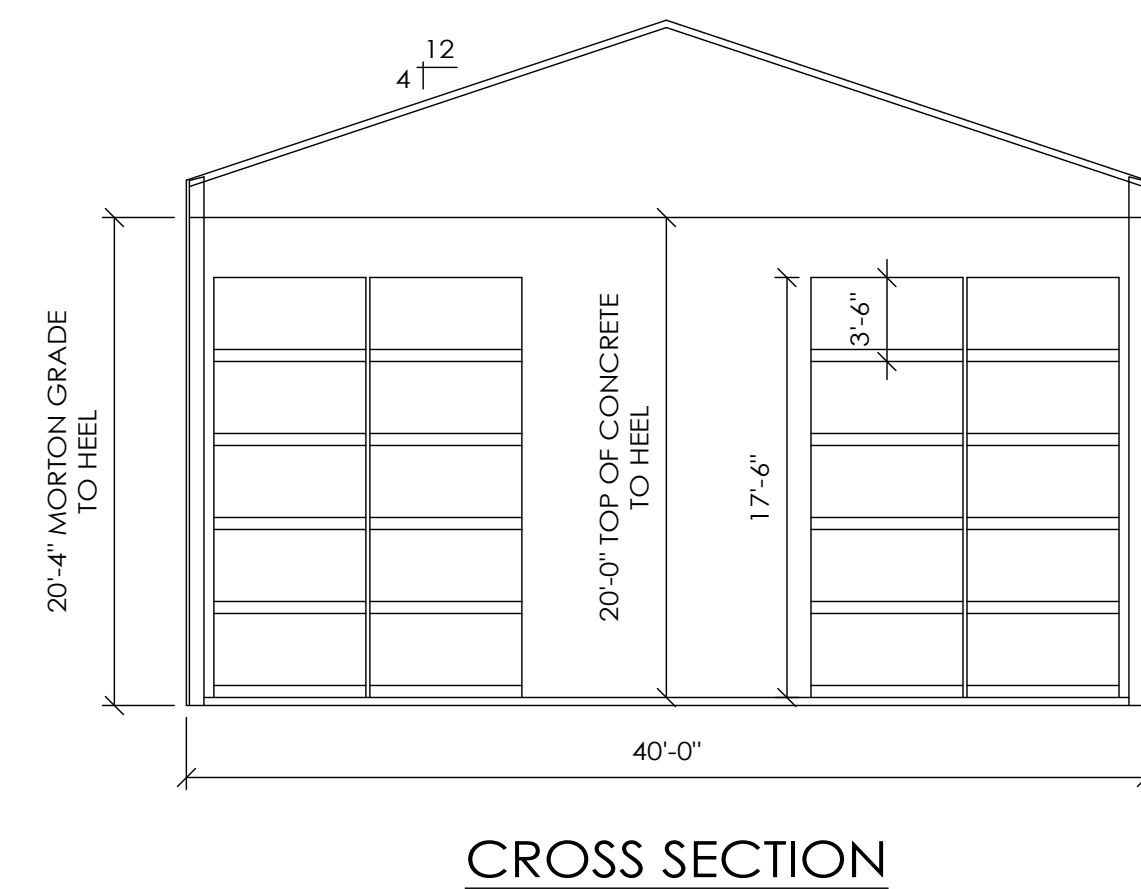
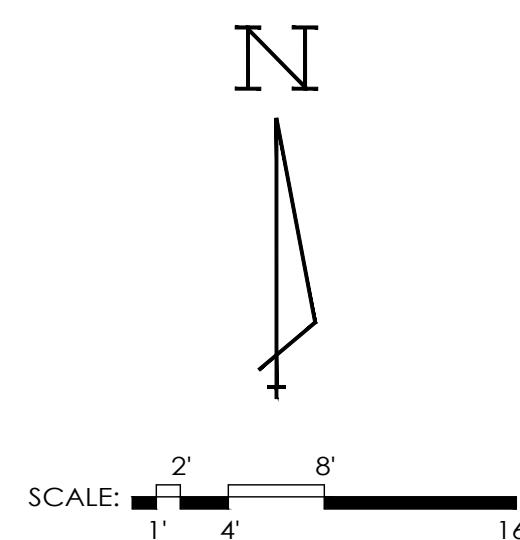
SHEET NO.

S1 OF S1

Page 103 of 160

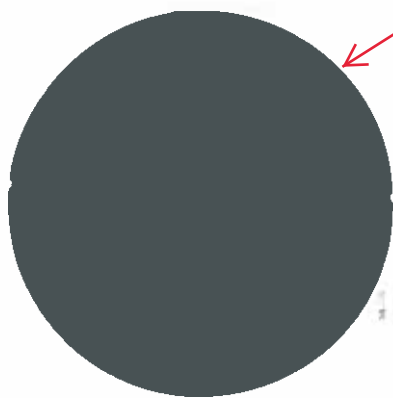
**NORTH ELEVATION****WEST ELEVATION****SOUTH ELEVATION****EAST ELEVATION****COLUMN PLAN****COLUMN PLAN LEGEND**

- ☐ - LAMINATED COLUMN LOCATION
☐ - (3) 3068 PLAIN FLAT LEAF FIBERSTEEL WALKDOORS, OUT SWING, RIGHT HINGE WITH KEYED LEVER LOCKSET, CLOSER
☐ - (15) 2'11"x2'11" 3535 VENT WINDOWS
☐ - (4) 6'x15' FIXED STOREFRONT WINDOWS
☐ - 10'-2"x14'-1" OVERHEAD DOOR WITH PREPARE FOR HI-LIFT TRACK
☐ - ALL STEEL FASTENED WITH STAINLESS STEEL SCREWS

**CROSS SECTION**

THANK

SIDING



**MORTON
BUILDINGS®**

800-447-7436 • mortonbuildings.com

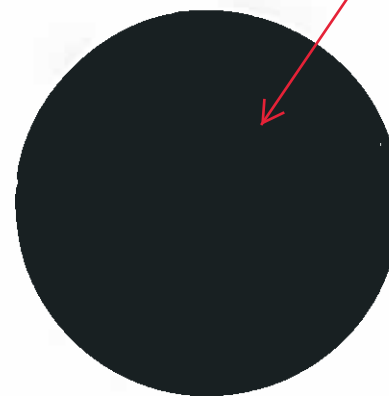
Material Sample Enclosed

Caution: Sharp Edges

■ Body #2

THANK

ROOF



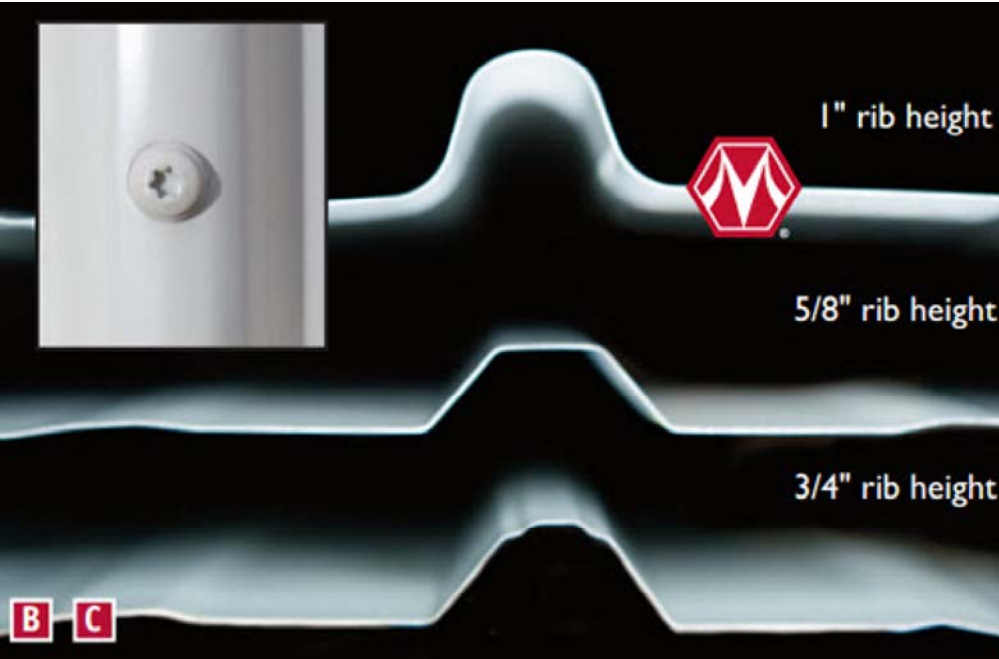
**MORTON
BUILDINGS®**

800-447-7436 • mortonbuildings.com

Material Sample Enclosed

Caution: Sharp Edges

■ Trim #2



From: [Jessica Halling](#)
To: [Alaina Mallette](#); [Bryan Welborn](#)
Cc: [BJ Grieve](#); [Brad Halling](#)
Subject: RE: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review
Date: Tuesday, April 18, 2023 10:55:57 AM
Attachments: [image001.png](#)

Bryan, I'm leaving this one to you!

From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, April 18, 2023 10:36 AM
To: Jessica Halling <jess@hallingwhiskey.com>; Bryan Welborn <bwelborn@nsengineering.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Brad Halling <brad@hallingwhiskey.com>
Subject: RE: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review

Thank you for the additional information, Jess and Bryan. I'll take a look and get back with you if I have any follow-up questions. Did you have the calculation for the percentage of window/doors for each elevation between 2' and 10'?

Best,
Alaina

From: Jessica Halling <jess@hallingwhiskey.com>
Sent: Tuesday, April 18, 2023 10:30 AM
To: Alaina Mallette <amallette@southernpines.net>; Bryan Welborn <bwelborn@nsengineering.com>
Cc: BJ Grieve <BJGrieve@southernpines.net>; Brad Halling <brad@hallingwhiskey.com>
Subject: RE: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review

Alaina,

Mornin!

Please see below in red.

Jess

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, April 17, 2023 4:50 PM
To: Bryan Welborn <bwelborn@nsengineering.com>
Cc: Jessica Halling <jess@hallingwhiskey.com>; BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review

Good afternoon, Bryan,

I am following up on our email chain for the BHAWK Rickhouse A. I will need the updated narrative that we discussed (with information highlighted below) by EOB Thursday, in addition to responses to the following questions:

- Will the rickhouse be accessed by customers? **Guests will access Rickhouse A during guided experiences.**
- What is the proposed height of the building? For reference, the building height is the height of a Building is the vertical distance measured from the mean elevation of the finished grade at the front of the Building to the highest point of the Building. **28' 8" (see attached)**
- I spoke with Fire, Engineering, and other Planning staff about the phasing plan that was approved as part of PD-01-23 and the phasing plan that was shown on revised approved site plan dated 06/07/2022 (with a revision note dated 02/02/2023). The original phasing plan shows the first rickhouse ("Rickhouse A") as part of Phase 2 of the development, but it is shown as Phase 1.5 on that 06/07/2022 (02/02/2023) site plan. Either way, the Technical Review Committee is going to want to see a site plan for "Rickhouse A" prior to its construction. The architectural compliance review will continue as normal, but I wanted to make sure you were aware of the site plan review requirements. We don't foresee a lengthy process for that, and encourage you to submit as soon as you have the plans prepared. **The change from Phase 2 to 1.5 was intended to indicate to the Town that Rickhouse A would be the second building to be constructed after the main plant but would not be constructed concurrently with the Stage due to increased construction costs. So instead of Rickhouse A and the Stage being Phase 2, we added Phase 1.5 to articulate to the Town these two buildings would be constructed sequentially. We understood from the Town, that provided construction met Planned Development timelines, the Town would not object to a staggered approach. //// The site plan previously submitted has not changed and accurately reflects the footprint of Rickhouse A and associated site plan requirements. /// If additional information from fire or engineering is required, Bryan will provide but we ask not to have to resubmit.**
- Since ~100% (exclusive of doors and windows) of building material will be Hi-Rib steel siding, we would like you to add some commentary about consistency with UDO 4.10.4(C)(2) "Alternative materials satisfying minimum Building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district." For instance, mention any landscape screens on Yadkin or Trimble Plant roads or an argument that the building is not visible from those public streets.

Rickhouse A satisfies 4.10.4(C)1 (as did the main Distilled Spirits Plant): "The use of alternative building materials that establish an equivalent appearance and have equal or greater durability." While the material is called hi-rib steel, this is a Morton Building and Morton Buildings are nationally known as a best-in-class metal pole barn style building of exceptional quality and durability. That the charcoal color of Rickhouse A matches the main Distilled Spirits Plant creates a design relationship of "an equivalent appearance" to brick materials, which would look odd and out of place for a whiskey storage building. I note that the building materials selected for this project are nested with the overall goals of Paragraph 1.22 of the UDO to enhance commercial vitality, character,

and fiscal growth of Southern Pines as the aesthetic of the Distilled Spirits Plant and Rickhouse A are consistent with the aesthetic of America's world-renowned whiskey distilleries in Kentucky and Tennessee. That legitimacy will contribute to a feeling of local pride and culture in Southern Pines, foster our golf and equestrian cultures (both whiskey cultures), and tourism generally.

Therefore, an analysis of 4.10.4(C)2 should not be required, but if the Town should disagree, I note that the entire property contains a natural landscape screen of Pines including along Yadkin and Trimble Plant Roads creating a 360 screen, which will be augmented to ensure compliance with UDO landscape standards. Parking lot landscape will create additional screening.

- A deviation will be needed for UDO 4.10.4(G)(2), which requires "Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any Building that is wider than one hundred (100) feet." Has there been consideration of changing the roofline or would you like to make the argument that the roofline would not be visible from Trimble Plant Road (i.e., a paved town street)?

Rickhouse A is 40-feet wide. If the Town applies building "width" to both the length and width of the building, please note again the property has a nice natural landscape screen of Pines surrounding it to include along Yadkin and Trimble Plant Roads creating a 360 degree screen, which will be augmented to ensure compliance with UDO landscape standards. Again, parking lot landscape will create additional screening. Roofline changes have not been considered due to 1) additional cost required and 2) again, this design is consistent with world-renowned whiskey distilleries.

- Is the Hi-Rib steel roofing non-reflective? **Yes, and the material is the exact same material the Town approved on the main Distilled Spirits Plant, with the charcoal being the exact same color.**
- Will there be mechanical equipment for Rickhouse A on the roof or surrounding the building? If it is on the roofing, let us know how it will be screened from view. If it is ground-level, please let us know where it will be located in relation to the building by highlighting its location on the site plan. Either way we will need to know if there is any and where it will be located to address potential screening concerns. **No mechanical.**
- Lastly, UDO 4.10.4(I) states that "Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5." You've stated that the building fronts Yadkin Road, which has RS-2 across the street. So, same comment as building materials: either mention how the building will be properly screened or make an argument that it will not be visible from either Yadkin or Trimble Plant Road. **Again, the property has a nice natural landscape screen of Pines surrounding it to include along Yadkin and Trimble Plant Roads creating a 360-degree screen, which will be augmented to ensure compliance with UDO landscape standards. Again, parking lot landscape will create additional screening.**

I know this may seem like a lengthy list, but I'm sure you and the Hallings have the answers quick at the ready. If you wish to discuss any of these in detail, please feel free to call me at 910-692-4003 x 7232. However, please do provide the responses via email so that I can include it with the final packet that goes to Town Council.

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: Alaina Mallette
Sent: Tuesday, April 4, 2023 10:40 AM
To: 'Bryan Welborn' <bwelborn@nsengineering.com>
Cc: 'jess@hallingwhiskey.com' <jess@hallingwhiskey.com>
Subject: RE: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review

Hi Bryan,

If you wanted to add the calculations I mentioned in my email to the narrative and update that minor typo in the process, that would be great—at the very least for our records. I just wanted to make sure you weren't referring to an exhibit from PD-01-21 or PD-03-21.

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: Bryan Welborn <bwelborn@nsengineering.com>
Sent: Tuesday, April 4, 2023 10:12 AM
To: Alaina Mallette <amallette@southernpines.net>
Cc: 'jess@hallingwhiskey.com' <jess@hallingwhiskey.com>
Subject: RE: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review

See clarification below:

Lastly, for the moment, the narrative for UDO 4.10.4(A)(2) states, “PD has no requirements listed in the above-mentioned exhibit.” What exhibit are you referring to?

The statement should refer to UDO Exhibit 4-15 Maximum Spacing Between Entries and not 4-16 Residential Street Design Standards. We can correct and resend if necessary.

Thank you,
Bryan C Welborn
Neal Smith Engineering, Inc.
139 Pinehurst Avenue, Suite C
Southern Pines, NC 28387
(Office) 910-695-8825 x-305
(Fax) 910-695-8832
(Mobile) 910-638-2093

From: Alaina Mallette <amallette@southernpines.net>
Sent: Tuesday, April 4, 2023 9:33 AM
To: Bryan Welborn <bwelborn@nsengineering.com>
Cc: jess@hallingwhiskey.com
Subject: AR-06-23 Brad Halling American Whiskey Ko. Rickhouse Completeness Review

Good morning, Bryan,

Our office received the application for an Architectural Compliance Permit for the Brad Halling American Whiskey Ko. rickhouse—new development for a portion of PARID 00036849 (175 Yadkin Road)—on April 3, 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-06-23 for Brad Halling American Whiskey Ko. rickhouse 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, at your earliest convenience, **can you confirm that 100% of the exterior walls (not including windows and doors) will be ribbed steel siding, or provide calculations for each building material? Furthermore, what is the percentage of window/doors for each elevation?** Lastly, for the moment, the narrative for UDO 4.10.4(A)(2) states, “PD has no requirements listed in the above-mentioned exhibit.” What exhibit are you referring to? Thank you, in advance, for getting this information to us.

For reference, the site has to comply with previous development approvals for the planned development (i.e., PD-01-21 and PD-03-21). We will take a look at the approved Architectural Compliance Permit (AR-04-21) for the other buildings. This application is currently scheduled for the Town Council agenda meeting on May 2, 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/>



From: [Bryan Welborn](#)
To: [Alaina Mallette](#)
Subject: RE: BHAWK AR Narrative Rickhouse A
Date: Thursday, April 20, 2023 4:41:53 PM
Attachments: [image001.png](#)
[image002.png](#)

A USP will need to be submitted separately.

Thank you,
Bryan C Welborn
Neal Smith Engineering, Inc.
139 Pinehurst Avenue, Suite C
Southern Pines, NC 28387
(Office) 910-695-8825 x-305
(Fax) 910-695-8832
(Mobile) 910-638-2093

From: Alaina Mallette <amallette@southernpines.net>
Sent: Thursday, April 20, 2023 4:38 PM
To: Bryan Welborn <bwelborn@nsengineering.com>
Subject: RE: BHAWK AR Narrative Rickhouse A

Bryan – To staff’s knowledge no unified sign plan (USP) has been submitted to the town for review and approval. Do you as applicant or do the owners intend to submit a USP as part of the AR application? If not, that’s okay. However, a USP or individual sign permits will be required prior to installation. Please let me know how you all intend to proceed so that I can add that information to the staff report.

For your and the Hallings’ reference PD-01-21 BHAWK CDP says that signage is contemplated for Phase 1 (which they are in now); that “the applicant shall conform to UDO §4.6 Signage and as an alternate to individual sign permits, may submit a unified sign plan;” and includes a map of approved sign locations (see below).



Thanks,
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: Alaina Mallette
Sent: Thursday, April 20, 2023 12:21 PM
To: 'Bryan Welborn' <bwelborn@nsengineering.com>
Subject: RE: BHAWK AR Narrative Rickhouse A

Thank you, Bryan. I will be looking at this this afternoon and will follow up if there is anything additional that we may need.

From: Bryan Welborn <bwelborn@nsengineering.com>
Sent: Thursday, April 20, 2023 12:11 PM
To: Alaina Mallette <amallette@southernpines.net>

Subject: BHAWK AR Narrative Rickhouse A

See attached. Let us know if you have any questions or if we are missing anything.

Thank you,
Bryan C Welborn
Neal Smith Engineering, Inc.
139 Pinehurst Avenue, Suite C
Southern Pines, NC 28387
(Office) 910-695-8825 x-305
(Fax) 910-695-8832
(Mobile) 910-638-2093



180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

April 13, 2021

Rickhouse Properties, LLC.
Mr. Brad Halling and Mrs. Jessica Halling
304 Edgewood Road
Cameron, NC 28326

RE: The Town of Southern Pines Town Council resolution to adopt a statement of consistency and an ordinance amending the zoning map of the Town of Southern Pines for the four-phased Planned Development District Conceptual Development Plan PD-01-2 located at 175 Yadkin Road.

Mr. & Mrs. Halling,

Please be advised that Planned Development District Conceptual Development Plan PD-01-21 was approved at the March 22, 2021 worksession meeting of the Town of Southern Pines Town Council. There were two (2) conditions of approval as follows:

- Allow a 50' building height for the distillation still roof column
- This approval does not include parking space requirement details. Parking space requirement details will be provided from the applicant with their Preliminary Development Plan submission.

A copy of the signed Consistency Statement and Ordinance are enclosed with this letter for your records and does not require any further action on your part.

If you should require further information or have additional questions, please contact the Town of Southern Pines Planning Department at (910) 692-4003.

Sincerely,

Suzy Russell, CZO
Planner II

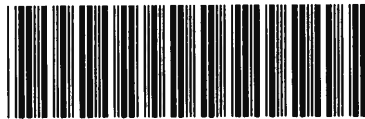
Enc. Consistency Statement and Ordinance for PD-01-21

cc. nsmith@nsengineering.com
bwelborn@nsengineering.com
jahalling@yahoo.com

mail: Town of Southern
Pines
125 SE Broad St.
Southern Pines, NC 28387

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
April 05, 2021 11:32:49 AM
Book 5583 Page 554-557
FEE: \$26.00
INSTRUMENT # 2021007906

111



INSTRUMENT # 2021007906

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF SOUTHERN PINES**

THAT WHEREAS, after notice being duly given according to law, a virtual public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on March 9th 2021 at 6:00 PM for the purpose of hearing a legislative request for a Planned Development Conceptual Development Plan.

WHEREAS, action on this agenda item, per G.S. §166A-19.24(e), was not taken until allowing a minimum of 24 hours following the remote public hearing for submittal of written comments, and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentations at the hearing as well as allowing for the 24 hour period after the remote public hearing, the Town Council of the Town of Southern Pines at its Worksession Meeting on March 22, 2021 passed an ordinance amending the Zoning Map of the Town of Southern Pines, North Carolina; and, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Zoning Map be amended as herein set forth below, and

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina assembled in Worksession on the 22nd day of March, 2021:

Section 1. That the Zoning Map of the Town of Southern Pines be, and the same hereby is, amended by changing the zoning of one existing parcel totaling 15.04 acres identified as PIN: 858200642631 (PARID: 00036849) a from I (Industrial) to PD (Planned Development) with an approved Conceptual Development Plan (CDP). The subject parcels are described as follows:

PIN: 858200642631; PARID: 00036849

Being Tract 1 containing 15.04 acres, more or less, as shown on a plat thereof recorded in the Office of the Register of Deeds for Moore County, North Carolina, in Plat Cabinet 15, Slide 858.

Section 2. That the Planned Development (PD) zoning classification is subject to the mix of land uses set forth in the approved Conceptual Development Plan (CDP).

Section 3. That development of the property referenced in Section 1 of this Ordinance is subject to conformance with the text and site plan that accompanied Planned Development - Conceptual Development Plan (CDP) application PD-01-21, a copy of which may be found on file in the Town of Southern Pines Planning Office, 180 SW Broad Street, Southern Pines, North Carolina.

Section 4. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption.

Adopted this 22nd day of March, 2021

ATTEST:

Peggy K. Smith
Peggy K. Smith, Town Clerk

TOWN OF SOUTHERN PINES

Carol Haney
Carol Haney, Mayor

APPROVED AS TO FORM:

Douglas R. Gill
Douglas R. Gill, Town Attorney

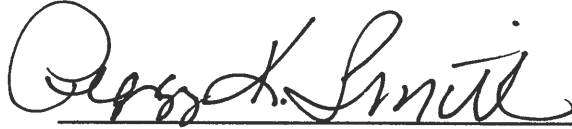


I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on March 22, 2021 as shown in the Minutes of the Town Council meeting for that date.

Peggy K. Smith
Peggy K. Smith, Town Clerk

**COUNTY OF MOORE
STATE OF NORTH CAROLINA**

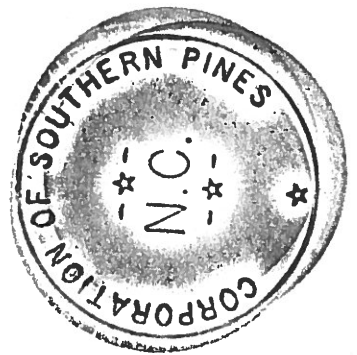
I swear that this is a true and accurate copy of an Ordinance amending the Zoning Map of the Town of Southern Pines adopted on March 22nd, 2021 (PD-01-21).



Peggy K. Smith, Town Clerk

3/30/21

Date





**TOWN COUNCIL
RESOLUTION TO ADOPT A STATEMENT OF CONSISTENCY
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-01-21**

WHEREAS, Section 160A-383 of the North Carolina General Statutes specifies that the governing board shall, with any ordinance amendment or zoning map amendment decision, approve a statement describing whether the action of the governing board is consistent with the adopted comprehensive plan.

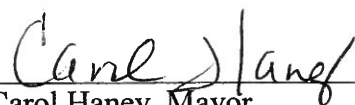
WHEREAS, Section 160A-383 of the North Carolina General Statutes specifies that zoning regulations shall be made in accordance with a comprehensive plan and prior to adopting or rejecting any zoning amendment, the governing board shall adopt one of the following statements, which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with an adopted comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The governing board shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the governing board took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

WHEREAS, zoning regulations shall be designed to promote the public health, safety, and general welfare. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town.

WHEREAS, the Town Council conducted a public hearing on March 9th, 2021 for consideration of Planned Development Conceptual Development Plan application PD-01-21; **NOW, THEREFORE BE IT RESOLVED** that the Town Council finds that the Conceptual Development Plan application PD-01-21 is reasonable, in the public interest and consistent with the Town of Southern Pines Comprehensive Long Range Plan (CLRP) because the proposed mixed use development establishes a compatible transition into the surrounding Industrial zoned land. The development utilizes the light industrial intensity with compatible and mutually supportive mix of uses. This will create a corner parcel that transitions into the surrounding Industrial zoned land that will be developed more in character with the vitality of Southern Pines enhancing the Future Land Use Designation of "Industrial".

ADOPTED this the 22nd day of March, 2021.


Carol Haney, Mayor

ATTEST:


Peggy Smith,
Town Clerk



180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

July 14, 2021

Rickhouse Properties, LLC
Mr. & Mrs. Halling
304 Edgewood Road
Cameron, NC 28326

RE: Written Decision of the Town of Southern Pines Town Council for a Development District Preliminary Development Plan PD-03-21 for the development of a four (4) phased whiskey distillery.

Please be advised that Planned Development District Preliminary Development Plan PD-03-21 was approved at the June 8, 2021 regular meeting of the Town of Southern Pines Town Council. A separate Written Decision of the Board was approved by the Town Council at the June 28, 2021 Town Council Work Session with the following conditions:

- The applicant shall be allowed a parking reduction, based on the parking analysis provided by the applicant, and to meet the parking requirements for 147 parking spaces.
- Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:
 - Aisle widths will be approved at TRC review.
 - Surface material will be approved at TRC review.
 - Per UDO 3.5.14 (M) (4) the applicant shall meet off street loading requirements.
- The applicant will comply with the Town of Southern Pines landscape code found in the UDO § 4.3 and specifically:
 - Landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

A copy of the Written Decision of the Board is enclosed with this letter for your records and does not require any further action on your part.

If you should require further information or have additional questions, please contact the Town of Southern Pines Planning Department at (910) 692-4003.

Sincerely,

Suzy Russell, CZO
Planner II

Enc. Written Decision of the Board PD-03-21

cc. • Jessica and Brad Halling, Rickhouse Properties jhalling@yahoo.com
 • Neal Smith, Neal Smith Engineering nsmith@nsengineering.com

TOWN OF SOUTHERN PINES

REGULAR BUSINESS MEETING OF THE TOWN COUCIL

June 8, 2021

6:00 pm

The Douglas Community Center

1185 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: PD-03-21

A public hearing regarding the proposed Planned Development Preliminary Development Plan was called to order with all five (5) members present. The Mayor administered the oath to all witnesses choosing to speak. Ms. Suzy Russell, Planner II for the Town of Southern Pines, presented the staff report. Ms. Jessica Halling of Rickhouse Properties, LLC., presented as the petitioner.

Matter at Issue:

PD-03-21: For the development of a whiskey distillery along with supportive uses;
Petitioner: Rickhouse Properties, LLC.

Mr. Neal Smith of Neal Smith Engineering, Inc., on behalf of Rickhouse Properties, LLC., has submitted an application for a Planned Development - Preliminary Development Plan pursuant to Section 2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for a new four-phased whiskey distillery. The applicant is proposing to construct a mixed-use development to include a whiskey distillery along with retail, office, restaurant, bar, storage, special events and manufacturing with onsite sales. This subject property is an undeveloped 15.04-acre parcel located on the North side of Yadkin Road between Trimble Plant Road and US HWY #1. The subject property is currently zoned PD and has an approved CDP, but the zoning map has not been updated in GIS and still shows the property as I (Industrial). The subject property is identified as PIN: 858200642631 (PARID: 00036849) and per the Moore County tax records, the property owner is listed as Rickhouse Properties, LLC.

Ms. Suzy Russell presented the Town of Southern Pines staff report (Exhibit A) and reviewed compliance with the recently approved CDP and applicable sections of the Unified Development Ordinance. Ms. Russell addressed the modifications that have been included in the PDP.

Ms. Jessica Halling presented the case for the approval of PDP application PD-03-21 (Exhibit B). Ms. Halling provided an explanation of the request to build the whiskey distillery and the phased development of the supportive mixed uses over a 10-year phasing plan. Mr. Halling spoke about the phasing plan, and that certain approved uses may be built before others, but that the phasing plan would remain. Mr. Pate stated the phasing plan shown on the site plan did not match what uses were described in the report. Ms. Halling presented the request to be allowed to have a parking aisle widths and parking surfaces be determined at site plan review with the Technical Review Committee. Mr. Parsons stated that this is what TRC is for. Mr. Saulnier stated to pay attention to the fire lanes and Ms. Halling responded that fire prevention is preventative and that they will treat it seriously.

Mr. Neal Smith of Neal Smith Engineering stated that this is the same presentation as the CDP and that grading will happen during permitting and that the entire site will be graded at one time.

No additional testimony was provided by Town staff, the applicant or members of the public.

Town Council Action:

Therefore, having heard all evidence submitted by those wishing to speak, the Town Council then closed the public hearing. After closing the public hearing, the Town Council made the following findings of fact on the application:

The Council voted on the following Findings of Fact and Conclusions of Law as required by UDO Section 2.18.5(H) and as presented in Attachment A in staff report PD-03-21:

Finding of Fact #1: By a vote of 5-0 The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2: By a vote of 5-0, the Town Council finds that the application complies with Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PDD and this section;

Town Council finds that the Preliminary Development Plan (PDP) to develop a whiskey distillery with supportive uses in four phases is generally consistent with the purposes of the PD-Planned Development zoning district. The land use mix is consistent with the CLRP and incorporates a variety of uses which is a standard of the traditional mixed-use category.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

Town Council finds that the PDP is consistent with the Conceptual Development Plan (CDP) because the PDP maintains the mix and intensity of land uses as well as the phasing plan set forth, evaluated and approved with the CDP. The applicant has requested a parking reduction for 147 parking spaces to be the minimum required and provided a parking analysis as conditioned with the CDP. Town Council finds that the 147-parking space request is adequate because the parking analysis illustrates the parking standards within the UDO do not accurately apply to the proposed whiskey distillery and an inflexible application of the parking standards would result in an excess of parking spaces. The applicant also requested to deviate from the standards set forth for parking aisle width in their parking analysis on page 3. Because the site contains 10 or more parking spaces, Town Council finds that the applicant shall comply with the review for site plan with the Technical Review Committee (TRC). The applicant requested to deviate from vehicle use area material standards and because the Town of Southern Pines staff has specifically commented that the current standards should be met, Town Council finds that the applicant will comply with the applicable standards as administered by the Technical Review Committee at site plan review. Town Council finds that the loading and unloading area shall comply with the UDO in order to accommodate loading and unloading in a safe and convenient manner. Town Council finds that the applicant will meet the landscaping standards found within the UDO and specifically will provide landscape screening for the parking lot in Phase 2, or when the 75th parking space is proposed. The applicant is providing 74 parking spaces in phase 1 and therefore does not trigger this standard until they provide the 75th parking space.

3. The proposed Development is located in an area of the Town that is appropriate;

Town Council finds that the PDP is in an area of the Town that is appropriate because the proposed mixed-use development establishes a compatible transition into the surrounding Industrial zoned land. With a distilled spirit plant being an allowed land use in the Industrial zoning district the distilled spirit plant along with the mutually supportive uses will behave as a transition to the surrounding Industrial (I) zoned properties.

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

Town Council finds that the PDP is consistent with the Conceptual Development Plan and this development is served by existing public utilities and they are located in a manner that is respectful of existing natural features and environmentally sensitive areas.

Decision of the Council:

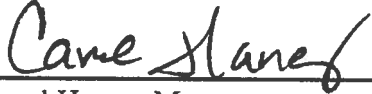
By a vote of 5-0, the Town Council then voted to approve the Preliminary Development Plan Application PD-03-21 as requested by the applicant, with the following conditions:

- The applicant shall be allowed a parking reduction, based on the parking analysis provided by the applicant, and to meet the parking requirements for 147 parking spaces.

- Parking will comply with the UDO regulations and requirements put forth at site plan review with the Technical Review Committee and specifically:
 - Aisle widths will be approved at TRC review.
 - Surface material will be approved at TRC review.
 - Per UDO 3.5.14 (M) (4) the applicant shall meet off street loading requirements.
- The applicant will comply with the Town of Southern Pines landscape code found in the UDO § 4.3 and specifically:
 - Landscape screening for the parking lot shall be provided in Phase 2 or when the 75th parking space is proposed.

This is the 28th day of June, 2021.

FOR THE TOWN COUNCIL:



Carol Haney, Mayor

cc: Jessica and Brad Halling, Rickhouse Properties jhalling@yahoo.com
Neal Smith, Neal Smith Engineering nsmith@nsengineering.com



Planning Department

180 SW Broad Street
Southern Pines, NC 28387

Phone (910) 692-4003
Fax (910) 692-9495

September 15, 2021

Neal Smith
nsmith@nsengineering.com

Jessica Halling
jahalling@yahoo.com

RE: *AR-04-21 Brad Halling American Whiskey Kompany*

On September 14, 2021, the Town of Southern Pines Town Council approved your request for an Architectural Compliance Permit for application AR-04-21. The approved permit is for the construction of a 15,380 square foot commercial building located at 175 Yadkin Road. We will maintain a copy of the application and permit on file for review at the planning office for administrative inspection upon the request of a certificate of occupancy for a construction final.

The following deviations have been approved by the Town Council from UDO §4.10.4 Building Design Requirements:

- §4.10.4 (C) Building Materials: metal siding building material is allowed.
- §4.10.4 (E) (3) Awnings: metal awnings are allowed.
- §4.10.4 (G) (3) Roofs: the roof color that was presented in the application, a burgundy color, is allowed.

Please note the following:

IN ADDITION TO the architectural compliance permit approval from planning department, the applicant should be reminded that ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN (if applicable). When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommends a staff consultation of the applicant's preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements.

Please feel free to contact our office at (910) 692-4003 with any questions.

Suzy Russell, Planner II



Planning Department

801 SE Service Road
Southern Pines, NC 28387

Phone (910) 692-4003

March 13, 2023

Mr. Bryan Welborn
Neal Smith Engineering, Inc.
139 Pinehurst Avenue
Southern Pines, NC 28387

Re: Brad Halling American Whiskey Ko.

Dear Bryan:

The above-referenced site plan was approved by the Town of Southern Pines Technical Review Committee on Tuesday, March 14, 2023. Once you receive the erosion control permit approval letter and have paid any inspection fees, please contact the Public Works Department at (910) 692-1983 to schedule a preconstruction conference. You will receive a signed original full-size set of plans at that meeting.

Please note that site plans are subject to the development approval timelines as set forth in UDO §2.8. Furthermore, an approved site plan may only be modified in accordance with the procedures and standards established in UDO §2.48.

Sincerely,

BJ Grieve, AICP®, CFM®, CZO
Planning Director

cc: Brad & Jessica Halling