



AGENDA

Wednesday, July 5, 2023: 6:00 PM

Town Council Agenda Meeting

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

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. ACTION ITEMS

4. REVIEW PUBLIC HEARING APPLICATIONS FOR JULY 11 AGENDA

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)

Mr. Colin Webster, on behalf of Grovsner Land, LLC, has submitted an application for a mixed-use development with condominiums, single-family townhouses, office, retail, and restaurant.

b. OA-01-23: Amendments to the Architectural Compliance Permit process in Section 2.26 of the Unified Development Ordinance.

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments related to the review process for Architectural Compliance Permit and is requesting Town Council review and approval per UDO §2.17.

c. AX-01-23: Annexation of one acre on north side of Eastman Road

Reagan Parsons, on behalf of the Town of Southern Pines, is requesting voluntary annexation of 1 acre that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject property is identified as PIN 857211657012 (PARID 00040888) and is owned by the Town of Southern Pines.

d. AX-02-23: Annexation of 31.99 acres on north side of Morganton Road

Charles Gregg, on behalf of Morganton Park Realty, LLC, David Grantham and Jeff Kilpatrick, on behalf of PACN Realty, LLC, and Thomas M. Van Camp, on behalf of Morganton Park North Master Association Inc., are requesting voluntary annexation of 31.99 acres currently outside of the corporate limits of the Town of Southern Pines.

5. REVIEW PROPOSED ACTION ITEMS FOR JULY 11 AGENDA

6. REVIEW PROPOSED CONSENT AGENDA FOR JULY 11 AGENDA

a. Adopt Resolution #1059 Supporting the Town's Application for Moore County Tourism Development Authority Funding

The Town is submitting a grant application to the Moore County Tourism Development Authority for the 2023 One Time Project Fund. The Town's application will be a request for funding assistance for the planned renovations to the carriage house at Whitehall at Reservoir Park.

b. Adopt Resolution #1060 Supporting Skaters for Moore's Application for Moore County Tourism Development Authority Funding

Skaters for Moore is submitting a grant application to the Moore County Tourism Development Authority for the 2023 One Time Project Fund. Their application will be a request for funding assistance for the planned skate park at Memorial Park.

c. Approve Meeting Minutes for June 2023

Staff has prepared the following meeting minutes for approval:

- June 6, 2023

- June 13, 2023

- June 27, 2023

7. CLOSED SESSION

a. Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(5) to discuss a potential land transfer.

Council will discuss a potential land transfer.

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

From: BJ Grieve, Planning Director

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: July 11, 2023

I. SUMMARY OF APPLICATION REQUEST:

Mr. Colin Webster, on behalf of Grosvenor 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 four-story, mixed-use building that allows for multi-family residential (in the form of condominiums), office, retail, and restaurant land uses. The proposed development will allow for up to 41 multi-family residential units while requiring no less than a minimum of 25 units. The proposed development will also allow for up to 18,000 square feet of office space with no more than 2,500 square feet on the ground floor and up to 10,000 square feet of retail on the ground floor. A minimum of 57 on-site parking spaces will be provided on-site, and the development also proposes to improve 8 parking spaces on New York Avenue for use by the public as well as occupants and customers of the proposed development. 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 Grosvenor Land, LLC.

II. PLANNING BOARD REVIEW:

On March 23, 2023, the Planning Board held a public hearing regarding PD-02-23 to accept public comments and make a recommendation on the application for rezoning to Planned Development.

Following a presentation by staff and discussion with the applicant, the Planning Board found the proposal to be consistent with the CLRP, but recommended denial of PD-02-23 on a 5-1 vote (Carter dissenting) with the following items noted as a basis for the recommendation for denial:

1. The safety issue created by the diagonal parking on South Bennet Street;
2. The building is five (5) stories and the current standard of the UDO is three (3) stories;

3. The total building height will be near or over 50 ft and current zoning limits the height to 45 feet, and the top floor ceiling height is 44 feet and the current zoning limits ceiling height to 38 ft.

III. TOWN COUNCIL REVIEW

Following the Planning Board meeting in March, the Town Council advertised and opened the public hearing at the April 11, 2023 Regular Meeting. The applicant requested, and was immediately granted, a continuance. A second continuance was granted at the May 9, 2023 Regular Meeting. Both continuances were requested and granted to allow the applicants time to modify the project design based on Planning Board feedback. Primary modifications to the project that were made following the Planning Board meeting include:

1. Eliminating proposal for diagonal parking on South Bennett Street.
2. Decreasing number of stories¹ from five to four.
3. Modifying building footprint and orientation.

The public hearing was reconvened at the June 13, 2023 Town Council Regular Meeting. A presentation was given by town planning staff, followed by a separate presentation by the applicant. After a period of questioning the applicant and Town Council discussion, members of the public had an opportunity to comment. Seven people spoke regarding the project. The Town Council noted many deficiencies in the information contained in the application materials and asked the applicant to work with the town planning staff to address these deficiencies and return with a better application at the next regular meeting. The Town Council continued the public hearing to the July 11, 2023 Town Council Regular Meeting.

IV. PROJECT INFORMATION:

A. Property Owner(s)

Grosvenor Land, LLC
PO Box 1872
Southern Pines, NC 28388

B. Applicant & Authorized Agent

Grosvenor Land, LLC
PO Box 1872
Southern Pines, NC 28388

The property has been purchased by the applicants since this application for rezoning was submitted. A copy of the deed showing the current owner and the applicant are the same is attached to this staff report.

¹ Per UDO definition of “story” found in §4.2.1(C) and “floor” found in Chapter 9 Definitions.

C. Property Information:

1. Street Address:

The subject parcels are addressed 164 S. Bennett Street and 235 W. New York Avenue. Additional addresses may be assigned by Moore County upon approval of a development plan.

2. Size of Property:

164 S. Bennett Street = .33 Acres

235 W. New York Avenue = .45 Acres

3. Subject Property Description:

The subject property is vacant, with significant change of grade and overgrowth. Though no identified wetlands or floodplain exist on the property, it does lie within the Little River Intake No. 2 Water Supply Watershed.

Figure 2: Vicinity Zoning Map:

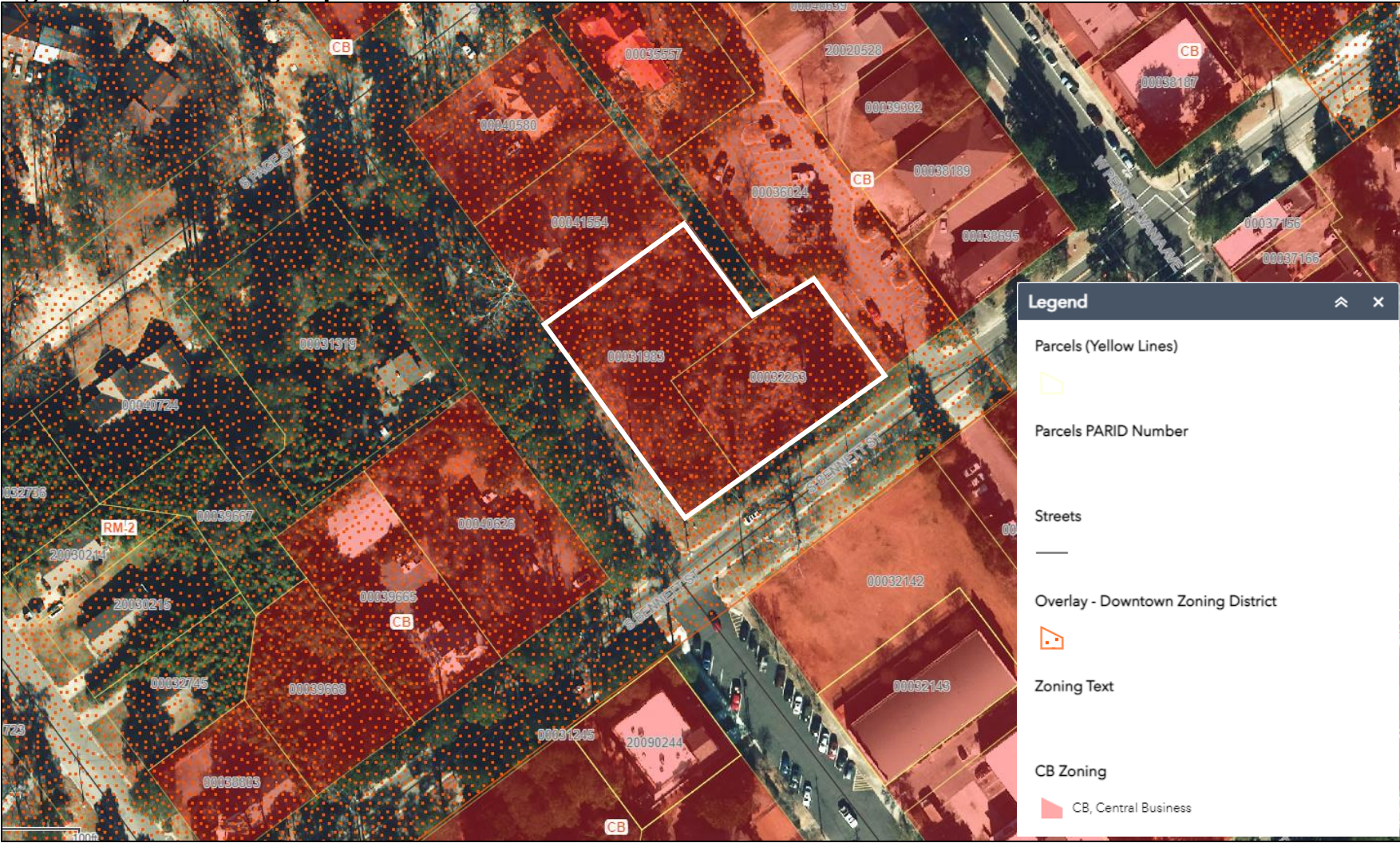


Figure 3: Oblique Aerial Image of Present Condition of Subject Property (February 3, 2023):



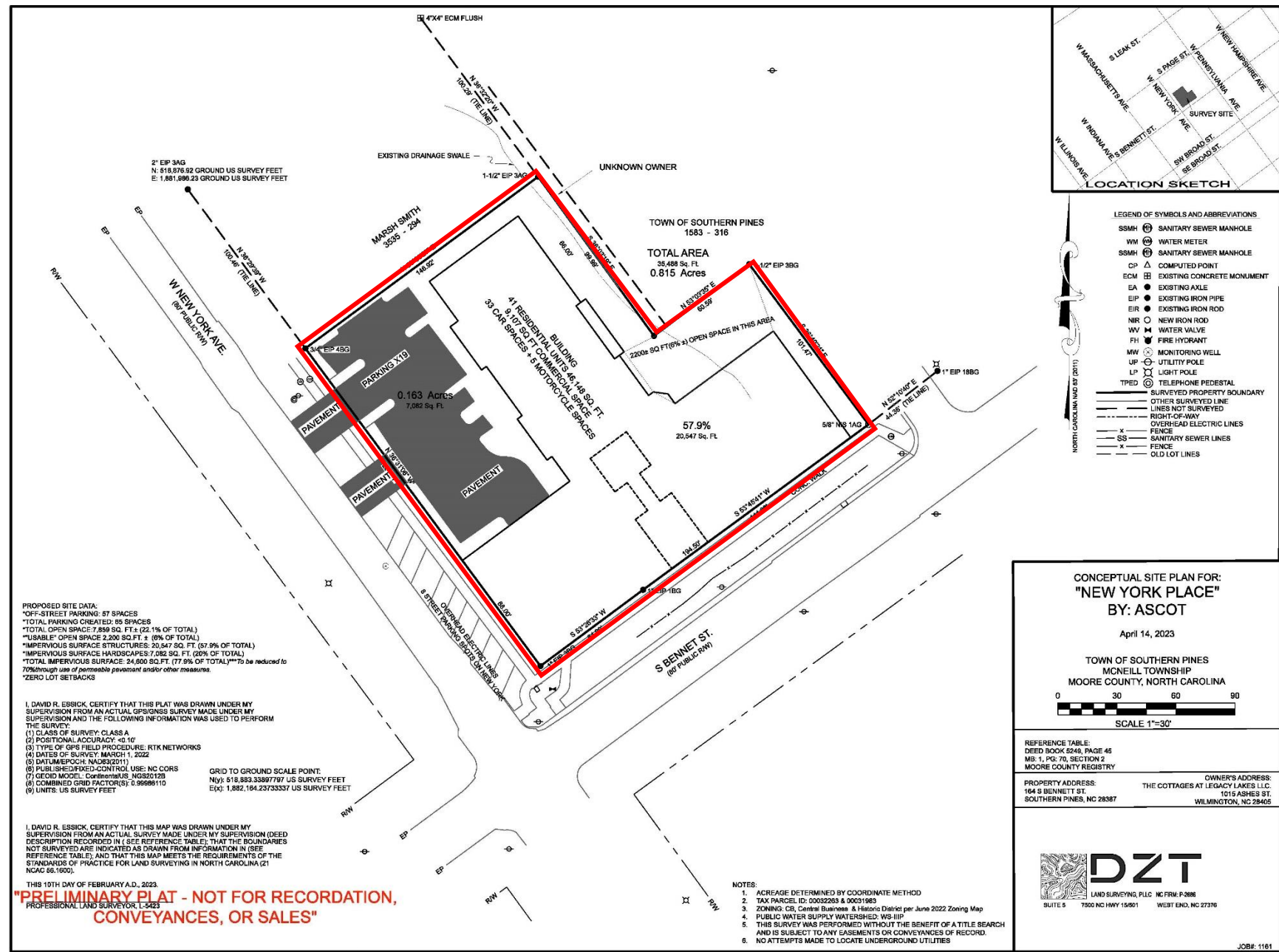
Figure 4: Oblique Aerial Image of Subject Property with Approximate Boundaries (February 3, 2023):



Figure 5: Future Land Use Map for PD-02-23:



Figure 6: Proposed Conceptual Development Plan Layout for PD-02-23 (revised since Planning Board Meeting):



[illegible]

V. STAFF REVIEW:

A. Review Process:

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

B. Application Review Dates:

- CDP Application Submitted: January 3, 2023 (subsequent submittals on February 15, 2023, February 21, 2023, April 17, 2023, April 19, 2023 and April 24, 2023)
- The developers held a Neighborhood Meeting on January 26, 2023 in compliance with UDO §2.18.3(D). A sign-in sheet and written comments from the meeting are attached to the CDP.
- Application Deemed Complete: February 17, 2023
- Notice of March 23, 2023 Planning Board Public Hearing:
 - Posted On-site: March 2, 2023
 - Mailed: March 2, 2023
 - Publication Dates: March 8, 2023 and March 15, 2023
 - Request for Agency Comments: February 24, 2023
- Planning Board Regular Meeting: March 23, 2023
- Notice of April 11, 2023 Town Council Public Hearing:
 - Posted On-site: March 2, 2023
 - Mailed: March 28, 2023
 - Publication Dates: March 29, 2023 and April 5, 2023
- Town Council Public Hearing Opened and Immediately Continued to May 9, 2023: April 11, 2023
- Town Council Public Hearing Continued to June 13, 2023: May 9, 2023.
- Town Council Public Hearing Continued to July 11, 2023: June 13, 2023
- Town Council Public Hearing: July 11, 2023.

C. Criteria for Review:

The criteria for review and approval of a Conceptual Development Plan (CDP) are found in UDO §2.18.4(H) and are listed in this section. Additionally, because an approved CDP proposal results in a new zoning designation for the subject properties, an application for approval of a Conceptual Development Plan (CDP) follows the *procedures* outlined in the UDO for a zoning map amendment and must address UDO *criteria* for a zoning map amendment as well as those of a CDP. The applicant has addressed the proposal's consistency with the zoning map amendment criteria in Section 2.4 of the submitted CDP document, which is offered below for ease of review. UDO language is provided at each numbered point, with the applicant's responses to the criteria following in italicized type.

1. Criteria for Zoning Map Amendments (UDO §2.17.9, A-H)

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

The applicants have provided a narrative in the CDP application addressing how the proposed Planned Development is consistent with the CLRP. See Section 2.4 of the applicant's CDP application attached to this report.

Staff has identified the following CLRP Goals and Policies that are relevant to the proposal, presented here for the Town Council's consideration:

G-3. Downtown – Enhance the commercial and civic vitality of Downtown while protecting its historic and aesthetic character, as well as its role as the focal point of the Town.

G-4. Neighborhoods – Protect and enhance the civic vitality, function, stability and character of Southern Pines commercial and residential neighborhoods.

G-10. Economy – Achieve a sustainable, resilient, balanced economy, providing community prosperity and fiscal health.

G-13. Growth – Ensure that services, facilities and land resources accommodate anticipated growth while enhancing the quality of life for Southern Pines' residents.

P-1. Downtown –

- Ensure that new growth and renovation in the Downtown are compatible with Downtown's overall scale, architectural, transportation and public-space characteristics.
- Manage growth, land use and infrastructure decisions within Town and ETJ in ways that preserve Downtown as Southern Pines' essential and defining commercial center.

P-2. Neighborhoods – Ensure that new development and redevelopment are compatible with the overall scale, architectural, transportation and public-space characteristics of the neighborhood in which it occurs.

P-3. Activity Centers – Encourage the development of compatible neighborhood mixed-use and civic activity centers that are accessible to neighborhoods and located so that traffic, parking and land use impacts are compatible with surrounding uses.

P-4 – Future Land Use – Use the future land use map in Chapter 4 of this Plan as a guide for zoning decisions. Recognizing that the map accommodates projected growth through the year 2040, decisions to approve zoning map amendments, proposed development and infrastructure extensions need to consider both the proposed future land use and whether the timing of the action is consistent with the Town's other goals and policies. For instance, when considering action on a development proposal that matches the use shown on the future land use map, the Town should consider whether the development is premature and would encourage sprawl while reducing the incentive for infill

development that would capitalize on existing infrastructure and support Downtown vitality. Staff note: The subject parcels are categorized as Commercial by the CLRP's Future Land Use Map.

P-11. Economy – Foster a healthy, sustainable and resilient economy by:

- Encouraging business diversity;
- Supporting a healthy mix of Downtown uses that capitalize on local and regional business.

P-15. Growth Coordination – To maintain the Town's fiscal integrity and ability to provide public facilities and services in a cost-effective manner:

- Favor infill development in areas with access to public facilities over development on the perimeter that requires extension of public facilities.

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

The applicants have provided a narrative in the CDP application addressing how the proposed Planned Development does not adversely impact neighboring lands. See Section 2.4 of the applicant's CDP application. Furthermore, the applicants have modified the Planned Development standards in response to feedback from both neighboring properties as well as the Planning Board. The applicants have provided a sketch in their CDP of the proposed building height in relation to other buildings in the area.

The main issue for consideration by the Town Council is the proposed mix of land uses and the massing and orientation of the proposed building. Determining if the impact of the proposed building would be "adverse" to the neighboring lands is the purview of the Town Council.

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

The subject parcels proposed for development are presently zoned CB – Central Business, with a DTO – Downtown Transition Overlay. The applicants address the current zoning and compare and contrast development scenarios allowed under the current zoning with the proposed zoning throughout the CDP application and narrative. The primary issues between the current zoning and the

proposed zoning appears to be the limitation on multi-family residential development within the current zoning, as well as the limitation on the number of floors allowed in a building and the minimum parking requirement. All of these issues are reviewed later in this report. Some other deviations from the design requirements of the current zoning, such as landscaping and multi-family development standards, are also reviewed later in this report.

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

The applicants have provided a narrative on how they feel the proposed project benefits the health, safety and welfare of Southern Pines broadly and the downtown specifically. The narrative can be found on page 7 of the CDP attached to this report.

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

The applicants have provided a narrative on how they feel the proposed project is consistent with public policies as outlined in the CLRP. The narrative can be found on pages 5-6 of the CDP attached to this report.

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

The proposed development is located on two adjoining parcels that total approximately .8-acres of land. While this is a relatively small parcel of land for a Planned Development, the applicants are proposing a mixed-use development containing multi-family residential dwelling units that cannot be developed without approval of a PD - Planned Development. The overall development context of the downtown Southern Pines area surrounding the subject parcels is very different than larger Planned Developments such as Morganton Park South or the Knollwood Tract. The appropriateness of the proposed Planned Development, in relation to the size, shape and characteristics of the tract of land on which it is proposed and in relation to the affected neighboring lands, is the matter for consideration by the Town Council.

The applicants have provided a narrative on how they feel the proposed project is appropriate and suitable on the subject parcels. The narrative can be found on page 7 of the CDP attached to this report.

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

The applicants put forth a variety of points in favor of the proposed development throughout the CDP application and narrative that is attached to this report.

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

While this provision allows for Conditional Zoning Districts to be bound by a specific range of land uses, *Planned Developments* also provide for a range of specific land uses that will be allowed should the zoning be approved, and limits the project to those specific uses. This is clarified in UDO §2.18.4(I)(2) which states: “Approval of a Conceptual Development Plan shall constitute acceptance of the general land-use mix, range of Development types and intensities, street patterns, parks and open space, and pedestrian and bicycle trails”.

2. Criteria for Conceptual Development Plans (UDO §2.18.4, H, 1-4)

- a. The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter.** A detailed response to this criterion is provided above.
- b. The Conceptual Development Plan represents an overall Development Pattern that is consistent with the goals and policies of the Comprehensive Plan, Official Zoning Map, Capital Improvements Program, and any other applicable planning documents adopted by the Town.** The applicant has addressed the proposal’s consistency with the Town’s Comprehensive Long-Range Plan in the narrative submitted with the application, in *Section 2.4 – Compliance*. This information is also provided in this report in Section C. 1., Criteria for Zoning Map Amendments, Subsection a. – Consistency.
- c. The proposed Development is appropriate for the area of the Town in which it is located.** The applicant has provided reasoning for why the proposal is appropriate for the area by demonstrating that the proposed mix of uses are either currently categorized as uses by right (in some cases with supplementary use

regulations), or require approval as a Planned Development District (which is the impetus behind this application). The rezoning request to PD is due to the UDO requirement (§3.7.1(F)) that multi-family development proposals consisting of ten or more units be presented as Planned Developments. This project proposes up to 41 residential units as part of the mix of uses for the development. The proposed building would also not be allowed without approval of a Planned Development because the building has four stories and is providing less than the minimum amount of parking required under UDO §4.5.

The applicant's CDP document describes how the proposal complies with the applicable purposes of the Conceptual Development Plan (UDO §2.18.4). The applicants provide further justification for the development being an improvement over the current conditions of the property, and state that the project will not require an extension of, or upgrade to, public utilities or services.

- d. The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.** The project site has direct access to existing water and sewer mains along South Bennett Street and West New York Avenue. Being contained within the Town's corporate boundary, the property is currently afforded police and fire protection. A Conceptual Stormwater Plan has been provided that proposes alterations to an existing stormwater pipe, allowing conveyance to a proposed onsite stormwater collection area that is immediately adjacent to land that appears to be a narrow unimproved Town right-of-way running north to S. Page Street. An early conceptual design was brought to the TRC's attention during their March 14, 2023 meeting, with no immediate issues noted. Should the CDP be approved, the project may not move forward until approval of a PDP with more specific detail about the proposed development as well as final approval by the TRC of engineering plans, including a detailed stormwater design.

D. Staff Comments

1. The applicants have provided a narrative addressing the purpose of a Planned Development per UDO §2.18.4(A), and addressing the criteria for a CDP per UDO §2.18.4(H). Copies of the applicant's narrative documents containing their descriptions of the project's alignment with applicable criteria are attached to this staff report.
2. The applicant has provided a CDP containing the design standards within the New York Place Planned Development. Any development design requirements not specifically modified within the CDP will default to the requirements set forth in the UDO. It can be helpful for the public and the Town Council to understand what deviations from the UDO are being requested pursuant to the proposed Planned Development.

- **Building Height.** As currently proposed (and modified since presentation to the Planning Board) the building is four stories with an overall building height not exceeding 45 feet, with minor “overages” allowed to comply with architectural requirements such as parapets (see page 11 of CDP). Amendments earlier this year to the UDO set the maximum number of stories at three and the ceiling height of the top story at 38’ for buildings in the CB, GB, and PD Districts. The proposed design therefore constitutes a deviation from the standards of the UDO. The applicant provides multiple justifications for the request throughout the CDP document. The applicant also provides pictures of nearby buildings and a cross-section sketch of building heights in the vicinity.

Any way you describe it, the proposed building is going to look and feel big as viewed from South Bennett Street, just like the Growler Building did to most people when they first saw it. It is worth noting and considering that as land values and construction prices increase, the cost of developing nice buildings and sites with nice amenities will require more leasable square footage and/or sellable dwelling units in the building to pay for it. This is a normal trend in all growing towns. If Southern Pines envisions a future with nice-looking, pedestrian-oriented and engaging buildings surrounded by usable open space and filled with desirable land uses, then building heights and overall development intensity will likely need to increase to help pay for it. The main issue being considered as a result of the requested rezoning is how tall of buildings and how intense of site development will be allowed in what locations at what time.

- **Parking.** The CDP as submitted allows for less than the minimum number of parking spaces that would be required for the mix and scale of proposed land uses. A simple analysis, based on some assumptions of final mix of uses and square footage allocations, can be made regarding minimum parking requirements using Exhibit 4-6 in the UDO:
 - 41 two-bedroom dwelling units = 90 parking spaces
 - 5,000 square feet retail = 25 parking spaces
 - 5,000 square feet restaurant = 50 parking spaces
 - 10,000 square feet office = 25 parking spaces

Using the assumptions above, it is possible that the minimum parking standards in the UDO would require approximately 190 parking spaces. 190 surface parking spaces built to Southern Pines standards (approximately 350 square feet each space to include landscaping and access) would take up approximately 66,500 square feet, or over 1.5 acres. Even if the building was three stories, minimum parking requirements would consume no less than an acre.

One need only think of the character of some areas of downtown that do provide nearly the minimum amount of off-street surface parking (see Figure 8 below) to imagine the impact of strict adherence to off-street parking requirements to the character of downtown Southern Pines.

Figure 8: 55 off-street parking spaces for retail and service land uses at Harbour Place.



The applicants are providing 57 on-site parking spaces, 38 of which are beneath the building (including 5 motorcycle spaces) and 19 of which are surface parking adjoining the building, and are improving 8 street parking spaces on West New York Avenue that will be available for use by the public. The remaining parking will need to be absorbed using on-street parking and public parking areas in the blocks surrounding the proposed development. This is consistent with how parking has been provided in the downtown area for many years.

It is worth noting there that if the proposed development was on the other side of South Bennett Street, no on-site parking would be required per UDO §4.5.3(A). Finally, UDO §3.5.14 (A)(6) states that common or shared parking is encouraged in Planned Development Districts. The proposed on-street parking on West New York may be considered common parking, as are the existing +/- 32 spaces in the Town-owned parking lot immediately adjacent to the site.

- Landscaping. The proposed CDP, as presently written, would require compliance with UDO §4.3 for landscaping with standard administrative deviations as is allowed under UDO §4.3.8. This revision was made following the June 13th Town

Council public hearing. The CDP now sets forth a landscaping concept in UD §4.4 (and Appendix C) that demonstrates the majority of landscaping requirements being met and illustrates where some standards cannot be met. A table clearly illustrating the landscaping being provided has been added to the CDP by the applicant, see Table 4.4.1 on page 12 of the CDP.

- Building elements: Following the June 13th, 2023 Town Council public hearing, the applicants amended the CDP to require compliance with UDO §4.10. The only deviations now being proposed as part of the CDP are to five (5) of the multi-family residential design standards in UDO §4.108. This is a reasonable deviation request because many of the multi-family residential design standards can't be met given the nature and location of this project. A small "overage" to building height is also granted in the CDP to accommodate architectural-only features that will help the building comply with UDO §4.10.4 and achieve a vertical orientation. The Town Council will have control over these "overages" during the PDP and Architectural Compliance Permit process.

4. A few additional project elements are worth noting for Town Council consideration:

- The application has included a Watershed Protection Permit application with the CDP submittal. The application indicates that 69% of the site's +/- .80 acres will be built upon at the conclusion of construction. Pursuant to UDO Exhibit 3-14, development proposals located in the Central Business District shall qualify for 5/70 Exemption Allocation on a first come, first serve basis. The current balance of exemption allocation in the Little River Intake No. 2 Water Supply Watershed is 449.82 acres. Approval of the CDP will result in a reduction to the balance by .786 acres.
- The proposed Planned Development is located within the Downtown Transition Overlay (DTO). This overlay intends to allow greater land use flexibility than the CB District and promotes compatible design transitions in blocks facing the Historic District Overlay district. It also creates a set of use and development standards for the area. While it is common for Planned Developments to create their own use and development standards, the sign standards from the DTO are relevant to this proposal. Sign standards for any parcel facing the Historic District Overlay district shall comply with adopted Historic District Standards as interpreted by the Planning Director, per UDO §3.6.3(D)(7). Following the June 13th public hearing, the applicant added Section 4.8 to the CDP acknowledging adherence to the applicable sign standards of the UDO.
- Although the CDP document states that the estimated number of trips are below the minimums that require a full traffic study, a Traffic Design Analysis (TDA) was required for the project based on the CDP's estimate of 952 average daily trips generated by the development. Town Engineer James Michel has reviewed the TDA provided by the applicant and concurs that the calculated service levels

meet the requirements defined in the UDO. A copy of the TDA is attached to this report.

- Following the June 13th public hearing, the applicants clarified in Section 4.4 of the CDP that the project is providing 17% open space as that term is defined in the UDO. The open space being provided is a combination of both open space and usable open space and is depicted on Exhibit 2. Planned Developments are required by default to provide 20% open space per UDO §3.5.14(G). However, the Town Council is considering a rezoning and may authorize less open space in a Planned Development as a deviation from the underlying zoning requirement for certain development patterns. Given the vertical mixed-use nature of the development, the location of the development and the nature of surrounding existing development, as well as concepts of infill development encouraged throughout the CLRP, planning staff believes that the proposed reduction of 3% of in required open space is not inappropriate.
5. The proposed development was presented to the Town of Southern Pines Technical Review Committee (TRC) on March 14, 2023. The discussion was primarily focused on the Conceptual Drainage Plan, with no major issues noted, and the fact that the off-street parking shown on the plans will need to fall into one of the standard angled dimensions found in UDO Exhibit 4-7.

At this time, the TRC is unable to provide further specific feedback because the CDP process focuses primarily on zoning standards rather than specific design components to review. Should the CDP be approved, the TRC will meet again to review more specific plans submitted for the Preliminary Development Plan proposal.

After significant time spent with the applicant working on modifications to the original CDP application and after the applicant made significant revisions to the project based on Planning Board feedback and again following the June 13th Town Council public hearing and discussion, planning staff recommends approval of the proposed Planned Development.

VI. AGENCY REVIEW AND COMMENTS:

A request for comments from agencies was emailed to representatives of the Town's Technical Review Committee (TRC), the North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, and Regional Land Use Advisory Commission (RLUAC) on February 24, 2023.

- Vagn Hansen with RLUAC responded that the agency did not have any comments on this case. No additional comments have been received.

VII. ATTACHMENTS:

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

1. Planning Board Resolution to Adopt a Written Recommendation
2. Applicant's CDP w/ Exhibits and Appendices:
 - Exhibit 1 - CDP Application
 - Exhibit 2 - Site Plan
 - Exhibit 3 - Neighborhood Meeting Submittal
 - Appendix A – Existing Conditions Survey
 - Appendix B – Stormwater Management Concept
 - Appendix C – Landscape Concept
 - Appendix D – Wetland Survey
 - Appendix E – Biological Survey
 - Appendix F – Watershed Protection Permit
 - Appendix G – Utilities Map
 - Appendix H – NY Street Sectional Elevations
 - Appendix I – Traffic Design Analysis

VIII. TOWN COUNCIL ACTION:

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

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

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

1. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan because... (INSERT REASONS) and is a reasonable request for rezoning for the following reasons... (INSERT REASONS).

-- OR --

2. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan but is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-02-23;

--OR--

3. The requested Conceptual Development Plan is consistent with the Comprehensive Long Range Plan but is not a reasonable request for rezoning for the reasons set forth in the written Planning Board recommendation attached to staff report PD-02-23 and as further modified as follows...

--OR--

4. The requested Conceptual Development Plan is inconsistent with the Comprehensive Long Range Plan and is not a reasonable request for rezoning for the following reasons...

And, therefore, I move to:

1. Approve PD-02-23 as submitted.

--OR--

2. Approve PD-02-23 with revisions to the CDP pursuant to the following conditions of CDP approval:

--OR--

3. Deny PD-02-23.



ATTACHMENT A

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION PD-02-23

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

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

WHEREAS, the Planning Board conducted a public hearing on March 23, 2023 for consideration of a Planned Development - Conceptual Development Plan for the New York Complex Planned Development;

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the Conceptual Development Plan application PD-02-23 (Information relevant to these criteria may be found in the applicant's CDP document Section 2.4 and Section C.1 of the staff report. It is not necessary for the Planning Board to determine that all of the following criteria are satisfied in order to recommend approval of the rezoning, nor must they find that none of the criteria are satisfied in order to recommend denial of the rezoning. However, a recommendation for approval or denial should be supported by some number of the criteria and identified in the Planning Board's resolution):

1. **Is consistent** with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) because it complies with the majority of the CLRP.
2. Based on information presented by staff, the applicant, and other interested parties, PD-02-23 **does not satisfy** the following UDO criteria for zoning map amendments:
 - a. Has an acceptable level of impact on neighboring lands;
 - b. Is suitable as presently zoned (the Planning Board may find the land to be suitable as presently zoned and yet still favor the proposed rezoning to a Planned Development District, because the rezoning request is required for all multi-family residential proposals of ten or more units);
 - c. Is not in conflict with the public health, safety, and welfare;

- d. Is not in conflict with known public policies such as those reflecting the need for affordable housing, economic development, mixed-use development, and sustainability of environmental concerns;
- e. The size of the tract in its context is not inconsistent with those in the immediate area;
- f. Any other relevant factors.

AND, THEREFORE, BE IT FURTHER RESOLVED that the following additional matters were considered by the Planning Board as a basis for a recommendation of denial to the Town Council regarding PD-02-23:

- 1. The safety issue created by the diagonal parking;
- 2. The proposal's deviation from UDO standards regarding the number of stories and building height.

ADOPTED this the 23rd day of March, 2023.


Gary Carroll, Chairman

ATTEST:


Cindy Williams
Secretary to the Planning Board

PD - CONCEPTUAL DEVELOPMENT PLAN
PLANNED DEVELOPMENT PLAN
NEW YORK PLACE – MIXED USE DEVELOPMENT
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1.0 Purpose/Summary

Purpose:

The purpose of this Conceptual Development Plan (CDP) application is to:

- Modify the approved zoning of the 0.8-acre site from current CB to PD as required by the UDO due to the proposal including a multi-family residential component.
- Obtain approval to the submitted Conceptual Development Plan (CDP).
- Establish the permitted uses, standards, and conditions under which the property will be developed.

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

The proposed CDP for New York Place is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The property is in the Central Business area of the Town's zoning Map. The proposal is consistent with the approved CB zoning uses as well as the CLRP which has designated this zoning as suitable for mixed Residential and Commercial use.

Summary:

The proposed New York Place is a mixed-use development with approximately 46,000 Square Feet (Sq Ft) (approx.41 units) of residential condominiums, and approximately 9,100 Sq Ft of mixed office/retail space facing S. Bennett St.

Conceptually, it provides needed space to live, work and play, reflecting a trend toward how residents are choosing to live. Closer to work, schools, restaurants, shopping, entertainment, and friends while minimizing the time and cost of commuting. It provides the town with a better investment return on infrastructure (consistent with the new CLRP Infrastructure Assessment objectives) and supports local businesses.

The project is consistent with the Town's current CLRP and zoning map. It is also consistent with the objectives of the PD (Planned Development District). Its purpose among others is to:

- Encourage planned development, including service, office, commercial, residential, public, or private recreation.
- Promote creativity and innovation in a design that leads to more appropriate relationships between land uses and features.
- Facilitate clustering of development thereby increasing the amount of saved land
- Promote both physical and fiscal health.

Chapter 3 of the UDO allows for maximum building heights of 45' in the CB District (the current zoning of the property). Also in Chapter 3, PD District proposals are instructed to adhere to the building height limitations for the RM-1 District, which is 40', adding that an applicant may propose an alternative height that exceeds this limitation, provided that the increased height does not negatively affect surrounding properties and is approved by Town Council.

In Chapter 4 of the UDO, restrictions to building heights in the CB, GB, and PD Districts state that buildings are limited to a maximum of three stories with the ceiling of the top story not to exceed 38' in height.

Were it not for the multi-family portion of this proposal, the building could reach an exterior height of 45', with no more than three stories and a 38' maximum ceiling height. With the multi-family being a desirable and needed component of this mixed-use project, the design of the building is further restricted to an exterior height of 40'. We respectfully ask that Town Council consider the central location of the project being especially conducive to a more intensive development pattern than is typically seen for more

traditional PD proposals, the context of existing buildings in the vicinity that have successfully maximized their sites' potential, and the challenges presented by the site itself in our request for a deviation from the building height limitations to allow an exterior building height of 45', maximum number of floors of four, and a maximum ceiling height of 44' as described in Table 4.2.2. For perspective, the heights of the buildings on the corner of New York and S. Bennet as well as at 271-287 W. Pennsylvania are both of similar height (see below).



The Growler Building



The Pinnacle Building (note the loft on unit 2)

The project also seeks a deviation from parking standards to one parking place per unit (see details in section 2.4 (H) and section 4.3.

- 2.0 Project Overview

NEW YORK PLACE MIXED USE DEVELOPMENT OVERVIEW



- 2.1 Vision

New York Place will be an asset to the Town of Southern Pines' architectural harmony. It will provide a mixture of high-quality residential units and a combination of retail, office, and/or restaurants.

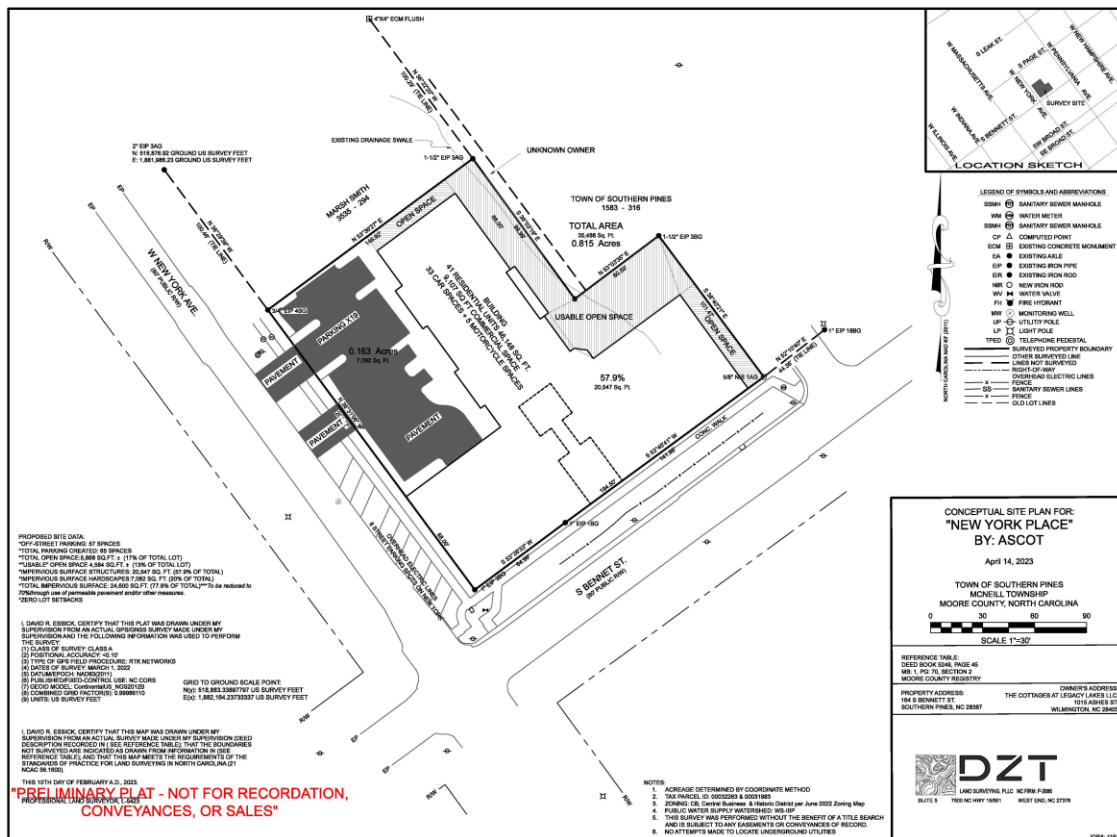
Residents and visitors will appreciate the architecture and the location, businesses will welcome the revenue and the Town will get an above average return on its investment in infrastructure and services while preserving the Town's character.

The project is expected to consist of a single building containing approximately 41 Residential Units (final count will depend on unit size and configuration) and approximately 9,100 Sq Ft of Retail space on ground level facing S. Bennett St. The project will offer a minimum of 25 residential units and no more than 25% of the ground floor commercial space will be offices. The rest will be retail/restaurants.

Underground and open-air parking space are provided on site. Additional street parking provided on W. New York Ave.

2.2 Location

The Proposed New York Street Mixed Use Project is located at the intersection of W. New York Ave. and South Bennett St. on the northwest side of the intersection.





2.3 Applicant and Project Team

The Applicant is Grosvenor Properties, LLC.

Conceptual design by: The Ascot Corporation, LLC

Engineering by: Crawford Engineering, PLLC

Traffic Study: Davenport Engineering, PLLC

Environmental Consulting by: Wetland Solutions

Surveying by: Matthews Land Surveying

Legal Assistance: Van Camp, Meacham & Newman – Pinehurst and Bradshaw Robinson Slawter – Chapel Hill.

2.4 Compliance

A. The proposed development is consistent with the Comprehensive Land Use Plan (CLRP).

The Town's CLRP envisions a vibrant downtown community and provides a policy on housing on page 60. It identifies the desirability of housing in proximity to the core as well as attainable housing options and promoting mixed use development.

Page 29 in the CLRP discusses sustenance of Downtown Vitality. Southern Pines' Downtown is the Town's key asset as is evident by the vision, goals, policies, and development of the Downtown Neighborhood Development Plan. Retaining an appropriate mix of uses, the historic character, the desirability of surrounding neighborhoods are key challenges facing the Town. An equally important challenge is to facilitate compatible infill (including residential, mixed-use, and non-residential development) that would help support commercial uses and attract the private investment needed to maintain Downtown's vibrancy.

The long-term health and vitality of Southern Pines' downtown will likely depend on how successfully the community maintains the quantity, value, and accessibility of housing in proximity to the core.

Based on strong participant support, the CLRP supports increasing the number of residences in the Downtown core.

The CLRP identifies the desirable uses in the CB district to be a wide variety of commercial activities in an intensive development pattern in the town's central business district, and mixed use with residences. It also encourages mixed use with residences. Furthermore, CLRP page 150 describes a need for additional residential development near the business corridor to help the vitality of Downtown businesses.

The planning Board found the proposed project in compliance with the Town's CLRP.

B. The proposed Development is in an area of the Town that is appropriate.

The proposed project is in a district currently zoned CB. The CB district is designed to accommodate a wide variety of commercial activities (particularly those that are pedestrian oriented) in an intensive Development Pattern in the Town's central business district. The regulations of this district are intended to:

- (1) Preserve the general character and integrity of the current development in the central business district.
- (2) Encourage land uses that provide for a multi-purpose central business district including retail, offices, services, entertainment and living space.
- (3) Encourage land uses that do not require large amounts of outdoor use areas.
- (4) Encourage common or shared off-street parking.

C. The proposed project will not have detrimental effects on the safety or viability of permitted uses on adjacent land nor on their future development potential.

The project shares common boundaries with public streets on two sides (New York Ave. and South Bennett St.). A third boundary is shared with a municipal parking lot and the fourth, with the office of Mr. Marsh Smith. This last would be the only one impacted in our view given that the height of the building exceeds his own. Air and sun are not affected given the east-west orientation of the property (sunlight travels east to west and prevailing winds are typically from the west). The original submission to the Planning Board was modified to reduce the profile, height and overlook on Mr. Marsh's property. Public lighting would comply with the Town standards and wouldn't result in light projecting onto Mr. Marsh's property.

Stormwater will follow its current path and will not increase runoff in accordance with Pre-Post 10-year stormwater rules. Water that comes off S. Bennett St. will be piped to the drainage easement at the lower end of the property to where it currently runs. Stormwater originating on-site will be collected and treated in an underground cistern under the central park area and released at Pre-10-year rates. The result is that there will be no increase in the rate of stormwater from the site. A sketch of the stormwater concept is included in Appendix D.

D. Existing public facilities, emergency services and transportation infrastructure are adequate to serve this project without additional public investment.

The project would not require the extension or upgrade of public utilities or services. No additional roads or modifications are required. The project would add sidewalk and public parking on New York Ave. A traffic study has determined there is no need for the addition of safety measures and that the traffic generated falls below the standard imposed by the Town for the creation of a full traffic impact study. Proposed parking on Bennett St to both provide additional public parking as well as to introduce

a traffic calming device per UDO standards was rejected by the Planning Board as affecting safety and has therefore been removed from this proposal.

Water and sewer are present at the location with sufficient capacity. A GIS map of existing water, sewer and electrical supply is attached as Appendix G.

The project is within a few blocks of security and emergency services that are already equipped and trained to attend to the needs of this project.

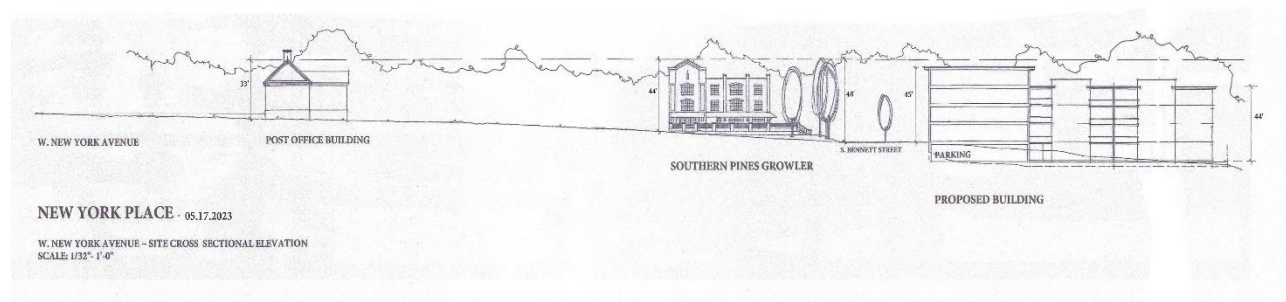
- E. The proposed project meets the required Health, Safety and Welfare standards:** The CLRP describes health as physical and fiscal. This project would enhance the fiscal well-being of the town by converting a non-performing asset into a performing asset with no adverse impact on the Town's finances. Physical health is provided by being within walking distance of downtown. Public welfare requires equitable access, encouragement of social interaction, and protection of the environment. This project would provide more affordable access than currently available in the area by nature of vertical construction efficiency, its location and traffic as well as to slow down suburban sprawl.

The project would clean up an unsightly and unsafe tract of land close to the center of the Town and enhance it aesthetically.

- F. The tract size is suitable for the proposed project:** The tract of approximately 0.8 acres is not substantially larger or smaller than other nearby tracts of land. For reference it is approximately the same size as the townhouse project under construction on the corner of Wisconsin and S Bennet St.

The plan projects impervious surface at or below 70% even if pervious paving may be utilized, requiring a 5/70 allocation. Request for the allocation is included in the Appendices via Watershed Protection Permit Allocation request. Staff has advised that with the allocation request granted, a balance of nearly 450 acres remains available for future projects within the water supply watershed.

- G. The project's proposed alternative standards are reasonable:** UDO 3.5.14 (F) allows for alternative standards if they:
- Meet or exceed the general intent of the UDO standards for the base zoning districts (CB and DTO in this case). The building height limitation reverted to in January of 2023 addressed a concern emanating from 2022 projects. The intent was to keep building heights consistent with their surroundings. This project's proposed height is consistent with several buildings in proximity and not inconsistent with its surroundings.



- b. Are appropriate given the specific mix of uses and character of the development, and achieve a more efficient, safe, or economical land use without detracting from the quality of the development or detrimentally impacting its surrounding development or the community as a whole.

This site is difficult and expensive to develop because of its severe topography and 18' drop in height from next to Bennet St to the lower corner of the property. Developer is aware and sensitive to the reluctance to grant a deviation from the height standard in general, and in particular given how recently the height was limited to 40' with 38' on the upper floor ceiling and the number of floors limited to 3.

There are alternatives that would allow compliance but are not recommended. These would be:

- Alternative #1: Develop the property as Townhouses through a quasi-judicial subdivision process. The result would not contribute retail space and look something like the picture below. Given that these would be single family residential units the Town would not be able to regulate architectural standards.



- Alternative #2: Remove the retail space altogether and lower the front portion of the proposed building. This would result in a project that doesn't meet the intent of the CLRP as well as the proposed project, and result in both less economic value to the Town, more suburban sprawl, and higher priced residential units.

Parking Requirements: UDO 3.5.8 (A) encourages the construction of "common or shared off-street parking" 3.5.14 (6) also encourages common or shared parking.

This application proposes 1 parking space per dwelling plus 4 common spaces for a total of 45 spaces or 1.1 per dwelling vs an UDO average requirement of 1.7 spaces.

It also proposes 14 common spaces on-site and 8 additional parking spaces on the New York Ave. public right-of-way to support the commercial portion of the development. Retail/Office space parking requirements range from 1 space per 200sqft for retail to 1 per 400sqft for office space. With an average of 1 per 300sqft the project would have to provide an additional 30 spaces on site. An adjacent public parking lot with 34 public parking spaces is significantly underutilized.

25 new public parking places were submitted to the Planning Board with the original application. 17 parking spaces on Bennett St. were removed at the Planning Board's request leaving 8 spaces on W. New York Ave.

This proposal also requires approval to deviate from design standards as described in section 4.5.

3.0 Existing Conditions

Existing conditions on the two lots are as follows:

1. The site consists of two lots in their natural state. The lots are very lightly wooded and heavily overgrown with invasive weed species. The lot is also characterized by severe topography. The right of the lot drops eighteen (18) feet below S Bennett St.
2. The site has streets on two sides (W. New York and S. Bennett), and a Town Parking lot on a third. The remaining boundary on the NW side abuts an office space and a stormwater drain.
3. The site rests within the Little River Intake 2 area as does most of the downtown area. A 5/70 impervious surface allocation would be required to comply with the Town's and States' impervious surface limitations. Application for this allocation is made via the attached Watershed Protection Permit Application.
4. There are no wetlands present. Letter included in Appendix D.
5. A protective species review of the site was conducted, and no protected species (Federal or State) were detected. There are no known active red cockaded woodpecker (RCW) clusters on site. Letter included in Appendix E.
6. There are no unique land formations, waterfalls, rock outcroppings or other features. There are no trails present on the site connecting to any of Southern Pines greenway trail systems.
7. Streets, Roads, Parking or Other Structures: There are no existing streets, roads, sidewalks, walkways, or associated drainage structures on the site, except for a sidewalk and split rail fence along S. Bennett St. recently installed by the Town.
8. Storm Water Facilities and Structures: Other than a culvert pipe that drains from under S. Bennett St. onto the property there are no other stormwater facilities or structures present. A detail of how stormwater would be managed was outlined in 2.4.2 above and included in Appendix B. There would be no increase in the average 10-year stormwater runoff as designed.
9. Utilities: Public water, sewer, electricity, and telephone/internet service are presently available. No extensions or upgrades to infrastructure are anticipated. Water, sewer, and electrical services are located on the site plan. A GIS map of the water and sewer lines is attached in Appendix G.
10. Buildings, Structures, Signs and Historical Structures: There are no historical structures or other historical features of record on the site.

3.1 Existing Legal Features

1. Zoning Information: The subject property is currently zoned Central Business (CB) district as shown on the Town of Southern Pines Zoning Map and subject as well to the Downtown Zoning Overlay.
2. Property Lines – see Exhibit 2 for surveyed boundaries.

3. Rights of Way – None on site. Adjacent rights of way on Bennet St (80ft) and New York Place (60ft) as well as municipal parking on the north side.
4. Ownership Information – The property is comprised of two lots identified by PID 00031983 and 00032263 recently acquired by applicant Grosvenor Land, LLC.

4.0 Development Standards

This project adheres to approved standards stated in this document. As allowed under UDO Section 3.5.14, unique standards, differing from baseline UDO standards, can be established to facilitate a Planned Development District to allow for flexibility in design. The standards in this document that vary from the UDO shall supersede the UDO. Design would otherwise comply with the standards in the Town UDO.

Prior to the issuance of a building permit and start of any construction, a Preliminary Development Plan for each phase must be submitted and approved per Section 2.18.5 of the UDO. Architectural review, rules and regulations and must be approved by the Town of Southern Pines. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of an application would apply. The development and building permits are subject to all Local, State and Federal regulations and laws. This project would have a single development phase.

This project complies with the published standards for the CB district except for parking requirements as previously described. Seeking a PD zoning is forced on the project by treating it as a multifamily project exceeding 10 units rather than a mixed-use commercial development. For this reason a request for deviation from height and number of floors is required.

The proposed uses, dimensional standards and open space are presented in section 4.1 and 4.2, and in tables 4.2.1 and 4.2.2, below. The proposed parking standard is presented in 4.3 and Table 4.3.1 below.

4.1 Allowable Uses

Residential/Multifamily/Office Space/Retail/Restaurant defined by UDO.

4.2 Design Elements

Table 4.2.1

Design Element	Proposed Standards	Description
Recreation Areas & Amenities	+/- 0.04 acres (10%)	6% shall be active and landscaped.
Residential	41 Max – 25 Min	No standards. Up to 54,000 SqFt heated.
Office	Up to 12,500 sqft	Substitute residential and retail.
Retail/Restaurant	Up to 10,000 sqft	Limited to S. Bennet ground floor.
Total	64,000 Sqft	Any combination shall not exceed this.

Note #1: Architectural drawings are still preliminary and could change. Overall square footage would not change, but interior layouts and unit totals may change.

Note #2: Ground floor office square footage shall be limited to 2500 sqft.

Note #3: Office space limited to 2nd floor on the section of building facing Bennett St.

Table 4.2.2

Design Element	Proposed Standards	UDO Standards
Maximum Roof Height	45'	45' See Notes #1 ,2 &3below
Maximum Ceiling Height	44'	38' UDO 4.2.1 (F)
Number of Floor	4 Floors	3 Floors UDO 4.2.1 (F)
Maximum Front setback	5'	5' UDO Table 4.2
Minimum Side setback	No Minimum	5' feet exterior Table 4.2
Minimum Rear setback	No Minimum	Consistent with UDO
Maximum Lot Width	No Maximum	50' Exhibit 3.8 Ref 4.2.1
Minimum Lot Size	No Minimum	None Exhibit 3.8 Ref 4.2.1

Note #1: CB zoning allows for 45' height, so does the UDO's Table 4.2., however 4.2.1 (F) limits buildings in CB zoning to 3 stories and a top ceiling height of 38' in PD zoning. The applicant is forced into a CDP application because of the multifamily component.

Note #2: Fire and Rescue Department was consulted on design height. Current equipment and training can provide adequate fire and medical rescue for this building.

Note #3: A minor overage may be allowed if required by Architectural Review Board to break-up the frontage.

4.3 Parking

Parking Space requirements are shown in Table 4.3.1 below. The UDO's onsite parking requirements for this project are calculated to be 88 spaces. This plan proposes the creation of 45 spaces for onsite residents at a rate of 1.1 space per dwelling unit. It proposes the creation of an additional 14 spaces on-site for the commercial space vs an estimated 30 spaces required by the UDO. It also proposes to add an additional approx. 8 spaces on W. New York Ave. for a total of 22. While the UDO does not allow spaces in the public right-of-way to be counted towards the required total, it would provide needed spaces in the area. There is also an underutilized public parking next to the project with 34 spaces for reference. An additional 17 spaces designed in accordance with UDO and the Town's Engineering Standards were proposed in our initial submission but rejected by the Planning Board.

Table 4.3.1

Land Use	Parking Standard	Discussion
Residential on-site	45 Proposed	63 required by UDO
Office/ Commercial/Restaurant	14 Proposed	25 on-site Required by UDO

Note #1: Angled parking would be allowed on public roads but is only proposed for New York Avenue based on Planning Board input.

Note #2: Plus an additional 8 spaces on New York.

Note #3: UDO Section 6.4.4 supplements Chapter 4 by allowing for a reduction of up to 50% in the number of required mixed use parking spaces.

4.4 Landscaping and Open Space

Landscaping is expected to comply overall with the Town's requirements but may vary in detail. Details in Table 4.4.1 below.

The proposed project meets the 10% Useable Open Space Requirement for Multifamily projects in the PD Zone but departs from the overall 20% requirement. The plan provides an overall of 17% Open Space once buffers around parking space and buildings are subtracted.

Table 4.4.1

Landscaping	Required	Proposed
STREET TREES	Total 12	Total 14
New York St SW Side	5	5
S. Bennett St. SE side	7	6
Parking Lot NE side	0	0
Marsh Property NW Side	0	3
STREET SHRUBS	Total 0	Total 75
New York St SW Side	0	0
S. Bennett St. SE side	0	13
Parking Lot NE side	0	0
Marsh Property NW Side	0	10
VEHICLE AREA TREES		
New York St SW Side	11	5
VEHICLE AREA SHRUBS	112	63
INTERNAL AREA TREES	4	4
INTERNAL AREA SHRUBS	30	73
CLEARED AREA TREES	8	8
CLEARED AREA SHRUBS	0	43
Total Trees Required	23	31
Total Shrubs Required	142	202

4.5 Development Design Standards

The final building design is expected to comply with the Town's design standards as outlined in UDO section 4.10. with following exception:

The building design shall be allowed to depart from 4.10.8 (Multifamily Development Standards) because it is a single building and because of its location as follows:

4.10.8.C (3). The building will have an articulated façade, but projections of 5 feet between units shall not be required.

4.10.8.C.(5). Not all units shall have access to a private balcony.

4.10.8.C.(7) (a) and (d). A single unit is anticipated for the section of building facing S. Bennett St. Ground units on the rear building shall have private entrances. Upper floor units shall share a single common entrance.

4.10.8.D shall not apply since this was designed for multi-building developments.

4.10.8.F: With the exception of items (1) (Open space) and (4) access to open space the building shall be exempt from the requirements of Section F due to the nature of its location and configuration. The parcel isn't large enough to accommodate these requirements, nor does it contain multiple buildings.

The frontage zone requirements of UDO 4.10.5 will be met.

4.7 Traffic

Trip Generation and traffic: The number of trips estimated (in accordance with the 11th Edition Traffic Generation Manual) are below the minimums that require a full Traffic Impact Assessment (TIA). Nevertheless, an engineered Traffic Design Analysis (TDA Attached) review has been requested and a draft has been submitted to the Town engineer for review. As summary chart has been include below. The existing public street network would not require modification other than to add parking spaces to W. New York Ave. Ingress and egress from the property would be off New York Ave. No additional driveway connections to public roads or new public roads are proposed.

Table 4.6.1

Table 1.0 - ITE Trip Generation									
Average Weekday Driveway Volumes					Weekday 24 Hour	AM Peak Hour		PM Peak Hour	
					Two-Way				
<u>Land Use</u>	<u>ITE Land Code</u>	<u>Size</u>		<u>Data Source</u>	<u>Volume</u>	<u>Enter</u>	<u>Exit</u>	<u>Enter</u>	<u>Exit</u>
Multifamily Housing (Low- Rise)	220	39	DU	Adjacent - Equation	325	8	27	24	13
Strip Retail Plaza (<40K)	822	9.1	1000 SF GFA	Adjacent - Equation ⁽¹⁾	614	16	11	36	37
Unadjusted Trips					939	24	38	60	50
Internal Capture Overall %					--	0.0%		24.5%	
Internal Capture: Residential Reduction					--	0	0	-10	-4
Internal Capture: Retail Reduction					--	0	0	-3	-10
Total Internal Trips Reduction					--	0	0	-13	-14
Total Adjusted (Primary) Trips					939	24	38	47	36
(1) NCDOT Congestion Management recommends local data during adjacent street peak hour. In absence of local data, equation for adjacent street peak hour used.									

Notes: 1. Trips likely to be less than calculated because of Live-Work-Play location.

4.8 Signage

The project will adhere to the Town's signage requirements in the UDO.

5.0 Exhibit 1

Conceptual Development Plan – Application – Attached

6.0 Exhibit 2 Survey and Preliminary Plat

Attached

7.0 Exhibit 3 Adjoining Property Owners

Owner	LRK/PIN	Address
-------	---------	---------

FHM Properties LLC	00032142/858000283640	376 Thompson Street Pittsboro NC 27312
Town of Southern Pines	00036024/858105282901	PO Box 870 Southern Pines NC 28388
SMH Real Estate Grp	0040626/858105189693	PO Box 1956 Southern Pines 28388
Marsh Smith	0041554/858105280877	PO Box 1075 Southern Pines 28388
4GS Family LLC	00038695/858105284805	370 James H Rd Cameron NC 28326
4GS Family LLC	00038189/858105283971	370 James H Rd Cameron NC 28326
Steaks unlimited LTD	00039332/85815283936	575 Fairway Dr Southern Pines NC 28387
Jammin Management LLC	20020528/858105293001	250 W Pennsylvania Ave Southern Pines NC 28327
Donald & Anne Jorgensen	00040439/858105292074	Po Box 515 Southern Pines NC 28388
Mark & Cheryl Smith	00038063/858105292121	500 S Valley Rd Southern Pines NC 28387
Cynthia Ward/Courtney Huntley	00035557/858105291031	145 S Page St Southern Pines NC 28387
Ronald Russell	00040580/85810528925	188 Mills Rd Kennebunkport ME 04046
Shannyn & Jared Little	00031319/858100188767	250 W New York Ave Southern Pines 28387
Heath Trigg	00039665/858105189517	230 S. Bennett St NC 28387
McPeake Retail Group, LLC	00031172/858106285723	PO Box 1497 Southern Pines NC 28388
Nancy Rapatas	00038045/858105284668	PO Box 603 Southern Pines NC 28388
United States Postal Service	00039825/858105284651	251 N Main Street Winston Salem NC 27155
New York Ave, LLC	00032143/858100283459	155 W New York Ave Ste 200 Southern Pines NC 28327
Krausen Holdings LLC	20090244/858100281434	25 McDonald Rd East Pinehurst NC 28374

Adjacent Property Owners Meeting Summary and Comments

1. Have fewer apartments and one less story on buildings A & B to reduce congestion and crowding.
Action: The building was redesigned to lower height by removing scenery lofts. It was also re-oriented to reduce profile facing neighbor Mr. Marsh Smith.
2. Eliminate Bennett Street pull-in parking b/c of impediment to traffic flow.
Action: Parking spaces on Bennett Street were removed.
3. Conform project to Watershed & HQW density requirements without using 5/70 allocation; instead of 5/70, obtain conservation easements from other landowners in McDeeds Creek watershed and use density averaging for non-contiguous parcels to achieve density requirements
4. Use wood from the two long leaf pines on the corner lot in the lobby of Building A.
Action: We will.
5. Conduct a wildlife inventory and relocate species, such as Eastern Box Turtles, before conducting land-disturbing activities.
Action: A survey was done by a qualified biological surveyor. No Eastern Box Turtles were found. Development crew will be educated to look for the species.
6. Restore the watercourse extending west from Bennett Street through the middle of the block.
Action: Stormwater will follow its existing course and will not be altered.
7. Shift part of the open space from between Building A and Building B to the western

boundary w/ 255 West New York Avenue property and plant natural screening.
Action: Building was re-oriented to provide a lower side-profile and overlook of neighbor's properties. Central open space was lost in the process.

Appendices

Appendix A – Survey

Appendix B – Stormwater Management Concept

Appendix C – Landscape Concept

Appendix D – Wetland Survey

Appendix E – Biological Survey

Appendix F – Watershed Protection Permit Allocation Application

Appendix G – Utilities Map

Appendix H – New York Street Sectional Elevations

Appendix I – Traffic Design Analysis



Planned Development District Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

Project Name: New York Place

Physical address: 164 S. Bennet St

PIN: 00032263/00031983

Parcel ID: 858105282734/858105281747

Site Size: .786

Zoning: CB

Applicant:

Name(s): The Ascot Corporation, LLC

Email: Colin Webster

Phone: 910-688-7361

Mailing Address: P.O. Box 1872, Southern Pines NC 28388

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____

Phone: _____

Mailing Address: _____

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

Name(s): The Cottages at Legacy Lakes, LLC

Email: _____

Phone: 910-688-7361

Mailing Address: 237 Legacy Lakes Way, Aberdeen NC 28315

1/12/22

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

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

The property which is the subject of this application is located on the West side of Bennet St (St./Ave.), between New York (St./Ave.) and Pennsylvania (St./Ave.). The property has a frontage of 201 feet and a depth of 200 feet.

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

Residential, Office Space and General Business/ Services

Date: 1 Feb 2023



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

LOCATION SKETCH

W HAMPDEN AVE
W PENNSYLVANIA AVE
W NEW YORK AVE
W MASSACHUSETTS AVE
W ILLINOIS AVE
W INDIANA AVE
S CLARK ST
S BROAD ST
S THIRD ST
S FOURTH ST
SURVEY SITE

LEGEND OF SYMBOLS AND ABBREVIATIONS

SSMH	⊕	SANITARY SEWER MANHOLE
WM	—	WATER METER
SSMH	⊕	SANITARY SEWER MANHOLE
CP	△	COMPUTED POINT
ECM	⊞	EXISTING CONCRETE MONUMENT
EA	⊙	EXISTING AXLE
⊙	⊙	EXISTING IRON PIPE
⊙	⊙	EXISTING IRON ROD
⊙	⊙	NEW IRON ROD
WM	—	WATER METER
⊙	⊙	FIRE HYDRANT
⊙	⊙	MONITORING WELL
UP	⊙	UTILITY POLE
LP	⊙	LIGHT POLE
THED	⊙	TELEPHONE FEDESTAL
SURVEYED PROPERTY BOUNDARY		
UNDEVELOPED LOTS		
LINES NOT SURVEYED		
RIGHT-OF-WAY		
FIRE ALARM ELECTRICAL LINES		
SANITARY SEWER LINES		
FENCE		
OLD LOT LINES		

CONCEPTUAL SITE PLAN FOR:
"NEW YORK PLACE"
BY: ASCOT

April 14, 2023

TOWN OF SOUTHERN PINES
MCNEILL TOWNSHIP
MOORE COUNTY, NORTH CAROL



REFERENCE TABLE:
DEED BOOK 5249, PAGE 10
COMB: 1, PG: 70, SECTION 1
MOORE COUNTY REGISTRY

PROPERTY ADDRESS:
104 S BENNETT ST.
SOUTHERN PINES, NC 28387

OWNER'S ADDRESS:
THE COTTAGES AT LEGACY LAKES I.L.C.
1016 ASHES ST.
WILMINGTON, NC 28405



SUITE 8 **7800 NC HWY 15/501** **LAND SURVEYING, PLLC NC FIRM P-2688** **WEST END, NC 27378**

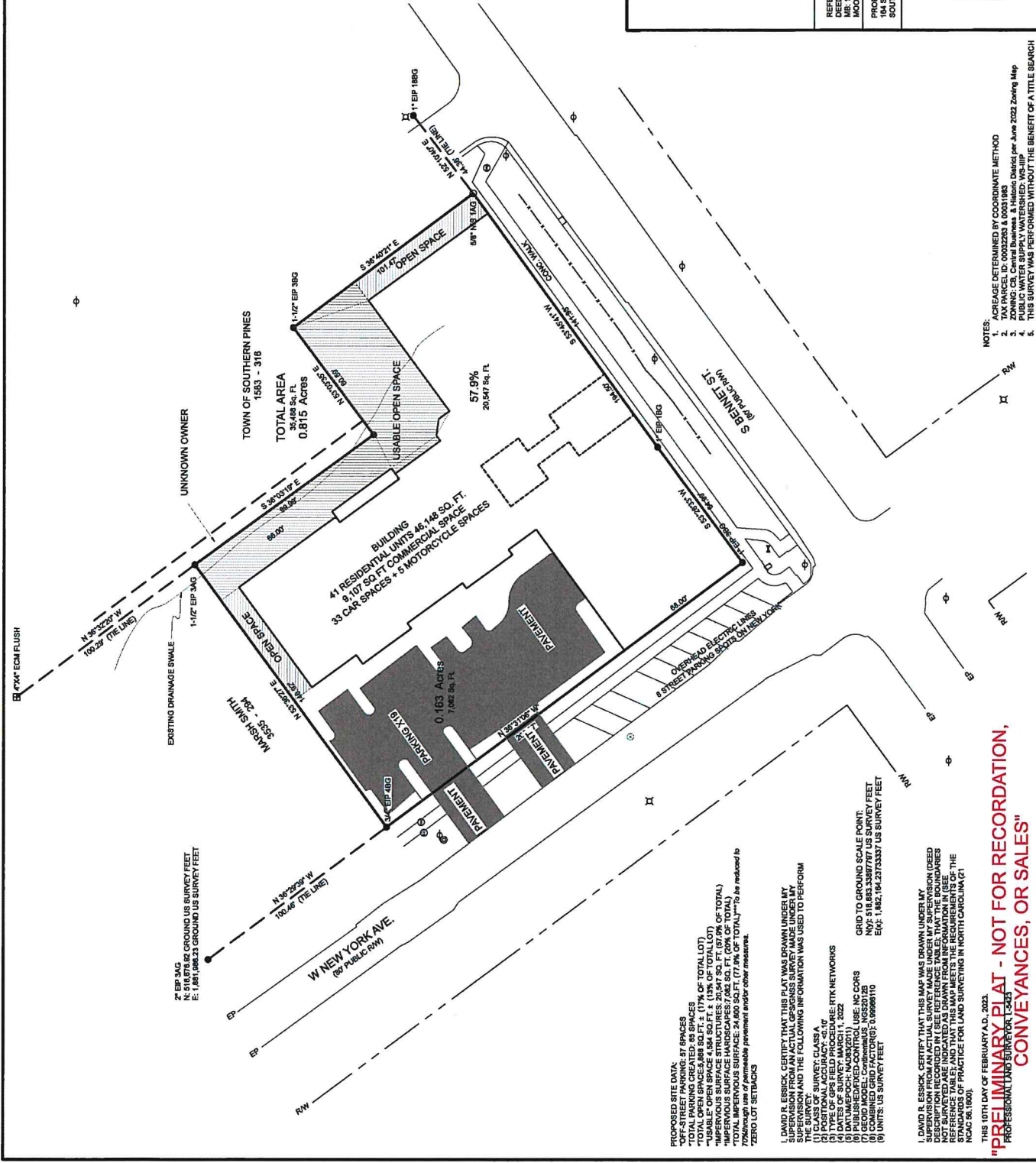
JOBS

NOTES:

1. ACREAGE DETERMINED BY COORDINATE METHOD
2. TAX PARCEL ID: 00032263 & 00031863
3. ZONING: CS, Central Business & Historic District per June 2022 Zoning Map
4. PUBLIC WATER SUPPLY WATERSHED: WS-IIP
5. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE SEARCH AND IS SUBJECT TO ANY EASEMENTS OR CONVEYANCES OF RECORD.
6. NO ATTEMPTS MADE TO LOCATE UNDERGROUND UTILITIES

THIS 10TH DAY OF FEBRUARY A.D., 2023,
"PRELIMINARY PLAT - NOT FOR RECORDATION,"
 PROFESSIONAL LAND SURVEYOR, 1-9423
CONVEYANCES, OR SALES"

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PROPOSED SITE DATA:
 "OFF-STREET PARKING: 57 SPACES
 "TOTAL PARKING CREATED: 43 SPACES
 "TOTAL OPEN SPACE: 888 SQ. FT. ± (17% OF TOTAL LOT)
 "USABLE" OPEN SPACE: 454 SQ. FT. ± (13% OF TOTAL LOT)
 "IMPERVIOUS SURFACE STRUCTURES: 20,947 SQ. FT. (97.9% OF TOTAL)
 "IMPERVIOUS SURFACE HARDSCAPES: 7,082 SQ. FT. (20% OF TOTAL)
 "TOTAL IMPERVIOUS SURFACE: 24,800 SQ. FT. (77.9% OF TOTAL) *To be reduced to 70% through use of permeable pavement under other measures.
 "ZERO LOT SETBACKS

I, DAVID R. EMBICK, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS/INSIDE SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

1. CLASS OF SURVEY: CLASS A
2. POSITIONAL ACCURACY: ±4.10"
3. TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS
4. DATE OF SURVEY: 12/22/2022
5. DATUM/EPOCH: NAD83/2011
6. PUBLISHED/EXTENDED CONTROL USE: NC CORS
7. COMBINED GPS FIELD POSITIONING: 0.00000170
8. COMBINED GPS FACTORS: 0.00000170
9. UNITS: US SURVEY FEET

I, DAVID R. ESSICK, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (SEE DESCRIPTION RECORDED IN (SEE REFERENCE TABLE), THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN (SEE REFERENCE TABLE); AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 90.1500).

Sign-in Sheet -New York Place 26 Jan 2023

[illegible]

Suggestions Regarding Proposed Buildings – Corner of NY Ave. & Bennett St.

1. Have fewer apartments and one less story on buildings A & B to reduce congestion and crowding.
2. Eliminate Bennett Street pull-in parking b/c of impediment to traffic flow.
3. Conform project to Watershed & HQW density requirements **without** using 5/70 allocation; instead of 5/70, obtain conservation easements from other landowners in McDeeds Creek watershed and use density averaging for non-contiguous parcels to achieve density requirements.
4. Use wood from the two longleaf pines on the corner lot in the lobby of Building A.
5. Conduct a wildlife inventory and relocate species, such as Eastern Box Turtles, before conducting land-disturbing activities.
6. Restore the watercourse extending west from Bennett Street through the middle of the block.
7. Shift part of the open space from between Building A and Building B to the western boundary w/ 255 West New York Avenue property and plant natural screening.

Law Office of Marsh Smith, P.A.

P.O. Box 1075

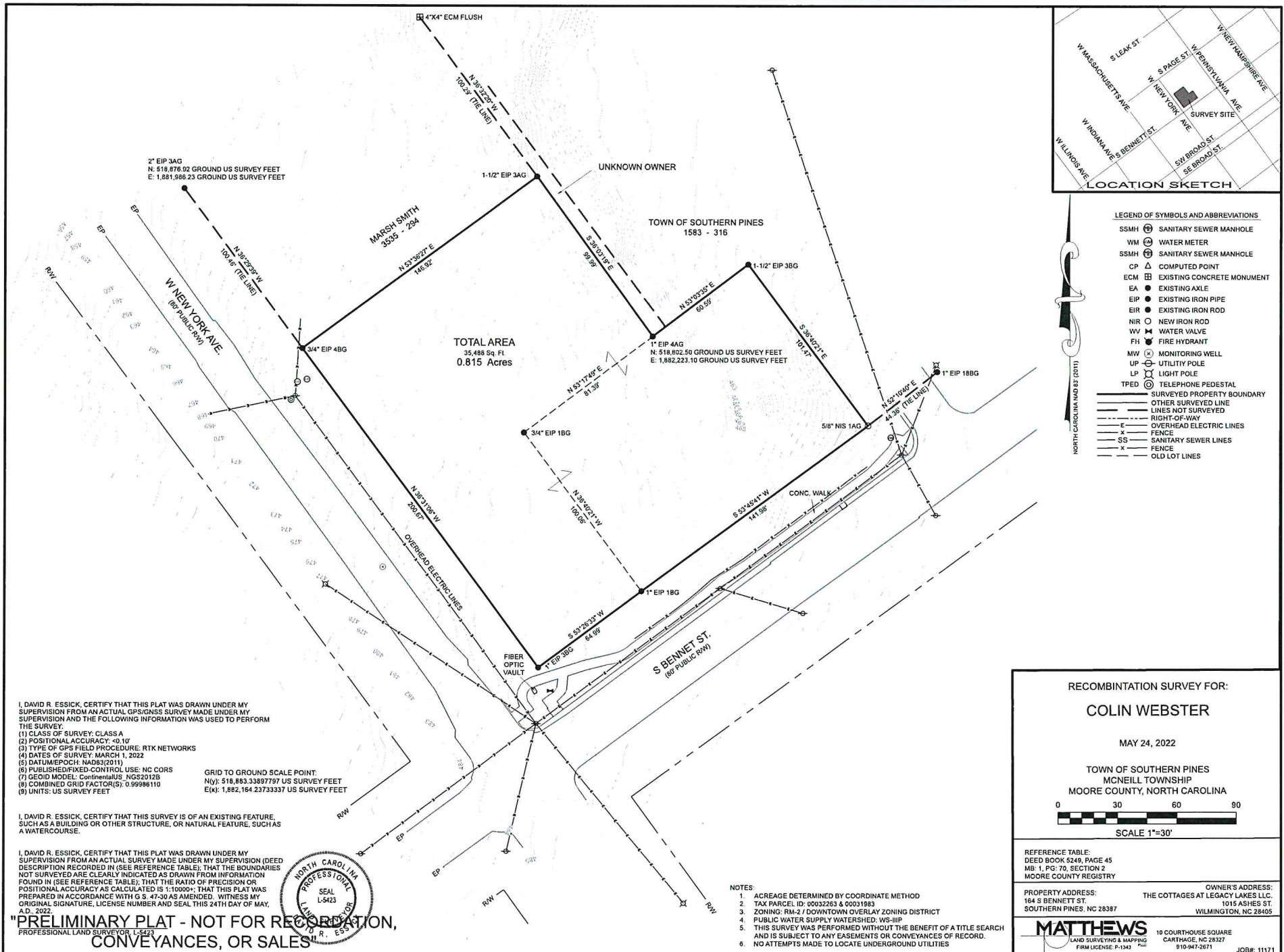
Southern Pines, NC 28388-1075

910-695-0800 office

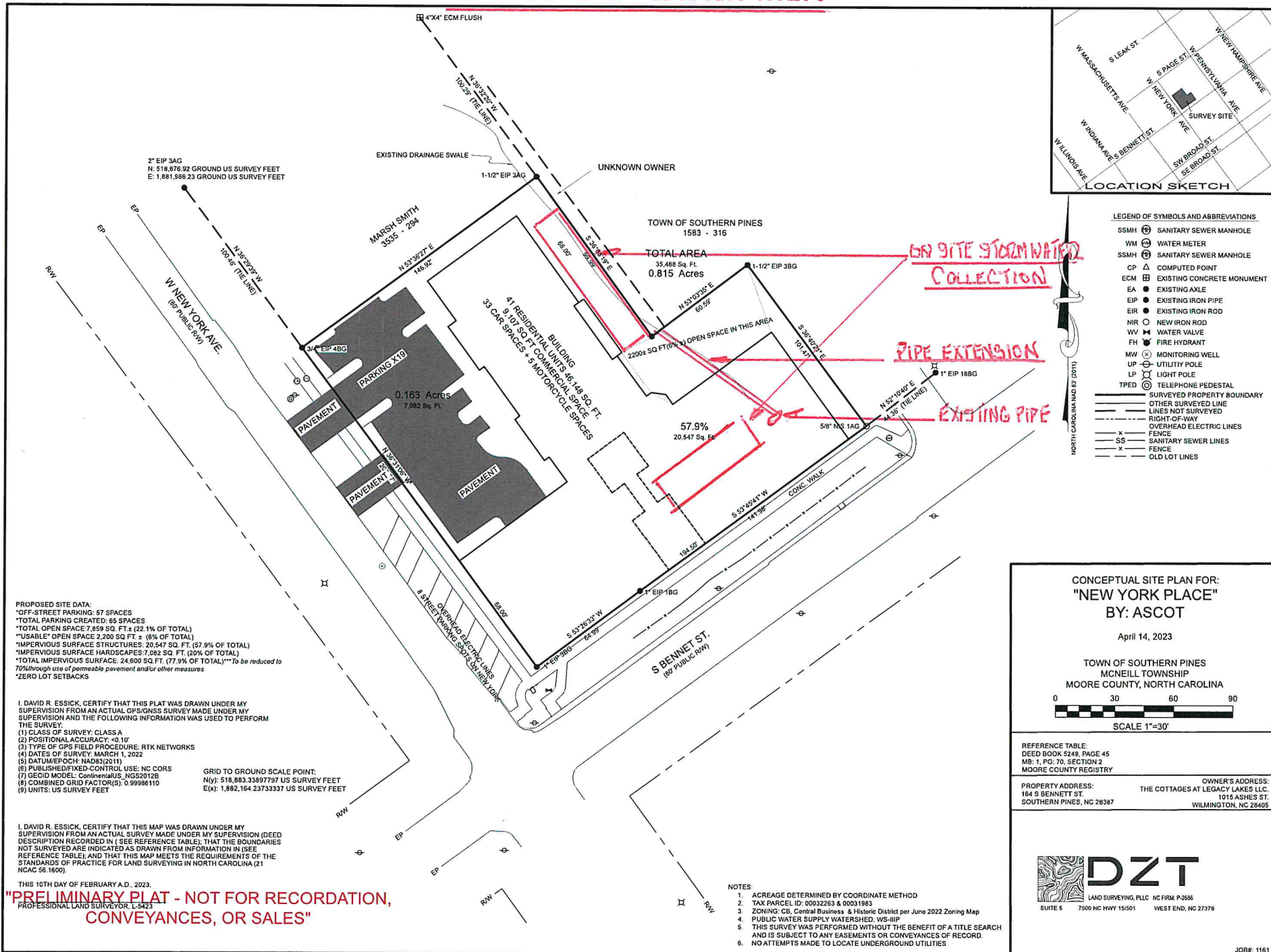
910-695-0903 fax

910-215-6629 cell

APPENDIX - A EXISTING CONDITION SURVEY



APPENDIX B - STORMWATER



**CONCEPTUAL LANDSCAPING
PLAN**
SCALE: 1/16" = 1'-0"



APPENDIX D - WETLAND SURVEY



P.O. Box 244 Bunnlevel, NC 28323 (910) 890-2779

Colin Webster
The Ascot Corporation, LLC
910-688-7361
colin@ascotgrp.com

February 10, 2023

Subject: Wetland/Stream Assessment on 235 W New York Avenue, Southern Pines NC 28387
PINs: 858105281747 & 858105282734

Dear Mr Webster,

A site investigation based upon section 404/401 of the Clean Water Act has been conducted for the above referenced property, located on 235 W New York Avenue, Southern Pines, Moore County, North Carolina ("site"). The purpose of this investigation was to determine the existence and extent of areas that exhibit the characteristics of jurisdictional wetlands under Section 404 of the Clean Water Act and/or jurisdictional streams. All wetland investigations were completed in accordance with the 1987 US Army Corps of Engineers Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0).

This report represents my professional opinion that areas that clearly meet the required criteria for jurisdictional wetlands were NOT observed at the site. These criteria include hydric soils, hydrophytic vegetation and wetland hydrology. Similarly, no areas were found to meet the criteria of jurisdictional streams either. The crenulation located on the tract was purely stormwater sourced, showed no ground water tie or OHWM or vegetation. This crenulation can be piped to the existing culverts that abut the system. If you prefer, Wetland Solutions can pursue concurrence by the US Army Corps of Engineers or the NC Department of Environmental Quality; Division of Water Resources.

I appreciate the opportunity to provide this service and trust that you will feel free to call on me again in the future. If you have any questions or need additional information, please contact me at your convenience.

Sincerely,

Adam Carter
Senior Environmental Scientist

APPENDIX E - BIOLOGICAL SURVEY

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

Environmental Consultants
P.O. Box 891 • Southern Pines, N.C. 28388
(910) 695-1043 • Fax (910) 695-3317

7 February 2023

Ms. Shawna Muhly
150 SW Broad Street
Southern Pines, NC 28388

Dear Ms. Muhly:

On 2 February 2023, a biologist from Dr. J. H. Carter III & Associates, Inc. (JCA) conducted a red-cockaded woodpecker (*Dryobates borealis*=*Picoides borealis*) (RCW) survey of two adjacent undeveloped lots; a 0.33-acre lot (ID#0003226) and a 0.45-acre lot (#00031983) on New York Avenue and South Bennett Street, Southern Pines, Moore County, North Carolina (NC). The biologist did note the perennial stream channel on the eastern lot as noted by Mr. Marsh Smith in his comments that you forwarded to our office. This channel is an unnamed tributary that drains to McDeeds Creek and is part of a High Quality Water (HQW) drainage. The HQW will need to be delineated, as any proposed project impacts to this channel and associated wetlands will require permits from the US Army Corps of Engineers and the North Carolina Department of Environmental Quality.

The parcels had a sparse to moderately dense overstory of loblolly (*Pinus taeda*) and longleaf (*P. palustris*) pines, tulip poplar (*Liriodendron tulipifera*) and American sycamore (*Platanus occidentalis*), a sparse midstory of flowering dogwood (*Bethamidia florida*) and loblolly pine, a dense shrub layer of Chinese privet (*Ligustrum sinense*) and mimosa (*Albizia julibrissin*) with a dense cover of kudzu (*Pueraria montana*), common green brier (*Smilax rotundifolia*) and muscadine grape (*Muscadina rotundifolia*).

No RCW cavity trees were observed on the parcel. The parcel is not within an RCW foraging habitat partition. The nearest known RCW cavity tree (#01314) contains a relic cavity and is located approximately 0.75 mile northeast of the parcel in abandoned SOPI 21.

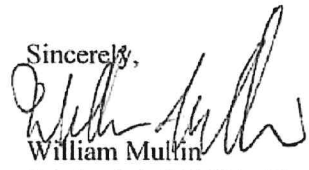
The RCW Recovery Plan (USFWS 2003) defines a cluster as the aggregation of cavity trees used and defended by a group of RCWs plus a 200-ft. buffer of contiguous forest. The Recovery Plan also outlines the minimum acreage, distribution and stocking levels of foraging

habitat required to conserve a family group of RCWs. Foraging habitat is defined as stands of pine or pine-hardwood more than 30 years old, located within one-half mile of, and contiguous to, an active or managed RCW cluster. Landowners within RCW habitat have a responsibility to minimize the removal of RCW foraging habitat (pine trees ≥ 10 inches in diameter at breast height (dbh)) and must notify the USFWS prior to such removals.

Property development within a cluster and associated foraging habitat, if not carefully conducted, is potentially harmful to RCWs and may violate the Endangered Species Act if not specifically authorized by the USFWS. Removing pine trees within the cluster contributes to habitat fragmentation, making RCWs more vulnerable to predation and more susceptible to having other species take over their cavities.

The RCW survey results are valid for a period of one year from the date of this letter. A copy of this letter along with a letter from the USFWS will be required when you request a building permit from your local Planning and Zoning office. If a RCW constructs a cavity in a pine tree on the aforementioned lot within the one-year time frame, this letter **does not** allow disturbance (within 50 ft.) or removal of the cavity tree. You must get additional approval from the USFWS for removal or disturbance of a RCW cavity tree.

Please feel free to call if you have any questions or comments.

Sincerely,

William Mullin
Wetland & Wildlife Biologist



Watershed Protection Permit

REQUIRED APPLICATION MATERIALS:

- ✓ Completed Application for a Watershed Protection Permit 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
- ✓ Site Plan
- ✓ Vicinity Map
- Narrative (if the property is outside of the **CB** zoning district) addressing each of the criteria listed in Exhibit 3-14, Table Note 3, of the UDO
- ✓ Electronic copy (PDF) of all application materials submitted to plan@southernpines.net

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

REVIEW AND APPROVAL:

1. **Staff review:** Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Approval:** The Town Council, at its regular meeting, will review and approve, approve with conditions, or deny the application.

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



Watershed Protection Permit Application

Date Received: _____ Case No.: WP-____-____

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

Project Information:

Project Name: New York Place Zoning District: CB Total Property Acreage: .80
PIN: 00032263/00031983 Parcel ID: 858105282734/858105281747 Watershed: WS IIIP
Type of Development: Mixed Use Total Built-Up Area*: .59
% of Total Property Acreage Proposed to be Built-Up Area*: 69

Applicant:

Name(s): The Ascot Corporation, LLC Email: Colin@ascotgrp.com
Mailing Address: P.O. Box 1872, Southern Pines NC 28388 Phone: 910-688-7361

Authorized Agent, if different from Applicant:

Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

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

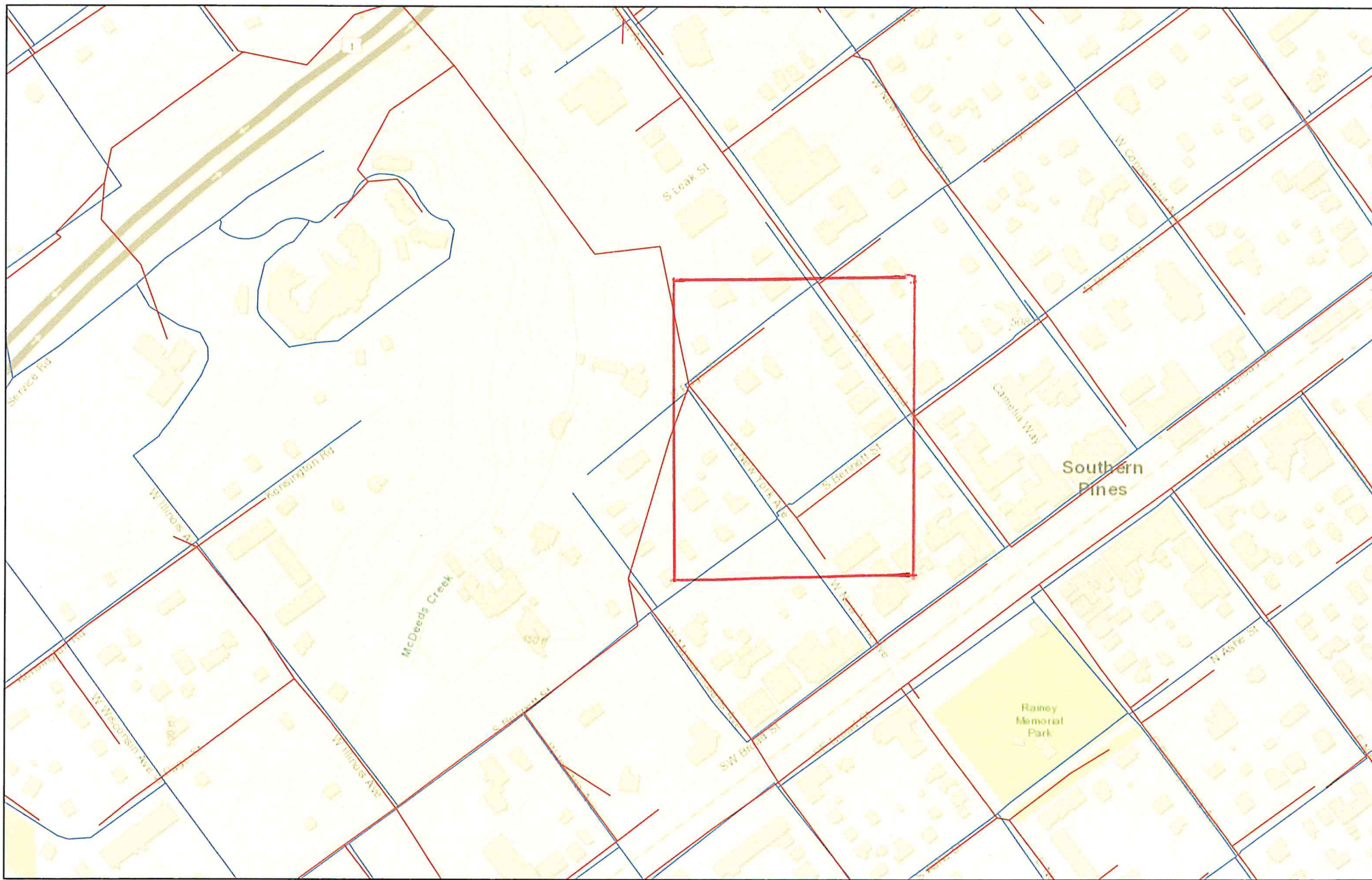
Name(s): The Cottages at Legacy Lakes, LLC
Email: _____ Phone: _____
Mailing Address: 237 Legacy Lakes Way, Aberdeen NC 28315

Signature of Applicant

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

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

Town of Southern Pines

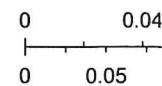


2/12/2023, 5:02:21 PM

— Sewer Mains

Water Mains

Q: 11. 508/ T



APPENDIX H - NEW YORK ST ELEVATIONS



NEW YORK PLACE - 05.17.2023

W. NEW YORK AVENUE - SITE CROSS SECTIONAL ELEVATION
SCALE: 1/32" = 1'-0"

New York Place

Southern Pines, NC

PREPARED FOR: ASCOT

May 11, 2023

PROJECT # 230017



TRAFFIC DESIGN ANALYSIS

Celebrating
20
YEARS



DAVENPORT



Traffic Design Analysis

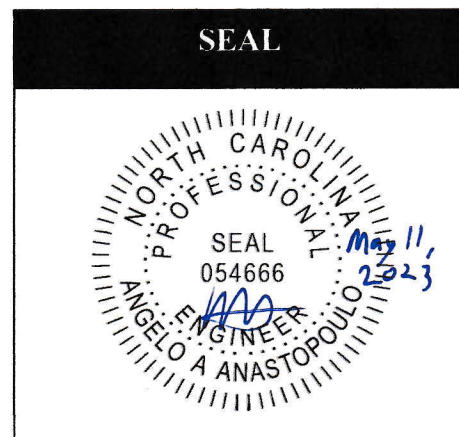
New York Place
Southern Pines, NC

Prepared for ASCOT
May 11, 2023

Analysis, Drafting, and Graphics by:
AJ Anastopoulos, PE

Reviewed by:
Erin Govea, PE

Sealed by:
AJ Anastopoulos, PE



This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of, or improper reliance on, this document by others without written authorization and adaptation by DAVENPORT shall be without liability to DAVENPORT and shall be a violation of the agreement between DAVENPORT and the client.

EXECUTIVE SUMMARY

The proposed New York Place development is located east of W New York Avenue just north of S Bennett Street in Southern Pines, NC. It will consist of two buildings with a total of 41 multifamily apartments and 9,107 square feet of retail space. Two full movement access points are proposed on W New York Avenue to serve the multifamily portion of the development. The retail space will utilize the proposed on-street parking on S Bennett Street. The expected build-out year for this development is 2024. Information regarding the property was provided by ASCOT and DZT Land Surveying.

DAVENPORT was retained to determine the potential traffic impacts of this development and to identify transportation improvements that may be required to accommodate the impacts of the new development traffic.

The Traffic Design Analysis (TDA) was performed based on the scope agreed upon with the Town of Southern Pines. This site has a trip generation potential of 952 daily trips, 64 trips in the AM peak hour, and 84 trips in the PM peak hour.

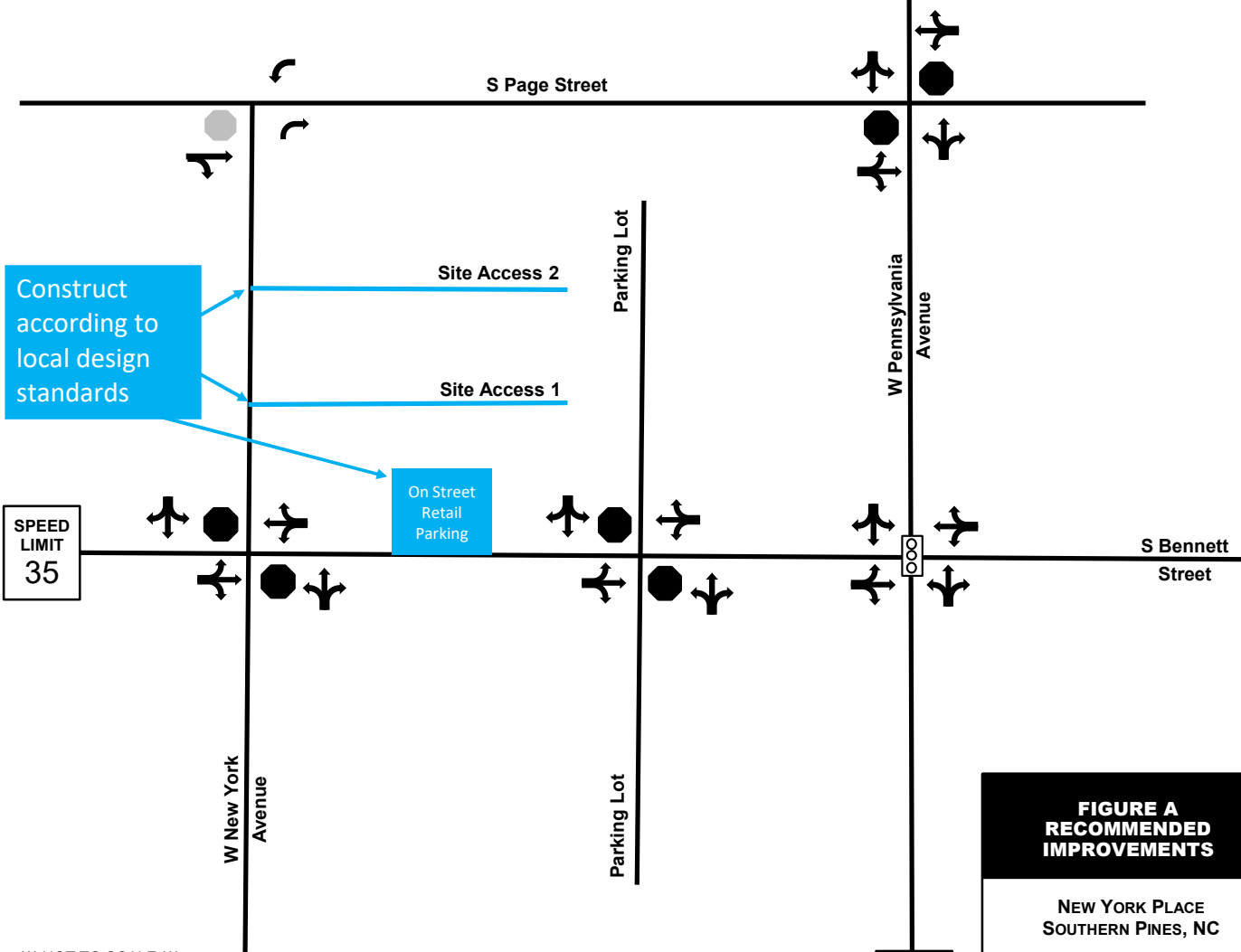
In conclusion, this study has determined the potential traffic impacts of this development and determined that no improvements are necessary to mitigate the impacts of future traffic. The proposed site is not expected to have a detrimental effect on transportation capacity and mobility in the study area. The site access recommendations summarized in Figure A and in Table A should be constructed to comply with applicable local standards.

Table A – Recommended Improvements

INTERSECTION	RECOMMENDATIONS
W New York Avenue and S Bennett Street	No improvements recommended.
S Bennett Street and Parking Lot driveways	No improvements recommended.
S Bennett Street and W Pennsylvania Avenue	No improvements recommended.
S Page Street and W Pennsylvania Avenue	No improvements recommended.
W New York Avenue and Site Access 1	- No improvements are recommended. - Design site drive according to applicable local standards.
W New York Avenue and Site Access 2	- No improvements are recommended. - Design site drive according to applicable local standards.



LEGEND	
	STOP
	SIGNAL
	ROADWAY
	TRAFFIC MOVEMENT
BLACK = EXISTING BLUE = PROPOSED	



*** NOT TO SCALE ***

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of, or improper reliance on, this document by others without written authorization and adaptation by DAVENPORT, shall be without liability to DAVENPORT, and shall be a violation of the agreement between DAVENPORT and the client.

FIGURE A RECOMMENDED IMPROVEMENTS

NEW YORK PLACE
SOUTHERN PINES, NC

PROJECT NUMBER 230017





ORDINANCE #2091
AMENDING THE ZONING MAP OF THE TOWN OF SOUTHERN PINES
PD-02-23

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on July 11, 2023 at 6:00 PM for the purpose of considering a request for a Planned Development Conceptual Development Plan.

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentations at the hearing, the Town of Southern Pines Town Council 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.

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

Section 1. That the Zoning Map of the Town of Southern Pines be, and the same hereby is, amended by changing the zoning of two existing parcels from CB – Central Business to PD - Planned Development with an approved Conceptual Development Plan (CDP). The subject 0.815-acre parcel is identified and described as follows:

PIN: 858105282734 (PARID: 00032263) and PIN: 858105281747 (PARID: 00031983) as described on “Exhibit A” in the Deed recorded at Book 6006, Page 230-233 in the Moore County, North Carolina Registry.

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-02-23, a copy of which may be found on file in the Town of Southern Pines Planning office, 801 SE Service Road, 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 11th day of July, 2023.

TOWN OF SOUTHERN PINES

Carol R. Haney, Mayor

APPROVED AS TO FORM:

DeWitt McCarley, Town Attorney

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

Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director

Subject: OA-01-23: Text amendment to the Unified Development Ordinance (UDO)

Date: July 11, 2023

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with a variety of text amendments related to the review process for Architectural Compliance Permit and is requesting Town Council review and approval per UDO §2.17. The proposed amendment are as follows, listed with reference to applicable section(s) of the UDO proposed for amendment:

1. Amend Exhibit 2-1 Review Process Overview to clarify different review procedures for Architectural Compliance Permits. Projects that are non-compliant with architectural standards in UDO §4.10 and/or greater than or equal to 15,000 square feet gross floor area will be reviewed by Town Council. Projects that are compliant with architectural standards in UDO §4.10 and less than 15,000 square feet gross floor area, will be reviewed administratively.
2. Amend UDO §2.26 with changes to efficiency of Architectural Compliance Permit review for commercial structures that meet the town's architectural standards. Changes include:
 - Increase the size of commercial structures that qualify for administrative review of Architectural Compliance Permits from 3,500 square feet or more Gross Floor Area to 15,000 square feet or more Gross Floor Area.
 - Clarify that an application for an Architectural Compliance Permit must provide a dimensioned site plan, elevation drawings and color renderings.
 - Remove two subjective criteria for review of Architectural Compliance Permits that are not consistent with state statutes regarding the effect of comprehensive plans or with the use of administrative, more objective permit review.
 - Remove the entire subsection UDO §2.26.8 regarding amendments because many of the changes listed have nothing to do with architecture and because Architectural Compliance Permits are a type of Development Approval and amendments to Development Approvals are covered broadly under UDO §2.8.4.

The specific text of each proposed amendment, as well as comments about each proposed amendment, may be found in the attachments to this staff report.

II. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on the proposed text amendments on June 22, 2023. Planning staff presented a brief summary of the proposed text amendments and answered questions from the Planning Board. Ms. Diane T. Westbrook asked for clarification about which criteria the Planning Department deemed subjective and inconsistent with North Carolina General Statutes governing administrative decisions. Mr. John Earp asked why 15,000 had been chosen as the new threshold to trigger Town Council review. Mr. Matthew Walden asked why planning staff thought the architectural compliance permit amendments subsection should be removed. And, Ms. Westbrook asked if planning staff anticipated any potential negative impacts due to the proposed text amendment. No members of the public nor the press were present. After closing the public hearing and without further discussion, the Planning Board voted unanimously to adopt a Resolution regarding the consistency of the proposed text amendment with the Comprehensive Long-Range Plan, and to forward the Resolution to the Town Council with a recommendation to approve the proposed amendment. A copy of the Planning Board's Resolution is attached to this staff report.

III. APPLICATION REVIEW:

A. Review Process:

Applications for text amendment are reviewed pursuant to UDO §2.17.

B. Criteria for Review:

When reviewing an application for amendments to the text of the UDO, the hearing bodies (Planning Board followed by Town Council) shall consider and be guided by the following criteria, as set forth in UDO §2.17.10:

2.17.10. Criteria for UDO Text amendment

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

(A) Consistency. *The text amendment shall be consistent with the adopted Comprehensive Plan.*

(B) Health, Safety, and Welfare. *The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.*

(C) Public Policy. *Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.*

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

(E) Impacts. *The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.*

C. Staff Comments:

The Town of Southern Pines Unified Development Ordinance (UDO) presently requires Town Council review and approval for all Architectural Compliance Permit (AR) applications involving buildings larger than 3,500 square feet gross floor area (GFA). The Council's review of buildings larger than 3,500 square feet GFA is required regardless of whether or not the buildings comply with architectural design standards set forth in UDO §4.10. This requirement for Town Council review, and the time it takes for the process, can be a disincentive for projects to comply. In practice, applicants may feel that if they have to go to Town Council anyways, they might as well ask for modest deviations from the architectural standards. Furthermore, over the last few months, the Town Council has occasionally expressed concerns with the public cost associated with spending staff and Town Council time reviewing and discussing so many AR applications when projects either already fully comply with the standards or could be made to comply with a few small changes.

Planning staff has therefore prepared a package of text amendment to the UDO to address some issues raised by planning staff and by Town Council. The primary objective of the proposed amendment is to incentivize greater compliance with architectural standards set forth in UDO §4.10 by allowing faster review of AR applications that comply with the town's architectural standards. The proposed amendment would increase the size of buildings that qualify for administrative review from 3,500 square feet GFA to 15,000 square feet GFA. Other proposed changes to UDO §2.26 are related to this primary objective of greater compliance and faster administrative review and to ensuring the efficiency and defensibility of the administrative permit review process.

Reducing the cost of public service delivery (in this case staff time reviewing an AR application and preparing materials for a decision by Town Council) is a goal found throughout the current Comprehensive Long-Range Plan (CLRP). Efficient public services is part of Southern Pines' Vision (page 2-5) and providing public services in a fiscally responsible manner is a specific policy of the town (Policy P-16). Reducing the cost of public service delivery in a way that also likely increases compliance with the town's architectural standards will also advance goals related to protecting the aesthetic character of the town (Goal G-3) and protecting the character of commercial neighborhoods (Goal G-4). The proposed amendment is also consistent with policies related to architectural compatibility in commercial neighborhoods (Policy P-2) and fostering an economy consistent with the character of the community (Policy P-11). The proposed amendment is therefore very consistent with multiple goals and policies set forth in the current CLRP.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), U.S. Fish and Wildlife Service, Moore County Airport, and representatives of the Town of Southern Pines on June 12, 2023.

As of the completion of the staff report on June 28, 2023, no responses were received. Any responses received following completion of this staff report but prior to the public hearings will be provided verbally at the hearings.

IV. ATTACHMENTS:

1. Planning Board Resolution to Adopt a Written Recommendation
2. Current sections of the UDO, showing edits in red text

V. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Long-Range Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendment found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Long-Range Plan, the Town Council finds that:

1. The proposed text amendment is consistent with the Comprehensive Long-Range Plan and is a reasonable way to implement the Comprehensive Long-Range Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-01-23;
2. The proposed text amendment is consistent with the Comprehensive Long-Range Plan and is a reasonable way to implement the Comprehensive Long-Range Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-01-23, but with the following edits or additions to Attachment 1...
3. The proposed text amendment is not consistent with the Comprehensive Long-Range Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. Approve OA-01-23 as attached to the staff report (*if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in Attachment 1*);

2. Approve OA-01-23 as attached to the staff report, but with the following changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed)*;
3. Deny OA-02-22 *(the Town Council shall state any reasons for denial of the proposed amendment)*; OR
4. Other...



ATTACHMENT A

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-01-23**

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

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

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on June 22, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-01-23.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff are reasonable, in the public interest and are generally consistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP).

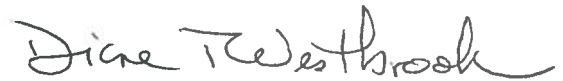
The amendments will allow a greater number of commercial buildings to have Architectural Compliance Permit (AR) applications reviewed and approved administratively if the buildings fully meet the architectural standards set forth in UDO §4.10. This change will increase the efficiency of public service delivery by significantly reducing the amount of time planning staff spend preparing AR applications for Town Council review and attending night meetings. The change will also encourage greater compliance with the town's standards by using faster administrative review as an incentive to comply with the town's architectural standards.

Reducing the cost of public service delivery is a goal found throughout the current Comprehensive Long-Range Plan (CLRP). Efficient public services is part of Southern Pines' Vision (page 2-5) and providing public services in a fiscally responsible manner is a specific policy of the town (Policy P-16). Reducing the cost of public service delivery in a way that also increases compliance with the town's architectural standards will also advance goals related to protecting the aesthetic

character of the town (Goal G-3) and protecting the character of commercial neighborhoods (Goal G-4). The proposed amendments are also consistent with policies related to architectural compatibility in commercial neighborhoods (Policy P-2) and fostering an economy consistent with the character of the community (Policy P-11).

Therefore, the proposed text amendments are reasonable and in the public interest and consistent with the CLRP.

ADOPTED this the 22nd day of June, 2023.



Diane Westbrook, Chair

ATTEST:



Cindy Williams
Secretary to the Planning Board

Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
Planned Development District:					2.18
Pre-Application Conference (required)	---	---	---	---	2.5.7 / Advisory
Neighborhood Meeting (required)	---	---	---	---	2.15 / Applicant responsibility
Conceptual Development Plan	Legislative Hearing	Planning Board	Town Council	Superior Court	2.18.4
Preliminary Development Plan (includes contingent zoning approval, preliminary plat approval is a Quasi-judicial Decision)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.18.5
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Development Plan (includes final zoning approval and may include Final Plat approval)		Planning Director/TRC	Planning Director	Town Council	2.18.7
Major Subdivision:					2.20
Pre-Application Conference (required)	---	---	---	---	2.20.2 / Advisory
Neighborhood Meeting (recommended)	---	---	---	---	2.20.3 / Applicant responsibility
Preliminary Plat (includes SUP approval)	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.20.4
Development Agreement (optional)	Legislative Hearing	Town Manager	Town Council		2.20.7
Final Plat (includes final SUP approval)	---	Planning Director/TRC	Planning Director	Town Council	2.20.8
Special Use Permit	Evidentiary Hearing	Planning Board	Town Council	Superior Court	2.21
Variance	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.22
Appeals	Evidentiary Hearing	Planning Director	Board of Adjustment	Superior Court	2.23
Vested Rights Determination	Evidentiary Hearing	Planning Director	Town Council	Superior Court	2.24
Development Approval Revocation	Evidentiary Hearing	Planning Director	Planning Board	Town Council	2.25
Architectural Compliance Permit (greater than 3,500 square feet)	---	Planning Director	Town Council/ Planning Director	Superior Court	2.26 / Mixed use and non-residential only
Certificate of Appropriateness – Major Work	Evidentiary Hearing	Planning Director	Historic District Commission	Board of Adjustment	2.28
Vacations of Streets and Alleys	Legislative Hearing	Planning Director/TRC	City Council	Superior Court	2.29
Approvals NOT Requiring a Public Hearing:					

Commented [BG1]: The process, as described in UDO 2.26, does not require a public hearing, so not sure why it's listed here under this category.

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Development Application	Public Review Process	Recommendation	Final Decision	Appeal	Section/Comments
<u>Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 15,000 square feet Gross Floor Area)</u>		<u>Planning Director</u>	<u>Town Council</u>	<u>Superior Court</u>	<u>2.26</u>
<u>Architectural Compliance Permit (compliant with Section 4.10 and less than 15,000 square feet Gross Floor Area.</u>		<u>---</u>	<u>Planning Director</u>	<u>Town Council</u>	<u>2.26</u>
Minor Subdivision (includes Lot splits, Lot consolidation, dedications, and conveyances to the public)	---	TRC	Planning Director	Town Council	2.32
Vacations of, Easements or Plats	---	Planning Director/TRC	Town Council	District Court	2.33
Plats, Amending	---	TRC	Planning Director	Town Council	2.34
Zoning Permit / Change of Use	---	TRC	Planning Director	Board of Adjustment	2.35
Land Disturbance Permit (Grading and Erosion Control Plan)	---	TRC	Planning Director	Board of Adjustment	2.36
Building Permit	---	TRC	Planning Director	Board of Adjustment	2.37 / TRC review not required for detached single-family Dwellings
Certificates of Occupancy	---	TRC	Planning Director	Board of Adjustment	2.39
Floodplain Development Permit	---	TRC	Planning Director	Board of Adjustment	2.40
Sign Permit	---	TRC	Planning Director	Board of Adjustment	2.41
Driveway Permit / Right-of-Way Permit	---	TRC	Planning Director	Board of Adjustment	2.42
Home Occupation Permit	---	TRC	Planning Director	Board of Adjustment	2.43
Temporary Use Permit	---	TRC	Planning Director	Town Council	2.44
Certificate of Appropriateness – Minor Work	---	Planning Director	Planning Director	Historic District Commission	2.45
Administrative Relief	---	TRC	Planning Director	Board of Adjustment	2.46
Watershed Protection Permit (inside of CB zoning district)	---	TRC	Planning Director	Town Council	2.47
Watershed Protection Permit (outside of CB zoning district)		Planning Director	Town Council	Superior Court	2.47
Site Plan (Engineering and Construction Plans)	---	Planning Director Town Engineer Fire Marshal	TRC	---	2.20.5 / 2.48
Improvement Guarantees (optional)	---	TRC	Town Manager	---	2.20.6

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purview of the activities authorized by said Development Approval;

- (B) The Applicant has proceeded in good faith, has relied upon the issuance of the Development Approval, and such Development Approval has not lapsed or been revoked;
- (C) The Applicant has established any other factor that may establish Estoppel under state or federal law; and
- (D) The Applicant has not obtained a favorable statutory vested rights Determination.

(Ord. #1919)

2.25. DEVELOPMENT APPROVAL REVOCATION

2.25.1. Initiation

The Planning Director shall investigate alleged violations of the requirements of this UDO and conditions imposed upon Development Approvals. If the Planning Director determines that revocation of a Development Approval is appropriate, he or she shall notify the holder in writing stating the reasons(s) for the revocation. A recommendation, including the reason or reasons for their Determination, shall be made to the same Reviewing Body that granted the Development Approval after providing notice as required in section 2.10.

(Ord. #1714; Ord. #1919)

2.25.2. Reviewing Body Action

The Reviewing Body shall conduct an Evidentiary Hearing and shall approve, conditionally approve, or deny the Planning Director's recommendation regarding the revocation of the Development Approval.

The Reviewing Body's action shall contain findings that address the basis for the decision; shall state the condition or conditions that have been violated and the harm such violation has caused. In the case of a suspension of the use, the action shall state the length of time such violation can be cured. In the case of a termination, the action shall state the reason such violation cannot be cured.

(Ord. #1919)

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2.25.3. Grounds for Revocation

The following are grounds for revocation of a Development Approval:

- (A) The intentional provision of materially misleading information by the Applicant (the provision of information is considered "intentional" where the Applicant was aware of the inaccuracies or could have discovered the inaccuracies with reasonable diligence); and
- (B) The failure to comply with any condition of a Development Approval.

2.25.4. Appeals

An aggrieved party may appeal the Reviewing Body's decision as depicted in Exhibit 2-1. The appeal shall be presented within thirty (30) days of action by the Reviewing Body.

(Ord. #1919)

2.25.5. Right Cumulative

The right to revoke a Development Approval, as provided in this section, is cumulative to any other remedy allowed by law.

2.26. ARCHITECTURAL COMPLIANCE PERMIT

2.26.1. Purpose

This section enables the Town Council and the Developer of a Multi-Family, ~~attached single-family, institutional~~, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town's Commercial Design Standards.

(Ord. # 1716)

2.26.2. Applicability

- (A) Town Council approval of an Architectural Compliance Permit is required for:
 - (1) New construction of any Multi-Family, institutional, commercial or mixed use Building with ~~three thousand five hundred (3,500)~~ fifteen thousand

~~(15,000) square feet or more of Gross Floor Area, or a Multi-Family Building with Dwelling Units;~~

- (2) Significant modification of any Multi-Family, institutional, commercial or mixed-use Building resulting in a Building with a total of fifteen thousand (15,000) square feet of Gross Floor Area; or site involving:

~~(a) Additions to the front or street side of a commercial or mixed-use Building in an OS, NB, GB, PD or HCO district;~~

~~(b) Additions to the front or street side of a commercial or mixed-use Building in an CB district that do not require review by the Historic District Commission;~~

~~(c) Increases in Building height to any Building included in paragraphs (1), (2)(a) or (2)(b) of this section;~~

~~(d) Additions to any side of a commercial or mixed-use Building facing a residential district that do not comply with buffer requirements of section 4.3.4;~~

~~(e) The establishment, relocation or enlargement of loading docks, loading bays or garage entries facing a street or residential district; and~~

~~(f) An increase of more than twenty (20) parking spaces.~~

- (3) Any new construction or modification of a Multi-Family, institutional, commercial or mixed-use Building that, in the opinion of the Planning Director does not comply with the commercial Building design standards in section 4.10.

(Ord. # 1716)

- (B) All other Multi-Family, institutional, commercial and mixed-use Building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO.

2.26.3. Architectural Compliance Permit Process Overview

- (A) The approval process and typical timing for Town Council decision on Architectural Compliance Permits (if required per this section) are summarized in Exhibits 2-23 and 2-24. Actual timing may vary based on the date of submittal and scheduled hearing dates.
- (B) **Subsequent Applications.** If the Architectural Compliance Permit is denied, a new application proposing the same Development architecture for the same property shall not be filed within six (6) months after a final decision.

(Ord. # 1716)

Exhibit 2-23: Approval Process Summary

Architectural Compliance Permit Process
Application, Review
Town Council <u>DecisionHearing</u>

Exhibit 2-24: Timing

Architectural Compliance Permit Timing	
Completeness Review	5 business days (from Application Submittal)
Town Council <u>HearingMeeting</u>	30 days (from Completeness Certification)
Town Council Decision	30 days (from <u>HearingMeeting</u>)

2.26.4. Initiation

The Architectural Compliance Permit application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall include a dimensioned Site Plan and elevation drawings and color renderings in sufficient detail to enable the Council to evaluate compliance with the Commercial-applicable Design Standards and other applicable site Development requirements of the UDO.

Commented [BG2]: Changes here and elsewhere are to make the buildings listed consistent across the rest of this section. Important note: all one- and two-family dwellings are exempt from building design requirements per NCGS 160D-702(b).

Commented [BG4]: After 160D changes, the definition of "Development" is now more broad than it was when this was originally written. This could be interpreted to mean that if an AR is denied, they can't make changes and come back with improved architecture AND they can't move forward with any other development approvals on the property. This is just a clarification.

Commented [BG3]: Explanation of deletion: If a modification to an existing building will result in a building that is still 1) under 15,000 square feet of total gross floor area and 2) compliant with the design standards in Section 4.10, then why would it have to go to Town Council just because of these six things, when new construction would not? In other words, this requires TC to review a project just because it's an addition that requires 20 parking spaces, even if it's still under 15,000 square feet and the architecture fully complies.

2.26.5. Completeness

- (A) The Planning Director shall review the application and shall determine if the application has been submitted and is complete pursuant to the provisions of section 2.6.
- (B) Upon finding that the application is complete the Planning Director shall prepare a report making findings and recommendations on the application.

(Ord. #1919)

2.26.6. Town Council Action

If Town Council review is required per this section, the Town Council shall approve, conditionally approve or deny the application based on the criteria in the following section.

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)(A) 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)(B) The application is consistent with applicable conditions of prior Development Approvals; ~~and~~
- (D)(C) ~~The Development as proposed will be Compatible with neighboring Development and has mitigated potential conflicts.~~

(Ord. # 1716)

2.26.8. Amendments

Amendments to a previously approved Architectural Compliance Permit shall be classified as a minor or Major Amendment. Minor amendments may be administratively accepted by the Planning Director and will not be subject to

~~review by the Town Council. Within five (5) business days after filing of the proposed amendments, required items, and information, the Planning Director shall provide a written response indicating whether or not the proposed revisions shall be considered a minor or Major Amendment.~~

- (A) ~~Minor Amendments. Minor Amendments to an Architectural Compliance Permit include any of the following changes:~~
 - (1) ~~Changes to the timing or phasing of the proposed Development, provided that the use and overall geographic land area remains the same;~~
 - (2) ~~Adjustment of unit boundaries within Tracts or Parcels adjoining the outer boundaries of the Site Plan, provided that the use and overall geographic land area remains the same;~~
 - (3) ~~A reduction in the number of proposed platted Lots, provided that the use and overall geographic land area remains the same;~~
 - (4) ~~Updating of ownership or consultant information;~~
 - (5) ~~Site plan or Subdivision plat name change;~~
 - (6) ~~Reconfiguration of parking to increase compliance with parking or landscaping requirements;~~
 - (7) ~~Increases in the number of parking spaces that do not trigger the applicability threshold in this section;~~
 - (8) ~~Adjustments in the landscaping location or materials that comply with the landscaping standards within the UDO and do not reduce the total landscape area from a previously approved Architectural Compliance Permit;~~
 - (9) ~~Building maintenance and repairs that do not change the area, height, setbacks or materials from a previously approved Architectural Compliance Permit;~~

Commented [BG5]: I feel that simply removing this is the best option overall. Reviewing individual permits (as opposed to zoning amendments) for consistency with the CLRP is not good practice per language regarding the effect of adopted plans in NCGS 160D-501(c).

Commented [BG6]: If an applicant carefully designs a building that adheres to the straightforward architectural standards set forth in UDO 4.10, additionally measuring it (and therefore possibly denying it) based on compatibility with neighboring development is difficult.

Commented [BG7]: Two issues lead to a recommendation to simply delete this "Amendments" section:
 1.If you read the 11 changes currently listed here, most of them have nothing to do with the architectural code. It's weird, don't know how this list was generated. "Reduction in the number of platted lots?"
 2.This is now covered broadly for all "Development Approvals" under UDO 2.8.4 and the language in that section works for amending an AR. Plus this removes a five business day shot clock that is not required for any reason I can find. We typically respond within that timeframe, but why have these self-imposed tripwires if they aren't necessary?

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~~(10) Other changes to increase compliance with UDO or technical requirements; and~~

~~(11) Any change to an Architectural compliance permit that did not require Town Council approval.~~

~~(B) Major Amendments. All other amendments shall be classified as Major Amendments and shall be processed in the same manner as the initial application.~~

(Ord. # 1716)

2.26.9.2.26.8. Effect of Approval

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.

(Ord. #1919)

2.27.DESIGNATION OF HISTORIC DISTRICTS

2.27.1. Approval Criteria and Decision

The Town Council may designate from time to time one or more historic districts within the jurisdictional boundaries of the Town. No historic district(s) shall be designated until:

- (A) The Southern Pines Historic District commission shall have made an investigation and report on the historic significance of the Buildings, structures, features, sites or surroundings included in any such proposed district and shall have prepared a description of boundaries of such district.
- (B) The Southern Pines Historic District Commission shall have requested an analysis and recommendation based on the report required in (A) of this subsection from the NC Department of Cultural Resources, including the proposed boundaries of the district. If the department has not provided the requested analysis and

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recommendations within (30) thirty days after a written request for such analysis and recommendations have been mailed to it, the Town Council is relieved of any responsibility for securing such analysis and recommendations and may at any time thereafter take any necessary action to adopt or amend this UDO.

2.28.CERTIFICATE OF APPROPRIATENESS – MAJOR WORK

2.28.1. Applicability

- (A) A Certificate of Appropriateness issued by the Historic District Commission is required prior to any Major Work or the issuance of a Building permit or other permit for Major Work. A Certificate of Appropriateness shall be required whether or not a Building permit is required. Any Building permit or other permit not issued in conformity with this section shall be invalid.
- (B) Major Work includes any of the activities defined as Major Work herein as interpreted by the Planning Director.
- (C) Major Work excludes any activities defined as Minor Work or Ordinary Maintenance.

2.28.2. Application Submittal Requirements

- (A) Applications for Certificates of Appropriateness shall be filed with the Planning Director.
- (B) The Commission may specify criteria for situations in which the Planning Director may waive any of the application material requirements.
- (C) No application shall be accepted by the Planning Director unless it complies with the requirements of Appendix A. Applications that are not complete, shall be returned forthwith to the Applicant, with a notation of the deficiencies in the application.

Amended

1-10-23

2-61



ORDINANCE #2092
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF SOUTHERN PINES

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, during its regular meeting on July 11, 2023, at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, 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 Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 11th day of July, 2023:

Section 1. That Exhibit 2-1 of the Unified Development Ordinance be amended by removing “Architectural Compliance Permit (greater than 3,500 square feet)” from the list of approvals requiring a public hearing and inserting the following two rows under approvals not requiring a public hearing:

Architectural Compliance Permit (non-compliant with Section 4.10 and/or greater than or equal to 15,000 square feet Gross Floor Area), Planning Director Recommendation, Town Council Final Decision, Superior Court Appeal, 2.26 Section/Comments

Architectural Compliance Permit (compliant with Section 4.10 and less than 15,000 square feet Gross Floor Area, no recommendation, Planning Director Final Decision, Town Council Appeal, 2.26 Section/Comments

Section 2. That §2.26.1 of the Unified Development Ordinance be amended by deleting “attached single-family” and inserting the following language:

2.26.1 Purpose. This section enables the Town Council and the Developer of a Multi-Family, institutional, commercial or mixed-use Development project to collaborate on the project design, thereby providing flexibility from the strict application of the Town’s Commercial Design Standards..

Section 3. That §2.26.2(A)(1) of the Unified Development Ordinance be amended by deleting “three thousand five hundred (3,500)” and “or a multi-family building with dwelling units” and inserting the following language:

(1) New construction of any Multi-Family, institutional, commercial or mixed use Building with fifteen thousand (15,000) square feet or more of Gross Floor Area;

Section 4. That §2.26.2(A)(2) of the Unified Development Ordinance be amended by deleting “or site involving” and letters (a) through (f) and inserting the following language:

(2) Significant modification of any Multi-Family, institutional, commercial or mixed-use Building resulting in a Building with a total of fifteen thousand (15,000) square feet or more of Gross Floor Area; or

Section 5. That §2.26.2(A)(3) of the Unified Development Ordinance be amended by inserting the following language:

(3) Any new construction or modification of a Multi- Family, institutional, commercial or mixed-use Building that, in the opinion of the Planning Director does not comply with the commercial Building design standards in section 4.10.

Section 6. That §2.26.2(B) of the Unified Development Ordinance be amended by inserting the following language:

(B) All other Multi-Family, institutional, commercial and mixed-use Building permit applications shall be reviewed by the Planning Director for compliance with the standards established in this UDO

Section 7. That §2.26.3(A) of the Unified Development Ordinance be amended by inserting the following language:

(A) The approval process and typical timing for Town Council decision on Architectural Compliance Permits (if required per this section) are summarized in Exhibits 2-23 and 2-24. Actual timing may vary based on the date of submittal and scheduled hearing dates.

Section 8. That §2.26.3(B) of the Unified Development Ordinance be amended by deleting “Development” and inserting “architecture”.

Section 9. That Exhibit 2-23 Approval Process Summary of the Unified Development Ordinance be amended by deleting “Hearing” and inserting “Decision”.

Section 10. That Exhibit 2-24 Timing of the Unified Development Ordinance be amended by deleting “Hearing” and inserting “Meeting” in the left-hand and right-hand columns.

Section 11. That §2.26.4 Initiation of the Unified Development Ordinance be amended by deleting “commercial” and “and other applicable site Development requirements”, and inserting the following language:

The Architectural Compliance Permit application shall be filed with the Planning Director and shall comply with the requirements established in Appendix A. The application shall include a dimensioned Site Plan and elevation drawings and color renderings in sufficient detail to enable the Council to evaluate compliance with the applicable Design Standards of the UDO.

Section 12. That §2.26.6 Town Council Action of the Unified Development Ordinance be amended by inserting the following language:

If Town Council review is required per this section, the Town Council shall approve, conditionally approve or deny the application based on the criteria in the following section.

Section 13. That §2.26.7 Criteria of the Unified Development Ordinance be amended by deleting “the Town Council finds that,” “(A) The application is consistent with applicable Comprehensive Plan goals and policies,” “including the purposes of the zoning district in which the property is located” in subsection (B), “and” in subsection (C), and “(D) The Development as proposed will be Compatible with neighboring Development and has mitigated potential conflicts.”

Section 14. That §2.26.8 Amendments of the Unified Development Ordinance be amended by deleting the entire section and renumbering §2.26.9 Effect of Approval to §2.26.8.

Section 15. That this Ordinance shall be and remain in full force and effect from the date of its adoption.

Adopted this 11th day of July, 2023.

I certify that this Ordinance (OA-01-23) was adopted by the Town Council of the Town of Southern Pines at its meeting on July 11, 2023 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: AX-01-23: Hold a Public Hearing for Voluntary Annexation of 1 Acre Contiguous to the Corporate Limits of the Town of Southern Pines; Applicant: Town of Southern Pines

Date: July 11, 2023

I. SUMMARY OF APPLICATION REQUEST:

Reagan Parsons, on behalf of the Town of Southern Pines, is requesting voluntary annexation of 1 acre that is currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject property is identified as PIN 857211657012 (PARID 00040888) and is owned by the Town of Southern Pines.

II. PRIOR TOWN COUNCIL ACTION:

At the May 23, 2023 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

During the June 13, 2023 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

III. PROJECT INFORMATION:

A. Physical Address:

Eastman Road
Southern Pines, NC 28387

B. Property Owner/Applicant:

Town of Southern Pines
PO Box 870
Southern Pines, NC 28388

C. Property Identification & Parcel Identification Numbers:

PIN 857211657012 (PARID 00040888)

D. Size of Property:

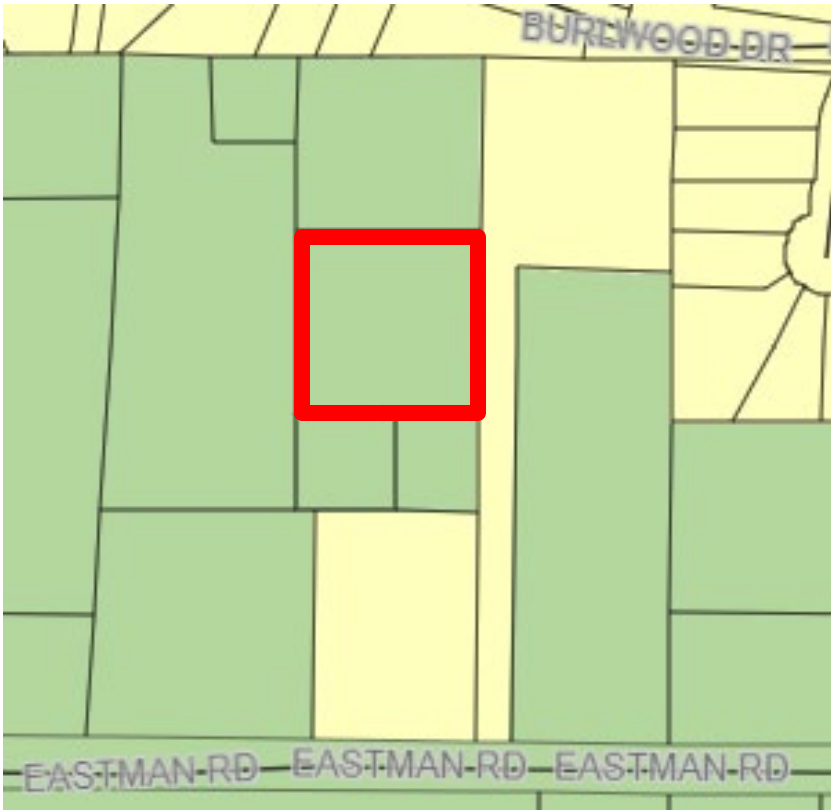
Total area: 1 acre

IV. STAFF COMMENTS:

- The applicant has submitted a Petition for Voluntary Annexation accompanied by a survey and written metes and bounds description of the subject property.
- The written metes and bounds description of the area to be annexed has been approved by the Moore County Tax Mapper.
- The request is a voluntary request for contiguous annexation as the adjacent property is within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject property is presently zoned RS-1 (Residential Single-Family). The adjacent properties are zoned RS-1 and FRR (Facilities, Resource and Recreation).
- During the May 23, 2023 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petition for voluntary annexation of the subject property.
- During the June 13, 2023 Town Council Regular Meeting, the Town Clerk approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- The purpose of this agenda item is for the Town Council to hold a public hearing to consider the annexation request.
- **Comprehensive Long-Range Plan Analysis:**
 - The subject property is identified as “Residential” on the Comprehensive Long- Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

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

Figure 1: Adjacent Property (Area to be Annexed Outlined in Red)



 Town of Southern Pines Corporate Limits  Town of Southern Pines ETJ

Figure 2: Zoning Map (Area to be Annexed Outlined in Red)

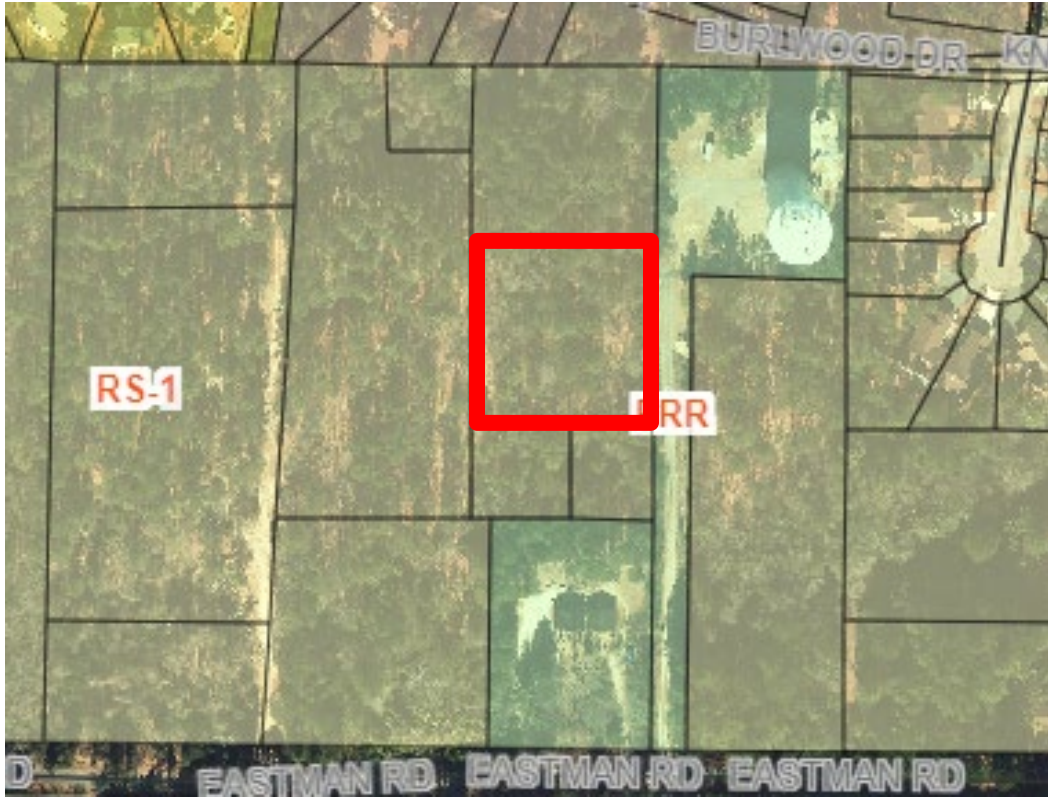
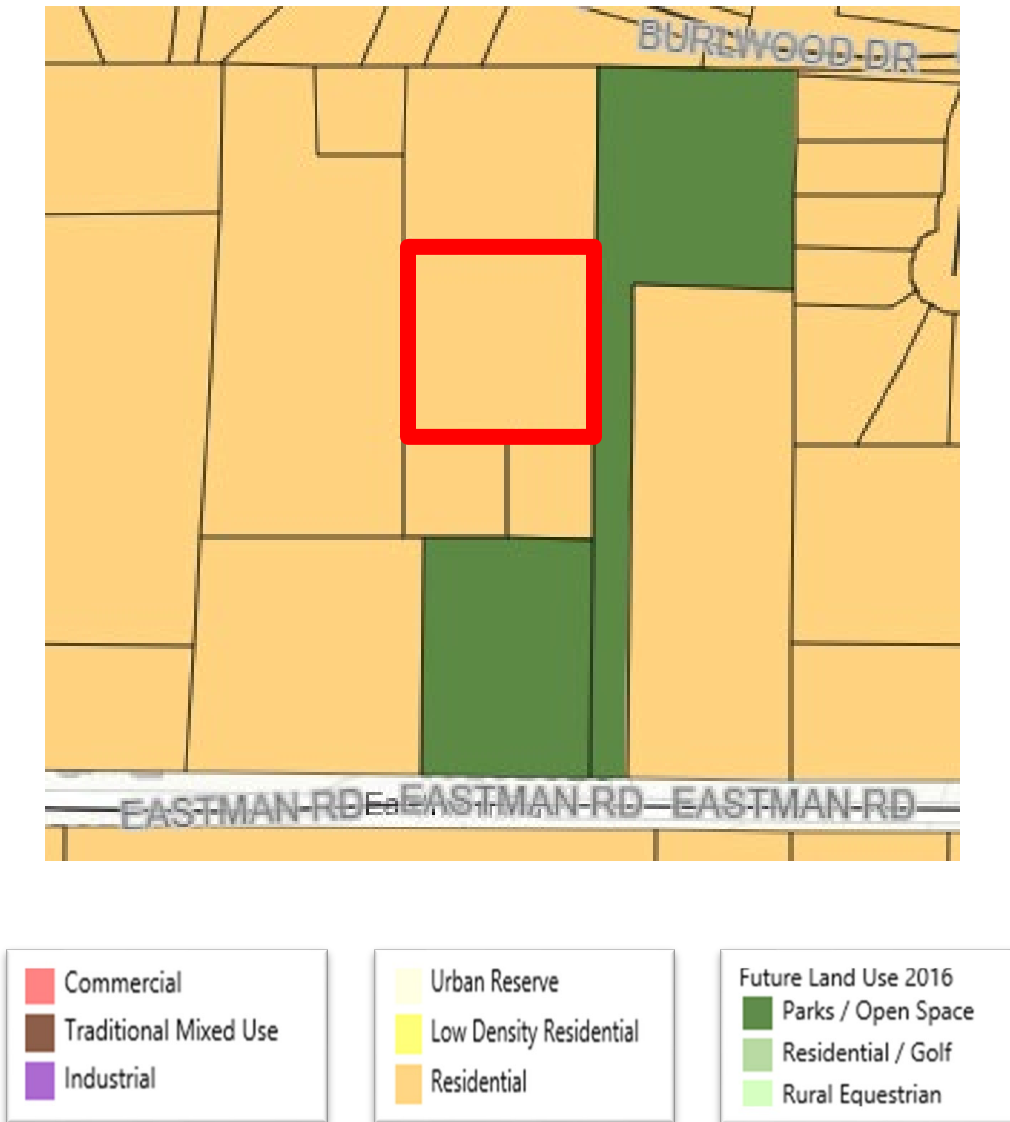


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Red)



V. ATTACHMENTS:

1. Petition
2. Written metes and bounds description
3. Map of subject property
4. Signed Resolution

VI. TOWN COUNCIL ACTION:

To either approve or deny the voluntary annexation, the Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt an Ordinance approving voluntary annexation request AX-01-23 for the property as defined in the submitted written metes and bounds description, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny voluntary annexation request AX-01-23 for the property as defined in the submitted metes and bounds description.

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 857211657012; PARID: 00040888.

Property Owner(s):

Name: Town of Southern Pines

Signature: 

Address: PO Box 870

Southern Pines, NC 28388

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

EXHIBIT A

Metes and Bounds Description of Property/Properties Petitioning for Voluntary Annexation

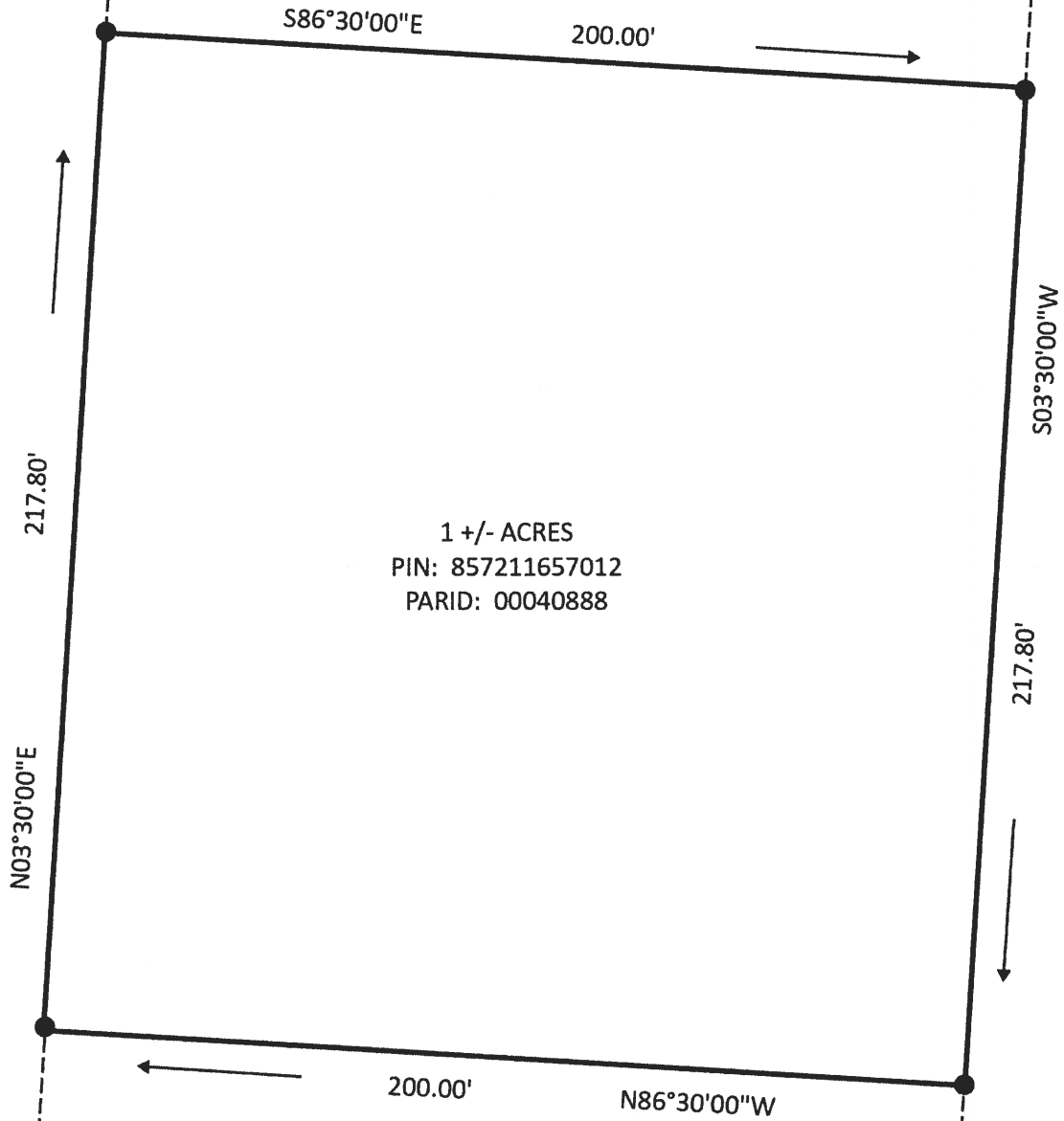
BEGINNING at a stake in the north boundary of a road, said stake being the beginning corner of George Godwin's 5 acre tract as recorded in Deed Book 92, at Page 586, Moore County Registry; running thence with the first line of said tract North 3° 30' East 217.8 feet to a stake; thence South 86 ° 30' East 200 feet to a stake; thence South 3 ° 30' West 217 .8 feet to the north edge of the road, the south line of five acres; thence with the south line of the 5 acre tract North 86 ° 30' West 200 feet to the BEGINNING, containing one acre, more or less, and being a portion of George Godwin's aforementioned 5 acre tract.

7-28-21

PARID: 00035546

PARID: 00036523

PARID: 00039732



PARID: 00038806

PARID: 00039670

Knollwood Vlg

Map created by Town of Southern Pines GIS staff. Descriptions from BK: 2441 PG: 324-326 Moore County Register of Deeds.

0 20 40 80 Feet
AX-01-23 Eastman Road

AX-??-23
July 2023 Town Council



ORDINANCE #2089
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-01-23; PARID 00040888

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-01-23, was scheduled to be held in regular session of the Town Council at the E.S. Douglass Community Center at 6:00 P.M. on the 11th day of July, 2023 after due notice by publication; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

BEGINNING at a stake in the north boundary of a road, said stake being the beginning corner of George Godwin's 5-acre tract as recorded in Deed Book 92, at Page 586, Moore County Registry; running thence with the first line of said tract North 3° 30' East 217.8 feet to a stake; thence South 86 ° 30' East 200 feet to a stake; thence South 3 ° 30' West 217 .8 feet to the north edge of the road, the south line of five acres; thence with the south line of the 5-acre tract North 86 ° 30' West 200 feet to the beginning, containing one acre, more or less, and being a portion of George Godwin's aforementioned 5-acre tract.

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 11th day of July, 2023:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 11th day of July, 2023.

Section 2. Upon and after the 11th day of July, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

TOWN OF SOUTHERN PINES

Carol R. Haney, Mayor

APPROVED AS TO FORM:

DeWitt McCarley, Town Attorney

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

Elizabeth Robertson, Town Clerk

DRAFT

DRAFT

Agenda Item

To: Reagan Parsons, Town Manager

From: B.J. Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: AX-02-23: Hold a Public Hearing for Voluntary Annexation of 31.99 Acres Contiguous to the Corporate Limits of the Town of Southern Pines; Applicants: Morganton Park Realty LLC, PACN Realty LLC and Morganton Park North Master Association Inc.

Date: July 11, 2023

I. SUMMARY OF APPLICATION REQUEST:

Charles Gregg, on behalf of Morganton Park Realty, LLC, David Grantham and Jeff Kilpatrick, on behalf of PACN Realty, LLC, and Thomas M. Van Camp, on behalf of Morganton Park North Master Association Inc., are requesting voluntary annexation of 31.99 acres currently outside of the corporate limits of the Town of Southern Pines.

II. PRIOR TOWN COUNCIL ACTION:

At the May 23, 2023 Town Council Work Session, the Town Council approved a *Resolution Directing the Clerk to Investigate a Petition Received Under G.S. 160A-31*.

During the June 27, 2023 Town Council Work Session, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

III. PROJECT INFORMATION:

- **PIN 857100392796 (PARID 20150046)**
Physical Address: 1202 W. Morganton Road
Property Owner/Applicant: Morganton Park Realty, LLC
Size of Property: 15.78 acres
- **Tanglewood Drive Public Right of Way**
Size of Property: 1.08 acres
- **PIN 857100491864701 (PARID 20150043701)**
Physical Address: Morganton Road
Property Owner/Applicant: Morganton Park North Master Association, Inc.
Size of Property: 2.84 acres

- **PIN 857100397998 (PARID 20150044)**
Physical Address: Morganton Road Off
Property Owner/Applicant: Morganton Park North Master Association, Inc.
Size of Property: 1.80 acres
- **PIN 857100399573 (PARID 20190270)**
Physical Address: W. Morganton Road
Property Owner/Applicant: PACN Realty, LLC
Size of Property: 10.49 acres

IV. STAFF COMMENTS:

- The applicants have submitted Petitions for Voluntary Annexation accompanied by written metes and bounds descriptions of the subject properties and a survey.
- The written metes and bounds descriptions of the areas to be annexed have been approved by the Moore County Tax Mapper.
- The requests are voluntary requests for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject properties are presently zoned PD (Planned Development). The adjacent properties are also zoned PD.
- During the May 23, 2023 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petitions for voluntary annexation of the subject properties.
- During the June 27, 2023 Town Council Work Session, the Town Clerk approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- The purpose of this agenda item is for the Town Council to hold a public hearing to consider the annexation requests.
- **Comprehensive Long-Range Plan Analysis:**
 - The subject properties are identified as “Traditional Mixed Use” on the Comprehensive Long Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

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

Figure 1: Adjacent Property (Area to be Annexed Outlined in Red)

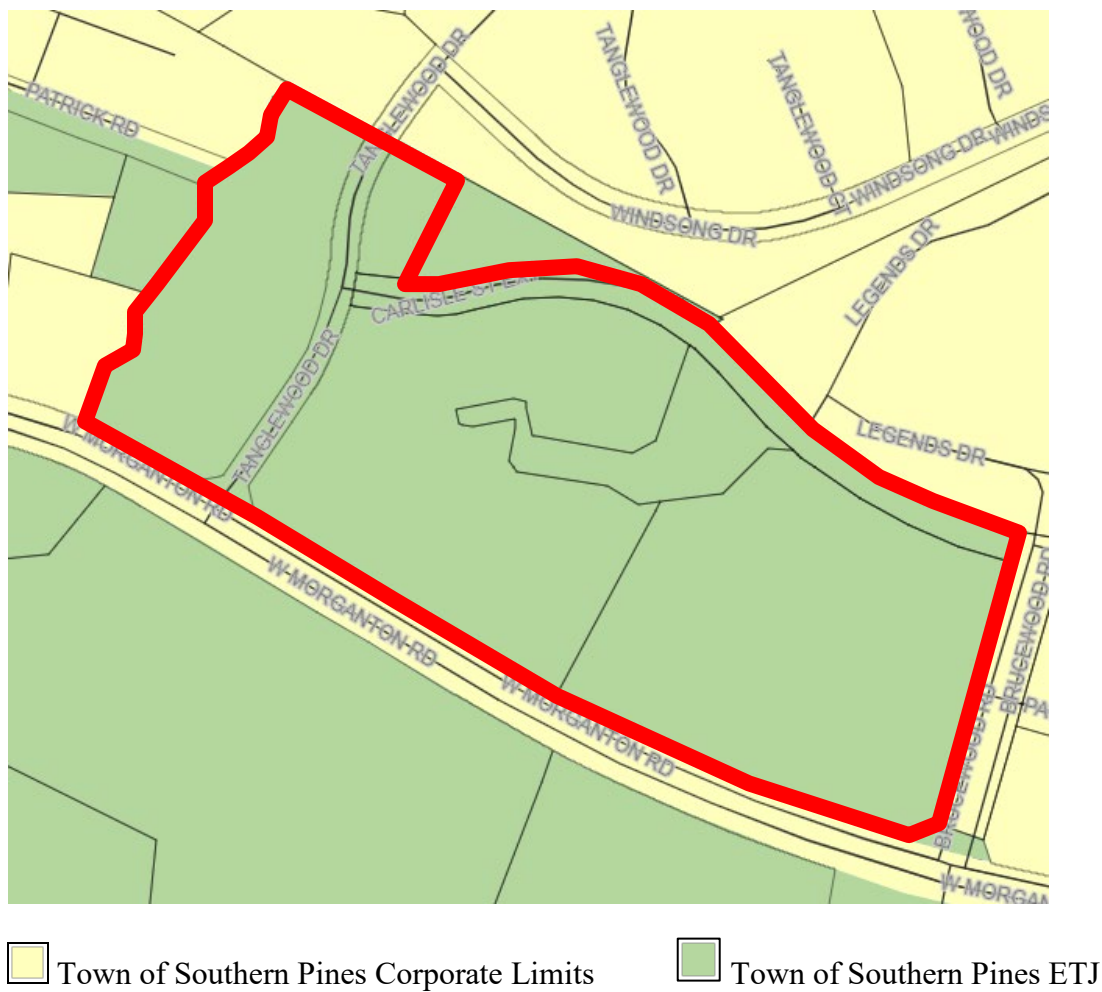


Figure 2: Zoning Map (Area to be Annexed Outlined in Red)



Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Red)



V. ATTACHMENTS:

1. Petitions
2. Written metes and bounds descriptions
3. Map of subject properties
4. Signed Resolution

VI. TOWN COUNCIL ACTION:

To either approve or deny the voluntary annexation, the Town Council may choose one of the following motions or any alternative they wish:

- 1) I move to adopt an Ordinance approving voluntary annexation request AX-02-23 for the properties as defined in the submitted written metes and bounds descriptions, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny voluntary annexation request AX-02-23 for the properties as defined in the submitted metes and bounds descriptions.

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.
3. The area is identified as PIN: 857100392796 and 857100399573; PARID: 20150046 and 20190270.

Property Owner(s):

Name: Charles Gress

Signature: 

Address: 5 First Village Dr.
PO Box 2000 Pinehurst,
NC 28374

Morganton Park Realty Site 2, LLC

Name: David Grantham

Signature: 

Address: 5 First Village Dr.
Pinehurst NC 28374

PACN Realty, LLC

Name: Jeff Kilpatrick

Signature: 

Address: 5 First Village Dr
Pinehurst NC 28374

PACN Realty, LLC

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

7-28-21

PETITION FOR VOLUNTARY ANNEXATION

To the Town Council of the Town of Southern Pines, North Carolina:

1. I/We the undersigned owner(s) of real property respectfully request that the area described in the attached Exhibit A be annexed to the Town of Southern Pines.
2. The area to be annexed is **contiguous** to the Town of Southern Pines and the boundaries of such territory are described in the attached metes and bounds description, Exhibit A.

3. The area is identified as PIN: _____; PARID: 20150046

20190270
20150044
20150043

Property Owner(s):

Name: Charles Greys

Signature: 

Address: 5 First Village
Pinehurst, NC 28374

Name: Morganton Park North MA, Inc

Signature: Thomas M. VanCamp Jr.

Address: 2 REGINA Circle
Pinehurst, NC
28374

Richard Lee Yawerton, III,
AIK

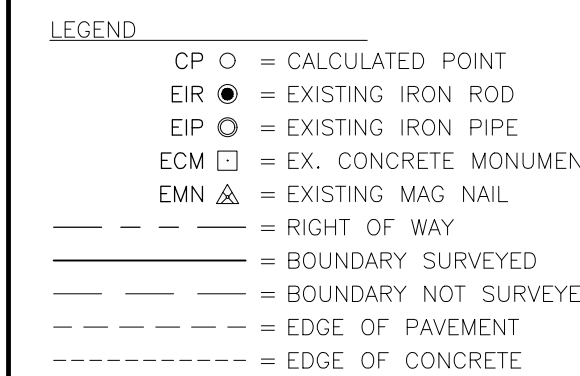
Name: _____

Signature: _____

Address: _____

(Duplicate this form to add names, addresses and signatures of property owners, as necessary.)

7-28-21



1. GENERAL NOTES
2. THIS MAP IS IN ACCORDANCE WITH GS 47-30.
3. AREA BY COORDINATE METHOD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCE.
5. DASHED LINES NOT SURVEYED, DRAWN FROM INFORMATION AS INDICATED.
6. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON.
7. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA PER FIRM NO. 3710857100J WITH AN EFFECTIVE DATE OF 10/17/2006
8. LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON SURVEYED EVIDENCE. PROVIDES PROXIED TO ANY ADEQUATE LOCATION OF UNDERGROUND UTILITY AND STRUCTURES MAY VARY FROM SHOWN LOCATIONS, ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION ON UTILITIES.
9. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF AN ATTORNEY'S TITLE SEARCH WHICH COULD DISCLOSE ZONING, BUILDING SETBACKS OR OTHER INFORMATION WHICH COULD AFFECT THE SURVEYED PROPERTY.
10. THIS PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS, RIGHT-OF-WAYS AND AGREEMENTS OF RECORD PRIOR TO THE DATE OF THIS PLAT.

1. ROBERTO RODRIGUEZ JR., CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5210, PAGE 269, BOOK 5802 PAGE 414); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS INDICATED; THAT THE RATE OF PRECISION AS CALCULATED IS 1:10,000; THAT THE GLOBAL POSITIONING SYSTEM (GPS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GPS SURVEY:

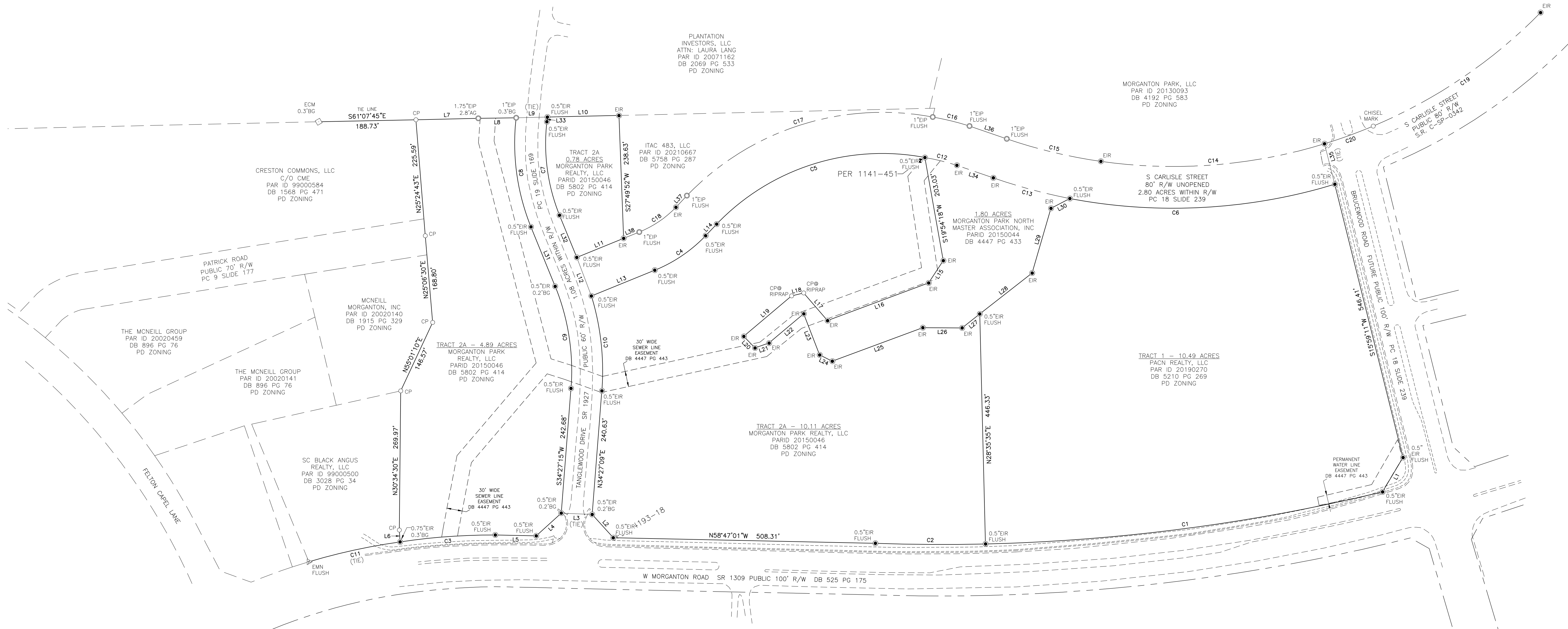
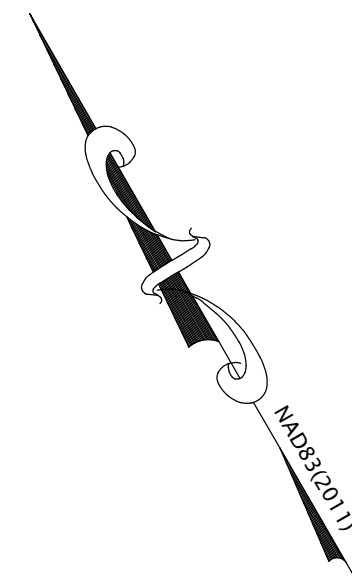
- (1) CLASS OF SURVEY: CLASS A
- (2) POSITIONAL ACCURACY: $\pm 0.10'$
- (3) TYPE OF GPS FIELD PROCEDURE: REAL-TIME KINEMATIC
- (4) DATES OF SURVEY: JULY 2022
- (5) DATUM/EPOCH: NAD83(2011)
- (6) GEOSID/FIXED-CONTROL USE: NC CORS
- (7) GROUND MODEL: NGS 2012B
- (8) COMBINED GRID FACTOR(S): 0.99986012
- (9) UNITS: US SURVEY FEET

FURTHER AS REQUIRED PER G.S. 47-30(F)(11); I, ROBERTO RODRIGUEZ JR., PROFESSIONAL LAND SURVEYOR, L-5428, CERTIFY THAT THE SURVEY IS OF AN EXISTING PARCEL OR PARCELS OF LAND OR ONE OR MORE EXISTING EASEMENTS AND DOES NOT CREATE A NEW STREET OR CHANGE AN EXISTING STREET. THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS THE _____ DAY OF _____ 2023.
~~PRELIMINARY PLAT: NOT FOR~~
~~RECORDATION, CONVEYANCE OR SALES~~
 PROFESSIONAL LAND SURVEYOR
 LICENSE NUMBER L-5428

I, _____, REVIEW OFFICER OF MOORE COUNTY, NORTH CAROLINA,
CERTIFY THAT THE MAP OR PLAT WHICH THIS CERTIFICATION IS AFFIXED MEETS
ALL STATUTORY REQUIREMENTS FOR RECORDING.

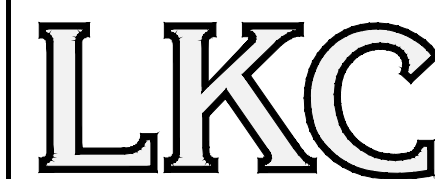
REVIEW OFFICER	DATE
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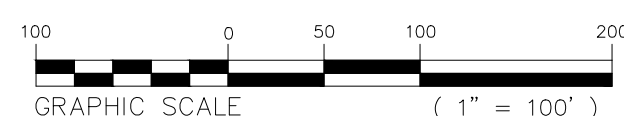
BOUNDARY SURVEY
FOR
PACN REALTY, LLC
TRACT ONE - 10.49 ACRES
AND
MORGANTON PARK REALTY, LLC
TRACT 2A - 15.78 ACRES
AND
MORGANTON PARK NORTH
MASTER ASSOCIATION, LLC
1.80 ACRES
AND PORTION OF ROW FOR
TANGLEWOOD DRIVE
1.08 ACRES
AND
S. CARLSLISLE STREET
2.80 ACRES
MCNEILL TOWNSHIP, MOORE COUNTY,
NORTH CAROLINA
JUNE 12, 2023
DRAFTED BY: RR SCALE 1" = 100'

CURVE TABLE					CURVE TABLE				
CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE	CURVE #	LENGTH	RADIUS	CHORD BEARING	CHORD DISTANCE
C1	778.53	3647.93	M6°28'28"W	777.06	C11	181.30	1194.63	S72°18'21"E	181.12
C2	213.81	3647.93	N59°39'07"W	213.78	C12	63.90	445.60	N46°19'07"E	63.85
C3	185.40	1194.93	M6°09'01"W	185.21	C13	153.65	1080.00	S44°51'01"E	153.52
C4	120.15	285.00	N85°49'44"E	119.26	C14	438.68	1000.00	N46°29'53"W	435.17
C5	442.09	445.00	S77°43'24"E	424.13	C15	186.15	1000.00	N46°32'27"W	187.87
C6	519.92	1080.00	S63°04'52"E	514.92	C16	73.55	525.00	N47°13'14"W	73.49
C7	185.03	330.00	N22°18'01"E	183.11	C17	521.95	525.00	N77°43'53"W	500.71
C8	215.85	430.00	S22°15'59"W	213.59	C18	86.49	205.00	S86°01'29"W	85.85
C9	202.07	436.35	S21°11'00"W	200.03	C19	394.89	1000.00	S85°51'33"W	392.33
C10	186.12	436.35	N23°42'14"E	185.27	C20	100.58	1000.00	S79°56'48"E	100.54

LINE TABLE			LINE TABLE			LINE TABLE			LINE TABLE		
LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE	LINE #	BEARING	DISTANCE
L1	S60°46'39"W	77.51	L11	N82°06'36"W	98.20	L21	S75°59'E	28.85	L31	S57°13'56"W	124.63
L2	N12°10'55"W	60.90	L12	S9°15'56"W	80.26	L22	N79°50'48"E	88.02	L32	N74°47'13"E	88.34
L3	S75°29'32"E	60.03	L13	S82°07'53"E	103.73	L23	S85°13'51"W	85.46	L33	N36°33'17"E	9.11
L4	S77°44'32"E	65.52	L14	N73°42'16"E	31.04	L24	S32°28'44"E	27.46	L34	S41°06'09"E	74.82
L5	N58°49'00"W	79.53	L15	S63°19'28"W	51.77	L25	S8°18'30"E	187.28	L35	N15°46'09"E	80.99
L6	N26°11'28"E	23.03	L16	N80°25'15"W	209.35	L26	S59°37'33"E	76.24	L36	N41°06'09"E	76.37
L7	S61°21'44"E	120.90	L17	N10°47'53"W	70.59	L27	N81°47'31"E	43.74	L37	S73°13'29"W	30.96
L8	S60°50'31"E	73.58	L18	N73°19'16"E	24.15	L28	N81°59'55"E	126.88	L38	N82°06'36"E	32.64
L9	S61°17'51"E	60.66	L19	S79°50'50"W	121.52	L29	N46°11'45"E	130.70			
L10	S61°18'03"E	138.93	L20	S14°05'52"E	31.35	L30	S87°33'08"E	41.26			



Engineering
Landscape Architecture
Surveying





ORDINANCE #2090
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-02-23; Morganton Park

THAT WHEREAS, the Town Council has been petitioned under G.S. 160A-31 as amended to annex the area described herein; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation, AX-02-23, was scheduled to be held in regular session of the Town Council at the E.S. Douglass Community Center at 6:00 P.M. on the 11th day of July, 2023 after due notice by publication; and

WHEREAS, after the completion of said public hearing and upon consideration of any comments, objections or presentation at that hearing, and

WHEREAS, based on the certification of the Town Clerk and other information presented at said hearing, Council finds it proper and in the best interest of the Town to annex the following parcel according to the requirements of G.S. 160A-31:

LEGAL DESCRIPTION FOR TRACT 2A (15.78 ACRES)
PARCEL ID 20150046

BEING ALL OF TRACT 2A, COMPRISING THREE PORTIONS, SAID PORTIONS SUM TOTAL OF 15.78 ACRES, MORE OR LESS, LOCATED IN SOUTHERN PINES, MCNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS SHOWN IN D.B. 5802 PG. 414, AS RECORDED IN THE MOORE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES BELOW.

10.11 ACRE PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A

BEGINNING AT AN IRON ROD IN THE INTERSECTION OF THE EAST MARGIN OF TANGLEWOOD DRIVE (SR 1927) AND NORTH TRANSITION MARGIN OF WEST MORGANTON ROAD (SR 1309), SAID IRON ROD LOCATED THE REVERSE CALL S57°29'32"E A DISTANCE OF 60.03 FEET FROM AN IRON ROD IN THE INTERSECTION OF THE WEST MARGIN OF TANGLEWOOD DRIVE AND NORTH TRANSITION MARGIN OF WEST MORGANTON ROAD COMMON TO 4.89 ACRES, A PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A;

THENCE FROM SAID POINT OF BEGINNING AND WITH SAID EAST MARGIN DESCRIBED ABOVE N34°27'09"E A DISTANCE OF 240.63 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE WEST HAVING A RADIUS OF 496.35 FEET, A CHORD BEARING N23°42'14"E, A CHORD DISTANCE OF 185.03 FEET TO AN IRON ROD IN THE SOUTH MARGIN OF SOUTH CARLISLE STREET, SAID IRON ROD LOCATED S09°15'56"W A DISTANCE OF 80.03 FEET FROM AN IRON ROD COMMON TO THE SOUTHWEST CORNER OF 0.78 ACRES, A PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A;

THENCE WITH SAID SOUTH MARGIN DESCRIBED ABOVE S82°07'53"E A DISTANCE OF 132.76 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE NORTH HAVING A RADIUS OF 285.00 FEET, A CHORD BEARING N85°49'44"E, A CHORD DISTANCE OF 119.26 FEET TO AN IRON ROD; THENCE N73°42'16"E A DISTANCE OF 31.04 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE SOUTH HAVING A RADIUS OF 445.00 FEET, A CHORD BEARING S77°43'24"E, A CHORD DISTANCE OF 424.13 FEET TO AN IRON ROD COMMON TO MORGANTON PARK NORTH MASTER ASSOCIATION, INC., AS SHOWN IN D.B. 4447 PG. 433;

THENCE WITH SAID MORGANTON PARK NORTH MASTER ASSOCIATION, INC. DESCRIBED ABOVE S19°54'18"W A DISTANCE OF 203.03 FEET TO AN IRON ROD; THENCE S63°19'28"W A DISTANCE OF 51.77 FEET TO AN IRON ROD; THENCE N80°25'15"W A

DISTANCE OF 209.35 FEET TO AN IRON ROD; THENCE N10°47'53"W A DISTANCE OF 70.59 FEET TO A POINT; THENCE N73°19'16"W A DISTANCE OF 24.15 FEET TO A POINT; THENCE S79°52'50"W A DISTANCE OF 121.52 FEET TO AN IRON ROD; THENCE S14°05'52"E A DISTANCE OF 31.35 FEET TO AN IRON ROD; THENCE S78°59'09"E A DISTANCE OF 28.85 FEET TO AN IRON ROD; THENCE N79°50'48"E A DISTANCE OF 88.02 FEET TO AN IRON ROD; THENCE S08°51'31"W A DISTANCE OF 85.46 FEET TO AN IRON ROD; THENCE S33°28'44"E A DISTANCE OF 27.46 FEET TO AN IRON ROD; THENCE S80°18'30"E A DISTANCE OF 187.28 FEET TO AN IRON ROD; THENCE S59°37'33"E A DISTANCE OF 76.24 FEET TO AN IRON ROD; THENCE N81°47'31"E A DISTANCE OF 43.74 FEET TO AN IRON ROD COMMON TO PACN REALTY, LLC, AS SHOWN IN D.B. 5210 PG. 269, SAID IRON ROD LOCATED THE REVERSE CALL S81°59'55"W A DISTANCE OF 128.88 FEET FROM AN IRON ROD;

THENCE WITH SAID PACN REALTY, LLC DESCRIBED ABOVE THE REVERSE CALL S28°35'35"W A DISTANCE OF 446.33 FEET TO AN IRON ROD IN THE NORTH MARGIN OF WEST MORGANTON ROAD, SAID IRON ROD LOCATED N67°28'28"W A DISTANCE OF 777.06 FEET FROM AN IRON ROD IN CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 3,647.93 FEET;

THENCE WITH SAID NORTH MARGIN DESCRIBED ABOVE A CURVE TO THE RIGHT CONCAVE TO THE NORTH HAVING A RADIUS OF 3,647.93 FEET, A CHORD BEARING N59°39'07"W, A CHORD DISTANCE OF 213.78 FEET TO AN IRON ROD; THENCE N58°47'01"W A DISTANCE OF 508.31 FEET TO AN IRON ROD IN THE EAST TRANSITION MARGIN OF TANGLEWOOD DRIVE;

THENCE WITH SAID EAST TRANSITION MARGIN DESCRIBED ABOVE N12°10'55"W A DISTANCE OF 60.90 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 10.11 ACRES, A PORTION OF THE SUM TOTAL 15.78 ACRES COMPRISING TRACT 2A.

4.89 ACRE PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A

BEGINNING AT AN IRON ROD IN THE INTERSECTION OF THE WEST MARGIN OF TANGLEWOOD DRIVE (SR 1927) AND NORTH TRANSITION MARGIN OF WEST MORGANTON ROAD (SR 1309), SAID IRON ROD LOCATED N57°29'32"W A DISTANCE OF 60.03 FEET FROM AN IRON ROD IN THE INTERSECTION OF THE EAST MARGIN OF TANGLEWOOD DRIVE AND NORTH TRANSITION MARGIN OF WEST MORGANTON ROAD COMMON TO 10.11 ACRES, A PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A;

THENCE FROM SAID POINT OF BEGINNING AND WITH SAID NORTH TRANSITION MARGIN DESCRIBED ABOVE S77°44'32"W A DISTANCE OF 65.52 FEET TO AN IRON ROD IN THE NORTH MARGIN OF WEST MORGANTON ROAD;

THENCE WITH SAID NORTH MARGIN DESCRIBED ABOVE N58°49'00"W A DISTANCE OF 79.53 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE SOUTH HAVING A RADIUS OF 1,194.93 FEET, A CHORD BEARING N64°09'01"W, A CHORD DISTANCE OF 185.21 FEET TO AN IRON ROD COMMON TO SC BLACK ANGUS REALTY, LLC, AS SHOWN IN D.B. 3028 PG. 34, SAID IRON ROD LOCATED S72°18'21"E A DISTANCE OF 181.12 FEET FROM A MAG NAIL IN A CURVE HAVING A RADIUS OF 1,194.63 FEET;

THENCE WITH SAID SC BLACK ANGUS REALTY, LLC DESCRIBED ABOVE N26°11'28"E A DISTANCE OF 23.03 FEET TO A POINT; THENCE N30°34'30"E A DISTANCE OF 269.97 FEET TO A POINT COMMON TO MCNEILL MORGANTON, INC., AS SHOWN IN D.B. 1915 PG. 329; THENCE WITH SAID MCNEILL MORGANTON, INC. DESCRIBED ABOVE N55°01'10"E A DISTANCE OF 146.57 FEET TO A POINT; THENCE N25°06'30"E A DISTANCE OF 168.80 FEET TO A POINT IN PATRICK ROAD, AS SHOWN IN PLAT CABINET 9 SLIDE 177; THENCE N25°24'43"E A DISTANCE OF 225.59 FEET TO A POINT COMMON TO THE NORTHEAST CORNER OF CRESTON COMMONS, LLC, AS SHOWN IN D.B. 1568 PG. 471, AND COMMON TO THE SOUTH LINE OF PLANTATION INVESTORS, LLC, AS SHOWN IN D.B. 2069 PG. 533, SAID IRON ROD LOCATED S61°07'45"E A DISTANCE OF 188.73 FEET FROM A CONCRETE MONUMENT;

THENCE WITH SAID SOUTH LINE DESCRIBED ABOVE S61°21'44"E A DISTANCE OF 120.90 FEET TO AN IRON PIPE; THENCE S60°50'31"E A DISTANCE OF 73.58 FEET TO AN IRON PIPE IN THE WEST MARGIN OF TANGLEWOOD DRIVE, SAID IRON PIPE BEING LOCATED THE REVERSE CALL N61°17'51"W A DISTANCE OF 60.66 FEET FROM AN IRON ROD IN THE EAST MARGIN OF TANGLEWOOD DRIVE COMMON TO 0.78 ACRES, A PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A;

THENCE WITH SAID WEST MARGIN DESCRIBED ABOVE A CURVE TO THE LEFT CONCAVE TO THE EAST HAVING A RADIUS OF 430.00 FEET, A CHORD BEARING S22°15'59"W, A CHORD DISTANCE OF 213.59 FEET TO AN IRON ROD; THENCE S07°51'36"W A DISTANCE OF 124.63 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE WEST HAVING A RADIUS OF 436.35 FEET, A CHORD BEARING S21°11'00"W, A CHORD DISTANCE OF 200.27 FEET TO AN IRON ROD; THENCE S34°27'15"W A DISTANCE OF 242.68 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 4.89 ACRES, A PORTION OF THE SUM TOTAL 15.78 ACRES COMPRISING TRACT 2A.

0.78 ACRE PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A

BEGINNING AT AN IRON ROD IN THE INTERSECTION OF THE NORTH MARGIN OF SOUTH CARLISLE STREET AND EAST MARGIN OF TANGLEWOOD DRIVE (SR 1927), SAID IRON ROD LOCATED THE REVERSE CALL N09°15'56"E A DISTANCE OF 80.03 FEET FROM AN IRON ROD IN THE INTERSECTION OF THE SOUTH MARGIN OF SOUTH CARLISLE STREET AND EAST MARGIN OF TANGLEWOOD DRIVE COMMON TO 10.11 ACRES, A PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A;

THENCE FROM SAID POINT OF BEGINNING AND WITH THE EAST MARGIN DESCRIBED ABOVE N07°44'33"E A DISTANCE OF 88.34 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE EAST HAVING A RADIUS OF 370.00 FEET, A CHORD BEARING N22°18'01"E, A CHORD DISTANCE OF 183.11 FEET TO AN IRON ROD; THENCE N36°37'17"E A DISTANCE OF 9.11 FEET TO AN IRON ROD IN THE SOUTH LINE OF PLANTATION INVESTORS, LLC, AS SHOWN IN D.B. 2069 PG. 533, SAID IRON ROD LOCATED S61°17'51"E A DISTANCE OF 60.66 FEET FROM AN IRON PIPE COMMON TO 4.89 ACRES, A PORTION OF THE SUM TOTAL 15.78 ACRES COMPRISING TRACT 2A;

THENCE WITH SAID SOUTH LINE DESCRIBED ABOVE S61°18'03"E A DISTANCE OF 138.93 FEET TO AN IRON ROD COMMON TO ITAC 483, LLC, AS SHOWN IN D.B. 5758 PG. 287;

THENCE WITH SAID ITAC 483, LLC S27°49'52"W A DISTANCE OF 238.63 FEET TO AN IRON ROD IN THE NORTH MARGIN OF SOUTH CARLISLE STREET;

THENCE WITH SAID NORTH MARGIN DESCRIBED ABOVE N82°06'36"W A DISTANCE OF 98.20 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 0.78 ACRES, A PORTION OF THE 15.78 ACRES SUM TOTAL COMPRISING TRACT 2A.

LEGAL DESCRIPTION FOR TRACT ONE (10.49 ACRES)

PARCEL ID 20190270

BEING ALL OF TRACT ONE CONTAINING 10.49 ACRES, MORE OR LESS, LOCATED IN SOUTHERN PINES, MCNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS SHOWN IN D.B. 5210 PG. 269, AS RECORDED IN THE MOORE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES BELOW.

BEGINNING AT AN IRON ROD IN THE NORTH MARGIN OF WEST MORGANTON ROAD (SR 1309), AND BEING THE COMMON SOUTHEAST CORNER OF MORGANTON PARK REALTY, LLC, AS SHOWN IN D.B. 5802 PG. 414, SAID IRON ROD LOCATED THE REVERSE CALL S59°39'07"E A DISTANCE OF 213.78 FEET FROM AN IRON ROD IN A CURVE HAVING A RADIUS OF 3,647.91 FEET;

THENCE WITH SAID MORGANTON PARK REALTY, LLC DESCRIBED ABOVE N28°35'35"E A DISTANCE OF 446.33 FEET TO AN IRON ROD COMMON TO MORGANTON PARK NORTH MASTER ASSOCIATION, INC., AS SHOWN IN D.B. 4447 PG. 433, SAID IRON ROD LOCATED N81°47'31"E A DISTANCE OF 43.74 FEET FROM AN IRON ROD;

THENCE WITH SAID MORGANTON PARK NORTH MASTER ASSOCIATION, INC. AS DESCRIBED ABOVE N81°59'55"E A DISTANCE OF 128.88 FEET TO AN IRON ROD; THENCE N46°11'45"E A DISTANCE OF 130.70 FEET TO AN IRON ROD; THENCE S87°33'08"E A DISTANCE OF 41.26 FEET TO AN IRON ROD IN THE SOUTH MARGIN OF SOUTH CARLISLE STREET;

THENCE WITH SAID SOUTH MARGIN DESCRIBED ABOVE A CURVE TO THE LEFT CONCAVE TO THE NORTH HAVING A RADIUS OF 1,080.00 FEET, A CHORD BEARING S63°04'52"E, A CHORD DISTANCE OF 514.92 FEET TO AN IRON ROD IN THE WEST MARGIN INTERSECTION OF BRUCEWOOD ROAD;

THENCE WITH SAID WEST MARGIN DESCRIBED ABOVE S15°59'11"W A DISTANCE OF 546.41 FEET TO AN IRON ROD IN THE NORTH MARGIN TRANSITION OF WEST MORGANTON ROAD;

THENCE WITH SAID NORTH MARGIN TRANSITION OF WEST MORGANTON ROAD S60°46'39"W A DISTANCE OF 77.51 FEET TO AN IRON ROD IN THE NORTH MARGIN OF WEST MORGANTON ROAD;

THENCE WITH SAID NORTH MARGIN DESCRIBED ABOVE A CURVE TO THE RIGHT CONCAVE TO THE NORTH HAVING A RADIUS OF 3,647.93 FEET, A CHORD BEARING N67°28'28"W, A CHORD DISTANCE OF 777.06 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 10.49 ACRES.

LEGAL DESCRIPTION FOR SOUTH CARLISLE STREET (2.84 ACRES)

BEING A PORTION OF SOUTH CARLISLE STREET, LOCATED IN SOUTHERN PINES, MCNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, EXTENDING BETWEEN TANGLEWOOD DRIVE (SR 1927) AND BRUCEWOOD ROAD. BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES BELOW.

BEGINNING AT AN IRON ROD IN THE SOUTH MARGIN OF SOUTH CARLISLE STREET INTERSECTING THE EAST MARGIN OF TANGLEWOOD DRIVE, SAID IRON ROD COMMON TO THE 10.11 ACRE PORTION OF TRACT 2A DESCRIBED TO MORGANTON PARK REALTY, LLC, AS SHOWN IN D.B. 5802 PG. 414, SAID IRON ROD LOCATED S09°15'56"W A DISTANCE OF 80.03 FEET FROM AN IRON ROD IN THE NORTH MARGIN OF SOUTH CARLISLE STREET INTERSECTING THE EAST MARGIN OF TANGLEWOOD DRIVE;

THENCE FROM SAID POINT OF BEGINNING AND WITH SAID SOUTH MARGIN OF SOUTH CARLISLE STREET COINCIDENT WITH SAID PORTION OF TRACT 2A DESCRIBED ABOVE S82°07'53"E A DISTANCE OF 132.76 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE NORTH HAVING A RADIUS OF 285.00 FEET, A CHORD BEARING N85°49'44"E, A CHORD DISTANCE OF 119.26 FEET TO AN IRON ROD; THENCE N73°42'16"E A DISTANCE OF 31.04 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE SOUTH HAVING A RADIUS OF 445.00 FEET, A CHORD BEARING S77°43'24"E, A CHORD DISTANCE OF 424.13 FEET TO AN IRON ROD COMMON TO MORGANTON PARK NORTH MASTER ASSOCIATION, INC., AS SHOWN IN D.B. 4447 PG. 433; THENCE CONTINUING WITH SAID SOUTH MARGIN OF SOUTH CARLISLE STREET COINCIDENT WITH MORGANTON PARK NORTH MASTER ASSOCIATION, INC. DESCRIBED ABOVE A CURVE TO THE RIGHT CONCAVE TO THE SOUTH HAVING A RADIUS OF 445.00 FEET, A CHORD BEARING S46°19'07"E, A CHORD DISTANCE OF 63.85 FEET TO AN IRON ROD; THENCE S41°06'09"E A DISTANCE OF 74.82 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE NORTH HAVING A RADIUS OF 1,080.00 FEET, A CHORD BEARING S44°51'01"E, A CHORD DISTANCE OF 153.52 FEET TO AN IRON ROD COMMON TO PACN REALTY, LLC, AS SHOWN IN D.B. 5210 PG. 269; THENCE CONTINUING WITH SAID SOUTH MARGIN OF SOUTH CARLISLE STREET COINCIDENT WITH PACN REALTY, LLC DESCRIBED ABOVE A CURVE TO THE LEFT CONCAVE TO THE NORTH HAVING A RADIUS OF 1,080.00 FEET, A CHORD BEARING S63°04'52"E, A CHORD DISTANCE OF 514.92 FEET TO AN IRON ROD IN THE INTERSECTION OF THE WEST MARGIN OF BRUCEWOOD ROAD, SAID IRON ROD LOCATED THE REVERSE CALL N15°59'11"E A DISTANCE OF 546.41 FEET FROM AN IRON ROD IN THE WEST MARGIN OF BRUCEWOOD ROAD; THENCE FROM SAID IRON ROD DESCRIBED ABOVE N15°46'09"E A DISTANCE OF 80.99 FEET TO AN IRON ROD IN THE NORTH MARGIN OF SOUTH CARLISLE STREET AND COMMON TO MORGANTON PARK, LLC, AS SHOWN IN D.B. 4192 PG. 583; THENCE WITH SAID NORTH MARGIN OF SOUTH CARLISLE STREET COINCIDENT WITH MORGANTON PARK, LLC DESCRIBED ABOVE A CURVE TO THE RIGHT CONCAVE TO THE NORTH HAVING A RADIUS OF 1,000.00 FEET, A CHORD BEARING N64°29'53"W, A CHORD DISTANCE OF 435.17 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE NORTH HAVING A RADIUS OF 1,000.00 FEET, A CHORD BEARING N46°32'27"W, A CHORD DISTANCE OF 187.87 FEET TO AN IRON PIPE; THENCE N41°06'09"W A DISTANCE OF 76.37 FEET TO AN IRON PIPE; THENCE A CURVE TO THE LEFT CONCAVE TO THE SOUTH HAVING A RADIUS OF 525.00 FEET, A CHORD BEARING N46°13'14"W, A CHORD DISTANCE OF 73.49 FEET TO AN IRON PIPE COMMON TO ITAC 483, LLC, AS SHOWN IN D.B. 5758 PG 287; THENCE CONTINUING WITH SAID NORTH MARGIN OF SOUTH CARLISLE STREET COINCIDENT WITH ITAC 483, LLC DESCRIBED ABOVE A CURVE TO THE LEFT CONCAVE TO THE SOUTH HAVING A RADIUS OF 525.00 FEET, A CHORD BEARING N77°43'53"W, A CHORD DISTANCE OF 500.71 FEET TO AN IRON PIPE; THENCE S73°13'29"W A DISTANCE OF 30.96 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE NORTH HAVING A RADIUS OF 205.00 FEET, A CHORD BEARING S86°01'29"W, A CHORD DISTANCE OF 85.85 FEET TO AN IRON PIPE; THENCE N82°06'36"W A DISTANCE OF 32.64 FEET TO AN IRON ROD COMMON TO THE 0.78 ACRE PORTION OF TRACT 2A DESCRIBED TO MORGANTON PARK REALTY, LLC, AS SHOWN IN D.B. 5802 PG. 414; THENCE CONTINUING WITH SAID SOUTH MARGIN OF SOUTH CARLISLE STREET COINCIDENT WITH SAID PORTION OF TRACT 2A DESCRIBED ABOVE N82°06'36"W A DISTANCE OF 98.20 FEET TO AN IRON ROD IN THE INTERSECTION OF THE EAST MARGIN OF TANGLEWOOD DRIVE; THENCE S09°15'56"W A DISTANCE OF 80.03 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 2.84 ACRES.

LEGAL DESCRIPTION FOR 1.80 ACRES
PARCEL ID 20150044

BEING ALL OF THE 1.80 ACRES, MORE OR LESS, LOCATED IN SOUTHERN PINES, MCNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA DESCRIBED TO MORGANTON PARK NORTH MASTER ASSOCIATION, INC., AS SHOWN IN D.B. 4447 PG. 433, AS RECORDED IN THE MOORE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES BELOW.

BEGINNING AT AN IRON ROD IN THE SOUTH MARGIN OF SOUTH CARLISLE STREET AND COMMON TO MORGANTON PARK REALTY, LLC, AS SHOWN IN D.B. 5802 PG 414, SAID IRON ROD LOCATED S77°43'24"E A DISTANCE OF 424.13 FEET FROM AN IRON ROD IN A CURVE HAVING A RADIUS OF 445.00 FEET;

THENCE FROM SAID POINT OF BEGINNING AND WITH MORGANTON PARK REALTY, LLC DESCRIBED ABOVE S19°54'18"W A DISTANCE OF 203.03 FEET TO AN IRON ROD; THENCE S63°19'28"W A DISTANCE OF 51.77 FEET TO AN IRON ROD; THENCE N80°25'15"W A DISTANCE OF 209.35 FEET TO AN IRON ROD; THENCE N10°47'53"W A DISTANCE OF 70.59 FEET TO A POINT; THENCE N73°19'16"W A DISTANCE OF 24.15 FEET TO A POINT; THENCE

S79°52'50"W A DISTANCE OF 121.52 FEET TO AN IRON ROD; THENCE S14°05'52"E A DISTANCE OF 31.35 FEET TO AN IRON ROD; THENCE S78°59'09"E A DISTANCE OF 28.85 FEET TO AN IRON ROD; THENCE N79°50'48"E A DISTANCE OF 88.02 FEET TO AN IRON ROD; THENCE S08°51'31"W A DISTANCE OF 85.46 FEET TO AN IRON ROD; THENCE S33°28'44"E A DISTANCE OF 27.46 FEET TO AN IRON ROD; THENCE S80°18'30"E A DISTANCE OF 187.28 FEET TO AN IRON ROD; THENCE S59°37'33"E A DISTANCE OF 76.24 FEET TO AN IRON ROD; THENCE N81°47'31"E A DISTANCE OF 43.74 FEET TO AN IRON ROD COMMON TO PACN REALTY, LLC, AS SHOWN IN D.B. 5210 PG. 269; THENCE WITH SAID PACN REALTY, LLC DESCRIBED ABOVE N81°59'55"E A DISTANCE OF 128.88 FEET TO AN IRON ROD; THENCE N46°11'45"E A DISTANCE OF 130.70 FEET TO AN IRON ROD; THENCE S87°33'08"E A DISTANCE OF 41.26 FEET TO AN IRON ROD IN THE SOUTH MARGIN OF SOUTH CARLISLE STREET; THENCE WITH SAID SOUTH MARGIN DESCRIBED ABOVE THE REVERSE CALLS: A CURVE TO THE RIGHT CONCAVE TO THE NORTH HAVING A RADIUS OF 1,080.00 FEET, A CHORD BEARING N44°51'01"W, A CHORD DISTANCE OF 153.52 FEET TO AN IRON ROD; THENCE N41°06'09"W A DISTANCE OF 74.82 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE SOUTH HAVING A RADIUS OF 445.00 FEET, A CHORD BEARING N46°19'07"W, A CHORD DISTANCE OF 63.85 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 1.80 ACRES.

LEGAL DESCRIPTION FOR TANGLEWOOD DRIVE (1.08 ACRES)
BEING A PORTION OF TANGLEWOOD DRIVE LOCATED IN SOUTHERN PINES, MCNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, PASSING OVER AND THROUGH TRACT 2A DESCRIBED TO MORGANTON PARK REALTY, LLC, AS SHOWN IN D.B. 5802 PG. 414, AS RECORDED IN THE MOORE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES BELOW.
 BEGINNING AT AN IRON ROD IN THE INTERSECTION OF THE EAST MARGIN OF TANGLEWOOD DRIVE (SR 1927) AND THE NORTH TRANSITION MARGIN OF WEST MORGANTON ROAD (SR 1309), SAID IRON ROD LOCATED N12°10'55"W A DISTANCE OF 60.90 FEET FROM AN IRON ROD IN THE NORTH MARGIN OF WEST MORGANTON ROAD. THENCE FROM SAID BEGINNING AND WITH SAID EAST MARGIN OF TANGLEWOOD DRIVE COINCIDENT WITH THE 10.11 ACRE PORTION OF TRACT 2A DESCRIBED TO MORGANTON PARK REALTY, LLC N34°27'09"E A DISTANCE OF 240.63 FEET TO AN IRON ROD; THENCE A CURVE TO THE LEFT CONCAVE TO THE WEST HAVING A RADIUS OF 496.35 FEET, A CHORD BEARING N23°42'14"E, A CHORD DISTANCE OF 185.03 FEET TO AN IRON ROD IN THE SOUTH MARGIN OF SOUTH CARLISLE STREET; THENCE THE REVERSE CALL N09°15'56"E A DISTANCE OF 80.03 FEET TO AN IRON ROD IN THE NORTH MARGIN OF SOUTH CARLISLE STREET, SAID IRON ROD COMMON TO THE 0.78 ACRE PORTION OF TRACT 2A DESCRIBED TO MORGANTON PARK REALTY, LLC; THENCE CONTINUING WITH SAID EAST MARGIN OF TANGLEWOOD DRIVE COINCIDENT WITH SAID 0.78 ACRE PORTION DESCRIBED ABOVE N07°44'33"E A DISTANCE OF 88.34 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE EAST HAVING A RADIUS OF 370.00 FEET, A CHORD BEARING N22°18'01"E, A CHORD DISTANCE OF 183.11 FEET TO AN IRON ROD; THENCE N36°37'17"E A DISTANCE OF 9.11 FEET TO AN IRON ROD IN THE SOUTH LINE OF PLANTATION INVESTORS, LLC, AS SHOWN IN D.B. 2069 PG. 533; THENCE WITH SAID SOUTH LINE DESCRIBED ABOVE THE REVERSE CALL N61°17'51"W A DISTANCE OF 60.66 FEET TO AN IRON ROD IN THE WEST MARGIN OF TANGLEWOOD DRIVE, SAID IRON ROD COMMON TO THE 4.89 ACRE PORTION OF TRACT 2A DESCRIBED TO MORGANTON PARK REALTY, LLC; THENCE WITH SAID WEST MARGIN OF TANGLEWOOD DRIVE COINCIDENT WITH THE 4.89 ACRE PORTION DESCRIBED ABOVE A CURVE TO THE LEFT CONCAVE TO THE EAST HAVING A RADIUS OF 430.00 FEET, A CHORD BEARING S22°15'59"W, A CHORD DISTANCE OF 213.59 FEET TO AN IRON ROD; THENCE S07°51'36"W A DISTANCE OF 124.63 FEET TO AN IRON ROD; THENCE A CURVE TO THE RIGHT CONCAVE TO THE WEST HAVING A RADIUS OF 436.35 FEET, A CHORD BEARING S21°11'00"W, A CHORD DISTANCE OF 200.27 FEET TO AN IRON ROD; THENCE S34°27'15"W A DISTANCE OF 242.68 FEET TO AN IRON ROD IN THE INTERSECTION OF SAID WEST MARGIN OF TANGLEWOOD DRIVE AND THE NORTH TRANSITION MARGIN OF WEST MORGANTON ROAD, SAID IRON ROD LOCATED THE REVERSE CALL N77°44'32"E A DISTANCE OF 65.52 FEET FROM AN IRON ROD IN THE NORTH MARGIN OF WEST MORGANTON ROAD; THENCE THE REVERSE CALL S57°29'32"E A DISTANCE OF 60.03 FEET TO AN IRON ROD, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 1.08 ACRES.

A map of the area herein described is provided with this Ordinance as Attachment A.

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 11th day of July, 2023:

Section 1. By virtue of the authority granted by G.S. 160A-31, as amended, the above described territory is hereby annexed and made part of the Town of Southern Pines as of the 11th day of July, 2023.

Section 2. Upon and after the 11th day of July, 2023, the above described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Southern Pines and shall be entitled to the same privileges and benefits as other parts of the Town of Southern Pines. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Southern Pines shall cause to be recorded in the office of the Register of Deeds of Moore County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof. Such a map shall also be delivered to the County Board of Elections as required by G.S. 163-288.1.

Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 11th day of July, 2023.

TOWN OF SOUTHERN PINES

Carol R. Haney, Mayor

APPROVED AS TO FORM:

DeWitt McCarley, Town Attorney

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

Elizabeth Robertson, Town Clerk

DRAFT



**RESOLUTION #1059 SUPPORTING THE TOWN'S APPLICATION FOR
ONE TIME PROJECT FUNDS FROM THE
MOORE COUNTY TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, the Town of Southern Pines bought the 157-acre tract of land, known as the Whitehall property, in December 2020. The Town paid \$1.65 million for the property located at 490 Pee Dee Road. Reservoir Park directly abuts Whitehall to the north and includes access via an existing 2-mile walking/biking trail. An additional 5 miles of trails will be added once Whitehall is fully enhanced plus trail connections from Elizabeth Rounds playground; and

WHEREAS, Whitehall makes up almost half of the 326-acre Reservoir Park, a true gem in the Sandhills. Reservoir Park is the biggest park in Moore County, the largest municipal-owned park south of the Triangle, and the 4th largest municipal-owned park in North Carolina; and

WHEREAS, in 2022, the Town partnered with two professional design firms to prepare a master plan to enhance Whitehall for passive recreation. Over 800 Moore County residents and stakeholders guided and supported the Town in developing a thoughtful master plan. After nearly a year of work and community engagement, the Town Council unanimously approved the Whitehall master plan on May 9, 2023; and

WHEREAS, on June 13, 2023, the Town Council allocated \$260,000 to prepare phase 1 construction documents and carry out the land management practices needed to protect the natural habitat of the longleaf pines and red cockaded woodpeckers at Whitehall. The Town intends to renovate the existing carriage house in phase 1 in order to serve as a multi-function event space, including a welcome center for visitors to both Whitehall and the greater Reservoir Park; and

WHEREAS, Whitehall will be popular with birdwatchers interested in seeing the endangered red cockaded woodpecker in its native habitat. The Town will host students in the North Carolina Certified Burner program to satisfy both classroom and field training requirements. The carriage house will also be available as a private rental space for small weddings, showers, and other gatherings that will attract guests who need lodging. All of these factors further enhance the reputation of both Southern Pines and Moore County for place-based tourism while also enhancing the quality of life and natural environment for local residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 11th day of July, 2023, that:

1. The Town requests funding from the Moore County Tourism Development Authority 2023 One Time Project Fund (OTPF) to be used toward the renovation of the Whitehall Carriage House in order to open it as a public facility.
2. The Town has selected CPL to prepare the design services for the phase 1 improvements of Whitehall at Reservoir Park. This not only includes the renovated carriage house, but also multiple trails, a picnic area, enhancements to existing amenities, and additional parking. The design and construction documents will be prepared during FY 23-24, so that the carriage house renovation and other projects will be "shovel ready" on or around July 1, 2024.
3. The Town will allocate at least 50% of the total project cost to supplement the OTPF grant.

Adopted this 11th day of July, 2023

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

Elizabeth Robertson, Town Clerk



**RESOLUTION #1060 SUPPORTING THE APPLICATION BY
SKATERS FOR MOORE FOR ONE TIME PROJECT FUNDS FROM THE
MOORE COUNTY TOURISM DEVELOPMENT AUTHORITY**

WHEREAS, the Town of Southern Pines has partnered with Skaters for Moore in order to build a permanent, public skatepark in Moore County; and

WHEREAS, the Town has designated space in Memorial Park for the construction of the skatepark. This is a well-utilized Town park at the interchange of US-1 and W. Morganton Road; and

WHEREAS, in addition to providing space in Memorial Park, on June 13, 2023, the Town Council allocated \$50,000 toward the construction of the skatepark. This will supplement the funds that Skaters for Moore have been actively raising toward this project; and

WHEREAS, Moore County does not have a permanent skatepark. Local residents must travel to other areas in North Carolina to enjoy skateparks, taking money out of the local economy. A public skatepark adds to Moore County's vibrancy and sense of place and further enhances our reputation for place-based tourism;

WHEREAS, a permanent skatepark would allow Moore County to host skateboard competitions, jams, and other events which would attract overnight visitors and add to the quality of life for local residents.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 11th day of July, 2023, that:

1. The Town of Southern Pines supports the application by Skaters for Moore for funding from the Moore County Tourism Development Authority 2023 One Time Project Fund (OTPF) to be used toward the construction of a skatepark in Memorial Park. This public facility will serve all Moore County residents and visitors.
2. The Town will contribute \$50,000 toward the skatepark construction, in addition to the space in Memorial Park and ongoing maintenance..

Adopted this 11th day of July, 2023

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

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, June 6, 2023: 6:00 PM

Town Council Agenda Meeting

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

1. CALL TO ORDER

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

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. REVIEW JUNE 13 PUBLIC HEARING ITEMS

a. 2nd Public Hearing on Proposed FY 23-24 Budget

This is the second and final public hearing on the proposed budget, to begin July 1, 2023. Town Manager Parsons stated he plans to make a briefer presentation at the June 13, 2023, meeting since this will be the second public hearing but the full presentation from May 9, 2023, is on the website for those who wish to review it.

b. 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)

Mr. Colin Webster, on behalf of Grovsner Land, LLC, has submitted an application for a mixed-use development with condominiums, single-family townhouses, office, retail, and restaurant.

Mayor Haney introduced the item and Town Manager Parsons stated that the full staff report would be available in the June 13th packet.

c. Z-02-23: Rezoning of 2.6 acres on west side of Valley View Road adjacent to Hyland Hills Golf Course

Frank Thigpen, Esq. requests to rezone a 2.6-acre parcel from Facilities, Resources, and Recreation (FRR) to Residential Single-Family (RS-2).

Mayor Haney introduced the items and Town Manager Parsons briefly reviewed the application.

Discussion ensued.

d. Z-03-23: Rezoning of 1 acre of town-owned land on the north side of Eastman Road

The Town proposes to rezone a 1-acre parcel from Residential Single-Family (RS-1) to Facilities, Resources, and Recreation (FRR). The parcel is on the north side of Eastman Road, Parcel ID 00040888.

Town Manager Parsons briefly reviewed the application. He also noted that Town Engineer, James Michel, evaluated a neighboring property after the owner contacted the Town regarding concerns about runoff that comes when the water tower drains. Councilmembers

asked staff questions about the details of the property and application.

4. REVIEW PROPOSED ACTION ITEMS FOR JUNE 13 AGENDA

a. Consider AR-05-23: Sheetz Inc. Convenience Store

Mr. Tom Anastasi of Sheetz, Inc., requests an Architectural Compliance Permit to construct a convenience store with gas sales at 1930 North Poplar St, at the intersection with U.S. Highway 1.

Planning Director BJ Grieve provided an overview of the application. He oriented attendees with the site layout and reviewed the proposed facade designs.

Sheetz employee Tom Anastasi was present to represent the application. He provided an overview of the Sheetz company.

Councilmembers asked Mr. Anastasi some questions about architectural details, landscaping, and vehicular access to the gas pumps.

b. Consider Ordinance #2066 Adopting the FY 23-24 Budget

This is the proposed FY 23-24 budget which has been presented by the Town Manager to take effect on July 1, 2023. This ordinance approves the budget, sets the tax rate at 29 cents per \$100 valuation, and also sets an additional 60 cents per \$100 valuation in Municipal Service District #1.

5. REVIEW PROPOSED CONSENT AGENDA FOR JUNE 13 AGENDA

Town Manager Parsons provided a brief overview of each item proposed for the consent agenda.

a. Approve Ordinance #2067 to Amend the Code of Ordinances Chapter 50 Water and Sewer Use, Appendix A, Rates Fees and Charges

This amendment establishes the proposed water and sewer fees that will take effect July 1, 2023, as discussed during the budget process and planned in the FY 23-24 budget.

b. Approve Ordinance #2068 to Amend the Code of Ordinances 32.076 for FY 23-24 Solid Waste Fees

This amendment establishes the proposed solid waste fees that will take effect July 1, 2023, as discussed during the budget process and planned in the FY 23-24 budget.

Parsons informed Council that the County announced updated, higher disposal rates after staff calculated the estimated rates. This change results in an estimated \$46,000 increase in expenditures. If Council wishes to continue with the 50/50 resident/Town split and the 100% commercial recovery fee, the updated monthly fees would be \$17.25 for residents and \$20.00 for commercial customers. Council expressed general consensus to adopt the updated fees; staff will update the draft ordinance prior to June 13.

c. Approve Ordinance #2069 Amending CRF Fund 64 to Appropriate Water System Development Fees

This amendment recognizes the water SDF collected April 1, 2022 to March 30, 2023.

d. Approve Ordinance #2070 Amending CRF Fund 65 to Appropriate Sewer System Development Fees

This amendment recognizes the sewer SDF collected April 1, 2022 to March 30, 2023.

e. Approve Ordinances #2071 - #2083 Amending the Town's Capital Project Funds

The amendments to the Town's Capital Project Funds have been prepared in order to align with the FY 23-24 budget.

- Ordinance #2071 - Amending the Recreation Improvements Fund
- Ordinance #2072 - Amending the Water Treatment Process Modernization Fund
- Ordinance #2073 - Amending the Sidewalks Phase II Budget
- Ordinance #2074 - Amending Sanitary Sewer Modernization Fund
- Ordinance #2075 - Amending Reservoir Park Improvements Fund
- Ordinance #2076 - Amending Facility Modernization Fund
- Ordinance #2077 - Amending Warrior Woods Lift Station Fund
- Ordinance #2078 - Amending Pennsylvania - PeeDee Fund
- Ordinance #2079 - Amending the Paving Streets Transfer to Parking
- Ordinance #2080 - NC DOT Waterline Project Fund
- Ordinance #2081 - Amending the Parking Lot Fund
- Ordinance #2082 - Amending the Paving Streets Fund
- Ordinance #2083 - Amending the Lift Station Upgrades Project Fund

f. Approve Ordinance #2084 to Establish a Municipal Service District Special Revenue Fund

g. Approve Ordinance #2088 to Amend or Repeal Outdated Provisions of the Town Code of Ordinances

Town Attorney Mac McCarley is drafting an ordinance to amend or repeal certain sections of the Town Code to align with current case law.

h. Approve Resolution #1047 Granting Permission to the Moore County Historical Association to Use Copyrighted Material for Non-Commercial Uses

The Town published and holds valid copyrights to two books: *The 1st Hundred Years of Southern Pines, North Carolina* and *Perspective on a Resort Community: Historic Buildings Inventory, Southern Pines, North Carolina*. The Association is producing an online archive of local history photographs and has requested permission to use certain material from these publications to caption these photographs.

i. Approve Resolution #1048 to Establish a Materiality Threshold and Ordinance #2065 to Amend the FY 22-23 Budget for Recognition of SBITAs Under GASB 96

GASB Statement No. 96 is a new requirement for public sector organizations related to accounting for the use of subscription-based software. Staff recommends that, for GASB Statement No. 96 accounting purposes, the Town Council approve a materiality threshold to exclude SBITA assets that are immaterial to the Town's financial statements.

j. Approve Resolution #1053: Set Public Hearing Date for AX-01-23: PARID 00040888

The Town of Southern Pines is annexing approximately one acre of land located on the north side of Eastman Road, approximately 1,000 feet west of the intersection with W. New York Ave. The Public Hearing is to be set for the Town Council Business meeting on July 11, 2023.

k. Approve Resolution #1054: Set Public Hearing Date for AX-02-23: **PENDING**

Morganton Park Realty, LLC and PACN Realty, LLC are petitioning the Town of Southern Pines for annexation of approximately 26.74 acres of land located on the north side of

West Morganton Road just west of Brucewood Road. The Public Hearing is to be set for the Town Council Business meeting on July 11, 2023.

Parsons informed Council that this item will be postponed a month, as there are some outstanding items with the application.

l. Approve Resolution #1055 to Appropriate System Development Fees

Council must annually adopt this ordinance to appropriate system development fees (SDF).

m. Approve Resolution #1056 Adopting the 2023-2033 Capital Improvement Plan (CIP)

Staff has updated the Town's 2023-2033 CIP to align with capital projects and transfers outlined in the FY 23-24 budget.

Parsons informed Council that the CIP will be updated prior to June 13. There is a revision due to the recently completed pavement condition survey.

n. Approve Contract Extension for Sale of Water to Moore County Utilities

Extends an existing bulk water contract that expires in 2025, updating the rates charged.

o. Approve Meeting Minutes for May 2023

Staff has prepared the following meeting minutes for approval:

- May 2, 2023 Agenda Meeting
- May 9, 2023 Business Meeting
- May 23, 2023 Work Session

p. Approve Resolution Related to MPO

Staff anticipates receiving a resolution related to the Town's participation in the new MPO.

Parsons noted that staff has not received the draft resolution yet, but anticipates receiving it later this week.

q. Approve Appointment for Vacant Planning Board Position

Cooper Carter has resigned from the Planning Board effective June 4, as he is moving overseas. Jennifer Garner is a recent applicant for the Planning Board who meets the criteria to fill Mr. Carter's vacant seat, if Council desires to appoint her.

6. ADJOURNMENT

Upon motion by Bill Pate, seconded by Paul Murphy and carried unanimously, Council adjourned at 6:57 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, June 13, 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.

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PUBLIC COMMENTS

James Lamblin, of 194 Starlane Road, complimented the Council and Town Staff on their work regarding the Whitehall Property and encouraged the Council to move forward with the proposed master plan.

John McInerney of 460 Crest Road, asked the Council to consider that the Town does not need the quantity of apartments being proposed and/or built.

Mr. McInerney also asked that the Council consider extending the current 3 minute time limit on public comments to 5 minutes.

Lee Roberts, speaking on behalf of her father, who owns property off Eastman Road, asks that the Town address flooding that happens when the water tower is drained when considering the rezoning on the agenda. They also ask that the service road be utilized in the future as opposed to the access road when entering the property.

James Walston of 550 Saylor Street asked that Council address the speeding traffic on Saylor Street by either reviewing the speed limit, adding signage or adding stop signs.

5. PUBLIC HEARINGS

a. 2nd Public Hearing on Proposed FY 23-24 Budget

This is the second and final public hearing on the proposed budget, to begin July 1, 2023.

Councilmember Pate moved to open the 2nd public hearing for the Proposed FY 23-24 Budget, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Town Manager Parsons reviewed the item.

Lynn Thompson commented on the transparency and reporting of ARPA Funds on the Town's website.

Councilmember Pate moved to close the public hearing for the Proposed FY 23-24 Budget, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

b. 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)

Mr. Colin Webster, on behalf of Grovsner Land, LLC, has submitted an application for a mixed-use development with condominiums, single-family townhouses, office, retail, and restaurant.

Councilmember Pate moved to open the public hearing for PD-02-23; Conceptual Development Plan

for +/- .786 acres on the West Side of S. Bennett between New York Ave. and Pennsylvania Ave., seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

Planning Director BJ Grieve reviewed the request and staff report.

Discussion ensued.

Colin Webster, representing Grosvenor Land, LLC, addressed the Council with a presentation on the project.

Discussion ensued.

Councilmember Petersen moved to recess the hearing at this time to reconvene to the end of the public hearing section, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

Hearing reconvened.

Discussion ensued.

Dwight Creech, principal of Calvary Christian School, expressed his displeasure at the thought of the project and the increase in traffic and the types of businesses that are coming into Southern Pines.

James Walston of 550 Saylor Street addressed the Council regarding the exceptions being made to the UDO and shared his displeasure at the proposed project.

Cynthia Huntley of 145 S Paige Street asked the Council to deny the petition, citing parking issues, displeasure at the height of the building in the proposed project and citing concerns over the biologic and ecological impacts.

Gary Carrol of 307 Magnolia Circle shared his opinion that the project is too large for the proposed area and suggested turning the project into 3-story townhomes. Mr. Carrol also cautioned against granting deviations from the Town Code of Ordinances.

Tom McCabe of 235 N Page Street shared his approval of the concept and feels mixed-use buildings are needed and feels that the Town needs a mixed-use ordinance.

John McInerney of 460 Crest Road spoke about the freedom the Council has when making this decision since it's a legislative issue and not a much more strict quasi-judicial hearing. Mr. McInerney also compared the approval of a 4-story building creating a New York City feel in Southern Pines and opinioned that the approval of this plan would lead to more 4-story buildings being approved.

Suzanne Coleman of 225 N. May shared that she likes the idea of a mixed-use building but is concerned about providing adequate parking to support the building.

Discussion ensued.

Councilmember Clement moved to continue the public hearing for PD-02-23 to the July 11, 2023, Town Council Business Meeting, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

c. Z-02-23: Rezoning of 2.6 acres on west side of Valley View Road adjacent to Hyland Hills Golf Course

Frank Thigpen, Esq. requests to rezone a 2.6-acre parcel from Facilities, Resources, and Recreation (FRR) to Residential Single-Family (RS-2).

Councilmember Clement moved to open the public hearing for PD-03-23; Rezoning of 2.6 acres on west side of Valley View Road adjacent to Hyland Hills Golf Course, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

Planning Director Grieve reviewed the request and staff report.

Mr. Thigpen, representing the applicants, reviewed a presentation on the project.

Corey Longstreet of 1630 Valleyview, voiced his approval of the R3 zoning request.

Discussion Ensued

Councilmember Petersen moved to close the public hearing for PD-03-23; rezoning of 2.6 acres on the west side of Valley View Road adjacent to Hyland Hills Golf Course, seconded by Mayor Pro Tem Murphy ; the vote was unanimous.

Motion passed

Councilmember Pate 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 recommendations, that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest , and consistent with the current character of the Hyland Hills neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9 considering that the parcel switched ownership from the adjacent golf course to non-golf course, private ownership. The Future Land Use Map categorizes the subject parcel as Residential/Golf, which is consistent with the rezoning request. Therefore, the requested rezoning from FRR to RS-3 is a reasonable request for the reasons mentioned above and within this staff report for Z-02-23. Mayor Pro Tem Murphy seconded the motion and the vote was unanimous.

Motion passed.

Councilmember Pate then moved to approve Z-02-23 as submitted by the applicant, modified by the Town Council, accepted by the applicant, and as set for in attachments to staff report Z-02-23, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

d. Z-03-23: Rezoning of 1 acre of town-owned land on the north side of Eastman Road

The Town proposes to rezone a 1-acre parcel from Residential Single-Family (RS-1) to Facilities, Resources, and Recreation (FRR).The parcel is on the north side of Eastman Road, Parcel ID 00040888.

Councilmember Pate moved to open the public hearing for Z-03-23; rezoning of 1 acre of town-owned land on the north side of Eastman Road, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

Planning Director Grieve reviewed the request and staff report.

Town Engineer/Asst. Public Works Director James Michel spoke to the Council regarding drainage concerns on the site.

Discussion ensued.

Councilmember Pate moved to close the public hearing for Z-03-23; rezoning of 1 acre of town-owned land on the north side of Eastman Road, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed

Councilmember Pate moved that after reviewing the proposed rezoning and criteria for consideration of zoning amendments, and after considering the comments received at the Town Council's public hearing and the Planning Board's recommendation, the requested rezoning is generally consistent with the Comprehensive Long-Range Plan except for the Future Land Use Map designation as Residential. However, since the subject parcel switched from private to public ownership, the requested rezoning is a reasonable request for the reasons set forth in the written Planning Board recommendation attached to staff report Z-03-23. The motion was seconded by Mayor Pro Tem Murphy and the vote was unanimous.

Motion passed.

Councilmember Pate then moved to approve Z-03-23 as submitted and set forth in attachments to the staff report Z-03-23, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

6. ACTION ITEMS

a. Consider AR-05-23: Sheetz Inc. Convenience Store

Mr. Tom Anastasi of Sheetz, Inc., requests an Architectural Compliance Permit to construct a convenience store with gas sales at 1930 North Poplar St, at the intersection with U.S. Highway 1. Mayor Haney introduced the item.

Planning Director Grieve spoke briefly about the proposed request with an emphasis on the window options.

Discussion ensued.

Tom Anastasi of Sheets, Inc. was present to answer the Council's questions.

Discussion ensued.

Councilmember Pate moved to approve AR-05-23 with the condition that the first red box window option presented be used, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

b. Consider Ordinance #2066 Adopting the FY 23-24 Budget

This is the proposed FY 23-24 budget which has been presented by the Town Manager to take effect on July 1, 2023. This ordinance approves the budget, sets the tax rate at 29 cents per \$100 valuation, and also sets an additional 60 cents per \$100 valuation in Municipal Service District #1.

Mayor Haney introduced the item.

Councilmember Pate moved to approve Ordinance #2066 Adopting the FY 23-24 Budget as presented by town staff at two (2) public hearings, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

c. Approve Resolution #1057 Adopting the Metropolitan Planning Area (MPA) for the Sandhills Area Metropolitan Planning Organization

Resolution #1057 authorizes the Town's participation in the new Sandhills Area Metropolitan Planning Organization (MPO) and the map that has been created to delineate the boundaries.

Mayor Haney introduced the item.

Councilmember Clement recommended that the Council approve the map within Resolution #1057: Adopting the Metropolitan Planning Area for the Sandhills Area Metropolitan Planning Organization but not the name, and that the name be discussed further at the next meeting. Councilmember Pate seconded and Councilmember Petersen agreed.

Councilmember Petersen moved to approve the map pursuant to Resolution #1057: Adopting the Metropolitan Planning Area for the Sandhills Area Metropolitan Planning Organization, seconded by Mayor Pro Tem Murphy; the vote was as follows:

- Mayor Haney: aye

- Mayor Pro Tem Murphy: aye

- Councilmember Pate: aye

- Councilmember Clement: nay

- Councilmember Petersen: aye

Motion passed.

7. CONSENT AGENDA

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

Motion passed.

a. Approve Ordinance #2067 to Amend Chapter 50 of the Code of Ordinances for Water and Sewer Use Fees

This amendment establishes the proposed water and sewer fees that will take effect July 1, 2023, as discussed during the budget process and planned in the FY 23-24 budget.

b. Approve Ordinance #2068 to Amend the Code of Ordinances 32.076 for FY 23-24 Solid Waste Fees

This amendment establishes the proposed solid waste fees that will take effect July 1, 2023, as discussed during the budget process and planned in the FY 23-24 budget: \$17.25 for residential customers and \$20.00 for commercial customers.

c. Approve Ordinance #2069 Amending CRF Fund 64 to Appropriate Water System Development Fees

This amendment recognizes the water SDF collected April 1, 2022 to March 30, 2023.

d. Approve Ordinance #2070 Amending CRF Fund 65 to Appropriate Sewer System Development Fees

This amendment recognizes the sewer SDF collected April 1, 2022 to March 30, 2023.

e. Approve Ordinances #2071 - #2083 Amending the Town's Capital Project Funds

The amendments to the Town's Capital Project Funds have been prepared in order to align with the FY 23-24 budget.

- Ordinance #2071: Recreation Improvements Fund
- Ordinance #2072: Water Treatment Process Modernization Fund
- Ordinance #2073: Sidewalks Phase II Budget
- Ordinance #2074: Sanitary Sewer Modernization Fund
- Ordinance #2075: Reservoir Park Dam Improvements Fund
- Ordinance #2076: Facility Modernization Fund
- Ordinance #2077: Warrior Woods Lift Station Fund
- Ordinance #2078: Pennsylvania - PeeDee Waterline Fund
- Ordinance #2079: Paving Project Transfer to Parking
- Ordinance #2080: NC DOT Waterline Project Fund
- Ordinance #2081: Parking Lot Fund
- Ordinance #2082: Paving Project Fund
- Ordinance #2083: Lift Station Upgrades Project Fund

f. Approve Ordinance #2084 to Establish a Municipal Service District Special Revenue Fund

This ordinance establishes the Special Revenue Fund to account for the revenues and expenditures associated with Municipal Service District #1.

g. Approve Ordinance #2088 to Amend or Repeal Outdated Provisions of the Town Code of Ordinances

Town Attorney Mac McCarley has drafted an ordinance to amend and repeal certain sections of the Town Code to align with current case law.

h. Approve Resolution #1047 Granting Permission to the Moore County Historical Association to Use Copyrighted Material for Non-Commercial Uses

The Town published and holds valid copyrights to two books: *The 1st Hundred Years of Southern Pines, North Carolina* and *Perspective on a Resort Community: Historic Buildings Inventory, Southern Pines, North Carolina*. The Association is producing an online archive of local history

photographs and has requested permission to use certain material from these publications to caption these photographs.

i. Approve Resolution #1048 to Establish a Materiality Threshold and Ordinance #2065 to Amend the FY 22-23 Budget for Recognition of SBITAs Under GASB 96

GASB Statement No. 96 is a new requirement for public sector organizations related to accounting for the use of subscription-based software. Staff recommends that, for GASB Statement No. 96 accounting purposes, the Town Council approve a materiality threshold to exclude SBITA assets that are immaterial to the Town's financial statements.

j. Approve Resolution #1053: Set Public Hearing Date for AX-01-23: PARID 00040888

The Town of Southern Pines is annexing approximately one acre of land located on the north side of Eastman Road, approximately 1,000 feet west of the intersection with W. New York Ave. The Public Hearing is to be set for the Town Council Business meeting on July 11, 2023.

k. Approve Resolution #1055 to Appropriate System Development Fees

Council must annually adopt this ordinance to appropriate system development fees (SDF).

l. Approve Resolution #1056 Adopting the 2024-2034 Capital Improvement Plan (CIP)

Staff has updated the Town's 2024-2034 CIP to align with capital projects and transfers outlined in the FY 23-24 budget.

m. Approve Contract Extension for Sale of Water to Moore County Utilities

Extends an existing bulk water contract that expires in 2025, updating the rates charged.

n. Approve Meeting Minutes for May 2023

Staff has prepared the following meeting minutes for approval:

- May 2, 2023 Agenda Meeting
- May 9, 2023 Business Meeting
- May 23, 2023 Work Session

o. Appoint Jennifer Garner to Fill an Unexpired Planning Board Term to Expire on August 10, 2024

Cooper Carter has resigned from the Planning Board effective June 4, as he is moving overseas. Jennifer Garner will fill Mr. Carter's vacant seat for the remainder of his term, to expire on August 10, 2024.

8. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 9:33 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, June 27, 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; Bill Pate; and Ann Petersen.

Absent: Paul Murphy

2. PRESENTATION

a. Donation for Memorial Park Pickleball Courts

Local pickleball players will present a donation in honor of the newly constructed pickleball courts at Memorial Park.

Carol Henderson, on behalf of the Southern Pines Pickleball Association, shared the history of the association and presented the Town with a donation of \$16,000 towards the upgrade and creation of the pickleball courts at Memorial Park.

b. Proclamation: Parks & Recreation Month

Presentation of the annual proclamation celebrating July as Parks & Recreation month.

Mayor Haney presented Parks and Recreation Director Cindy King with a proclamation celebrating July as *Parks and Recreation Month*.

Parks and Recreation Director King shared some of the programs that the Town will be conducting over the summer.

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda..

Councilmember Pate advised that he would not be at the July agenda meeting.

4. ACTION ITEMS

a. Approve Resolution #1054: Set Public Hearing Date for AX-02-23:

Morganton Park Realty, LLC, PACN Realty, LLC and Morganton Park North Master Association, Inc. are petitioning the Town of Southern Pines for annexation of approximately 31.99 acres of land located on the north side of West Morganton Road just west of Brucewood Road. The Public Hearing is to be set for the Town Council Business meeting on July 11, 2023.

Town Manager Parsons gave a brief overview of the request.

Councilmember Pate moved to approve Resolution #1054: Setting a Public Hearing Date of July 11, 2023, for AX-02-23, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

b. Consider Resolution #1058: Direct Clerk to Investigate AX-03-23

Knollwood Partners, LLC and Kaveri Investment Management Company, LLC c/o Pine Needles and Mid Pines are petitioning the Town of Southern Pines for annexation of 10 parcels of land. The

first step in the annexation process is for the Town Council to direct the Town Clerk to investigate the sufficiency of the petition and certify the result, per NCGS 160A-31(c).

Town Manager Parsons presented the request to the Council.

Councilmember Clement moved to approve Resolution #1058: Direct the Clerk to Investigate Annexation Petition AX-03-23, seconded by Councilmember Petersen; the vote was as follows:

- Mayor Haney: aye
- Mayor Pro Tem Murphy: absent
- Councilmember Pate: recused
- Councilmember Clement: aye
- Councilmember Petersen: aye

Motion passed.

5. COUNCIL UPDATES AND DISCUSSION

a. Downtown Parking Projects

Following an initial discussion at the June 13th business meeting, staff will share more details on potential parking projects that can be evaluated for downtown.

Town Manager Parsons gave a presentation on possible downtown parking project options and some upcoming paving projects by DOT that would provide some cost savings for the town should the projects be timed to coincide. After discussion, the Council would like staff to research and provide more details on the project options.

6. COUNCIL ROUNDTABLE DISCUSSION

Councilmember Pate noted that the new trash pick-up service starts on July 1st.

Councilmember Clement advised that she attended the recent Aberdeen town council meeting where Skaters for Moore asked for \$50,000 towards a new skate park.

- It is believed that Skaters for Moore will also be asking Pinehurst for funding as well.
- Town Manager Parsons asked to clarify a recent article that the land for the skate park has been designated but the Town will be retaining ownership - that land is not donated.

Asst. Town Manager Roth shared that the CVB is granting one-time project grants to non-profits and local governments. The Town will be submitting an application for funds to renovate the carriage house at Whitehall. The grant is a 50/50 matching grant, so a resolution of support will be included on the July agenda for our application.

- The suggestion has been made to William Dean of Skaters for Moore to submit their own application and should the Council agree, a resolution will be drafted committing the Town's contribution of \$50,000 and the dedicated land space for the skate park.

Councilmember Petersen would like to propose a policy change in UDO to eliminate storage lockers as a GB use and restrict them to Industrial.

- Discussion ensued
- Councilmember Pate asked to view the zoning map further but is interested in the suggestion.
- Councilmember Clement is supportive of the suggestion.

Planning is asked to proceed with drafting the amendment.

Councilmember Petersen asked to follow-up on the concerns raised at a previous meeting regarding the intersection of W. Pennsylvania and Page St. Town Manager Parson advised that follow-up has been done and DOT is opposed to the suggestion of a mirror at the intersection, but striping has been done to move parking back from the intersection to increase sight distance.

Councilmember Petersen raised issues with vandalism at the pool. Would motion sensitive lights help? Would outreach to the neighbors help?

- Asst. Town Manager Roth advised that listening sessions have helped in other towns. She will follow-up with Town Manager Parsons and Rachel Reagan and Rachel Mann.

Councilmember Petersen advised that she and Councilmember Pate recently attended a quasi-judicial

workshop and asked Town Attorney McCarley to provide a short refresh on the issue of standing prior to the next quasi-judicial hearing.

- Discussion ensued.

7. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Councilmember Clement and carried unanimously, Council adjourned at 4:50 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT