



AGENDA

Tuesday, August 8, 2023: 6:00 PM

Town Council Business Meeting

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

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. TOWN MANAGER'S COMMENTS**
- 4. PUBLIC COMMENTS**
- 5. PUBLIC HEARINGS**

a. Public Hearing for Garbage & Recycling Services

The Town is considering options for solid waste collection services after its current contract ends on December 31, 2024. Potential changes are largely centered on recycling collection, with options including weekly service, bi-weekly service, or eliminating curbside recycling collection.

b. AX-03-23: Annexation of 403.62 acres between Camp Easter Road and US Highway 1.

Kelly Miller, on behalf of Knollwood Partners LLC and Haresh Tharani, on behalf of Kaveri Investment Management Company LLC, are requesting voluntary annexation of 403.62 acres that are currently outside of the corporate limits of the Town of Southern Pines.

c. OA-02-23: Canopy Lighting for Service Stations

Mr. Tom Anastasi on behalf of Sheetz, Inc. is proposing to amend the Unified Development Ordinance (UDO) with one text amendment related to canopy lights for service stations. The proposed amendment is to UDO §4.8.5(I) to change the permitted maximum average lighting level under the service station canopy from 3 to 12 lumens per square foot.

d. OA-03-23: Remove Self-Storage as a By Right Use in GB Zones

The Town of Southern Pines Planning Department, on behalf of a request by Town Council, is proposing to amend Unified Development Ordinance (UDO) Exhibit 3-15 by removing the "Z" from the GB district column for commercial mini- or self-storage, effectively removing it as a by right land use in that district.

6. ACTION ITEMS

a. WP-02-23: Exemption Allocation Request for .12 acres in Little River Intake No. 2 Watershed

Justin Harris has submitted an application for a Watershed Protection Permit requesting .12 of an acre of 5/70 exemption allocation to develop a single-family residence and detached garage, which will result in 48.1% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin.

b. Resolution Approving Conveyance of Property to a Nonprofit Organization Pursuant to G.S. 160A-279

This Resolution begins the process towards conveyance of a 7.73+/- acre tract located at the corner of Henly and Morganton Rd. to the YMCA of the Sandhills.

c. 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. The public hearing for this agenda item was closed at the July 11, 2023 Regular Meeting.

7. CONSENT AGENDA

a. Approve FY 23-24 Budget Amendments

Staff has identified some necessary budget amendments.

b. Approve Water Shortage Response Plan

Approve Water Shortage Response Plan in accordance with NCGS 143-355 (1).

c. Approve Resolution #1065 Requesting NCDOT Changes to Traffic Pattern on SW Broad Street

A resolution requesting NCDOT to make changes to the traffic patterns along SW Broad Street to create additional on-street parking.

d. Approve Resolution #1067 Setting Date of Public Hearing for Annexation Application AX-04-23: 1Cliff Court Ext.

Mary Schwab is petitioning the Town of Southern Pines for annexation of a +/-1.18 acre parcel of land located near Southern Pines Country Club. The hearing is to be set for September 12, 2023

e. Approve Meeting Minutes for July 2023

Staff has prepared the following meeting minutes for approval:

- July 5, 2023 Agenda Meeting
- July 11, 2023 Business Meeting
- July 25, 2023 Work Session

8. ADJOURNMENT

Meetings/work sessions of the Southern Pines Town Council are now available on the Town's [YouTube channel](https://bit.ly/3hXx2Qk). 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>

SOLID WASTE COLLECTION OPTIONS



Cory Albers, Asst. Public Works Director



calbers@southernpines.net



910.692.4183



sopinesnc.info/waste



The Town issued a Request for Proposals (RFP) garbage and recycling collection. The Town received 3 proposals and are evaluating the top 2. The proposals offer options for recycling collection, which will inform the best contractor to select.



The Town's current contract with GFL expires on December 31, 2024. Services outlined in these proposals will begin January 1, 2025.

Citizens are invited to a public hearing on August 8 at 6pm to provide feedback on the options.



This contract impacts all residents and specific small businesses who receive solid waste collection services from the Town.

The Town's environmental services division will continue collecting yard debris 2 times a month.



The contract and collection services selected will determine the Town's cost for providing this service.

Customer fees will be evaluated during the FY 24-25 budget process and go into effect on July 1, 2024.

Recycling Option	1	2	3	4
Residential curbside	No collection	Every 2 weeks subscription customers only	Weekly 18-gallon bin every residence	Every 2 weeks 95-gallon cart every residence
Commercial curbside 95-gallon carts	Weekly	Weekly	Weekly	Every 2 weeks

Residential & Commercial Garbage: This service is the same for all 4 options

- weekly curbside collection
- Customers may use their own cans or receive a free 95-gallon cart from the Town.
- Residential service is 1 can/ week. Commercial service is 2 cans/week.

Agenda Item

To: Reagan Parsons, Town Manager

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

Subject: AX-03-23: Hold a Public Hearing for Voluntary Annexation of 403.62 Acres Contiguous to the Corporate Limits of the Town of Southern Pines; Applicants: Knollwood Partners LLC and Kaveri Investment Management Company LLC

Date: August 8, 2023

I. SUMMARY OF APPLICATION REQUEST:

Kelly Miller, on behalf of Knollwood Partners LLC and Haresh Tharani, on behalf of Kaveri Investment Management Company LLC, are requesting voluntary annexation of 403.62 acres that are currently outside of the corporate limits of the Town of Southern Pines. Per the Moore County tax records, the subject properties are identified as PIN 859317006758 (PARID 00036982), PIN 859205097877 (PARID 00037582), PIN 858300709512 (PARID 00037579701), PIN 858211667500 (PARID 00039300701), PIN 858208786370 (PARID 00037581) and PIN 858200882301 (PARID 20080332) owned by Knollwood Partners LLC and PIN 858207694691 (PARID 00031176) owned by Kaveri Investment Management Company LLC.

II. PRIOR TOWN COUNCIL ACTION:

At the June 27, 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 July 11, 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:

- **PIN 859317006758 (PARID 00036982)**
Physical Address: Westover Road Off
Property Owner/Applicant: Knollwood Partners LLC
Total Acreage: 20.35
- **PIN 858208786370 (PARID 00037581)**
Physical Address: St. Joseph Road Off
Property Owner/Applicant: Knollwood Partners, LLC
Total Acreage: 9.90

- **PIN 859205097877 (PARID 00037582)**
Property Address: Wooster Road Off
Property Owner/Applicant: Knollwood Partners, LLC
Total Acreage: 33.37
- **PIN 858300709512 (PARID 00037579701)**
Property Address: 685 Camp Easter Road
Property Owner/Applicant: Knollwood Partners LLC
Total Acreage: 248.01
- **PIN 858211667500 (PARID 00039300701)**
Property Address: US 1 Hwy
Property Owner/Applicant: Knollwood Partners, LLC
Total Acreage: 28.47
- **PIN 858208786370 (PARID 00037581)**
Property Address: St. Joseph Road Off
Property Owner/Applicant: Knollwood Partners, LLC
Total Acreage: 9.90
- **PIN 858200882301 (PARID 20080332)**
Property Address: St. Joseph Road
Property Owner/Applicant Knollwood Partners, LLC
Total Acreage: 5.41
- **PIN 858207694691 (PARID 00031176)**
Property Address: Camp Easter Road Off
Property Owner/Applicant: Kaveri Investment Management Company LLC
Total Acreage: 58.11

IV. STAFF COMMENTS:

- The applicants have submitted a Petition for Voluntary Annexation of the subject properties.
- The map of the area to be annexed has been forwarded to the Moore County Tax Mapper for review and approval.
- The request is a voluntary request for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject properties are presently zoned PD (Planned Development). The adjacent properties are zoned PD, RR (Rural Residential), RS-3 (low density Residential Single-Family) and FRR (Facilities, Resource and Recreation).

- During the June 27, 2023 Town Council Work Session, the Town Clerk was directed to investigate the sufficiency of the petition for voluntary annexation of the subject properties.
- During the July 11, 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 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 Properties (Areas to be Annexed Outlined in Red)

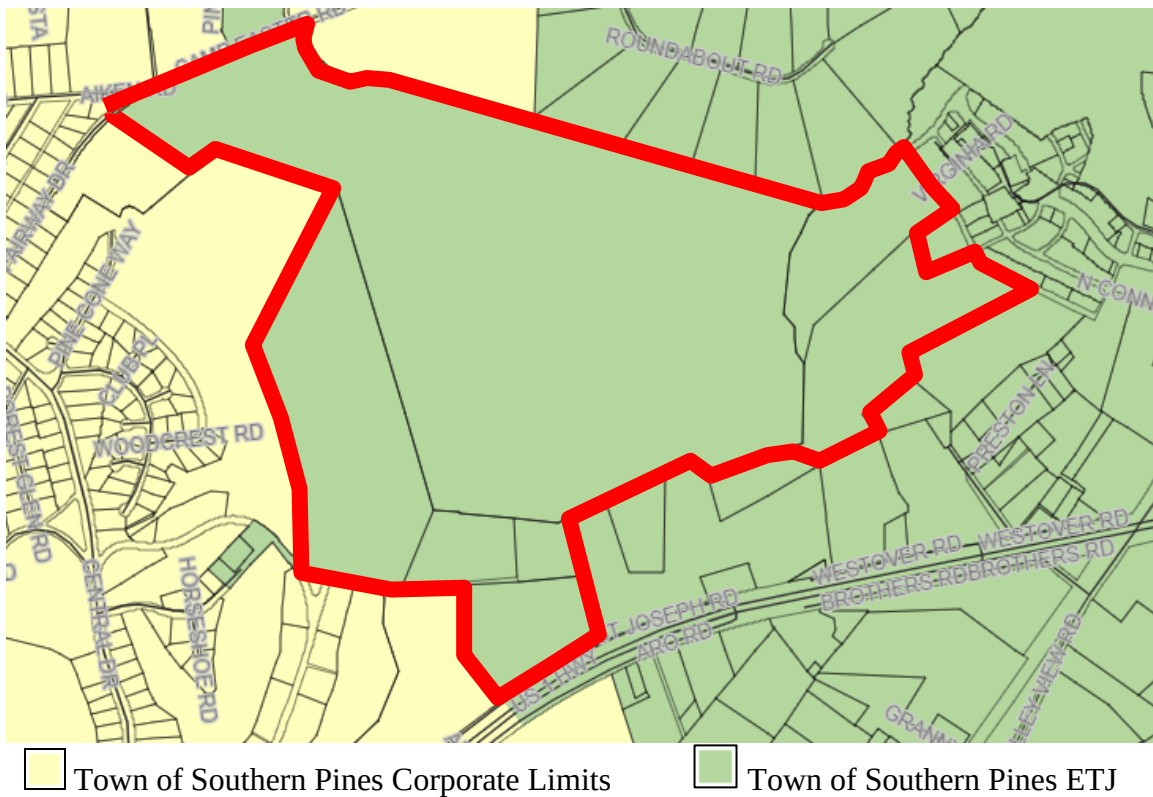
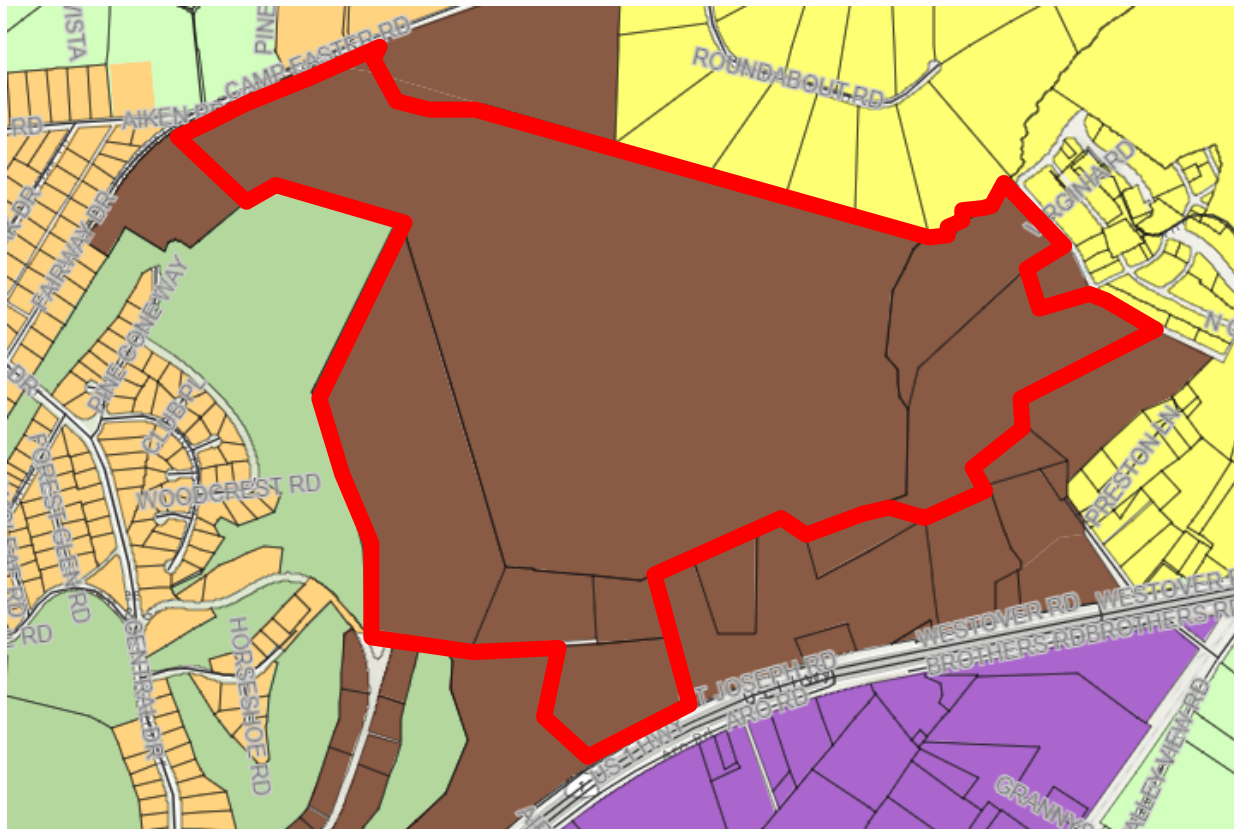


Figure 2: Zoning Map (Areas to be Annexed Outlined in Red)



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



V. ATTACHMENTS:

1. Petition
2. Site Map (prepared for AX-03-23 by Southern Pines GIS)

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-03-23 for the areas shown on the site map, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny voluntary annexation request AX-03-23 for the areas shown on the site map.

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: see attached; PARID: see attached.

Property Owner(s):

Name: Knollwood Partners, LLC

Signature: 

Address: 1010 MIDLAND RD

SOUTHERN PINES, NC 28387

Kaveri Investment Management
Company LLC

Name: C/O Pine Needles & Mid Pines

Signature: _____

Address: PO BOX 88

SOUTHERN PINES, NC 28388

Name: _____

Signature: _____

Address: _____

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

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: see attached; PARID: see attached.

Property Owner(s):

Name: Knollwood Partners, LLC

Signature: _____

Address: 1010 MIDLAND RD

SOUTHERN PINES, NC 28387

Name: Kaveri Investment Management
Company LLC

Signature: _____

C/O Pine Needles & Mid Pines

Address: PO BOX 88

SOUTHERN PINES, NC 28388


Harish T. Thangani

Name: _____

Signature: _____

Address: _____

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

(TRACT 1)
PIN: 859317006758
PARCEL ID: 00036982
KNOLLWOOD PARTNERS, LLC

(TRACT 2)
PIN: 858208786370
PARCEL ID: 00037581
KNOLLWOOD PARTNERS, LLC

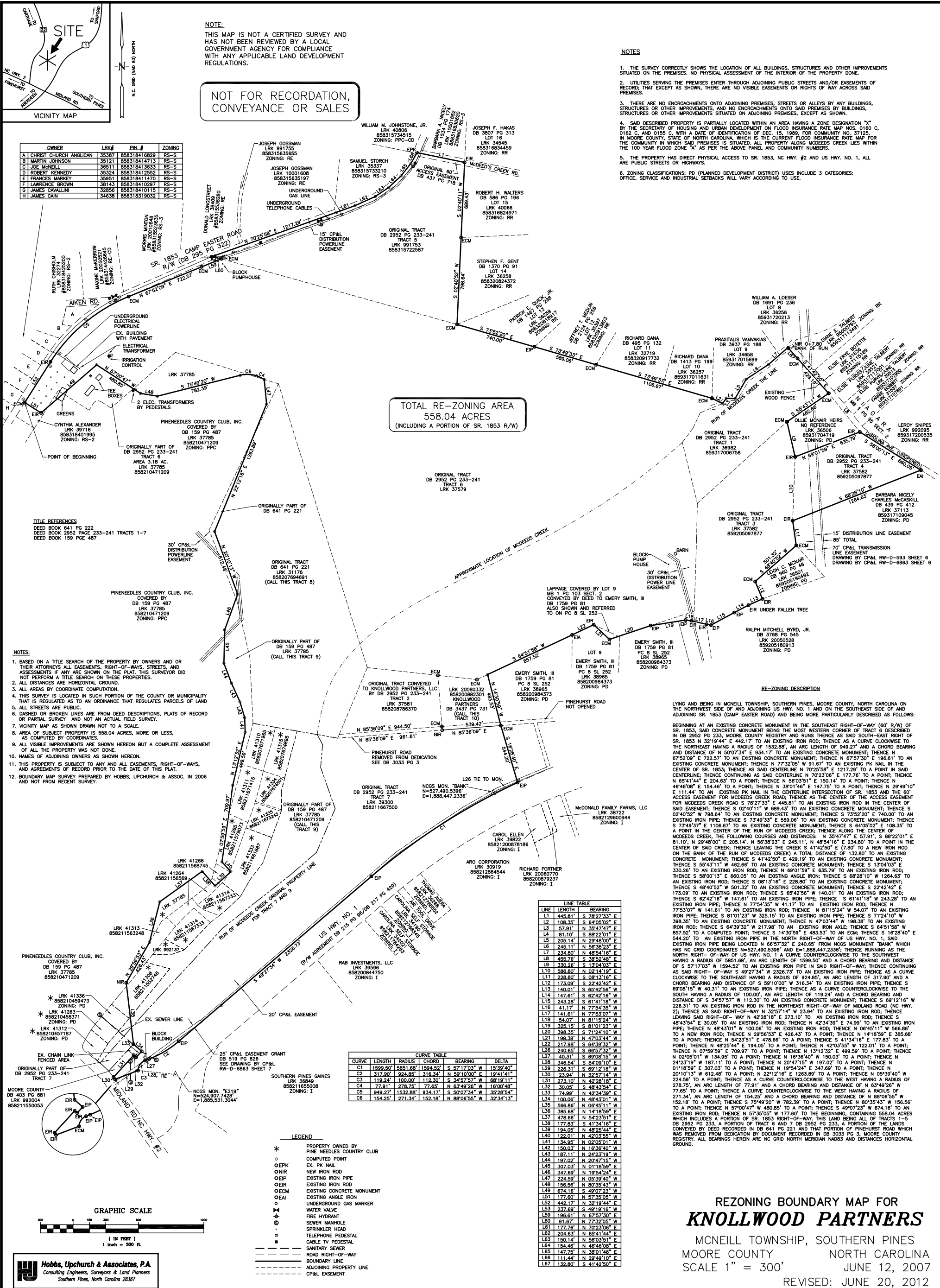
(TRACT 3)
PIN: 859205097877
PARCEL ID: 00037582
KNOLLWOOD PARTNERS, LLC

(TRACT 6)
PIN: 858300709512
PARCEL ID: 00037579701
KNOLLWOOD PARTNERS, LLC

(TRACT 7)
PIN: 858211667500
PARCEL ID: 00039300701
KNOLLWOOD PARTNERS, LLC

(TRACT 8)
PIN: 858207694691
PARCEL ID: 00031176
KAVERI INVESTMENT MANAGEMENT COMPANY, LLC
C/O PINE NEEDLES AND MID PINES

(TRACT 10)
PIN: 858208786370
PARCEL ID: 00037581
KNOLLWOOD PARTNERS, LLC



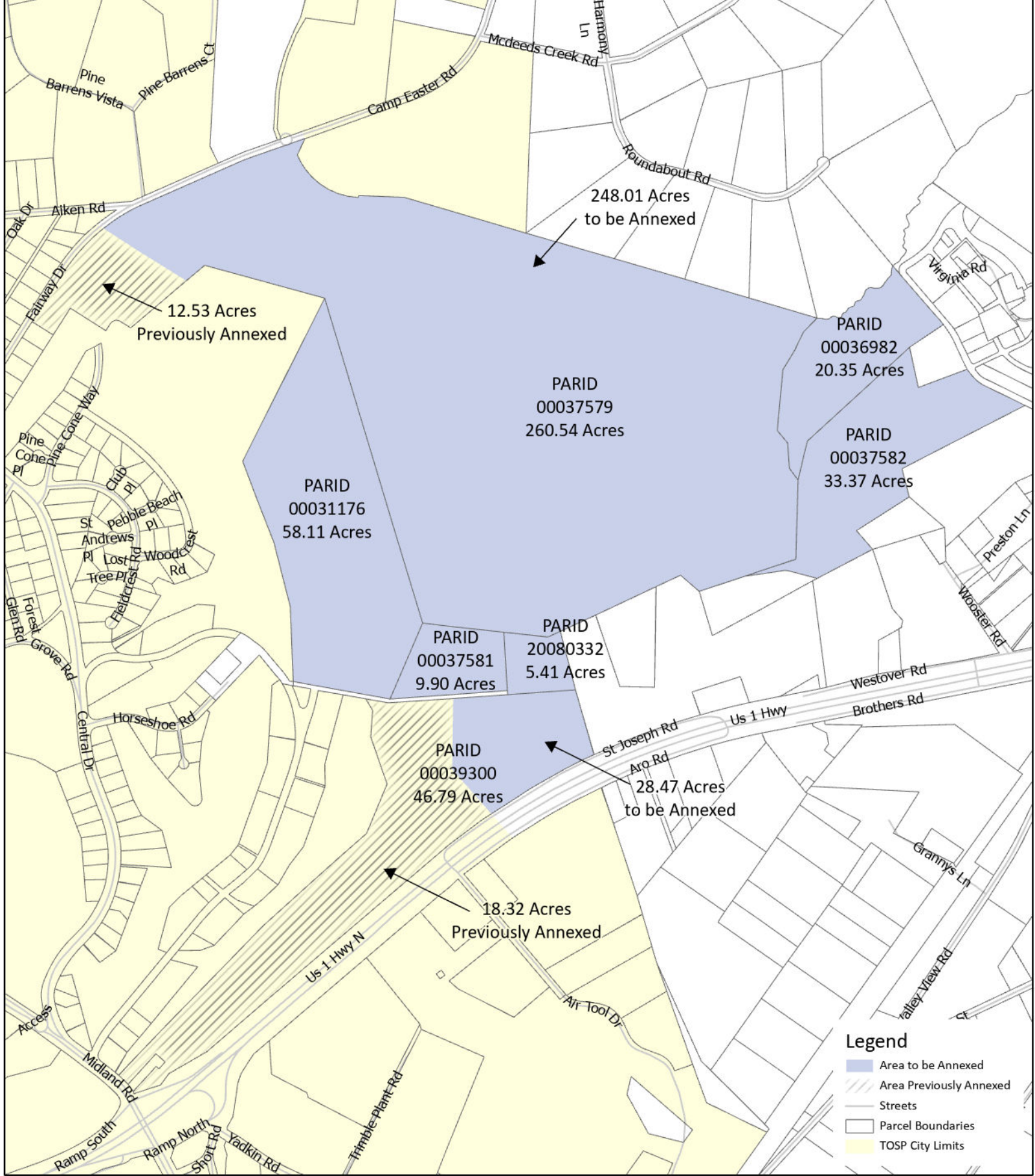
RE-ZONING DESCRIPTION

LYING AND BEING IN MCNEILL TOWNSHIP, SOUTHERN PINES, MOORE COUNTY, NORTH CAROLINA ON THE NORTHWEST SIDE OF AND ADJOINING US HWY. NO. 1 AND ON THE SOUTHEAST SIDE OF AND ADJOINING SR. 1853 (CAMP EASTER ROAD) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN EXISTING CONCRETE MONUMENT IN THE SOUTHEAST RIGHT-OF-WAY (60' R/W) OF SR. 1853, SAID CONCRETE MONUMENT BEING THE MOST WESTERN CORNER OF TRACT 6 DESCRIBED IN DB 2952 PG 233, MOORE COUNTY REGISTRY AND RUNS THENCE AS SAID SOUTH-EAST RIGHT OF SR. 1853 N 32°19'44" E 442.17' TO AN EXISTING IRON ROD; THENCE AS A CURVE CLOCKWISE TO THE NORTHEAST HAVING A RADIUS OF 1532.88', AN ARC LENGTH OF 949.27' AND A CHORD BEARING AND DISTANCE OF N 50°07'34" E 934.17' TO AN EXISTING CONCRETE MONUMENT; THENCE N 67°52'09" E 722.57' TO AN EXISTING CONCRETE MONUMENT; THENCE N 67°57'30" E 196.61' TO AN EXISTING CONCRETE MONUMENT; THENCE N 77°32'05" W 91.67' TO AN EXISTING PK NAIL IN THE CENTER OF SR. 1853; THENCE AS SAID CENTERLINE N 70°25'58" E 1217.29' TO A POINT IN SAID CENTERLINE; THENCE CONTINUING AS SAID CENTERLINE N 70°23'06" E 177.76' TO A POINT; THENCE N 65°41'44" E 204.63' TO A POINT; THENCE N 56°03'51" E 150.14' TO A POINT; THENCE N 46°46'08" E 154.46' TO A POINT; THENCE N 38°01'46" E 147.75' TO A POINT; THENCE N 29°49'10" E 111.44' TO AN EXISTING PK NAIL IN THE CENTERLINE INTERSECTION OF SR. 1853 AND THE 60' ACCESS EASEMENT FOR MCDEEDS CREEK ROAD; THENCE AS THE CENTER OF THE ACCESS EASEMENT FOR MCDEEDS CREEK ROAD S 78°27'33" E 445.81' TO AN EXISTING IRON ROD IN THE CENTER OF SAID EASEMENT; THENCE S 02°40'11" W 689.43' TO AN EXISTING CONCRETE MONUMENT; THENCE S 02°40'52" W 798.64' TO AN EXISTING CONCRETE MONUMENT; THENCE S 73°52'20" E 740.00' TO AN EXISTING IRON PIPE; THENCE S 73°49'33" E 589.06' TO AN EXISTING CONCRETE MONUMENT; THENCE S 73°49'37" E 1106.67' TO AN EXISTING CONCRETE MONUMENT; THENCE S 64°05'02" E 108.35' TO A POINT IN THE CENTER OF THE RUN OF MCDEEDS CREEK; THENCE ALONG THE CENTER OF MCDEEDS CREEK, THE FOLLOWING COURSES AND DISTANCES: N 35°47'47" E 57.91', S 88°22'01" E 81.10', N 29°48'00" E 205.14', N 56°38'23" E 245.11', N 48°54'16" E 234.80' TO A POINT IN THE CENTER OF SAID CREEK; THENCE LEAVING THE CREEK S 41°42'50" E (7.80' TO A NEW IRON ROD ON THE BANK OF THE RUN OF MCDEEDS CREEK) A TOTAL DISTANCE OF 132.80' TO AN EXISTING CONCRETE MONUMENT; THENCE S 41°42'50" E 429.19' TO AN EXISTING CONCRETE MONUMENT; THENCE S 55°43'11" W 462.66' TO AN EXISTING CONCRETE MONUMENT; THENCE S 13°04'03" E 330.26' TO AN EXISTING IRON ROD; THENCE N 69°01'59" E 635.79' TO AN EXISTING IRON

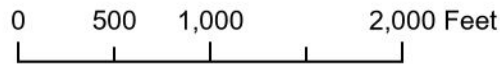
ROD; THENCE S 58°00'13" E 660.05' TO AN EXISTING ANGLE IRON; THENCE S 68°28'10" W 1264.63' TO AN EXISTING IRON ROD; THENCE S 08°13'16" E 228.80' TO AN EXISTING CONCRETE MONUMENT; THENCE S 48°40'52" W 501.32' TO AN EXISTING CONCRETE MONUMENT; THENCE S 22°42'42" E 173.09' TO AN EXISTING IRON ROD; THENCE S 65°42'56" W 140.01' TO AN EXISTING IRON ROD; THENCE S 62°42'16" W 147.61' TO AN EXISTING IRON PIPE; THENCE S 61°41'18" W 243.28' TO AN EXISTING IRON PIPE; THENCE N 77°54'35" W 41.17' TO AN EXISTING IRON ROD; THENCE N 77°53'07" W 141.61' TO AN EXISTING IRON ROD; THENCE N 81°15'24" W 54.07' TO AN EXISTING IRON PIPE; THENCE S 81°01'23" W 325.15' TO AN EXISTING IRON PIPE; THENCE S 71°24'10" W 398.35' TO AN EXISTING CONCRETE MONUMENT; THENCE N 47°03'44" W 198.38' TO AN EXISTING IRON ROD; THENCE S 64°39'32" W 217.98' TO AN EXISTING IRON AXLE; THENCE S 64°51'58" W 965.52' TO AN EXISTING CONCRETE MONUMENT; THENCE N 83°51'10" W 360.46' TO AN EXISTING CONCRETE MONUMENT; THENCE S 04°30'03" E 470.63' TO AN EXISTING CONCRETE MONUMENT; THENCE S 04°30'03" E 33.11' TO A NEW IRON ROD; THENCE N 85°36'09" E 539.42' TO AN EXISTING CONCRETE MONUMENT; THENCE S 16°28'40" E 544.20' TO AN EXISTING IRON PIPE IN THE NORTH RIGHT-OF-WAY OF US HWY. NO. 1, SAID EXISTING IRON PIPE BEING LOCATED N 66°57'32" E 240.65' FROM NCGS MONUMENT "BANK" WHICH HAS NC GRID COORDINATES N=527,490.5396' AND E=1,888,447.2336'; THENCE RUNNING AS THE NORTH RIGHT- OF-WAY OF US HWY. NO. 1 A CURVE COUNTERCLOCKWISE TO THE SOUTHWEST HAVING A RADIUS OF 5851.68', AN ARC LENGTH OF 1599.50' AND A CHORD BEARING AND DISTANCE OF S 57°17'03" W 1594.52' TO AN EXISTING IRON PIPE IN SAID RIGHT-OF-WAY; THENCE CONTINUING AS SAID RIGHT- OF-WAY S 49°27'34" W 2326.73' TO AN EXISTING IRON PIPE; THENCE AS A CURVE CLOCKWISE TO THE SOUTHEAST HAVING A RADIUS OF 924.85', AN ARC LENGTH OF 317.90' AND A CHORD BEARING AND DISTANCE OF S 59°10'00" W 316.34' TO AN EXISTING IRON PIPE; THENCE S 69°08'15" W 40.31' TO AN EXISTING IRON PIPE; THENCE AS A CURVE COUNTERCLOCKWISE TO THE SOUTH HAVING A RADIUS OF 100.00', AN ARC LENGTH OF 119.24' AND A CHORD BEARING AND DISTANCE OF S 34°57'57" W 112.30' TO AN EXISTING CONCRETE MONUMENT; THENCE S 69°12'16" W 226.31' TO AN EXISTING IRON ROD IN THE NORTHEAST RIGHT-OF-WAY OF MIDLAND ROAD (NC HWY. 2); THENCE AS SAID RIGHT-OF-WAY N 32°57'14" W 23.94' TO AN EXISTING IRON ROD; THENCE LEAVING SAID RIGHT-OF- WAY N 42°28'18" E 273.10' TO AN EXISTING IRON ROD; THENCE S 48°43'54" E 30.05' TO AN EXISTING IRON ROD; THENCE N 42°34'39" E 74.99' TO AN EXISTING IRON PIPE; THENCE N 48°43'01" W 100.06' TO AN EXISTING IRON ROD; THENCE N 06°45'11" W 566.86' TO A NEW IRON ROD; THENCE N 29°56'53" E 426.43' TO A POINT; THENCE N 14°18'59" E 385.68' TO A POINT; THENCE N 54°23'51" E 478.66' TO A POINT; THENCE S 41°34'16" E 177.83' TO A POINT; THENCE N 48°25'44" E 194.05' TO A POINT; THENCE N 42°03'55" W 122.01' TO A POINT;

THENCE N 07°59'59" E 709.97' TO A POINT; THENCE N 13°12'32" E 499.59' TO A POINT; THENCE N 02°05'01" W 134.95' TO A POINT; THENCE N 16°36'40" W 150.03' TO A POINT; THENCE N 24°23'19" W 187.11' TO A POINT; THENCE N 20°47'15" W 197.02' TO A POINT; THENCE N 01°18'59" E 307.03' TO A POINT; THENCE N 19°54'24" E 347.69' TO A POINT; THENCE N 20°10'13" W 612.48' TO A POINT; N 22°12'16" E 1263.89' TO A POINT; THENCE N 05°39'40" W 224.59' TO A POINT; THENCE AS A CURVE COUNTERCLOCKWISE TO THE WEST HAVING A RADIUS OF 278.75', AN ARC LENGTH OF 77.91' AND A CHORD BEARING AND DISTANCE OF N 63°49'26" W 77.65' TO A POINT; THENCE A CURVE COUNTERCLOCKWISE TO THE WEST HAVING A RADIUS OF 271.34', AN ARC LENGTH OF 154.25' AND A CHORD BEARING AND DISTANCE OF N 88°06'55" W 152.18' TO A POINT; THENCE S 75°49'20" W 782.39' TO A POINT; THENCE N 80°35'43" W 156.56' TO A POINT; THENCE N 57°00'47" W 480.85' TO A POINT; THENCE S 49°07'23" W 674.16' TO AN EXISTING IRON ROD; THENCE N 57°35'05" W 177.60' TO THE BEGINNING, CONTAINING 558.04 ACRES WHICH INCLUDES A PORTION OF SR. 1853 RIGHT-OF-WAY. THIS LAND BEING ALL OF TRACTS 1-5 DB 2952 PG 233, A PORTION OF TRACT 6 AND 7 DB 2952 PG 233, A PORTION OF THE LANDS CONVEYED BY DEED RECORDED IN DB 641 PG 221 AND THAT PORTION OF PINEHURST ROAD WHICH WAS REMOVED FROM DEDICATION BY DOCUMENT RECORDED IN DB 3033 PG 3, MOORE COUNTY REGISTRY. ALL BEARINGS HEREIN ARE NC GRID NORTH MERIDIAN NAD83 AND DISTANCES HORIZONTAL GROUND.



This map was created by the Town of Southern Pines. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet)

AX-03-23





**RESOLUTION #1062
CERTIFICATE OF SUFFICIENCY
AX-03-23: Knollwood**

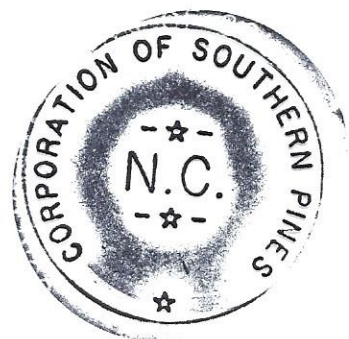
To the Town Council of the Town of Southern Pines, North Carolina;

I, Elizabeth Robertson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

1. The petition contains an adequate property description of the area proposed for annexation, which is identified as follows:
 - PIN 859317006758 (PARID: 00036982)
 - PIN 858208786370 (PARID: 00037581)
 - PIN 859205097877 (PARID: 00037582)
 - PIN 858300709512 (PARID: 00037579701)
 - PIN 858211667500 (PARID: 00039300701)
 - PIN 858207694691 (PARID: 00031176)
 - PIN 858208786370 (PARID: 20080332)
2. The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owners are listed as:
 - Knollwood Partners, LLC
The application is signed by Kelly A. Miller, Registered Agent per the North Carolina Secretary of State Business Registration Division.
 - Kaveri Investment Management Company, LLC
The application is signed on behalf of Haresh Tharani, Manager per the State of Florida.
3. The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 7th day of July, 2023.


Elizabeth Robertson, Town Clerk





RESOLUTION #1063
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION APPLICATION
AX-03-23: Knollwood

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on August 8, 2023.

Section 2. The area proposed for annexation is described as follows:

Property Identification Number (PIN) and Parcel Identification:

PIN: 859317006758; PARID: 00036982
PIN: 858208786370; PARID: 00037581
PIN: 859205097877; PARID: 00037582
PIN: 858300709512; PARID: 00037579701
PIN: 858211667500; PARID: 00039300701
PIN: 858208786370; PARID: 20080332

Property Owners/Applicants:

Knollwood Partners, LLC
1010 Midland Road
Southern Pines, NC 28387

Property Identification Number (PIN) and Parcel Identification:

PIN: 858207694691; PARID: 00031176

Property Owners/Applicants:

Kaveri Investment Management Company, LLC
c/o Pine Needles & Mid Pines
PO Box 88
Southern Pines, NC 28388

Total Size of Property:

Total Acreage: 558.04 acres

Meets & Bounds:

Lying and being in McNeill Township, Southern Pines, Moore County, North Carolina on the northwest side of and adjoining US HWY. No 1 and on the Southeast side of and adjoining SR 1853 (Camp Easter Road) and more particularly described as follows:

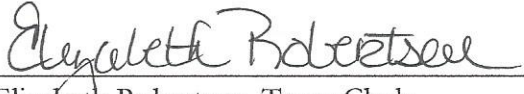
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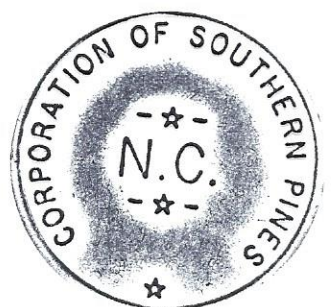
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No. 1, said existing iron pipe being located N 66°57'32" E 240.65' from NCGS Monument "Bank" which has NC Grid Coordinates N=527,490.5396' and E=1,888,447.2336'; Thence running as the north right-of-way of US Hwy. No. 1 a curve counterclockwise to the southwest having a radius of 5851.68', an arc length of 1599.50' and a chord bearing and distance of S 57°17'03" W 1594.52' to an existing iron pipe in said right-of-way; Thence continuing as said right-of-way S 49°27'34" W 2326.73' to an existing iron pipe; Thence as a curve clockwise to the southeast having a radius of 924.85', an arc length of 317.90' and a chord bearing and distance of S 59°10'00" W 316.34' to an existing iron pipe; Thence S 69°08'15" W 40.31' to an existing iron pipe; Thence as a curve counterclockwise to the south having a radius of 100.00', an arc length of 119.24' and a chord bearing and distance of S 34°57'57" W 112.30' to an existing concrete monument; Thence S 69°12'16" W 226.31' to an existing iron rod in the northeast right-of-way of Midland Road (NC Hwy. 2); Thence as said right-of-way N 32°57'14" W 23.94' to an existing iron rod; Thence leaving said right-of-way N 42°28'18" E 273.10' to an existing iron rod; Thence S 48°43'54" E 30.05' to an existing iron rod; Thence N 42°34'39" E 74.99' to an existing iron pipe; Thence N 48°43'01" W 100.06' to an existing iron rod; Thence N 06°45'11" W 566.86' to a new iron rod; Thence N 29°56'53" E 426.43' to a point; Thence N 14°18'59" E 385.68' to a point; Thence N 54°23'51" E 478.66' to a point; Thence S 41°34'16" E 177.83' to a point; Thence N 48°25'44" E 194.05' to a point; Thence N 42°03'55" W 122.01' to a point; Thence N 07°59'59" E 709.97' to a point; Thence N 13°12'32" E 499.59' to a point; Thence N 02°05'01" W 134.95' to a point; Thence N 16°36'40" W 150.03' to a point; Thence N 24°23'19" W 187.11' to a point; Thence N 20°47'15" W 197.02' to a point; Thence N 01°18'59" E 307.03' to a point; Thence N 19°54'24" E 347.69' to a point; Thence N 20°10'13" W 612.48' to a point; N 22°12'16" E 1263.89' to a point; Thence N 05°39'40" W 224.59' to a point; Thence as a curve counterclockwise to the west having a radius of 278.75', an arc length of 77.91' and a chord bearing and distance of N 63°49'26" W 77.65' to a point; Thence a curve counterclockwise to the west having a radius of 271.34', an arc length of 154.25' and a chord bearing and distance of N 88°06'55" W 152.18' to a point. 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Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 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





ORDINANCE #2094
TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-03-23: Knollwood

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-03-23, 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 8th day of August, 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:

Lying and being in McNeill Township, Southern Pines, Moore County, North Carolina on the northwest side of and adjoining US HWY. No. 1 and on the Southeast side of and adjoining SR 1853 (Camp Easter Road) and more particularly described as follows:

Beginning at an existing concrete monument in the southeast right-of-way (60'R/W) of SR. 1853, said concrete monument being the most western corner of Tract 6 described in DB 2952 Pg. 233, Moore county Registry and runs thence as said south-east right of SR. 1853 N 32°19'44" E 442.17' to an existing iron rod; Thence as a curve clockwise to the northeast having a radius of 1532.88', and arc length of 949.27' and a chord bearing and distance of N 50°07'34" E 934.17' to an existing concrete monument; Thence N 67°52'09" E 722.57' to an existing concrete monument; Thence N 67°57'30" E 196.61' to an existing concrete monument; Thence N 77°32'05" W 91.67' to an existing pk nail in the center of SR. 1853; Thence as said centerline N 70°25'58" E 1217.29' to a point in said centerline; Thence continuing as said centerline N 70°23'06" E 177.76' to a point; Thence N 65°41'44" E 204.63" to a point; Thence N 56°03'51" E 150.14' to a point; Thence N 46°46'08" E 154.46' to a point; Thence N 38°01'46" E 147.75' to a point; Thence N 29°49'10" E 114.44' to an existing pk nail in the centerline intersection of SR. 1853 and the 60' access easement for McDeeds Creek Road; Thence as the center of the access easement for McDeeds Creek Road S 78°27'33" E 445.81' to an existing iron rod in the center of said easement; Thence S 02°40'11" W 689.43' to an existing concrete monument; Thence S 02°40'52" W 798.64' to an existing concrete monument; Thence S 73°52'20" E 740.00' to an existing iron pipe; Thence S 73°49'33" E 589.06' to an existing concrete monument; Thence S 73°49'37" E 1106.67' to an existing concrete monument; Thence S 64°05'02" E 108.35' to an existing point in the center of the run of McDeeds creek; Thence along the center of McDeeds Creek, the following courses and distances: N 35°47'47" E 57.91', S 88°22'01" E 81.10', N 29°48'00" E 205.14', N 58°38'23" E 245.11', N 48°54'16" E 234.80' to a point in the center of said creek; thence leaving the creek S 41°42'50" E (7.80' to a new iron rod on the bank of the run of McDeeds Creek) a total distance of 132.80' to an existing concrete monument; Thence S 41°42'50" E 429.19' to an existing concrete monument; Thence S 55°43'11" W 462.66' to an existing concrete monument; Thence S 13°04'03" E 330.26' to an existing iron rod; Thence N 69°01'59" E 635.79' to an existing iron rod; Thence S 58°00'13" E 660.05' to an existing angle iron; Thence S 68°28'10" W 1264.63' to an existing iron rod; Thence S 08°13'16" E 228.80' to an existing concrete monument; Thence S 48°40'52" W 501.32' to an existing concrete monument; Thence S 22°42'42" E 173.09' to an existing iron rod; Thence S 65°42'56" W 140.01' to an existing iron rod; Thence S 62°42'16" W 147.61' to an existing iron pipe; Thence S 61°41'18" W 243.28' to an existing iron pipe; Thence N 77°54'35" W 41.17' to an existing iron rod; Thence N 77°53'07" W 141.61' to an existing iron rod; Thence N 81°15'24" W 54.07' to an existing iron pipe; Thence S 81°01'23" W 325.15' to an existing iron pipe; Thence S 71°24'10" W 398.35' to an existing concrete monument; Thence N

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Excluding those areas depicted and delineated on the accurate map provided with this Ordinance at 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 8th day of August, 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 8th day of August, 2023.

Section 2. Upon and after the 8th day of August, 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.

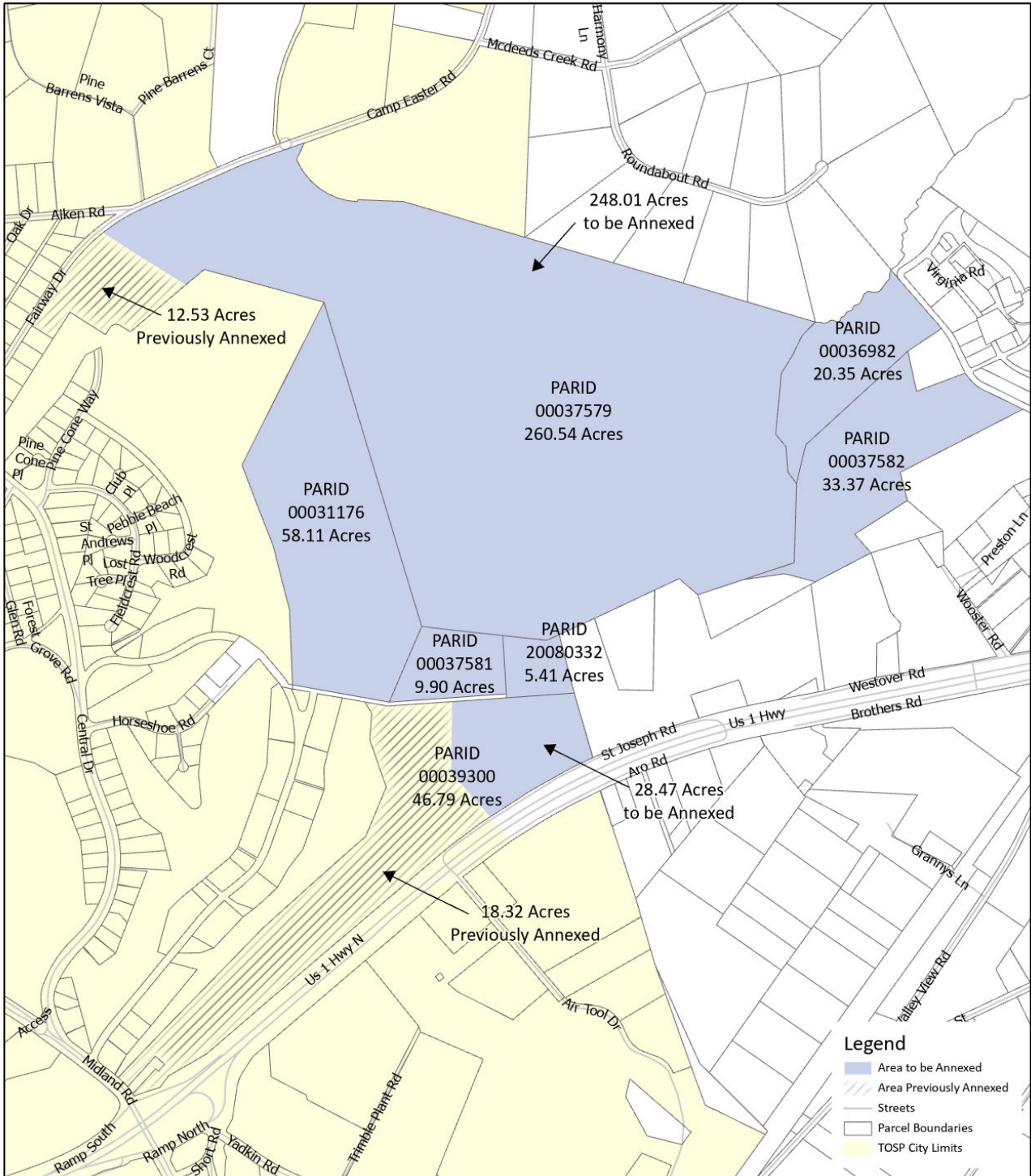
Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 8th day of August, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on August 8, 2023, as shown in the Minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

Ordinance #2094 - Attachment A



This map was created by the Town of Southern Pines. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet)

AX-03-23



Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Via: BJ Grieve, Planning Director

Subject: OA-02-23: Text Amendments to the Unified Development Ordinance (UDO)

Date: August 8, 2023

I. SUMMARY OF AMENDMENT REQUEST:

Per UDO §2.17, Mr. Tom Anastasi on behalf of Sheetz, Inc. is proposing to amend the Unified Development Ordinance (UDO) with one text amendment related to canopy lights for service stations. The proposed amendment is to UDO §4.8.5(I) to change the permitted maximum average lighting level under the service station canopy from 3 to 12 lumens per square foot (as requested in their text amendment application) or more (as recommended by the Planning Board)^{1,2}. The specific text of the proposed amendment, as well as comments related to the text amendment criteria, may be found in this staff report and the attachments to this report.

II. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on the proposed text amendments on July 20, 2023. Planning staff presented a brief summary via PowerPoint of the proposed text amendment that included light meter calculations and images of lighting under existing fuel canopies in the town. Madeline J. Trilling, Esq., legal representative for the applicant, spoke next and explained the motivation and intent of the application, and stated that the Illuminating Engineering Society's (IES) standard is currently 20 foot-candles for average lighting of fuel canopies and that the applicant is seeking 12 foot-candles, but would appreciate the Planning Board's consideration of a higher maximum average. Tom Anastasi, the authorized agent representing the applicant, Sheetz, Inc., presented images of the site that included nighttime renderings from U.S. Highway 1 at an average lighting level of 3 foot-candles and 12 foot-candles³. Member Jennifer Garner asked what Sheetz, Inc. usually has as an average lighting level under fuel canopies, to which Tom Anastasi responded 50 foot-candles and showed some additional images at that lighting level. Illumination site mapping was also shared to show site illumination at 12 foot-candles.

¹ For more information about measuring illumination, read this blog post from [Commercial Lighting 101: What is a Foot-Candle? - FSG Electric & Lighting](https://fsg.com/what-is-a-foot-candle/) (fsg.com/what-is-a-foot-candle).

² Note that 1 foot-candle is equal to one lumen per square foot.

³ Website that was shared by the applicant during the Planning Board hearing: <https://rlasiteplans.com/sheetz/rl-8744/s1-r3/platinum/hr7dhje/>

Jayne Leonard of Red Leonard and Associates⁴ spoke next on behalf of the applicant to address best practices within the lighting industry. Red Leonard and Associates is a company that provides lighting products and services to other entities, and was invited to speak as a lighting expert on behalf of the applicant. Jayme Leonard spoke to the following topics (note: this is not intended to be an all-inclusive list, which will be available in the Planning Board meeting minutes):

- Controlling blue light should be a priority for municipalities;
- Foot-lamberts are a better unit of measurement for illumination rather than foot-candles;
- “BUG” values—which stand for backlighting, uplighting, and glare—for the Sheetz site plan shows illumination contained to the site;
- The significance of adding “maintained⁵” to the amendment considering the depreciation in light output over time, which he stated was less of an issue with light-emitting diode (LED) technology;
- The IES’ average lighting level of 12 foot-candles shared in the Planning Staff’s report was from the 10th edition standards, and the current edition recommends at least 20 foot-candles;
- Requiring lighting plans to include a specified photometrics grid that restrict the number of points that applicants can include outside of the site should be another municipal priority;
- The importance of varying light loss factors on site lighting plans; and
- Lighting regulations should be reasonable and enforceable, otherwise, companies will dial lighting up and down as they wish.

During Jayme Leonard’s presentation, there were several questions asked by the Planning Board, including “Will there be any light trespass at 20 foot-candles?” to which Jayme Leonard responded stating that angles are completely controlled on all the fixtures and all lighting under the canopy is recessed, creating a total cut-off; “If your standard is 50 foot-candles, then is 20 foot-candles safe?” to which Tom Anastasi responded stating that Sheetz would never build at 3 foot-candles, but would follow a local ordinance standards otherwise; “Do rural areas typically have higher standards (e.g., values) than cities?” to which Jayme Leonard described the difference that ambient lighting makes on perceived change in illumination intensity; “What happens to existing fuel canopies that are non-conforming with town standards now and if this amendment is adopted” to which Planning staff stated that that would be up to the Code Enforcement Officer, but that Chapter 7 of the UDO would apply to any sites that were non-conforming due to non-compliance with the town’s lighting code; “At what foot-candle value would lighting under a canopy become garish and cause light pollution?” to which Jayme Leonard stated that lighting is a competitive issue for the industry with each company trying to out-light its competitor and that lighting 3 times the ambient lighting would be noticeably brighter; and “What is Raleigh and Cary’s standard for fuel canopy lighting” to which Tom Anastasi said that

⁴ <https://www.redleonard.com/>

⁵ “Maintained” foot-candles, according to the Regional Land Use Advisory Commission (RLUAC) are “illuminance of lighting fixtures adjusted for a maintenance factor accounting for dirt build-up and lamp output depreciation.”

Sheetz service stations range between 20 and 25 foot-candles in that region and speculates that it is because of their ordinances, but did not have that information handy.

Upon closing the public hearing, the Planning Board discussed what average lighting level they thought would be most appropriate and agreed to 25 foot-candles. Discussion also continued about concerns with other perceived unsafe, dark spaces around town. A copy of the Planning Board's Resolution is attached to this staff report, which was approved unanimously by the six members of the Planning Board who were present.

III. APPLICATION REVIEW:

A. Review Process and Criteria for Review:

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

B. Staff Comments:

The Town of Southern Pines Unified Development Ordinance (UDO) presently limits average lighting under service stations like fuel canopies to 3 lumens per square foot. The applicant claims that this provision creates a safety and security hazard under service stations due to the lack of brighter illumination. Therefore, Sheetz, Inc. has submitted a text amendment to the UDO proposing an increase in the maximum average lighting level under service stations from 3 to 12 lumens per square foot or more.

Planning staff have taken light meter readings at five local gas stations for comparison of average lighting levels under fuel canopies. The Exxon by the Belk Plaza has an average reading most similar to the current UDO standard of 3 lumens per square foot while the Lowe's Food fuel canopy is most similar to the Sheetz-proposed standard of 12 lumens per square foot. The Mobil on Beverly Lane is most similar to the lighting levels recommended by the Planning Board and amenable to the applicant. The Circle K on Highway 15-501 and the Shell by Red's Corner are all above the current, proposed, and recommended average lighting levels under the fuel canopy. All measurements were taken the morning of July 11, 2023, following UDO §4.8.6(C) Measurement methodology and using town-approved equipment.



Recommended Practice: Lighting Retail Spaces, An American National Standard authored by the IES⁶, makes several comments on the effect of lighting at gas stations. First, intensity of light levels and impact on a driver's eyes adjusting in the dark are dependent upon ambient light in the area immediately before and after the gas station. In other words, if the entire area is brightly lit, then a driver's eyes would adjust to the brightly lit environment. However, if only the gas station was brightly lit, then the driver's eyes would need to adjust after passing the site and could have a momentary inability to see clearly and make quick decisions.

Second, the IES recommends a maximum average of at least 20 foot-candles for "high-activity" fuel dispensing islands, at least 15 foot-candles for those with "medium activity," and 10 foot-candles for those with "low activity." According to

⁶ The document is copyrighted, so staff are unable to share these resources without written permission from the author.

Table 3-1 of *Recommended Practice: Lighting Common Applications, An American National Standard* by the IES⁶, large population centers with shopping districts and transportation hubs are considered having high activity levels while small-to-moderate population centers with shopping centers and residential complexes are considered to have medium activity levels. Suburban and rural population centers comprised of residential neighborhoods is defined as a low outdoor activity level. Furthermore, IES state that activity level is relative to a community's expected norms. The Planning Department would classify Southern Pines as having medium outdoor activity levels in commercial areas and that the community expects to have dark skies at night.

As mentioned, the Planning Board recommended an average lighting level of 25 maintained foot-candles under fuel canopies, which was the upper limit that the applicant stated was used in their fuel canopies in Raleigh and Cary. However, Planning staff did not find any evidence in Cary's or Raleigh's Code of Ordinances that any maximum average illumination standard had been adopted. Furthermore, the Planning Board was not made aware that the 20-foot-candle standard continuously mentioned was for large population centers with high outdoor activity areas and that other standards exist for smaller population centers with medium- and low-intensity outdoor activity levels.

The Comprehensive Long-Range Plan (CLRP) has a goal of improving the personal health and physical security of residents and promoting commercial areas that are safe, secure, and healthy (see Goal G-1). The Regional Land Use Advisory Commission (RLUAC)'s 2007 Light Pollution Study, considered one of the Town of Southern Pines' background planning documents, recommends that the Town consider the impacts of light pollution. This was the catalyst for writing the Lighting Code purpose statement about protecting and reclaiming the ability to view the night sky. Based on Planning staff's research on outdoor commercial activity levels in General Business (where gas stations are a by-right use), the IES recommended lighting standards, the light meter readings taken by staff for comparison, and the desirable nighttime character of commercial activities in Southern Pines (i.e., community norm), Planning staff believe that an average lighting level of 15 maintained foot-candles under fuel canopies balances the CLRP goal for safe and secure commercial spaces that do not create garish light pollution in the surrounding area.

C. Outside Agency Comments:

Per UDO §2.17.4, on June 13, 2023, Planning staff presented the proposed text amendment to the Technical Review Committee—consisting of the Fire, Planning, and Engineering Departments—and the departments present did not have concerns about the proposed amendment aside from potential light pollution. Furthermore, a request for comment was emailed to representatives from 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 15 (for 12-foot-candle proposal) and July 24 (for 25-foot-candle recommendation), 2023.

On June 16 and July 25, 2023, RLUAC responded that they have no comments on the proposed text amendment either way, 12 or 25 foot-candles. On June 25, 2023, NCDOT responded with no comment on the 12-foot-candle proposal. As of the completion of the staff report on July 26, 2023, no other 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. Draft UDO with proposed amendment and staff comments
3. UDO Text Amendment Application

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-02-23;
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-02-23, but with the following edits or additions to Attachment 1:**
 - a) **Remove “The Illuminating Engineering Society provides a recommendation—as presented by Mr. Jayme “Red” Leonard of Red Leonard Associates, Inc., lighting expert—of at least an average of 20 lumens per square foot under gas station canopies. Considering Red Leonard’s public comments regarding lighting standards as well as the Planning Department’s local lighting examples, the proposed text amendment as modified below balances the G-1 Goal for safe and secure commercial spaces that do not create garish light pollution in the surrounding area.” and add “The Illuminating Engineering Society recommends a maximum average of at least 15 foot-candles for ‘medium-**

activity’ fuel dispensing islands (i.e., fuel canopies) in small-to-moderately-sized populations centers. Considering this IES recommended lighting standard, the Planning Department’s research, light meter readings taken by staff for comparison, and the desirable nighttime character of commercial activities in Southern Pines, the proposed text amendment as modified below balances the G-1 Goal for safe and secure commercial spaces that do not create garish light pollution in the surrounding area.”

- b) Remove “twenty-five (25)” maintained lumens per square foot in proposed text amendment quote and replace with “fifteen (15)” maintained lumens per square foot.

- 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-02-23 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-02-23 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*);**
 - a) **The average lighting level for new and existing service stations shall be no greater fifteen (15) maintained lumens per square foot under the canopy.**
- 3. Deny OA-02-22 (*the Town Council shall state any reasons for denial of the proposed amendment*); OR
- 4. Other...



ATTACHMENT 1

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-02-23**

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 July 20, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-02-23.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revision to the Unified Development Ordinance (UDO) that has been prepared by Sheetz, Inc. is reasonable, in the public interest and is generally consistent with the Town of Southern Pines Comprehensive Long-Range Plan (CLRP) as modified below.

The Comprehensive Long-Range Plan (CLRP) has a goal of improving the personal health and physical security of residents and promoting commercial areas that are safe, secure, and healthy (see G-1 Goal). The Regional Land Use Advisory Commission (RLUAC)'s 2007 Light Pollution Study, considered one of the Town of Southern Pines' background planning documents, recommends that the Town consider the impacts of light pollution. The Illuminating Engineering Society provides a recommendation—as presented by Mr. Jayme “Red” Leonard of Red Leonard Associates, Inc., lighting expert—of at least an average of 20 lumens per square foot under gas station canopies. Considering Red Leonard's public comments regarding lighting standards as well as the Planning Department's local lighting examples, the proposed text amendment as modified below balances the G-1 Goal for safe and secure commercial spaces that do not create garish light pollution in the surrounding area.

“Canopy Lights Service Stations. The average lighting level for new and existing service stations shall be no greater twenty-five (25) maintained lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of way or adjacent property.”

Therefore, the proposed text amendment as modified is reasonable and in the public interest and consistent with the CLRP.

ADOPTED this the 20th day of July, 2023.

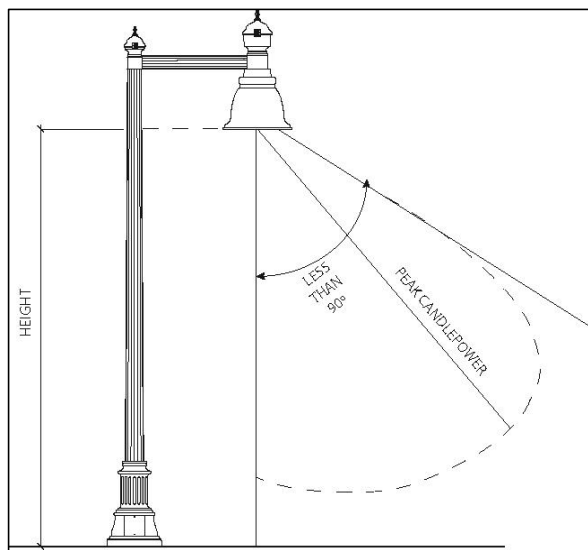


Diane T. Westbrook, Chair

ATTEST:



Cindy Williams
Secretary to the Planning Board



- (D) **Motion Sensor Lighting.** Sensor activated lighting may be unshielded provided it is located in such a manner as to prevent direct glare and lighting into properties of others or into a public Right-of-Way, and provided the light is set to only go on when activated and to go off within five minutes after activation has ceased, and the light shall not be triggered by activity off the property.
- (E) **Non-Essential and Security Lighting.** All non-essential exterior commercial and residential lighting is encouraged to be turned off after business hours and/or when not in use. Lights on a timer are encouraged. Sensor activated lights are encouraged.

to replace Existing Lighting that is desired for security purposes.

- (F) **Floodlamps and Area Lights.** All floodlamps and area lights shall be aimed downward at least forty-five (45) degrees and no portion of the light bulb shall extend below the bottom edge of an external shield. Any floodlamp or area light emitting 1,000 or more lumens shall be aimed downward at least sixty (60) degrees. The light source of floodlamps and area lights shall not be visible from adjacent properties or the public Right-of-Way. Flood lights with directional shielding and photocells with timers that allow a flood light to go on at dusk and off by eleven p.m. are encouraged.
- (G) **Uplighting.** Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky and the light fixture(s) will not cause light to extend beyond the structural shield, and except as specifically permitted in this Lighting Code.
- (H) **Flag Poles.** Upward flagpole lighting is permitted for governmental flags only and provided that the maximum output is one thousand three hundred (1,300) lumens. Flags are encouraged to be taken down at sunset to avoid the need for lighting.
- (I) **Canopy Lights Service Stations.** The average lighting level for new and existing service stations shall be no greater than ~~three~~ twelve twenty-five (312 25) maintained lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property

Commented [AM1]: The applicant's June 12, 2023, submittal requested an increase to 12 foot-candles. Legal representative for the applicant requested that staff include the term "maintained" in email correspondence on July 13, 2023. Based on information shared during the public hearing, the Planning Board recommends 25 foot-candles.



Unified Development Ordinance Text Amendment

REQUIRED APPLICATION MATERIALS:

- ✓ **Application fee** in the amount of **\$1,000.00**.
- ✓ **Completed Application** signed by the applicant. Please do not leave anything blank and make sure that all of the information provided is correct.
- ✓ **Description of proposed text amendment** stating proposed changes to text of the UDO.
- ✓ **Reasons for proposed text amendment**: Explain the need for the proposed changes to the text of the UDO. **included at the bottom of page 3 of this application.**
- N/A **Additional documentation**: Please provide additional text and/or maps to demonstrate consistency with the approval criteria listed in **UDO §2.17.10 Criteria for UDO Text Amendments**. The list of criteria is attached.
- ✓ **Electronic copy (PDF) of all application materials** submitted to plan@southernpines.net.

REVIEW AND APPROVAL:

1. **Staff review**: Planning staff will review the application and notify the applicant if additional materials are needed.
2. **Public hearings**: The applicant is expected to attend a public hearing on the application before the Planning Board followed by a public hearing before the Town Council the following month. (Please refer to the **Application Processing Timeline** to determine the hearing dates.) The Planning Board will recommend approval, conditional approval or denial to the Town Council. The Town Council will consider that recommendation, as well as evidence and testimony presented, and approve, conditionally approve or deny the request.
3. **Approval**: The approval of a text amendment to the UDO text or Zoning Map does not authorize the use, occupancy or development of property until the Applicant receives necessary Development approvals, such as subdivision, site plan and building permit approval. (**UDO §2.17.12**)

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



UDO Text Amendment Application

Fee \$1,000.00

Date Received: _____

Case No.: OA-____-____

Applicant:

Name: Tom Anastasi Sheetz, Inc.

Email: tanastas@sheetz.com

Phone: 919.437.9859

Mailing Address: 5700 Sixth Avenue, Altoona, PA 16602

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to amend the text the Town of Southern Pines Zoning Ordinance based upon Section(s) 4.8.5 (I) of the **Town of Southern Pines Unified Development Ordinance**. The proposed text is as follows:

Existing UDO Text : (I) Canopy Lights Service Stations. The average lighting level for new and existing service stations shall be no greater than three (3) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of way or adjacent property

Proposed UDO Text : (I) Canopy Lights Service Stations. The average lighting level for new and existing service stations shall be no greater twelve (12) lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of way or adjacent property

Date: 2023-06-05

Applicant

UDO §2.17.10. Criteria for UDO Text Amendments

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 and 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 Town, area, neighborhood, or specific plans.
- (D) **Other Factors.** The Hearing Body may consider any other factors relevant to the 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 to the public at large.

Reasons for Proposed UDO Text Amendment : The Town of Southern Pines adopted Comprehensive Long-Range Plan (CLRP) provides for several goals for the Town, including the advancement of Community Well-Being which is to improve the personal health and security the residents of Southern Pines and promote neighborhoods and commercial areas that are safe, secure and healthy. In the context of service stations, an integral part of providing a safe, secure, and healthy environment is the illumination of fueling canopies. In consideration of and consistent with the spirit and intent of the CLRP and the Town of Southern Pines Unified Development Ordinance (UDO), which are designed to promote the health, safety, and general welfare of the present and future welfare of the Town, and in conversation with the Town of Southern Pines planning staff, the text amendment proposes to allow the average lighting level to be no greater twelve (12) lumens per square foot under fueling canopies. Approval of the proposed amendment will prevent and/or minimize any undesirable effects of gas station canopy lighting, and ensure increased safety and security for residents and visitors in the Town utilizing gas station facilities.



**ORDINANCE #2095
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
(OA-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, during its regular meeting on August 8, 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 8th day of August, 2023:

Section 1. That §4.8.5(I) of the Unified Development Ordinance be amended by removing “three (3)” and inserting “fifteen (15) maintained” to read:

*(I) **Canopy Lights Service Stations.** The average lighting level for new and existing service stations shall be no greater than fifteen (15) maintained lumens per square foot under the canopy. All lighting shall be recessed to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.*

Section 2. That this Ordinance shall be and remain in full force and effect from the date of its adoption.

Adopted this 8th day of August, 2023.

I certify that this Ordinance (OA-02-23) was adopted by the Town Council of the Town of Southern Pines at its meeting on August 8, 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: Alaina Mallette, Senior Planner
Via: BJ Grieve, Planning Director
Subject: OA-03-23: Text Amendments to the Unified Development Ordinance (UDO)
Date: August 8, 2023

I. SUMMARY OF AMENDMENT REQUEST:

Per UDO §2.17, the Town of Southern Pines Planning Department on behalf of Town Council is proposing to amend the Unified Development Ordinance (UDO) with a text amendment related to one by right use in the General Business (i.e., GB) zoning district. The proposed amendment is to UDO Exhibit 3-15 for Land Based Classification System (LBCS) Code 2321 by removing the “Z” from the GB district column for commercial mini- or self-storage, effectively removing it as a by right land use in that district. Mini- and Self-Storage would still be a by-right land use in the Industrial zoning district.

II. PLANNING BOARD RECOMMENDATION

The Planning Board held a public hearing on the proposed text amendments on July 20, 2023. Planning staff presented a brief summary via PowerPoint of the proposed text amendment that included a Google Map created by the Planning Department with additional context on existing self-storage sites within the town, which can be accessed through tinyurl.com/oa0323. The Planning Board pointed out additional existing self-storage sites that had not been included in the Google Map. There was no public comment on the text amendment. Upon closing the public hearing, the Planning Board moved to recommend approval of OA-03-23 to the Town Council. A copy of the Planning Board’s Resolution is attached to this staff report, which was approved unanimously by the six members of the Planning Board who were present.

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 allows commercial property-related mini- and self-storage in the GB district. This land use includes the leasing of buildings not used as residences and includes mini-warehouses and self-storage units. The Town Council believes that the Town of Southern Pines has sufficient existing mini- and self-storage options in the GB district and further believe that the Industrial (i.e., I) zoning district would be a better zone for future development of this type of land use. Therefore, the Planning staff have prepared a text amendment to the UDO that would limit mini- and self-storage to the I zoning district.

According to the UDO, the GB zoning district is meant to accommodate highway-oriented retail, commercial service businesses, and—in limited cases—some light manufacturing that market to the town and surrounding area. The I zoning district is intended for intensive commercial uses. Multiple existing mini- and self-storage facilities in Southern Pines, including the recently-completed Pinnacle Storage, exemplify a land use that does not engage with adjoining land uses, is primarily accessed by automobile and requires a significant amount of space. The mini- and self-storage land use requires clearing sites to accommodate expansive building footprints, parking, and circulation requirements. For instance, Pinnacle Storage (ZP-08-21 Bell Avenue Storage Facility) presently has 52,475 square feet of buildings on a 190,793-square foot (4.38-acre) lot, or 28% of the lot. When adding in other impervious surfaces like asphalt and concrete, the total impervious area becomes 103,923 square feet (2.39 acres), or 54% of the lot. Imagery on the next

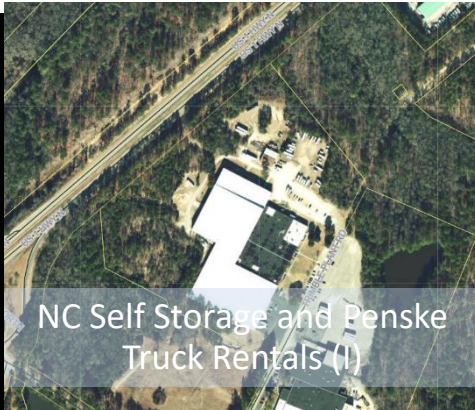
page shows the footprint that six commercial-scale mini- and self-storage have across the town.

The Comprehensive Long-Range Plan (CLRP) has a vision of protecting natural resources with sustainable growth and development and diversifying employment opportunities to create a more sustainable local economy. “Sustainable” is described in the CLRP as balancing growth and protection of natural resources and sensitive areas while attracting and retaining workers, businesses, and entrepreneurs. Mini- and self-storage provide minimal employment opportunities. Furthermore, the areas surrounding downtown and some highway corridors are becoming more multimodal and interactive with adjoining land uses and the local community and the draft Comprehensive Plan envisions these areas—which are predominantly GB areas—as community activity centers that serve the neighboring communities (e.g., grocery stores, restaurants, book stores, schools, or multitenant buildings). With this current context in mind, the 2016 CLRP has a vision that economic development, educational, and recreational opportunities grow for residents. Considering these visions for the town and the intent of the GB district, the proposed amendment to prohibit mini- and self-storage in the GB district creates opportunities for the growth of more beneficial land uses surrounding residential and mixed-use zones. Therefore, staff recommend approving OA-03-23.

Storage in GB



Storage in Other Districts



D. Outside Agency Comments:

Per UDO §2.17.4, on June 13, 2023, Planning staff presented the proposed text amendment to the Technical Review Committee—consisting of the Fire, Planning, and Engineering Departments—and the departments present did not have any concerns about the proposed amendment. Furthermore, a request for comment was emailed to representatives from 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 15, 2023. On July 3, 2023, RLUAC responded that they have no comments on the proposed text amendment. On June 29, 2023, the Town of Southern Pines Utilities Department responded with no comment, as well.

As of the completion of the staff report on July 26, 2023, no other 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. UDO Text Amendment

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-03-23;**
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-03-23, 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-03-23 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-03-23 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-03-23 *(the Town Council shall state any reasons for denial of the proposed amendment);* OR
4. Other...



ATTACHMENT 1

**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ORDINANCE AMENDMENT APPLICATION
OA-03-23**

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 July 20, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-03-23.

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

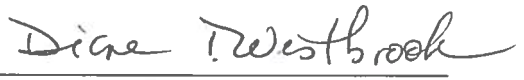
The General Business (i.e., "GB") zoning district is meant to accommodate highway-oriented retail, commercial service businesses, and—in limited cases—some light manufacturing that market to the town and surrounding area. The Industrial zoning district is intended for intensive commercial uses. The Planning Board acknowledges that mini- and self-storage is a land use that requires a significant amount of space, in effect clearing sites to accommodate the building footprint, parking, and circulation requirements for this type of land use.

Furthermore, the Comprehensive Long-Range Plan (CLRP) has a vision of protecting natural resources with sustainable growth and development and diversifying employment opportunities to create a more sustainable local economy. In addition to economic growth and natural resource protection, the CLRP also envisions growing educational and recreational opportunities for residents. Considering the intent of the GB district and the vision for the town, the proposed

amendment to prohibit mini- and self-storage in the GB district creates opportunities for the growth of desired land uses surrounding residential and mixed-use areas.

Therefore, the proposed text amendment is reasonable, in the public interest, and consistent with the CLRP.

ADOPTED this the 20nd day of July, 2023.



Diane T. Westbrook, Chair

ATTEST:



Cindy Williams
Secretary to the Planning Board

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios								ZS/Z	Z	Z	Z		
Insurance-related establishment	2240	Insurance underwriting, selling insurance								ZS/Z	Z	Z	Z		
Fund, trust, or other financial establishment	2250	Pool assets on behalf of shareholders or beneficiaries								ZS/Z	Z	Z	Z		
Pawn shop	2260										Z				
Real Estate, and Rental and Leasing	2300	Rent or lease assets													
Real estate services	2310	Lease real estate (except Buildings) such as Manufactured Home sites and vacant Lots; includes real estate appraisers								ZS/Z	Z	Z	Z		
Property management services	2320	Manage real property for others													
commercial property-related, mini- or self-storage	2321	Lease Buildings not used as residences; includes mini-warehouses and self-storage Dwelling Units									Z			Z	
rental housing-related	2322	Lease Buildings used as residences								ZS/Z	Z	Z	Z		
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators													
cars	2331	Lease passenger cars without drivers									Z				
leasing trucks, trailers, RVs, buses, aircraft, tugboats, etc.	2332	Drivers not provided									Z				
recreational goods rental	2333	Rent skis, canoes, bicycles, sailboats, motorcycles									Z				
leasing commercial, industrial machinery and equipment	2334	Rent or lease office machinery and equipment, heavy equipment used for construction, well-drilling, telecommunications, manufacturing, institutional furniture									Z			Z	
consumer goods rental	2335	Rent personal and household-type goods and a range of consumer, commercial, and industrial equipment geared toward consumers									Z				
intellectual property rental	2336	Establishments that assign patents, trademarks, brand names, and franchise agreements								ZS/Z	Z	Z	Z		

Commented [BG23]: Deleting this "Z" from the GB column will eliminate mini- or self-storage as a by-right use in the General Business Zoning District.



**ORDINANCE # 2096
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
(OA-03-23)**

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, during its regular meeting on August 8, 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 8th day of August, 2023:

Section 1. That Exhibit 3-15 of the Unified Development Ordinance be amended by removing “Z” for Land Based Classification System Code 2321 (i.e., commercial mini- or self-storage) from the General Business zoning district column.

Section 2. That this Ordinance shall be and remain in full force and effect from the date of its adoption.

Adopted this 8th day of August, 2023.

I certify that this Ordinance (OA-03-23) was adopted by the Town Council of the Town of Southern Pines at its meeting on August 8, 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: BJ Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: WP-02-23: Watershed Protection Permit Request; 5/70 Exemption Allocation to develop .12 of an acre on W. Iowa Avenue; Applicant: Justin Harris

Date: August 8, 2023

I. SUMMARY OF APPLICATION REQUEST:

Justin Harris has submitted an application for a Watershed Protection Permit requesting .12 of an acre of 5/70 exemption allocation to develop a single-family residence and detached garage, which will result in 48.1% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin. Should the Town Council wish to grant the 5/70 exemption under Watershed Protection Permit WP-02-23, the Town shall deduct .12 acre from the Little River Intake No. 2 Watershed tally sheet. The subject parcel is currently zoned Central Business (CB) and is within the Downtown Transition Overlay (DTO) district and is identified as PIN: 857100979622 (PARID: 20180078). The property was conveyed to Tri South Builders, Inc. by Deed dated May 26, 2023 and recorded in the office of the Moore County Register of Deeds on June 7, 2023 in Book 6025 Page 519.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owner/Applicant:

Tri South Builders Inc.
P.O. Box 1200
West End, NC 27376

ii. Authorized Agent:

Justin Harris
120 McKenzies Mill Road
West End, NC 27376

B. Property Information:

- i. Street Address:**
314 W. Iowa Avenue
Southern Pines, NC 28387
- ii. Property Identification Number (PIN) & Parcel Identification:**
PIN 857100979622 (PARID 20180078)
- iii. Size of Property:**
Total Acreage: .12 of an acre

C. Description of Proposed Development:

The applicant plans to construct a single-family residence and detached garage on Lot 3R of Bradford Village subdivision. The site will be covered with approximately .06 acre (48%) of total impervious surface.

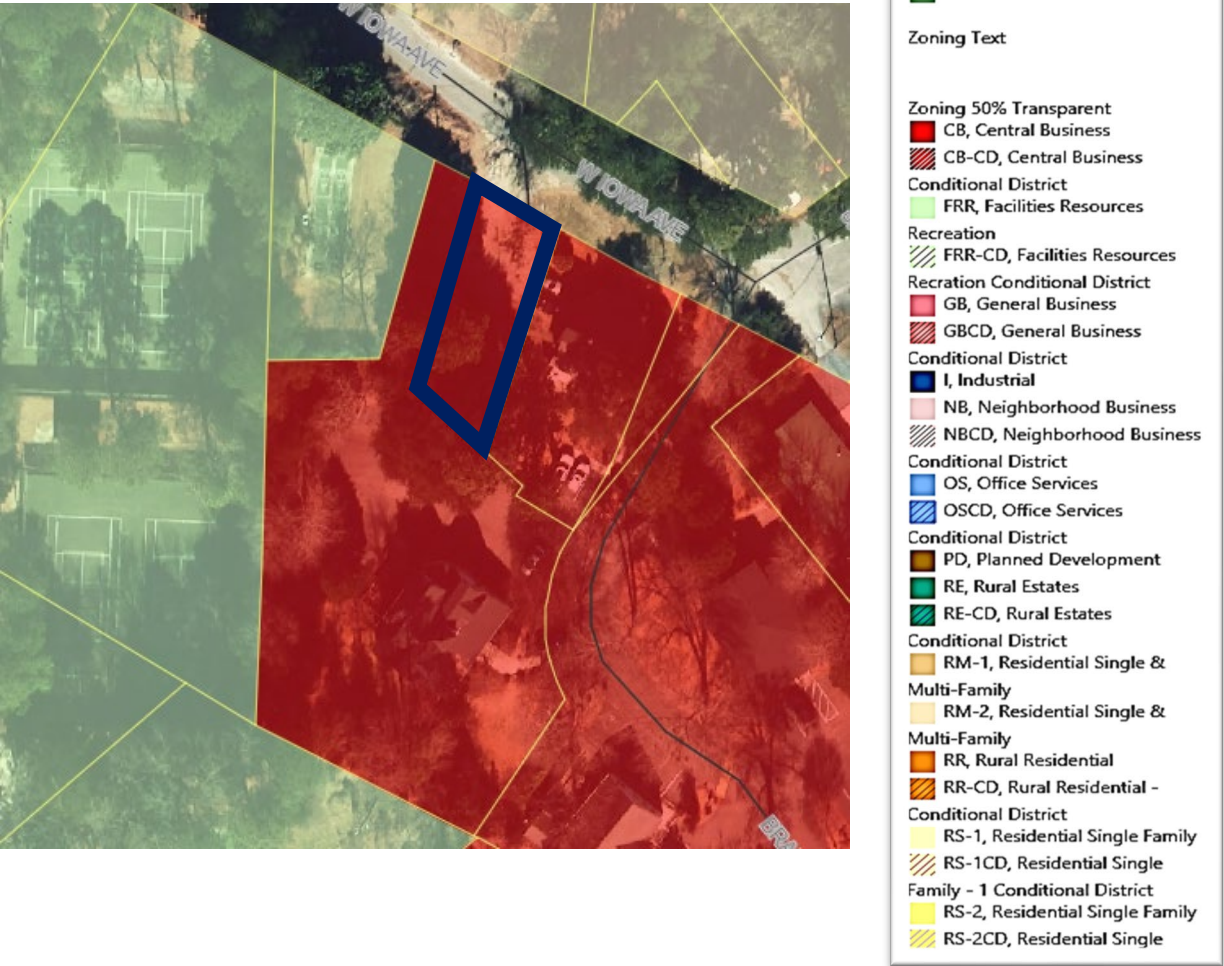
D. Property Zoning Classification:

The subject property is zoned Central Business (CB) and is within the Downtown Transition Overlay (DTO) district.

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



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



E. Staff Comments:

- The entirety of the property is within the Little River Intake #2 (LR#2) Watershed and is therefore subject to the Watershed Protection Overlay District and the standards set forth in UDO §3.6.8.
 - The subject property lies within the High Quality Water/Protected Area portion of the Little River Intake No. 2 Watershed.
 - The proposed development is required to obtain the 5/70 exemption allocation because the proposed improvements will exceed the maximum of 12% built upon area or 24% built-upon land area with implementation of stormwater BMPs within the High Quality Water/Protected portions of the watershed.
 - A total of .06 of an acre of total built-upon land area, or 48% of the subject property, is proposed.
 - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (.12 ac.) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed.
 - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% built-upon land area.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed constructed prior to 1993 is statutorily defined as pre-existing development and considered to be exempt from the requirement to obtain the 5/70 exemption. All new development within a watershed shall be subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as "The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the state's High Quality Water (HQP) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."

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

III. ATTACHMENTS:

The following materials are provided as attachments to this staff

memorandum:

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



Watershed Protection Permit Application

Date Received: _____

Case No.: WP-_____-____

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

Project Information:

Project Name: Dogwood Plan / I-95 Zoning District: CB Total Property Acreage: 0.12
PIN: 857100979622 Parcel ID: 20180078 Watershed: _____
Type of Development: Residential - Single Family Total Built-Up Area* 2,550 sq. ft.
% of Total Property Acreage Proposed to be Built-Up Area*: 48%

Applicant:

Name(s): Justin Harris Email: superiorhomesatthecandlehills@gmail.com
Mailing Address: 120 McKenzies Mill Rd. Phone: 910 690-8074
West End, NC 27376

Authorized Agent, if different from Applicant:

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

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

Name(s): TR. South Builders
Email: WES@trisouthbuilders.com Phone: 910-585-0475
Mailing Address: PO Box 1200 West End, NC 27376


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.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

I, MICHAEL P. GRIFFIN, certify that under my direction and supervision this map was drawn from an actual field survey; that the error of closure of the survey as calculated by coordinates is 1: 10,000+; that the area shown hereon was calculated by coordinates.
Witness my hand and seal this day of MONTH 2023.

PC 17 PAGE 491
MOORE CO. REGISTRY

SAND & SEA
PROPERTIES LLC
PIN 857100978489
DB 5396 PG 163
PC 8 PG 768

SAND & SEA
PROPERTIES LLC
PIN 857100979578
DB 5832 PG 396
PC 17 PAGE 491

3R
PIN 857100979622
5,208 SQ. FT.
0.12 AC.

10x12
PATIO

W IOWA AVENUE
PUBLIC RW

REVISION: 1 CAR GARAGE 6/19/23
REVISION: MOVE HOUSE FORWARD 6/7/23
REVISION: MOVE GARAGE 6/6/23
REVISION: MOVE 6/2/23

PRELIMINARY
NOT FOR RECORDATION,
SALES OR CONVEYANCE

LEGEND

EIP	EXISTING IRON PIPE	FES	FLARED END SECTION
IPS	IRON PIPE SET	WM	WATER METER
R/W	RIGHT OF WAY	CO	CLEAN OUT
N/F	NOW OR FORMERLY	FH	FIRE HYDRANT
EIS	EXISTING IRON STAKE	CB	CATCH BASIN



GRIFFIN LAND SURVEYING, INC.
P.O. BOX 148
FUQUAY-VARINA, NC 27526
(919) - 567 - 1963

PLOT PLAN
FOR
SUPERIOR HOMES
OF THE SANDHILLS
BRADFORD VILLAGE

DRAWN BY KDF DATE 5/31/23
CHECKED BY MPG SCALE 1" = 20'

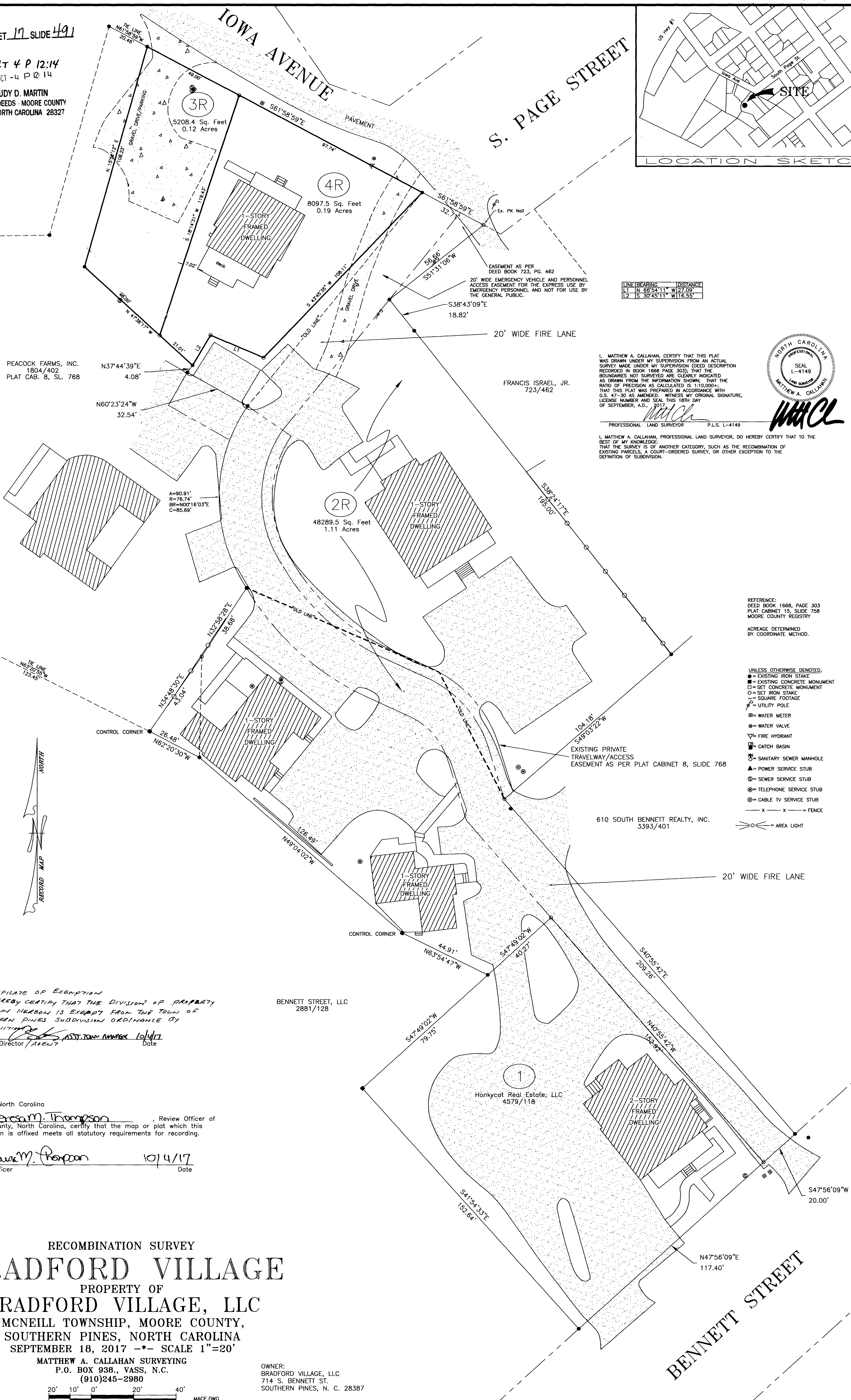
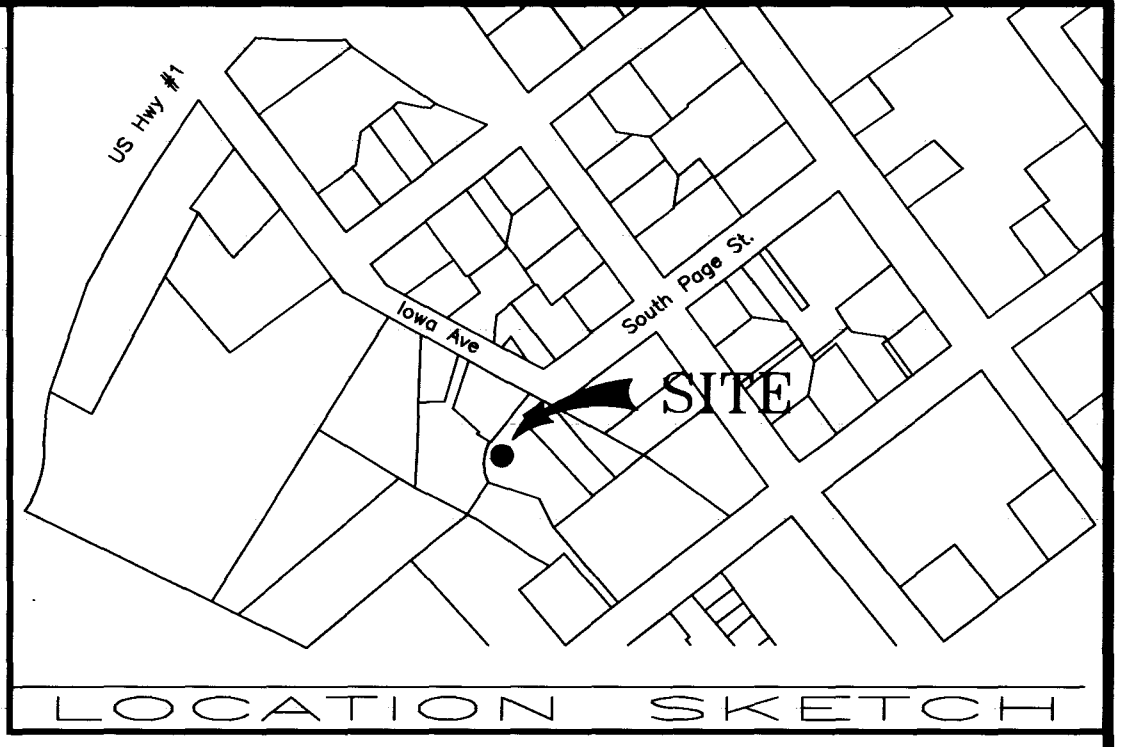
LOT 3R
314 W IOWA AVENUE
SOUTHERN PINES, N.C.

491

PLAT CABINET 17 SLIDE 491

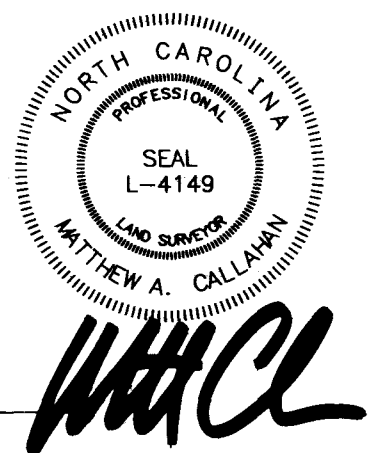
2017 OCT 4 P 12:14
111 OCT -4 P 12:14

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



LINE	BEARING	DISTANCE
L1	N 66°54'11\"W	W27.09'
L2	S 30°45'11\"W	W16.55'

I, MATTHEW A. CALLAHAN, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 1668 PAGE 303); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM THE INFORMATION SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED; WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 16TH DAY OF SEPTEMBER, A.D., 2017.



I, MATTHEW A. CALLAHAN, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

REFERENCE:
DEED BOOK 1668, PAGE 303
PLAT CABINET 15, SLIDE 758
MOORE COUNTY REGISTRY

ACREAGE DETERMINED BY COORDINATE METHOD.

- UNLESS OTHERWISE DENOTED:
- = EXISTING IRON STAKE
 - = EXISTING CONCRETE MONUMENT
 - = SET CONCRETE MONUMENT
 - = SET IRON STAKE
 - ~ = SQUARE FOOTAGE
 - ⚡ = UTILITY POLE
 - ⊗ = WATER METER
 - ⊙ = WATER VALVE
 - ⦿ = FIRE HYDRANT
 - ⊕ = CATCH BASIN
 - ⊖ = SANITARY SEWER MANHOLE
 - ▲ = POWER SERVICE STUB
 - ⊙ = SEWER SERVICE STUB
 - ⊙ = TELEPHONE SERVICE STUB
 - ⊙ = CABLE TV SERVICE STUB
 - x — = FENCE
 - ⦿ = AREA LIGHT

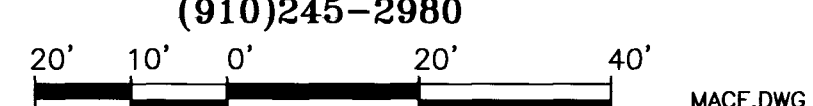
CERTIFICATE OF EXEMPTION
I HEREBY CERTIFY THAT THE DIVISION OF PROPERTY SHOWN HEREON IS EXEMPT FROM THE TOWN OF SOUTHERN PINES SUBDIVISION ORDINANCE BY DEFINITION.
Planning Director / ASST. TOWN MANAGER 10/4/17 Date

State of North Carolina
I, Theresa M. Thompson, Review Officer of Moore County, North Carolina, certify that the map or plat which this certification is affixed meets all statutory requirements for recording.
Theresa M. Thompson 10/4/17 Date
Review Officer

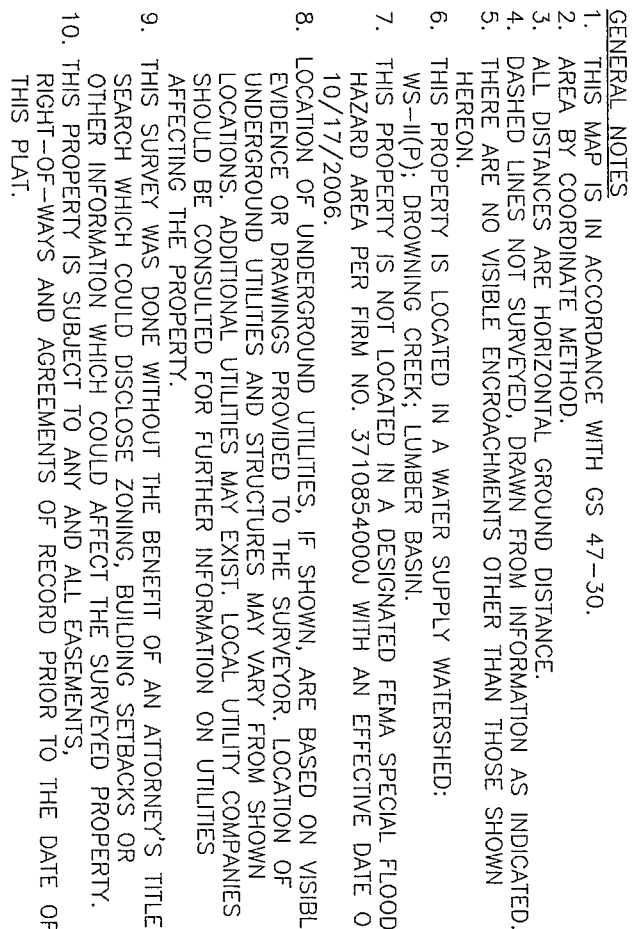
RECOMBINATION SURVEY
BRADFORD VILLAGE
PROPERTY OF
BRADFORD VILLAGE, LLC
MCNEILL TOWNSHIP, MOORE COUNTY,
SOUTHERN PINES, NORTH CAROLINA
SEPTEMBER 18, 2017 -- SCALE 1"=20'

MATTHEW A. CALLAHAN SURVEYING
P.O. BOX 938., VASS, N.C.
(910)245-2980

OWNER:
BRADFORD VILLAGE, LLC
714 S. BENNETT ST.
SOUTHERN PINES, N. C. 28387



Current 5/70 Watershed Tally Sheet:				
Watershed	Gross Acreage (2012)	5% of Watershed	Total Existing Project Acreage Deductions with Post-1993 Built-Up Area Exceeding 24%	Acreage Left Available since 1993 Allotment of 5%
Little River Intake #2	22,470.88	1123.54	672.50	451.04
WP-01-23 3.53 Ac. on SW Service Rd. between W. Wisconsin Ave. & W. Illinois Ave.				
Total Project Acreage	Total Permitted Amount of Built-Up Area for Project in Acres (70%)	Total Amount of Built-Up Area with Proposed Project	Total Acreage to be Deducted from 5/70 Tally	Acreage Left Available if Request is Approved
.12	.08	48%	.12	446.17



LINE #	BEARING	DISTANCE
L1	N 60° 56' 32" W	19.88
L2	S 55° 17' 28" W	16.82
L3	N 55° 28' 10" W	79.41
L4	S 15° 59' 40" E	82.92

IRS ● = .5" IRON ROD SET FLUSH
 EIR ○ = EXISTING IRON ROD
 EIP ○ = EXISTING IRON PIPE
 ECM □ = EXISTING MONUMENT
 — — — = RIGHT OF WAY
 — — — = BOUNDARY LINE
 — — — = BOUNDARY NOT SURVEYED
 — — — = EDGE OF PAVEMENT
 — — — = EDGE OF CONCRETE
 — — — X — — — X — — — = EXISTING FENCE
 @ = WATER METER

IR Ⓢ = 5" IRON ROD SET FLUSH
 EIP Ⓢ = EXISTING IRON ROD
 EIP Ⓢ = EXISTING IRON PIPE
 ECM ☐ = EXISTING MONUMENT
 _____ = RIGHT OF WAY
 _____ = BOUNDARY LINE
 _____ = BOUNDARY NOT SURVEYED/EXTENDED
 _____ = EDGE OF PAVEMENT
 _____ = EDGE OF CONCRETE
 _____ = EXISTING FENCE
 @ = WATER METER

HEREBY CERTIFY THAT ALL STREETS SHOWN ON THIS PLAT ARE WITHIN THE TOWN OF SOUTHERN PINES PLANNING JURISDICTION. ALL STREETS AND OTHER IMPROVEMENTS SHOWN ON THIS PLAT HAVE BEEN INSTALLED OR COMPLETED OR THAT THEIR INSTALLATION OR COMPLETION WITHIN TWELVE MONTHS AFTER THE DATE THEREOF HAS BEEN GUARANTEED BY THE SUBDIVISION. THE SUBDIVISION HAS BEEN SURVEYED, MEASURED, AND THAT THE SUBDIVISION SHOWN ON THIS PLAT IS IN ALL RESPECTS IN COMPLIANCE WITH THE SOUTHERN PINES TOWN UNIFIED DEVELOPMENT ORDINANCE, AND

EXPIRY DAYS OF THE DATE BELOW: 28/03
DATE 28/03 [Signature] PLANNING DIRECTOR

10/2/03
DATE _____
SEANING DIRECTOR _____

PLATE CABINET 19 SLIDE 934

FOR REGISTRATION REGISTER OF D
William R. Butler





**RESOLUTION #1068
APPROVING CONVEYANCE OF PROPERTY TO A NONPROFIT ORGANIZATION
PURSUANT TO G.S. 160A-279**

WHEREAS, the Town of Southern Pines owns approximately 49+/- acres of land located on the north side of Morganton Road along Henley Street; and

WHEREAS, the Town intends to subdivide the tract into multiple parcels for the purpose of potential conveyance over time; and

WHEREAS, North Carolina General Statute § 160A-279 authorizes a city or county to convey real or personal property by private sale to a nonprofit corporation if the city or county is authorized by law to appropriate money to the corporation; and

WHEREAS, North Carolina General Statute § 160A Article 18 outlines the authority of a Town to provide for recreational activities and facilities utilizing funds not otherwise restricted; and

WHEREAS, the Town of Southern Pines has designated a 7.73+/- acre parcel within the aforementioned 49+/- acre parent tract that it wishes to transfer to the YMCA of the Sandhills for the purpose of the YMCA constructing and operating a Recreation Facility for the provision of recreation and other services to citizens of the Town of Southern Pines and greater community; and

WHEREAS, the location of the designated tract provides convenient multi-modal access to individuals, families, and neighborhoods that might significantly benefit from the facilities and programs associated with a typical YMCA operation as recognized across the State of North Carolina and nation, thus meeting Town goals associated with fostering a healthy community, improving the quality of life for low-income individuals, and insuring development of this land interacts and functions appropriately with and within the interests of the adjacent neighborhood of West Southern Pines; now

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

1. The Mayor of Southern Pines is authorized to execute all documents necessary to convey fee simple defeasible title to The YMCA of the Sandhills a 7.73+/- acre tract of land located along Morganton Road and Henley Street more particularly described as follows:

LEGAL DESCRIPTION FOR LOT 2 (7.73 ACRES)

BEING ALL OF LOT 2 CONTAINING 7.73 ACRES, MORE OR LESS, LOCATED IN SOUTHERN PINES, MCNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA, AS SHOWN ON A MAP TITLED "MINOR SUBDIVISION FOR TOWN OF SOUTHERN PINES", AS RECORDED IN PLAT CABINET 19 SLIDE 936 IN THE MOORE COUNTY REGISTER OF DEEDS; AND BEING A PORTION OF THE PROPERTY DESCRIBED TO TOWN OF SOUTHERN PINES, AS SHOWN IN D.B. 143 PG. 303, AS RECORDED IN THE MOORE COUNTY REGISTER OF DEEDS. BEING MORE PARTICULARLY DESCRIBED BY BEARINGS AND DISTANCES BELOW.

BEGINNING AT A CONCRETE RIGHT-OF-WAY MONUMENT IN THE WEST MARGIN OF SOUTH HENLEY STREET, SAID MONUMENT HAVING NC STATE PLANE COORDINATES NAD83(2011) N:518,343.23' E: 1,876,885.48', AND BEING LOCATED THE REVERSE CALL N35°59'23"W A DISTANCE OF 80.21 FEET FROM A CONCRETE RIGHT-OF-WAY MONUMENT IN THE EAST MARGIN OF SOUTH HENLEY STREET; THENCE WITH SAID WEST MARGIN OF SOUTH HENLEY STREET N55°02'38"E A DISTANCE OF 979.77 FEET TO AN IRON ROD IN THE SOUTH MARGIN OF WEST LOWE AVENUE;

THENCE WITH SAID SOUTH MARGIN DESCRIBED ABOVE N40°18'09"W A DISTANCE OF 57.22 FEET TO AN IRON ROD COMMON TO EDNA L. MCNEILL, AS SHOWN IN DB. 2507 PG. 477;

THENCE WITH SAID EDNA L. MCNEILL DESCRIBED ABOVE N61°01'22"W A DISTANCE OF 168.12 FEET TO A CONCRETE MONUMENT COMMON TO S&L USA, LLC, AS SHOWN IN DB. 4597 PG. 209;

THENCE WITH SAID S&L USA, LLC DESCRIBED ABOVE N61°23'15"W A DISTANCE OF 101.10 FEET TO AN IRON PIPE COMMON TO QUMARS SHODJA, AS SHOWN IN DB. 4691 PG. 107;

THENCE WITH SAID QUMARS SHODJA DESCRIBED ABOVE N61°01'43"W A DISTANCE OF 109.99 FEET TO A CONCRETE MONUMENT IN THE EAST MARGIN OF SOUTH STEPHENS STREET, SAID MONUMENT LOCATED THE REVERSE CALL S60°56'43"E A DISTANCE OF 87.79 FEET FROM A CONCRETE MONUMENT IN THE WEST MARGIN OF SOUTH STEPHENS STREET;

THENCE THE FOLLOWING CALLS: S55°02'38"W A DISTANCE OF 756.30 FEET TO AN IRON ROD SET; THENCE S56°08'22"E A DISTANCE OF 310.06 FEET TO AN IRON ROD SET; THENCE S55°02'38"W A DISTANCE OF 255.06 FEET TO AN IRON ROD SET IN THE EAST LINE OF RENTAL DERBY, LLC, AS SHOWN IN DB. 5625 PG. 451, SAID IRON ROD LOCATED S15°59'40"E A DISTANCE OF 368.88 FEET FROM A CONCRETE MONUMENT;

THENCE WITH SAID EAST LINE OF RENTAL DERBY, LLC DESCRIBED ABOVE S15°59'40"E A DISTANCE OF 62.62 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT IN THE NORTH MARGIN OF WEST MORGANTON ROAD AND THE WEST MARGIN TRANSITION OF SOUTH HENLEY STREET;

THENCE WITH SAID WEST MARGIN TRANSITION OF SOUTH HENLEY STREET N78°35'07"E A DISTANCE OF 122.65 FEET TO A CONCRETE RIGHT-OF-WAY MONUMENT, WHICH IS THE BEGINNING, AND HAVING AN AREA OF 7.73 ACRES.

2. The consideration for the conveyance is the following set of conditions, covenants, and restrictions, which shall be incorporated in the deed given by the Town to Association:

- a. *The YMCA of the Sandhills will purchase the subject tract for an agreed upon amount of \$5,000.*
- b. *The YMCA of the Sandhills will fund and construct a minimum (45,000) Sq. ft. recreation facility, to include at minimum an indoor pool, in addition to any parking, landscaping, and necessary public infrastructure in accordance with general plans and architecture to be submitted to the Town and ultimately approved via the appropriate Town permitting authorities. Initial site plan and Architectural Review application will be submitted no later than (September 30, 2026)*
- c. *The YMCA shall have applied for a Building Permit per the approved plans referenced in subsection (a) no later than (December 31, 2027)*
- d. *The YMCA shall have constructed and opened a facility meeting the minimum requirements outlined herein no later than (December 31, 2028.) Once the improvement project is complete, The YMCA of the Sandhills will operate a recreation center in the building, offering programs for the benefit of citizens of the Town and others who join as members. Consideration for membership or program involvement shall include opportunity for low-to-moderate income individuals to participate at a reduced or negligible rate in order to meet Town of Southern Pines goals and objectives.*
- e. *The deed given by the city to the 7.73-acre tract of land shall convey a title in fee simple determinable. The fee simple interest of the YMCA of the Sandhills in the property shall terminate if at any time during the next 25 years the YMCA shall fail to meet the deadlines outlined herein, or ultimately cease to use the property to operate a recreation facility once the improvement project is complete.*

3. The Town clerk shall publish a notice summarizing the contents of this resolution, and the property may be sold at any time after 10 days after publication of the notice.

Adopted this the 8th day of August, 2023.

I certify that this resolution was adopted by the Town Council of the town of Southern Pines at its meeting of August 8, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

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: August 8, 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.

The public hearing was reconvened at the July 11, 2023 Town Council Regular Meeting. Planning staff reviewed a list of changes made by the applicant to the CDP and the application materials in response to planning staff comments, public comments and Council discussion at the June 13, 2023 Regular Meeting. The Town Council heard additional information from the applicant and took additional comment from the public before closing the public hearing. After closing the public hearing, the Town Council decided to continue discussion to the August 8, 2023 Regular Meeting.

Following the July 11, 2023 Regular Meeting, planning staff reached out to the applicant to discuss the additional questions and concerns brought up at the meeting. On July 20, 2023, the applicant submitted supplemental information to address some of the questions and concerns raised at the July 11, 2023 Regular Meeting. The supplemental information submitted to planning staff by the applicant is now included as an attachment to this updated report.

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

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.

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:

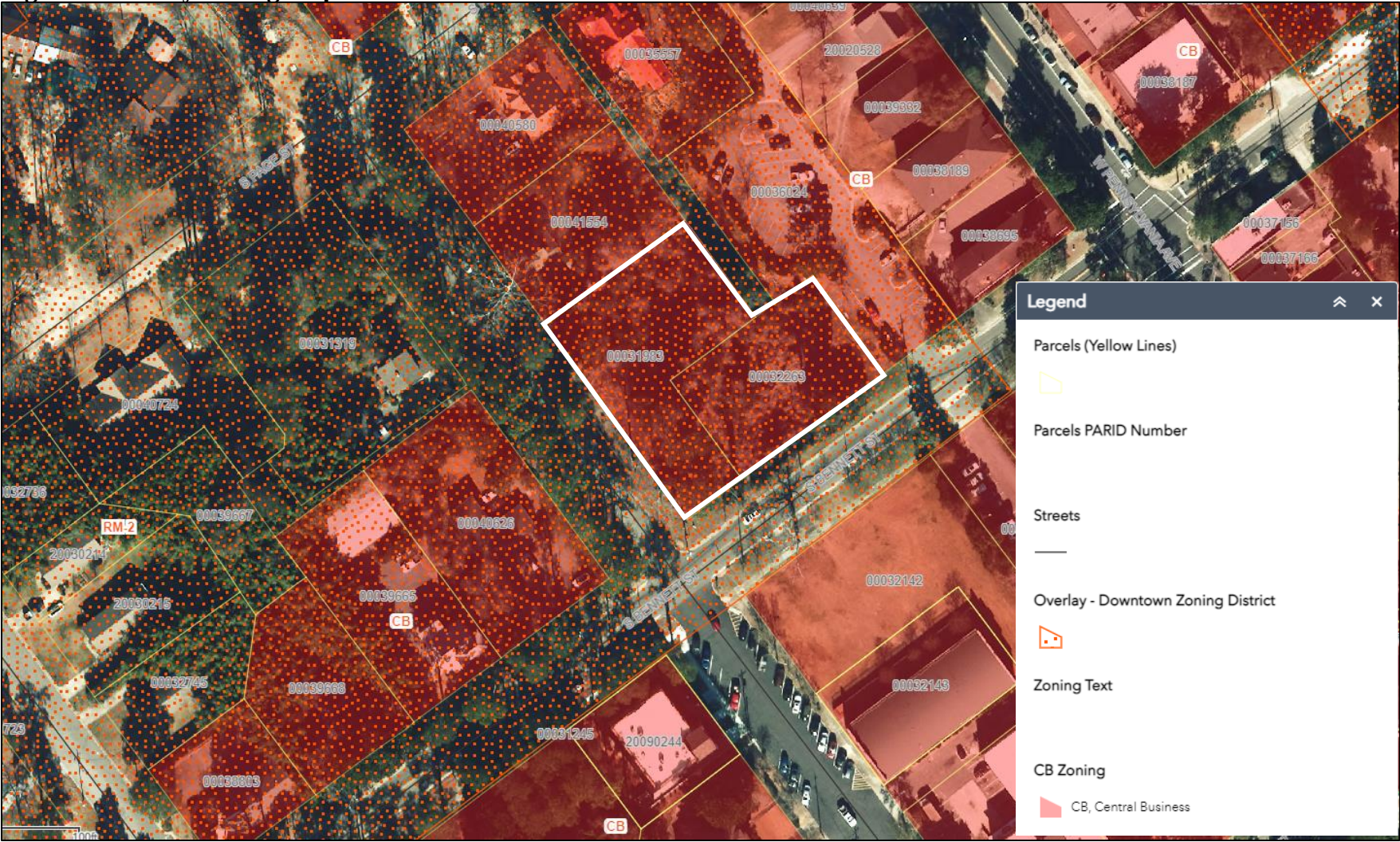


Figure 3: Oblique Aerial Image of Present Condition of Subject Property (February 3, 2023):



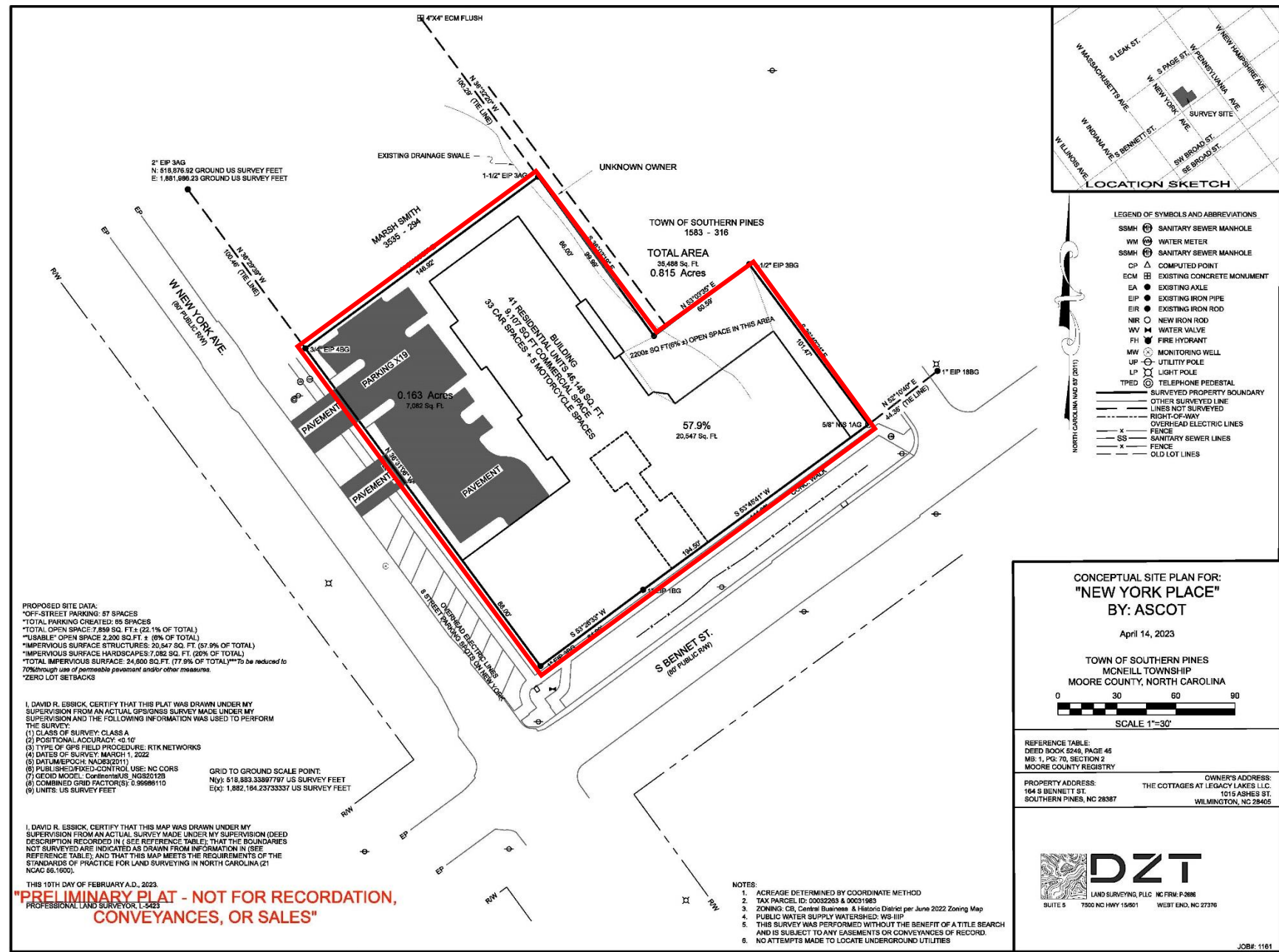
Figure 4: Oblique Aerial Image of Subject Property with Approximate Boundaries (February 3, 2023):



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):



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

APPENDIX C - LANDSCAPE CONCEPT

NORTH

(1) LARGE TREE A+B+C
(1) LARGE TREE A+B+C
(1) LARGE TREE A+B+C
(C)
(B)
OPEN SPACE
(3) LARGE TREES A+B+C
(4) SHRUBS A+B+C
(1) LARGE TREE A+B+C
(1) LARGE TREE A+B+C
(1) LARGE TREE A+B+C
(10) LARGE SHRUBS
(2) LARGE TREE A+B+C
(1) LARGE PERIMETER TREE
(1) LARGE INTERNAL TREE
(3) LARGE INTERNAL TREES
(2) LARGE PERIMETER TREES
(2) LARGE PERIMETER TREE
(1) LARGE PERIMETER TREE
(1) LARGE STREET TREE
(5) LARGE STREET TREES

ENTRANCE
TRASH COLLECTION

15 CAR PARKING SPACES
4 MOTOR BIKE SPACES
(73) INTERNAL SHRUBS
(42) PERIMETER SHRUBS

33 CAR PARKING SPACES
5 MOTOR BIKE SPACES

S. BENNETT STREET
(6) LARGE STREET TREES
(12) SHRUBS

The plan shows a large building footprint with two main sections. The left section has an entrance and a trash collection area. The right section is larger and contains more parking spaces. The landscape includes various types of trees and shrubs, as well as open space and internal greenery. A north arrow points towards the top-left corner.

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 closed, discussion continued to August 8, 2023: July 11, 2023.
- Town Council discussion: August 8, 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 §4.10.8. 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. On July 20, 2023, following Town Council questions and comments on this topic at the July 11, 2023 Regular Meeting, the applicants submitted supplemental information addressing each of the multi-family residential design standards in UDO §4.10.8. A copy of the applicant's supplemental information is attached to this report.

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 Supplemental Information – Submitted July 20, 2023
3. 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

BJ Grieve

From: Colin Webster <colin@ascotgrp.com>
Sent: Thursday, July 20, 2023 4:48 PM
To: BJ Grieve
Subject: RE: PD-03-23 meeting follow-up
Attachments: Design Standards Comments 7-20-23.docx; NY Place First Floor Plan.pdf

BJ,

Thank-you for your questions:

Attached is a paper that provides comments to each of the standards that we are unable to commit to comply with at the CDP stage.

Included in there is a reference to the balcony standard.

As for the relative number of studio Flats, 1 Bedroom Flats and more than 1 Bedroom Flats I can answer that it is difficult to make a hard commitment before we've had a chance to put together a workable floor plan. Our last draft floor plan shared with you last February included ten (10) One Bedroom/Studio Apartments and thirty-one (31) Two Bedroom Apartments, but we need flexibility to play with that configuration. The resulting dimensions of the space we must work with will guide how we piece together the final floor plan. Fitting these together is like assembling a puzzle. We must fit kitchens, bathrooms, passageways, stairwells, elevator/s and as much as possible balconies. We try to make sure bedrooms don't back up to each other to minimize sound transmission, that we have proper fenestration for light and code requirements, that bathrooms don't face living spaces, kitchens aren't next to front doors, closets are of a decent size and living spaces are adequate. Not all units will be rectangular they will have to fit into each other. Attached is a copy of a very early draft floor design with 7 Apartments for perspective. I almost hesitate to provide a floor plan because I fear readers will look past the "very early draft" wording and engage in a bombardment of questions concerning the particular floor plan. It is meant just to illustrate how complex this part of the project is and why its so difficult to provide absolute answers at the CDP stage.

I hope this helps explain why I'm asking for requested deviations.

Very respectfully,
Colin

From: BJ Grieve <BJGrieve@southernpines.net>
Sent: Tuesday, July 18, 2023 2:07 PM
To: Colin Webster <colin@ascotgrp.com>
Subject: PD-03-23 meeting follow-up

Hi Colin,

Following-up on our meeting this morning...

We discussed three potential additions of information to the PD-03-23 file after last week's Town Council meeting:

1. Addressing the Town Council's discussion regarding which sections of UDO 4.10.8 (re: MFR design) *cannot* be met with this project vs. which section can be met but are not being met (and why) vs. which sections will be met.

2. Addressing the Town Council's discussion regarding balconies and the possibility of adding something to the CDP to address concerns that balconies may disappear (cross reference: balconies are one of the 4.10.8 criteria in #1 above).
3. The option of possibly requiring a minimum number of two-bedroom, one-bedroom and studio units to make a zoning link to the number of parking spaces per dwelling unit.

If you choose to address any of these issues and wish to submit something for inclusion in the Council's packet, I'll need it no later than **5:00 pm on July 25th**. That will give me one day to evaluate the information and revise the staff report and packet accordingly before our internal July 27th deadline.

Thanks, let me know if you have any questions.

BJ Grieve, AICP®, CFM®, CZO

Planning Director

Town of Southern Pines

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Southern Pines, NC 28387

Office: (910) 692-4003

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4.10.8. Multi-Family Development Standards COMMENTS

(A) Applicability

(1) The following Development standards shall apply to all MultiFamily structures in the Morganton Road Overlay district and Multi-Family Developments of ten (10) or more Dwelling Units in any zoning district in which such Dwelling Units are allowed.

(2) No Multi-Family Development may include ten (10) or more Dwelling Units, except pursuant to a Planned Development approval.

(3) The Development standards in this section may be modified pursuant to a PD approval.

(4) In the RM-1 and RM-2 districts, no Multi-Family Residence may be located within two hundred (200) feet of the closest point of any other Multi-Family Residence, unless both structures are part of an integrated complex that includes no more than ten (10) Dwelling Units.

COMMENT: This would have applied to the original design which had two buildings 60' apart. It no longer applies to our current design, but will affect the future design of S. Pines and may merit revision.

(B) Building Setbacks, Orientation and Lot Standards

(1) Buildings shall be set back a minimum of ten (10) feet and a maximum of fifteen (15) feet from sidewalks public walkways or street Right-of-Way. Setbacks may be greater than fifteen (15) feet if the intervening distance consists of common open space.

COMMENT: CB District standard limits building setbacks to 5'. Chapter 4 requires building setbacks to be at least 10' so there is an apparent conflict between these two standards. Furthermore UDO 10.3 requires that buildings along a block face shall provide a continuous Frontage, particularly where maximum Setbacks (build-to lines) require Buildings to be constructed close to the front property line. Building fronts may be recessed for allowed courtyards and outdoor dining facilities as provided in this section. NY Place has focused on meeting the standards in 10.3.

(2) The minimum spacing between the sides of Multi-Family Residential structures shall be twenty (20) feet.

(3) Where practical, Dwellings should be located to face each other across common landscaped space with Buildings no closer than (30) feet.

(C) Building Design. Multi-Family Developments shall:

(1) Include variations in heights, color, Setback, rooflines, trim, and Building sizes to create visual diversity between structures;

(2) Group Buildings in clusters;

(3) Articulate façades by including projections of at least five (5) feet at least once every fifty (50) feet along the façade,

COMMENT: The articulation can be accomplished without projections as deep as 5'. Compliance with this standard adds 10' to the building depth and reduces available parking in the rear.

(4) Locate windows to provide easy surveillance of open spaces and walkways, without placing such windows within direct alignment with windows of adjacent structures;

(5) Units above grade level should have access to private balconies of usable dimensions no smaller than ten (10) feet by six (6) feet;

COMMENT: Flexibility in compliance with this standard has been requested because the objective is to provide a mixture of attainable condos. We can be certain how the building will configure until an architectural plan is prepared which would be the next step following approval of the CDP.

(6) Create areas for foundation planting by keeping hard surfaces away from front façades;

(7) Design entrances to. (a) Provide private entrances at grade level and adjacent to private open space to the greatest extent possible. Unless otherwise approved by the Town Council, no more than four (4) Dwelling Units shall share a common entrance. (b) Avoid aligning doors to separate Dwelling Units with each other unless screening is provided. However, entrances should be visible from the sidewalk or public walkway and other Dwelling Units, when practical. (c) Provide porches or roofed overhangs over Building entrances. (d) Set back Buildings or entries so that the entry paths extend at least ten (10) feet from sidewalk or public circulation walkway. These entry areas should be designed to provide semi-public gardens around the front entryways. Do not provide access to apartments via long-shared access galleries. (Ord. #1714)

COMMENT: New York Place intends to have to foyer entrances for upper floor residents. Ground floor residents on the T section of the building shall be offered individual entrances, but accommodating a separate entrance for each 4 units of upper floors is not practical. It would require approx. 10 separate stairwells and eliminate a third of occupiable space and nearly half the ground floor retail space.

(8) Provide a private garden, Yard, patio or balcony for every Dwelling Unit.

COMMENT: For the reasons mentioned above this may not be feasible. An effort will be made during design to accommodate, but we cannot guarantee that we can meet the density required to make units attainable while also providing a balcony or garden to every unit.

(9) The private open space of all Dwelling Units shall be visually and functionally accessible from inside the Dwelling.

(10) Provide screening for Yards where private activities are likely to occur and to delimit private from common open space.

(D) Pedestrian Improvements

(1) Provide continuous walkways through the project and connecting Dwellings to and through common open space.

COMMENT: As written the purpose was to integrate/connect multiple buildings. Since this project has only one building it cannot logically create connecting pathways.

(2) Minimize walkways that provide direct opportunities to cut through the project by strategically locating fences, low walls and planting areas within the site and near site entry points.

COMMENT: Walkways will be provided to connect residents to parking and to open spaces. This will connect public parking to the buildings, to private parking and to sidewalks.

(3) Provide storage space for strollers, bicycles, and so forth, close to the main entries of Dwellings or groups of Dwellings.

COMMENT: Storage for strollers, bicycles and so forth will be available inside dwellings where they will be better protected. This is more of an urban design than a suburban apartment complex which is typified by more open space.

(E) Parking

(1) Provide parking in small Lots that are designed and located to ensure that most parked vehicles are visible from one (1) or more Dwellings.

(2) To the greatest extent practicable, parking shall not separate Dwelling Units from common open space. (F) Open Space (1) Common Usable Open Space shall comprise ten (10) percent of the total project area. (2) Open spaces shall be configured so that the ratio of Building height to open space width is in the range of 1:3 or greater. Ratios as tight as 1:2 may be approved if landscaping effectively screens Buildings from each other.

COMMENT: Standard designed for a more suburban apartment complex. Not possible to meet the ratio required at this location.

(3) Common open space shall be configured in square or nearly square areas with sides of at least one hundred (100) feet.

COMMENT: Overall site is 200x200'. Not possible to meet this standards which was created with larger apartment complexes in mind.

(4) To the greatest extent practicable, Dwelling Units shall have access to common open space without having to cross a street.

(5) Play Areas (a) Play areas for young children should be physically separated from potential traffic hazards. (b) Provide a variety of hard-surfaces areas in the form pathways that are least five (5) feet wide and small areas off the circulation system for various children's activities.

COMMENT: Standard designed for a more suburban apartment complex. Not possible to meet the ratio required at this location.

(6) For Developments with more than twenty (20) Dwellings, provide on-site; well-equipped and challenging play areas for school age children within a five (5) minute walk from each Dwelling Unit. (a) Provide places for school age children to sit. (b) Where possible include a space for ball games on site (minimum 80 feet x 40 feet).

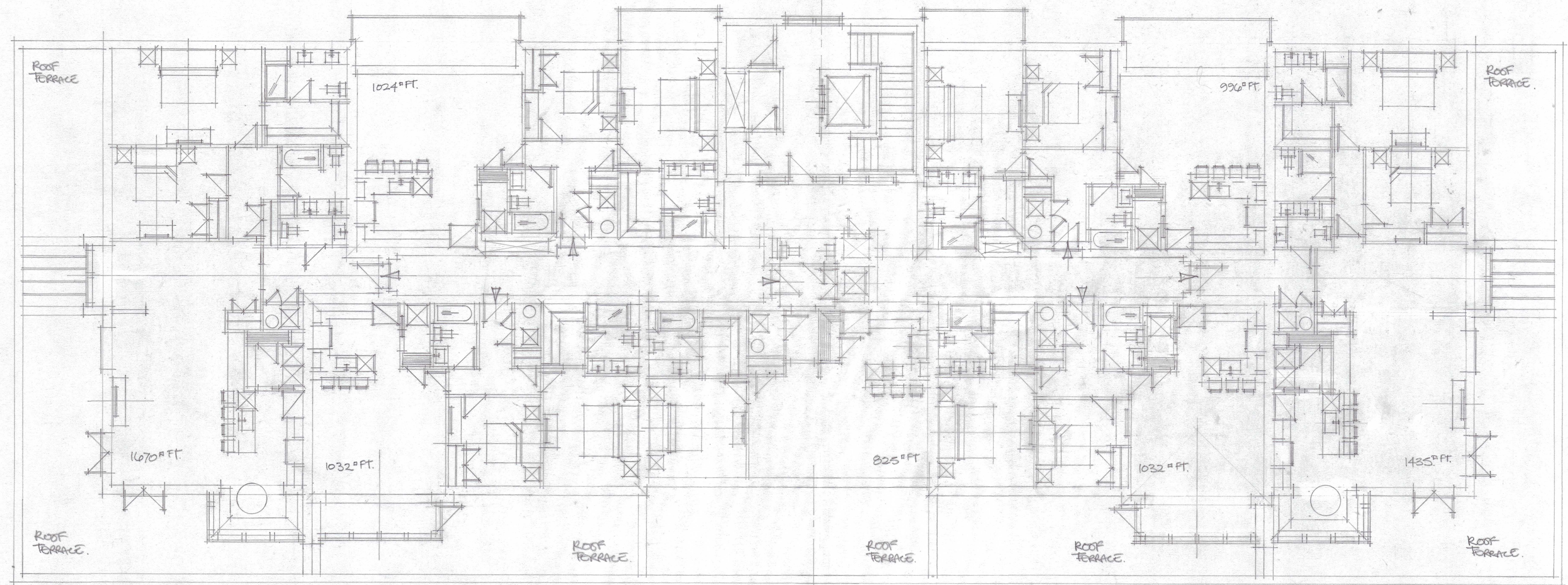
COMMENT: Standard designed for a more suburban apartment complex. Not possible to meet the ratio required at this location. It takes less than one minute to walk from one end of the project to the other end.

(7) Provide retaining walls that can also be used for casual seating.

COMMENT: Standard designed for a more suburban apartment complex. Not possible to meet the ratio required at this location. Casual seating can be provided as part of the Frontage requirement or in the Open space.

(8) Where cluster Dwellings are included in a project, ensure some uniqueness for each cluster. Vary the design (size, dimensions, grading, planting, site furniture and play equipment) of the common open spaces of each cluster.

(9) The number of Dwelling Units grouped around common and open space should range between twenty (20) to one hundred (100).



FOYER
& L.

8,047' FT

FIRST

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 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.

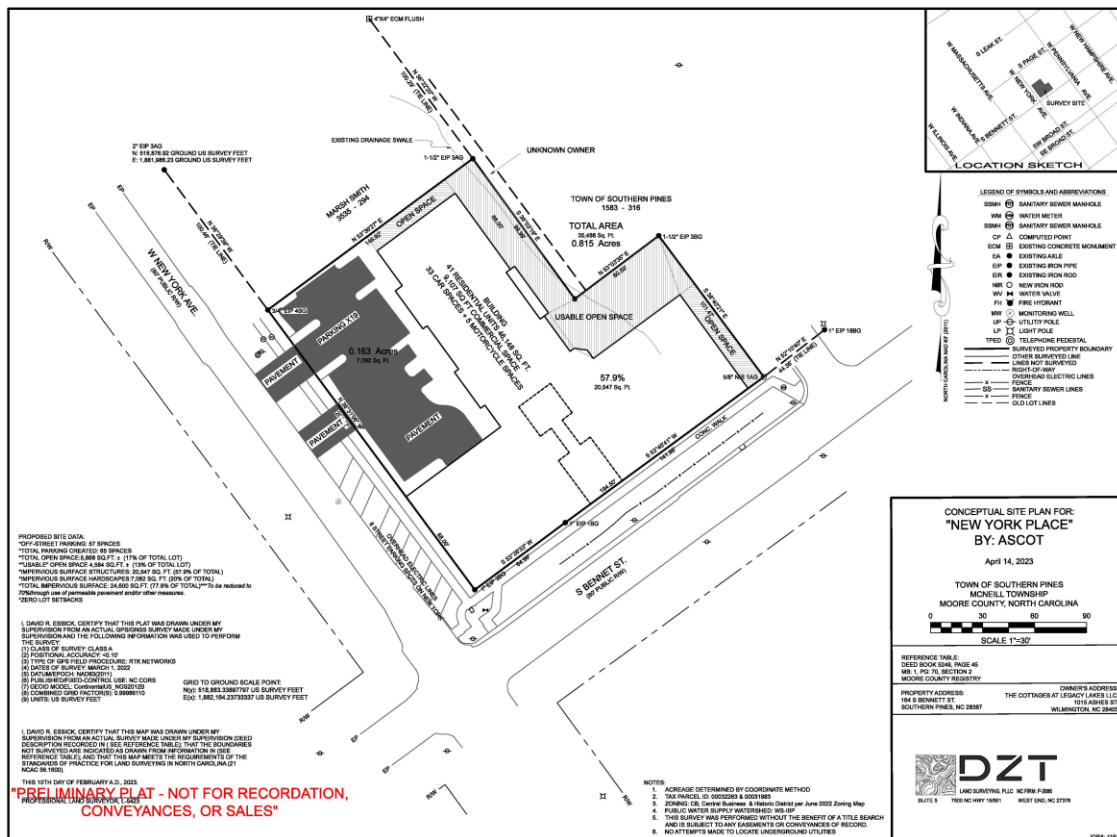
Residents and visitors will appreciate the architecture and the location, businesses will welcome the revenue and the Town will get an above average return on its investment in infrastructure and services while preserving the Town's character.

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.

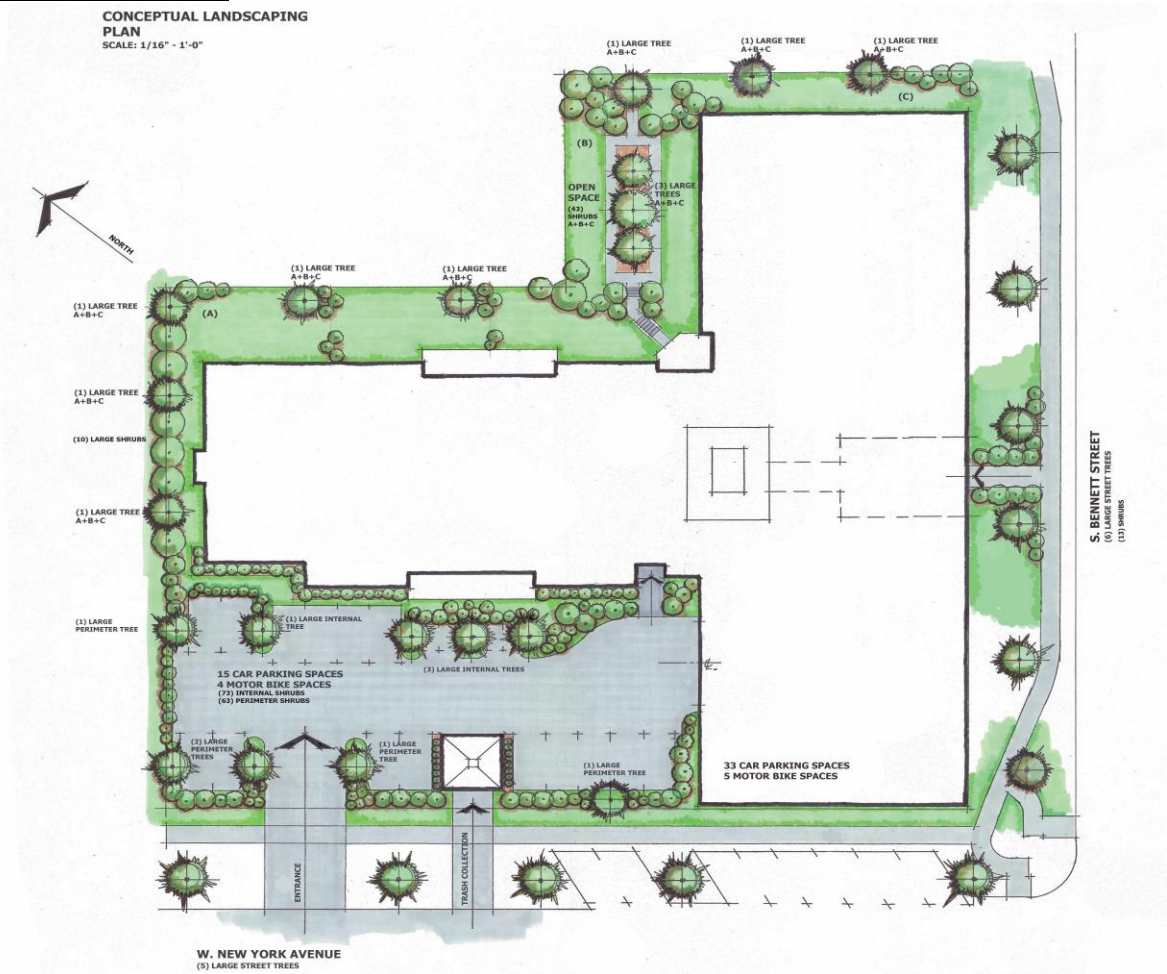
4.10.8.C.(7) (a) and (d). A single unit is anticipated for the section of building facing S. Bennett St. Ground units on the rear building shall have private entrances. Upper floor units shall share a single common entrance.

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.

Landscaping Concept:



4.6 Utilities

Utilities: The property is well-served by utilities, with existing utility locations.

- **Water & Sewer:** The Town provides both water and sewer to the Project.
- **Electric:** Duke Energy electric power is available at the site.
- **Gas:** Piedmont supplies natural gas and service is currently available to the site.
- **Telephone/Cable:** Both Spectrum and Brightspeed services are currently served by telephone and cable service.

Projected Water & Sewer Demand at Full Build-out

Description	Design Flow	Total Flow at Buildout – Gallons
Residential - 43 Units	120 gal/day/bed	11,160
Commercial - 9,007 Sqft	120 gal/day/1000 SqFt	1092
Subtotal Flow at buildout		12,252
Annual Flow in Gallons		447,198

Note: These numbers are for maximum possible in all areas. Actual flows would likely be much less.

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

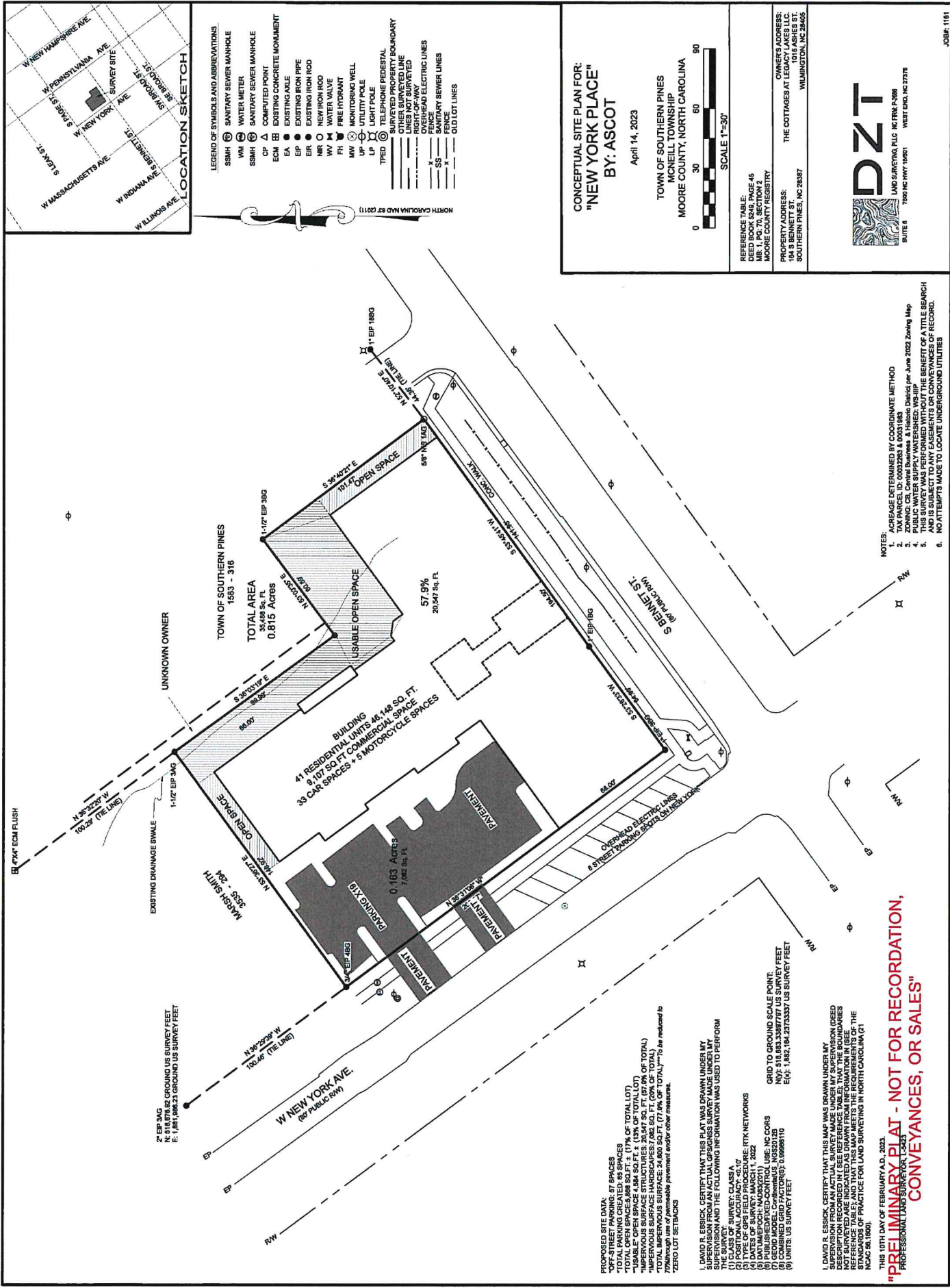


Applicant

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

EXHIBIT 2 PRELIM PLAT



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

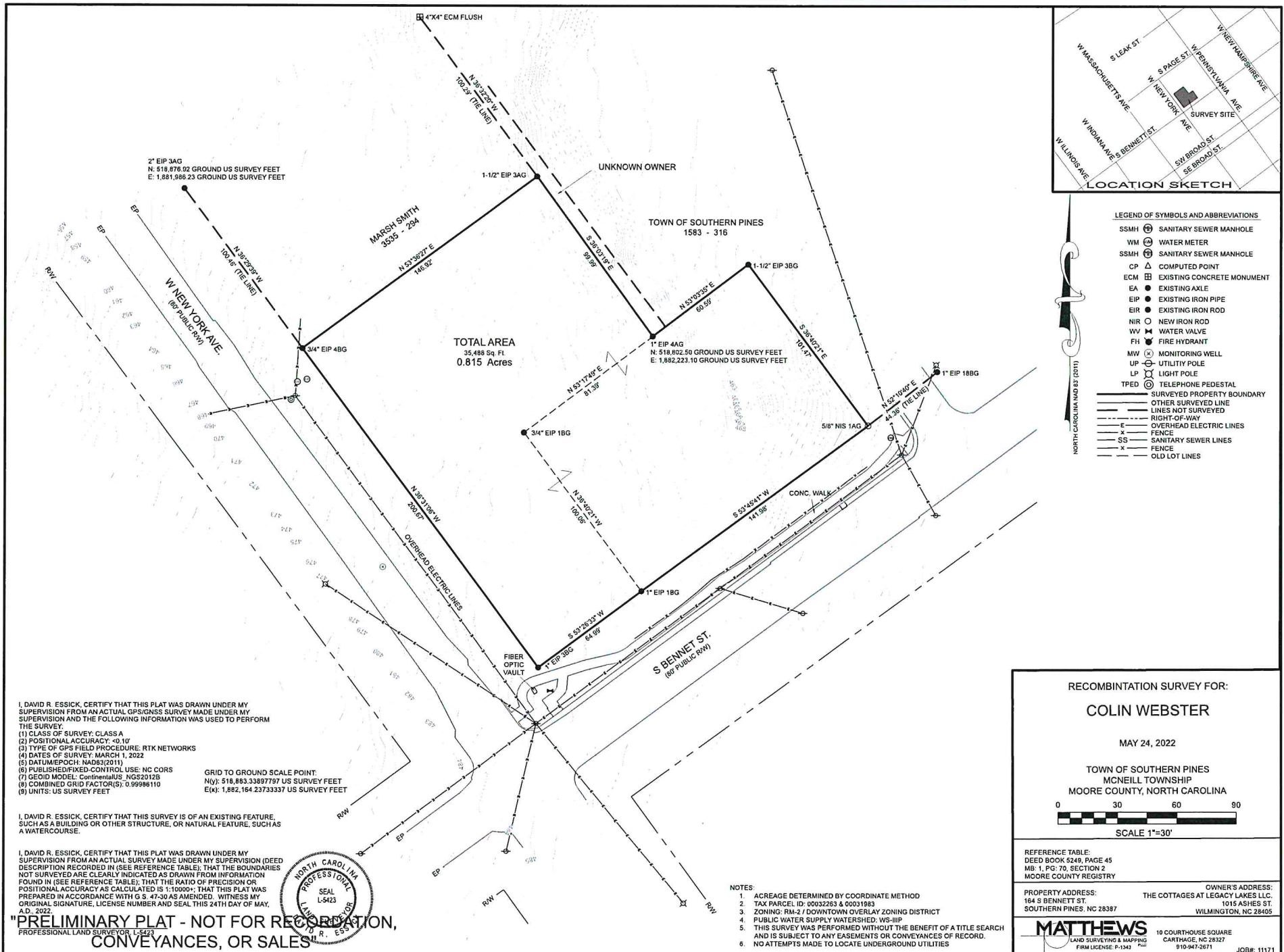
Southern Pines, NC 28388-1075

910-695-0800 office

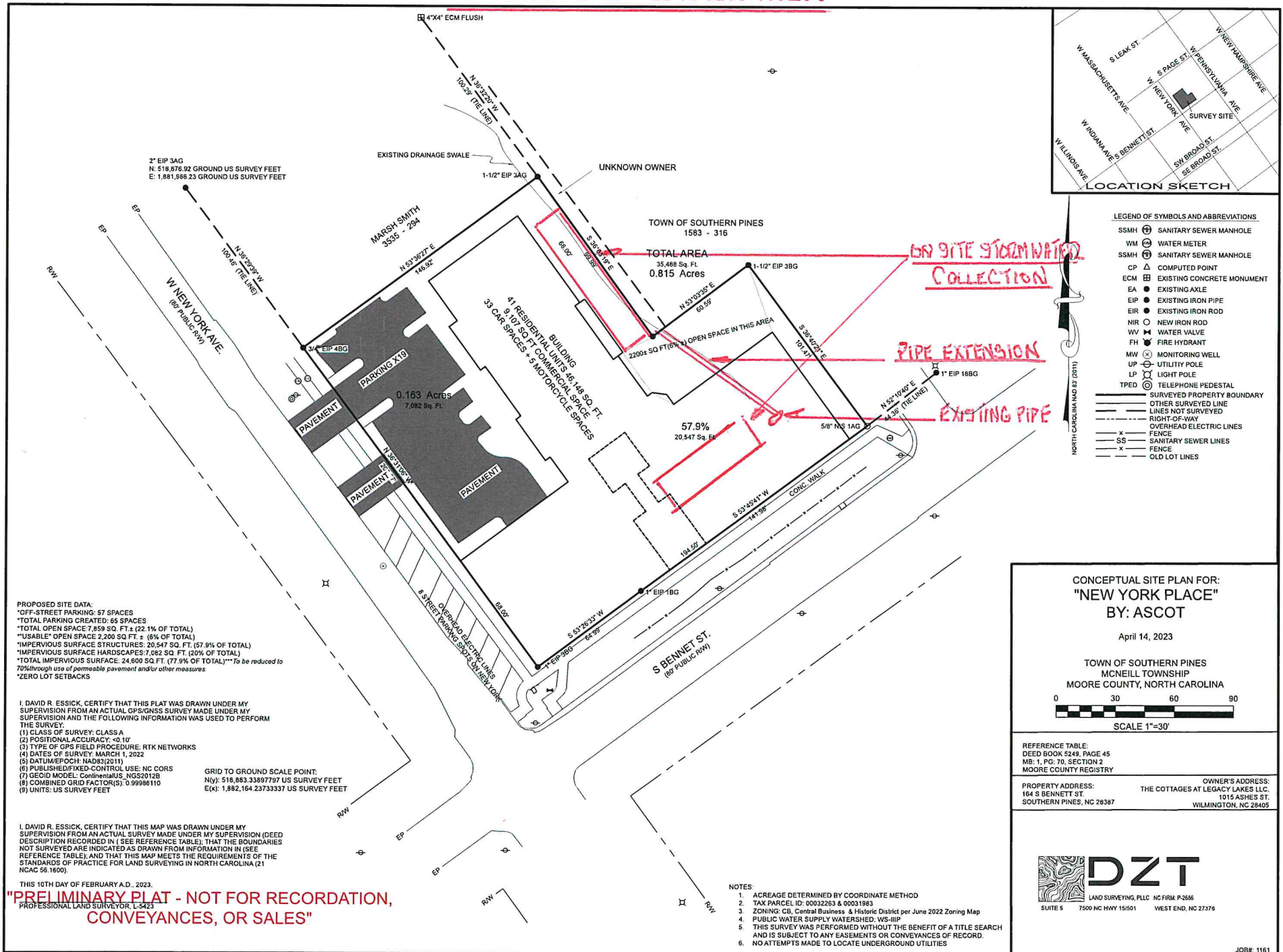
910-695-0903 fax

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.

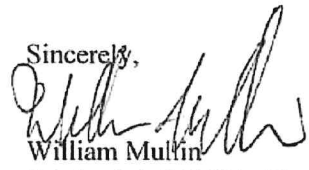
The RCW Recovery Plan (USFWS 2003) defines a cluster as the aggregation of cavity trees used and defended by a group of RCWs plus a 200-ft. buffer of contiguous forest. The Recovery Plan also outlines the minimum acreage, distribution and stocking levels of foraging

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: _____

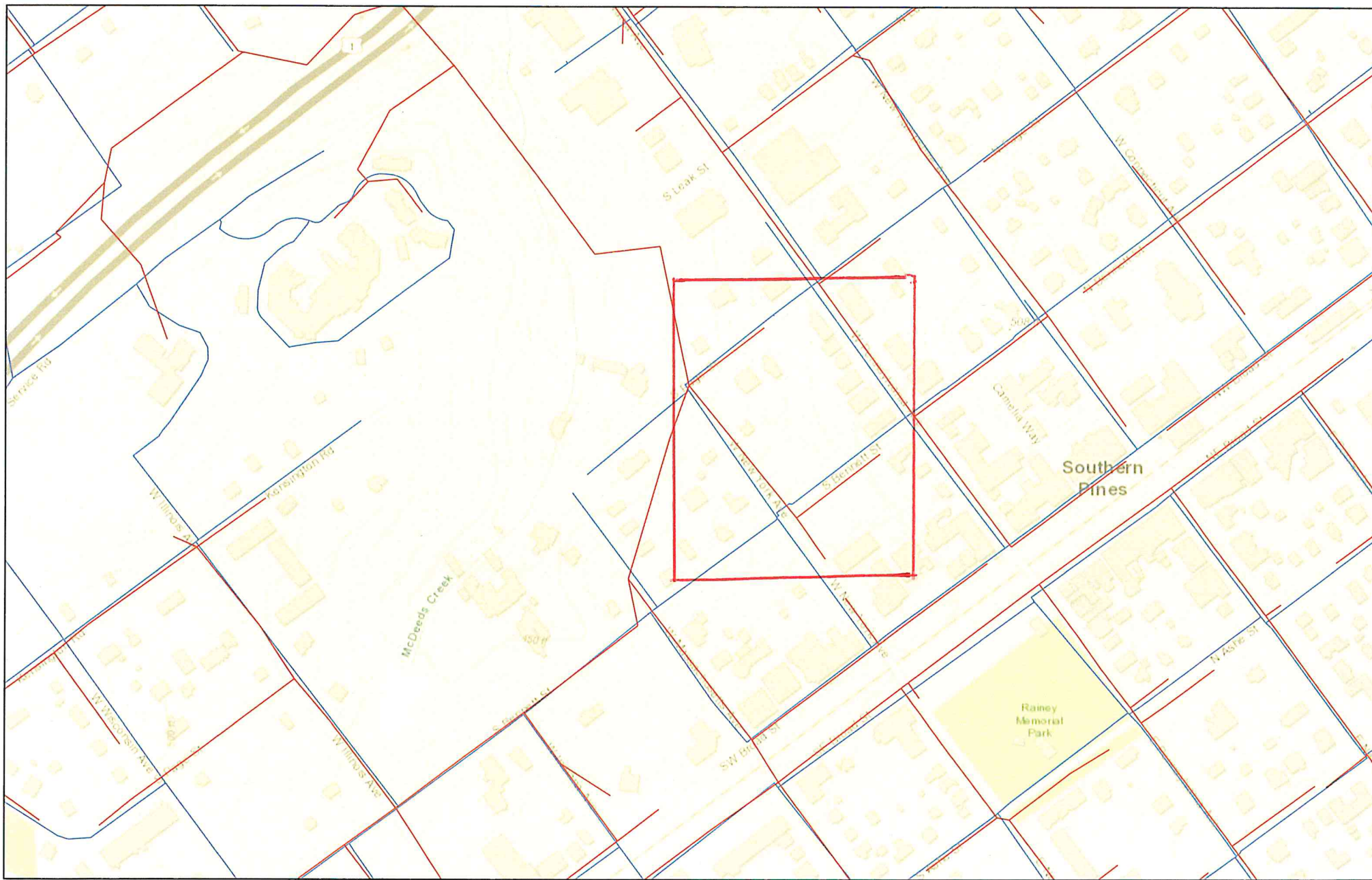
Mailing Address: 237 Legacy Lakes Way, Aberdeen NC 28315

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

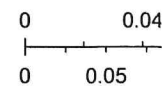


2/12/2023, 5:02:21 PM

Sewer Mains

Water Mains

04 11 9 500/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

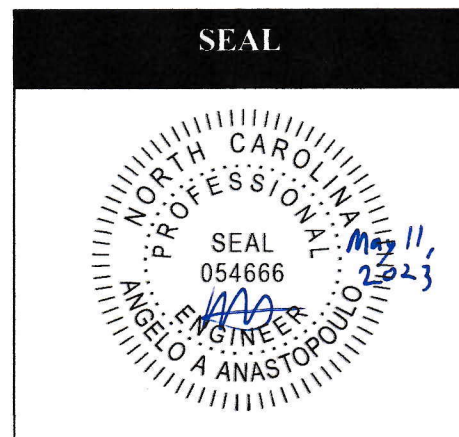
New York Place
Southern Pines, NC

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.

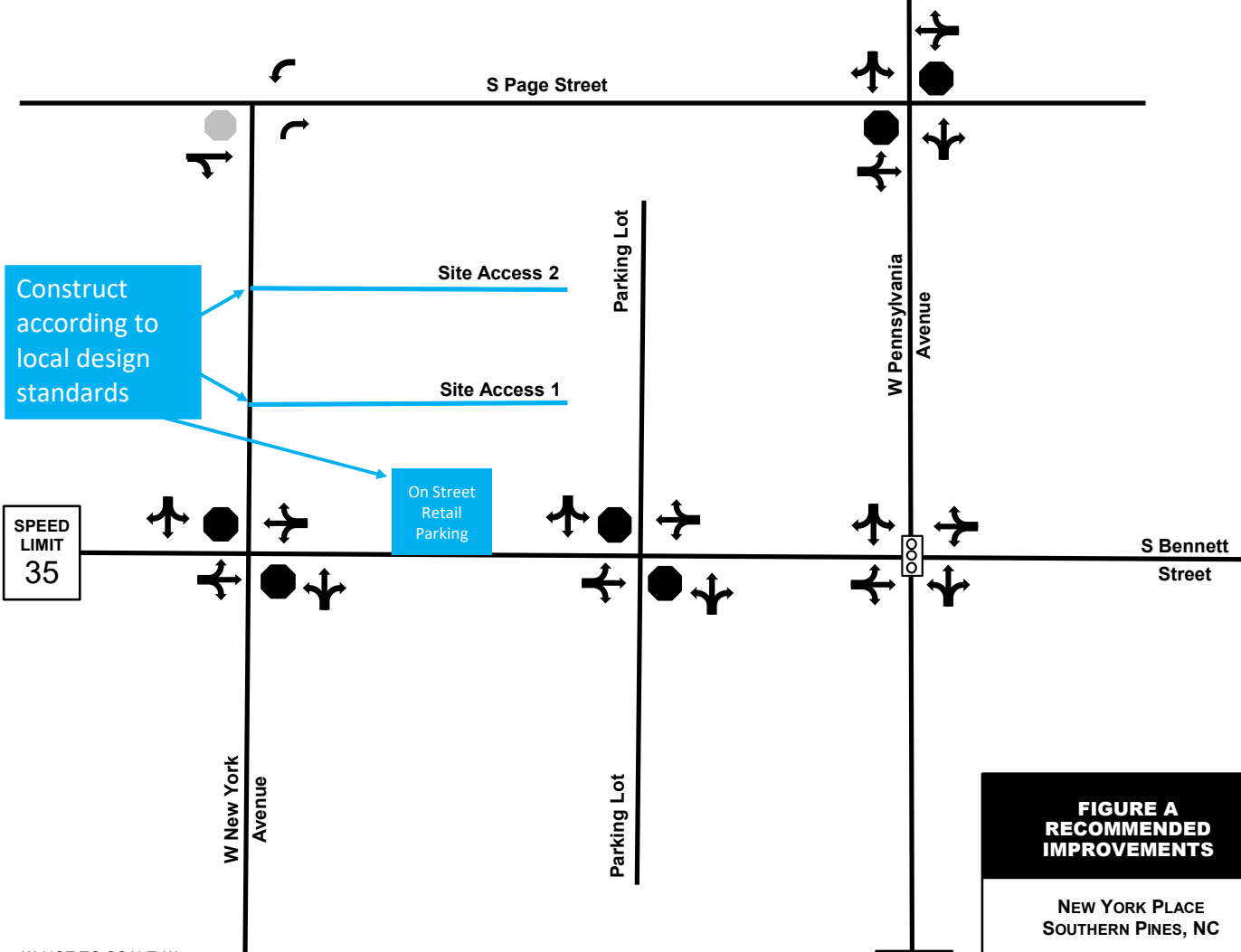
In conclusion, this study has determined the potential traffic impacts of this development and determined that no improvements are necessary to mitigate the impacts of future traffic. The proposed site is not expected to have a detrimental effect on transportation capacity and mobility in the study area. 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



From: [RLUAC Executive Director](#)
To: [Cindy Williams](#)
Subject: RE: PD-02-23 Planned Development Conceptual Development Plan
Date: Thursday, March 9, 2023 5:53:08 PM

Cindy,

RLUAC does not have any comments on this case.

Thanks,

Vagn

Vagn K. Hansen II, AICP, Executive Director
Regional Land Use Advisory Commission
6205 Raeford Road
Fayetteville, NC 28304
(910) 398-3743
director@rluac.com
www.rluac.com

From: Cindy Williams <CWilliams@southernpines.net>
Sent: Friday, February 24, 2023 2:37 PM
To: Archie Daniel <adaniel@southernpines.net>; Cindi King <CKing@southernpines.net>; Cory Albers <calbers@southernpines.net>; David Byrd <DByrd@southernpines.net>; Director <director@rluac.com>; James Michel <JMichel@southernpines.net>; Ken Skipper <KSkipper@southernpines.net>; NCDOT <djuarezpozos@ncdot.gov>; ncsandhillsrcw@fws.gov; Ron Istre <Ristre@southernpines.net>; Ron Maness <rmaness@moorecountyairport.com>
Cc: Pam Graham <PGraham@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>
Subject: PD-02-23 Planned Development Conceptual Development Plan

Good afternoon,

Please review the attached information regarding a proposed Conceptual Development Plan and respond with any comments or concerns at your earliest convenience. Thank you.

Sincerely,

Cindy Williams

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



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.

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



ORDINANCE #2097
AMENDING THE 2023/2024 FISCAL YEAR BUDGET
Fire Dept.

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of August, 2023 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
Fire	Departmental Supplies	10-530-3300	\$16,686.00	
Fire	Capital – Motor Vehicles	10-530-7402	\$170,477.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$187,163.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of August 8, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**ORDINANCE #2098
AMENDING THE 2023/2024 FISCAL YEAR BUDGET
CP Bike Transport**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of August, 2023 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Bike Transport	10-670-4900	\$181,675.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$181,675.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of August 8, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #2099
AMENDING THE BIKE TRANSPORTATION PLAN PROJECT BUDGET

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

Section 1: The project authorized is for the purpose of developing bike routes, bike signage and policies and procedures as identified in the approved bike plan.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the budget contained herein.

Section 3: The following additional amounts are appropriated for the project:

Construction	<u>\$ 181,675</u>
Total Project Appropriation	<u>\$ 181,675</u>

Section 4: The following additional revenues are anticipated to be available for this project:

Transfer In – General Fund	<u>\$ 181,675</u>
Total Project Revenues	<u>\$ 181,675</u>

Section 5: Copies of this capital project ordinance shall be furnished to the Clerk to the Governing Board, and to the Finance Officer for direction in carrying out this project.

Section 6: This amended ordinance becomes effective August 8, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of August 8, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3000
AMENDING THE 2023/2024 FISCAL YEAR BUDGET
SBITA

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 8th day of August, 2023 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
IT	Contractual Services	10-430-4500		127,070.00
Finance	Leased Equipment	10-440-2200		13,000.00
General Fund	Fund Balance Appropriations	10-397-1000	17,600.00	
General Fund	SBITA Financing	10-692-1050	152,870.00	
General Fund	Other Fin Source–Leases/SBITA	10-397-0100	81,228.00	
General Fund	Lease Financing	10-397-1000	4,800.00	
IT	Capital – Software–Comp Equip	10-430-7401	81,228.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of August 8, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

TOWN OF SOUTHERN PINES

RESOLUTION FOR APPROVING WATER SHORTAGE RESPONSE PLAN

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service and each large community water system shall develop and implement water conservation measures to respond to drought or other water shortage conditions as set out in a Water Shortage Response Plan and submitted to the Department for review and approval; and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines that the Water Shortage Response Plan entitled, Water Shortage Response Policy and Plan, dated April 6, 2023, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

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

This the 8th day of August 2023.

Carol R. Haney, Mayor

ATTEST:

Beth Robertson, Town Clerk

TOWN OF SOUTHERN PINES
WATER SHORTAGE RESPONSE POLICY and PLAN

WATER SHORTAGE CONSERVATION MEASURES
October 9, 2012, updated April 6, 2023

Section 1. Authority

When certain conditions exist which may adversely affect the continued availability of water for the protection of the public health, welfare and safety of the Town, it may become necessary to declare a water shortage and implement water shortage conservation measures.

The Town of Southern Pines Ordinance No. 50.016, Water Shortage Conservation Measures, Section (H) Town Policy, authorizes the Town Manager, Reagan Parsons, 910-692-7021, to prepare a Town Policy to implement such conservation measures. In the absence of the Town Manager, the Assistant Town Managers (Michael Cameron, 910-692-2720 or Jessica Roth, 910-692-7021) are authorized to declare a water-shortage emergency and to implement the WSRP.

Section 2. Purpose and Scope

The purpose of this policy is to further define, develop and enforce Water Conservation Measures as outlined in § 50.016 should the Town Manager determine that conditions exist requiring Water Conservation or Rationing Measures to be imposed.

This policy shall be applicable to all persons using Town water, inside and outside the Town Limits, regardless of whether they have a contract for water service with the Town.

Section 3. General

A water shortage shall be declared to exist when the reserve supply available to the Town will have reached the point where citizens cannot be supplied with water to protect their health and safety without substantially reducing the water demand.

A water shortage shall be declared to exist when production, transmission, and storage facilities are incapable of meeting all daily water demands without endangering the ability to protect safety and health without substantially reducing water demand.

Special conditions: Also, a Water Shortage may be declared by the Town Manager when he/she feels that unforeseen circumstances warrant such measures.

Section 4. Word Interpretation and Definitions

In addition to the definitions as used in § 50.016, Section A (1), the following terms and phrases should have the meanings hereinafter designated:

- Excess Use - The usage of water by a customer in excess of the amount provided under the Water Rationing provisions for that customer over any applicable period.
- Mandatory Conservation - Raw water supplies (stream-flow, reservoir levels or groundwater levels) are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.
- Rationing - Procedures established to provide for equitable distribution of critically-limited water supplies, in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve health and safety.
- Service Interruption - The temporary suspension of water supply, or reduction of pressure below that required for adequate supply, to any customer, portion of a water supply, or entire system.
- Voluntary Conservation - Conditions exist which indicate the potential for serious water supply shortages.
- Designee - Director designated by the Town Manager to oversee Utility operations

Section 5. Notice to Public of Water Restrictions

In the event water conservation and rationing measures are imposed, the Town Manager is authorized and empowered to give notice to the general public and other water customers of the Town of the existence of such measures and for such period of time the measures shall remain in effect.

Notice shall be given by public press announcements, hand-outs, web page advisories and/or other measures that may be available. The restrictions shall become effective immediately upon receipt of hand-out, web advisory or public

announcement. Once imposed, each declared stage shall be in effect for a minimum of thirty (30) days, unless conditions warrant relief of imposed restrictions, or a more restrictive level may be enacted immediately.

The Designee shall review the number of day's supply of water available to the Town system at least every seven (7) days. At the end of the thirty (30) days, and following the periodic review, the Town Manager shall be notified if the day's water supply exceeds the upper threshold of the effective stage. In such event, the Town Manager shall declare the appropriate measures to be in effect.

Section 6. Conservation Measures

The severity of the water shortage shall be determined primarily by the measurement of water of the combined reservoir storage volume in light of the criteria set out in Section 7. Restrictions imposed on commercial, manufacturing, institutional and residential users may include Voluntary, Mandatory, and Emergency Conservation Measures.

The conservation measures in effect at each Stage are as follows:

A. Stage 1 Alert - Voluntary Conservation Measures

1. The Designee shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than seventy-five percent (75%) available for seven (7) consecutive days, or daily water demand is approaching ninety-five percent (95%) of system capacity.
2. The Town Manager shall declare a state of Voluntary Conservation - Stage I Alert and give notice to the public, as set forth in Section 5.
3. All water customers are encouraged to employ Voluntary Conservation Measures.
4. The following restrictions shall be requested:
 - All water customers should reduce consumption by Twenty Percent (20%) of their average usage.
 - The irrigation and sprinkling of established lawns, trees, shrubs, flowers or plants are to be limited. Even numbered addresses should irrigate on even number days and odd number addresses should irrigate on odd numbered days between the hours of 6:00 p.m. and 10:00 a.m. only
 - Do not establish new plantings.
 - Stop washing motor vehicles, except at commercial car washes.
 - Do not wash down exterior paved surface such as streets, driveways, service station aprons, parking lots, sidewalks, patios, etc.
 - Do not fill swimming pools. Only refill pools or water features due to evaporation.
 - Limit the use your garbage disposal.
 - Take showers instead of using the bathtub, and limit shower to no more than five (5) minutes.
 - Limit operating hours of water-cooled air conditioning units that do not recycle cooling water.
 - All phases of construction related activities should conserve water and locate additional sources of water.

Other helpful conservation tips:

- Remove weeds from gardens.
- Mulch around plants
- Avoid over-fertilizing.
- Plant native and drought-tolerant grasses, ground covers and shrubs.
- Raise mower blade to a height of 3-inches.
- Catch and use rainwater for outside uses.
- Insulate all pipes.
- Limit using clothes washers and dishwashers and when used, operate fully loaded.
- Do not leave faucets running while shaving, rinsing dishes, brushing teeth, etc.
- Where feasible, reduce pressure on water supply line, if it will not affect operations of equipment, public safety, or health devices.

- Reduce pressure at plumbing fixtures and install flow restricting devices within public buildings, institutions, dormitories and similar facilities.
 - Check for and repair leaks within homes and businesses.
 - Install a water flow restriction device in showerheads and other water saving devices such as early closing flapper valves in toilets, etc.
5. Stage 1 Alert – Voluntary Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds seventy-five percent (75%) for seven (7) consecutive days. However, as a rule, the Town of Southern Pines may impose Stage 1 - Voluntary Conservation Measures at any time to encourage citizens to conserve water resources.

B. Stage 2 Warning - Mandatory Conservation Measures

1. The Designee shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than fifty percent (50%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Mandatory Conservation Measures - Stage 2 Warning and the public shall be given notice as set forth in Section 5.
3. A scheduled water use program shall be imposed during this Mandatory Conservation period.
4. Restrictions contained in Voluntary Conservation Measures - Stage I Alert shall remain voluntary.
5. The following restrictions are imposed and it shall be unlawful:
 - To water or sprinkle any lawn, grass, shrubbery, trees, flower and vegetable gardens.
Irrigation Exemption - Newly established lawns, grass, trees, flower and vegetable gardens (collectively known as plantings) Installed prior to the enactment of Stage 2 Warning may be watered by hand-held hose, container, or drip irrigation system only at a rate necessary to keep alive. Use of an automatic irrigation system may be used for exempted newly established plantings, but not more than one (1) day per week between the hours of 6:00 p.m. and 10:00 a.m. and only at the minimum necessary to keep plants alive. Exempted newly established lawns, grass, trees, flowers and vegetable gardens may irrigate even numbered addresses on even numbered days and odd numbered addresses may irrigate on odd numbered days as indicated above. Exempted plantings shall only include such plantings under warranty by a licensed landscape contractor or plantings installed by the homeowner or resident prior to the enactment of the Stage 2 Warning Mandatory Conservation Measures. Homeowner or resident must provide suitable proof of the time frame of such plantings.
Persons regularly engaged in the sale of plants shall be permitted to water, by any method at any time, for irrigation of their commercial stock in trade.
 - To water parks and other recreational areas except by hand-held hose, container, or drip irrigation.
 - To operate water-cooled air conditioners or equipment that does not recycle cooling water, except when health and safety are adversely affected.
 - To wash automobiles, truck, trailers, boats, airplanes, or any other type of mobile equipment; except parts of vehicles may be washed where required by federal, state, or local laws or for safety reasons. Exemption - any commercial or business operated car wash facility shall be permitted to use water for such purposes. To wash down outside areas such as streets, driveways, service station aprons, parking lots, office buildings exteriors of existing or newly constructed homes or apartments, sidewalks, or patios or to use water for similar purposes. Exemption - washing of exterior surfaces of a building for preparing them for painting shall be permitted and licensed commercial pressure washers shall be permitted to operate.
 - To introduce water into any ornamental fountain or pool not containing plants or fish.
 - To fill or replenish any swimming or wading pool serving less than twenty-five (25) dwellings, except to maintain the minimum level required to operate chemical feed equipment.
 - To serve drinking water in restaurants, cafeterias, or other food establishments, except as requested.
 - To use water from any public or private fire hydrant for any purpose other than by the Fire Department for fire suppression, testing and drills, Public Works Department need or other public emergencies.
 - To use water for dust control or compaction.
 - To use water for any unnecessary purpose or intentionally waste water.
 - To exceed the following mandate:

Public and private customers owning golf courses, and institutional customers owning athletic and playing fields, which are separately metered, may water the courses and fields by any method during the hours of 6:00 p.m. and 10 a.m. each day, and shall reduce water usage by forty percent (40%) of their average usage during the most recent twelve (12) month period in which no water storage was in effect.

If no meter readings are available then an average of similar users will be established by the water department.

All industrial, manufacturing and commercial enterprises, and all customers with a swimming or wading pool or tennis courts, shall reduce consumption to any degree feasible with a reduction goal of at least twenty-five percent (25%) of their usual usage.

- a) The customer is responsible for meeting its mandated water reduction in whatever manner possible.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change in circumstances, the customer may apply to the Town Manager for a variance to these limits; and
 - d) Customers that exceed the allotments established will be subject to "Excess-Use Civil Penalties" set forth in Section 8.
4. A sign shall be posted in a conspicuous place on the property, giving notice of the use of a well or other source of supply, by any land or building owners or occupants who receives water from the Town and uses water from a well or other source.
 5. Stage 2 Warning – Mandatory Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds fifty percent (50%) for seven (7) consecutive days.

B.2 Stage 3 Danger - Mandatory Conservation Measures

1. The Designee shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than forty percent (40%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Mandatory Conservation - Stage 3 Danger, and the public shall be given notice as set forth in Section 5.
3. An outright ban on Class 3 Uses shall be imposed during this Mandatory Conservation period.
4. In addition to those restrictions applicable to Stage 2 Warning, the following are imposed and it shall be unlawful:
 - To water or sprinkle any lawn, grass, shrubbery, trees, or flowers.
Irrigation Exemptions – exempted newly established plantings may be watered by utilizing no more than a three (3) gallon capacity container of used water from inside a structure. Public and private customers owning golf courses, and institutional customers owning athletic and playing fields, which are separately metered, may water the courses and fields by any method pursuant to the same terms and conditions set forth in Stage 2 Warning except the mandatory water use reduction shall be sixty percent (60%) of their average usage during the most recent twelve (12) month period in which no water shortage was in effect. Approved newly established lawns, grass, trees, flowers and vegetable gardens shall only include such plantings under warranty by a licensed landscape contractor or plantings installed by the homeowner or resident prior to the enactment of the Stage 2 Warning Mandatory Conservation Measures. Homeowner or resident must provide suitable proof of the time frame of such plantings.

Persons regularly engaged in the sale of plants shall be permitted to use water for irrigation of their commercial stock in trade.

State, county, and city licensed landscape contractors may continue to water plantings that are under written warranty by hand-held hose, container or drip irrigation.

- To fill or refill any single-family swimming or wading pool or water any tennis court, if a residential customer.
- To use water for any other purpose, whether commercial, public, or otherwise, that is not necessary for health or safety.
- To make any water service connections except as herein provided:
Connections to the Towns water system shall be allowed, but not required, in the following cases, if all other requirements of law pertaining to such connections have been met:
 - a) Lots upon which construction has been authorized, for which a valid building permit has been issued prior to the implementing of Mandatory Conservation Measures;
This exemption shall apply for such period that the building permit remains valid and in effect.

- b) Public and other schools, for which the water is necessary to satisfy compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under laws of the State of North Carolina.
- To exceed the following water usage mandate:
Commercial and multi-family swimming pool customers shall reduce by twenty-five percent (25%).
If no meter readings are available then an average of similar users will be established by the water department. Such customers include governmental, commercial, industrial, institutional, public, social, multi-family, and all such users.
- a) The non-residential customer is primarily responsible for meeting its mandated water reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
- b) Town personnel shall have access for purpose of meter reading and monitoring compliance
- c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change circumstances, the customer may apply to the Town Manager for a variance to these limits; applications for water use variance requests are available from the Town Manager's office. All applications must be submitted to the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two (2) weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage; and
- d) Any customer who exceeds the allotments established pursuant to this water rationing would be subject to "Excess-Use Civil Penalties" set forth in Section 8.
- 4. All industrial, manufacturing and commercial enterprises, shall reduce consumption to any degree feasible with a reduction goal of at least thirty percent (30%) of their usual usage during the most recent twelve (12) month period in which no water storage was in effect; Provided that this goal shall not apply to those customers who wash parts of vehicles where such washing is required by federal, state, or local laws, or for health or safety reasons.
- 5. Stage 3 Danger – Mandatory Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until combined reservoir storage volume exceeds forty percent (40%) for seven (7) consecutive days.

C. Stage 4 Emergency - Emergency Conservation Measures

1. The Designee shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than thirty percent (30%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Emergency Conservation - Stage 4 Emergency, and the public shall be given notice as set forth in Section 5.
3. All Class 1 Essential Uses shall be specifically targeted for Voluntary Conservation Measures.
4. In addition to those restrictions applicable to Stage 3 Danger, the following are imposed and it shall be unlawful:
 - To use water outside a structure for any use other than emergencies involving fire or as needed by water resources department to maintain the system.
Irrigation Exemptions – exempted newly established plantings may be watered by utilizing no more than a three (3) gallon capacity container of used water from inside a structure. Approved newly established lawns, grass, trees, flowers and vegetable gardens shall only include such plantings under warranty by a licensed landscape contractor or plantings installed by the homeowner or resident prior to the enactment of the Stage 2 Warning Mandatory Conservation Measures. Homeowner or resident must provide suitable proof of the time frame of such plantings.
 - To operate an evaporative air conditioning unit which recycles water except during the operating hours of the business.
 - To wash any vehicle for any purpose, whether inside or outside a structure, except that commercial and business operated car washes may do so as provided below; and provided that parts of vehicles may be washed where required by federal, state and local laws for health reasons.
 - To exceed the following water usage mandate:

All non-residential customers shall reduce their water usage by twenty-five percent (25%) except commercial and business operated car washes and non-single family residential customers who operate swimming or wading pools or tennis courts shall reduce such usage by fifty percent (50%) of their average usage during the most recent twelve (12) month period in which no water shortage was in effect;

If no meter readings are available then an average of similar users will be established by the water department.

Non-residential customers include governmental, commercial, industrial, institutional, public, social, and all such users.

- a) The non-residential customer is primarily responsible for meeting its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change circumstances, the customer may apply to the Town Manager for a variance to these limits. Applications for water use variance requests are available from the Town Manager's office. All applications must be submitted to the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two (2) weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage; and
 - d) Any customer who exceeds the allotments established pursuant to this water rationing would be subject to "Excess-Use Civil Penalties" set forth in Section 8.
- To make any water service connections except as herein provided. Connections to town water system shall be allowed, but not required in the following cases, if all other requirements of law pertaining to such connections have been met:

Lots upon which construction has been authorized to which a valid building permit has been issued prior to Stage 4 Emergency; provided that this exemption shall apply for only so long as such building permit remains in effect.

5. Public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under laws of the State of North Carolina.
6. Residential customers shall reduce consumption to any degree feasible with a goal of a reduction of at least twenty five percent (25%) of their average usage.
7. Stage 4 Emergency – Emergency Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds thirty percent (30%) for seven (7) consecutive days.

C.1 Stage 5 Crisis - Emergency Conservation Measures

1. The Designee shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than twenty percent (20%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Emergency Conservation - Stage 5 Crisis, and the public shall be given notice as set forth in Section 5.
3. All Class 2 Socially or Economically Important Uses and Class 3 Non- Essential Uses shall be restricted and banned.
4. In addition to those restrictions applicable to Stage 4 Emergency, the following are imposed and it shall be unlawful:
 - To serve food or beverages in restaurants, clubs, and other eating places to customers using anything other than disposable plates, saucers, cups, eating utensils, napkins and tablecloths, etc.
 - To wash any vehicle for any purpose, whether inside or outside a structure, except those parts of vehicles may be washed where required by federal, state and local laws for health or safety.
 - Operate start-up or maintain a water-cooled air conditioning unit or equipment which does not recycle its cooling water, unless required for health and safety reasons, and approved by the Towns Director of Public Services.

- Use water outside a structure for any use other than emergencies involving Fire Department or as needed by the Public Works Department to maintain the Towns water system.
- Use water for dust control, compaction, or earth moving activities requiring re-vegetation except at a minimum rate necessary to comply with federal, state, or local laws or for health or safety reasons.
- To exceed the following water usage mandate:

All non-residential customers shall reduce their water usage by fifty percent (50%) of their average usage during the most recent twelve (12) month period in which no water shortage was in effect; except that water may not be used to fill or top off any swimming or wading pool.

If no meter readings are available then an average of similar users will be established by the water department.

- a) The non-residential customer is primarily responsible for meeting its mandated water use reduction in whatever manner possible, including limitation of operating hours, or days, if necessary.
 - b) Town personnel shall have access for purpose of meter reading and monitoring compliance
 - c) If the mandated reduction cannot be obtained without threatening health or safety, or if there has been a significant change circumstances, the customer may apply to the Town Manager for a variance to these limits. Applications for water use variance requests are available from the Town Manager's office. All applications must be submitted to the Town Manager or his designee. A decision to approve or deny individual variance requests will be determined within two (2) weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage; and
 - d) Any customer who exceeds the allotments established pursuant to this water rationing would be subject to "Excess-Use Civil Penalties" set forth in Section 8.
5. To make any new water service connections to the Towns water system, except for public and other schools satisfying the compulsory education requirements of the laws of the State of North Carolina, public facilities for sheriff, police, fire protection, hospitals, emergency medical services, and facilities of public service companies regulated as public utilities under laws of the State of North Carolina.
 6. Residential customers shall continue to reduce consumption to any degree feasible with a goal of a reduction of at least forty percent (40%) of their average usage.
 7. To fail to take any reasonable measures that would reduce water consumption at any industrial, manufacturing or commercial enterprises. If monthly consumption is reduced to at least FIFTY PERCENT (50%) of the average monthly usage during the most recent twelve (12) month period in which no water restriction was in effect, it will be presumed that all reasonable measures have been taken.
 8. Stage 5 Crisis – Emergency Conservation Measures shall stay in effect for a minimum of thirty (30) days, or until the combined reservoir storage volume exceeds twenty percent (20%) for seven (7) consecutive days.

D. Mandatory Water Rationing

The equitable distribution of critically-limited water supplies shall be implemented through Mandatory Water Rationing in order to balance demand and limited available supplies, and to assure that sufficient water is available to preserve public health and safety.

It will be imperative that water users achieve an immediate further reduction in water use.

1. The Designee shall notify the Town Manager, in writing, when the combined reservoir storage volume is less than ten percent (10%) for seven (7) consecutive days.
2. The Town Manager shall declare a state of Mandatory Water Rationing, and the public shall be given notice as set forth in Section 5.
3. In addition to those restrictions imposed in Stage 5 Crisis, the following Water Rationing Limits shall apply as follows:
 - Residential Users:
All residential water customers shall reduce consumption by fifty percent (50%) of their usual usage during the most recent twelve (12) month period in which no water restriction was in effect.

- **Non-Residential Users:**

All non-residential customers shall reduce consumption by eighty percent (80%) of their usual usage during the most recent twelve (12) month period in which no water restriction was in effect.

- A) All water customers are responsible for meeting the established water rationing limits in whatever manner possible, including limiting hours or days of operating, if necessary;
- B) Town personnel shall have access for purpose of meter reading and monitoring compliance;
- C) If the water rationing limits established cannot be obtained without threatening health or safety, or if there has been a significant change in circumstances, the customer may apply to the Town Manager for a variance to these limits. Criteria to meet a variance shall be; if mandatory water rationing will be cause for a closure of business on a permanent basis and business can demonstrate that it can still meet Stage 5 – Crisis restrictions while in operation.
- D) Any water customer that exceeds the water rationing limits established herein shall be subject to "Excess-Use Civil Penalties" set forth in Section 8.

E. Termination of declared Mandatory Rationing

- 1. Mandatory Water Rationing shall be terminated when it is determined by the Town Manager that the available water supply is adequate to preserve public health and safety, or until the combined reservoir storage volume exceeds ten percent (10%) for seven (7) consecutive days.
- 2. Upon termination, all fines or penalties incurred by any person or customer shall remain in effect until paid.
- 3. Discontinued users may have their service restored upon payment of the regular cut-on fees, except for those users cut off without notice.

Section 7. Compliance

- A. Compliance with the provisions of this policy shall be enforced by the Town's Police Department, personnel of the Public Works Department and other such Town employees designated by the Town Manager.

Failure to comply with this policy shall be unlawful and subject to enforcement and civil penalties as set forth in Section 8.

- B. It shall be unlawful for any person to use or permit the use of water from the water system for any of the purposes set forth until such time the Town Manager declares such provisions are no longer in effect.

In exercising this authority, considerations shall be given to the following criteria:

- Stream flows
- Capabilities of the water production and distribution system
- Drawdown rates, outlook for precipitation
- Daily water use patterns
- Seasonal and long-term weather patterns, and
- Availability of water from other sources.
- Water levels in the reservoirs

- C. Hospitals, nursing homes and health care facilities shall comply with all restrictions imposed to the extent compliance will not endanger the health of the patients or residents of the institution. These facilities shall survey their water usage patterns and requirements and implement such additional conservation measures to further reduce water usage.

Section 8. Enforcement

Any person who, after being given notice of violation, does not comply with § 50.16 Section (I) or this policy within the time period specified shall, at the option of the Town, be subject to any of the following:

- 1. Civil Penalties:

In addition to or in lieu of criminal prosecution, the offender may be subject to civil penalties in the amounts provided or otherwise an amount of up to five hundred dollars (\$500.00) per violation per day for so long as the violation exists.

Each day the violation occurs or continues constitutes a separate violation. The Town Manager shall take into account all relevant circumstances in determining the maximum amount of the civil penalty.

"EXCESS-USE CIVIL PENALTIES" TO BE APPLIED: (FOR VIOLATION OF CONSERVATION MEASURES)

ITEM	\$100.00 Fine	\$250.00 Fine	\$500.00 Fine
Extent of Harm / Magnitude	Less than 1,000 gal.	1,000 - 5,000 gal.	Greater than 5,000 gal.
Duration	One (1) Day	Two (2) Days	Greater than Two (2) Days
Efforts to Correct	Yes	No	No
Compliance History	One (1) Prior	Two (2) Prior	Three (3) Prior
Cost of Enforcement	Routine	Non-Routine	Non-Routine
Willful / Intentional	Non-Willful / Intentional	Willful / Intentional	Willful / Intentional

2. Criminal Penalties:

The violator may be charged and prosecuted in District Court. If charged and found guilty, the violator shall be guilty of a misdemeanor.

Each day the violation occurs or continues constitutes a separate violation. The maximum fine shall be fifty dollars (\$50.00) per occurrence or a maximum of thirty (30) days imprisonment.

3. Termination of Water Service:

The Town Manager or his designee may make findings of fact and order whether service should continue, flow be restricted, or terminated.

The standard reconnection charge shall be paid for the reconnection of any water service terminated pursuant to the current Town ordinances and procedures.

4. Injunctive Relief:

The Town may seek injunctive relief from competent jurisdiction to assure compliance.

5. Court:

The Town may seek court ordered remedies from competent jurisdiction to assure compliance.

6. Appeal:

Any person against whom enforcement action has been taken, hereafter referred to as "aggrieved party", is entitled to appeal to the Town Council upon serving written notice to the Town Manager and following administrative procedures for appeal to the Town Council. (§ 951, passed 06-24-02) Penalty, see § 50.099

Section 9. Public Comment, Effectiveness and Revision

The Town shall have, at a minimum, one (1) public review and comment period for the Water Shortage Response Plan prior to final plan adoption. Citizens interested in the Plan may contact the Designee, 910-692-1983, to obtain a copy of the Water Shortage Response Plan. The Plan will also be posted on the Town's web site for review and comment.

The Water Shortage Response Plan shall be reviewed to adapt to new circumstances, after implementation of Stage 5 – Crisis – Emergency Conservation Measures, or at a minimum of five (5) year intervals. Additionally, the effectiveness of Water Shortage Response Plan will be determined by comparing the water conservation goals stated herein and the observed water use reduction data. Other factors to be considered include frequency of plan activation, any problem periods without activation, total number of violations citations, desired reductions attained and evaluation of demand reductions compared to the previous year's seasonal data. The Town Manager is responsible for revising the WSRP.

Section 10. Variance Requests

Applications for water use variance requests are available at/from the Utility Billing Office or on-line at www.southernpines.net. All applications must be submitted to the Utility Billing Office for review by the Town Manager or his or her designee. A decision to approve or deny individual variance requests will be determined within two weeks of submittal after careful consideration of the following criteria: impact on water demand, expected duration, alternative source options, social and economic importance, purpose (i.e. necessary use of drinking water) and the prevention of structural damage.

Section 11. Severability

If any provision of this policy is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality of the remainder of the policy and its applicability to other persons and circumstances shall not be affected hereby.

Section 12. Effective Date

This policy shall take effect immediately upon adoption.

Section 13. Effective Period

This policy will remain in effect until terminated by action of the Town Council.



RESOLUTION #1065
SUPPORT MODIFICATION OF TRAFFIC PATTERNS ON SW BROAD STREET

WHEREAS, the Town Council of Southern Pines is comprised of persons elected to both legislate and represent the interests of the population of the Town; and

WHEREAS, the Town Council wishes to increase the available on-street parking along a portion of SW Broad Street (SR-2035) and SE Broad Street from W. Massachusetts Avenue to W. Illinois Avenue; and

WHEREAS, the subject section of SW Broad Street (SR-2035) is maintained and overseen by the North Carolina Department of Transportation (NCDOT); and

WHEREAS, the subject section of SE Broad Street is maintained and overseen by the Town of Southern Pines; and

WHEREAS, to achieve additional parking on the subject road, changes in the current traffic pattern would be needed,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 8th day of August, 2023, that;

1. The Town Council requests that the North Carolina Department of Transportation change the current bi-directional traffic pattern along SW Broad Street from W. Massachusetts Avenue and W. Indiana Avenue to a single direction traffic pattern allowing traffic to move only in a westerly direction.
2. The Town Council authorizes a change in the current bi-directional traffic pattern along SE Broad Street, in conjunction with the change to SW Broad Street, from W. Massachusetts Avenue and W. Indiana Avenue to a single direction traffic pattern allowing traffic only in an easterly direction.
3. That east bound traffic currently traveling along NCDOT's SW Broad will now be diverted across the railroad at the W. Indiana Avenue crossing and onto the Town of Southern Pines section of SE Broad Street
4. The Mayor and other Town officials are authorized to execute any additional documents that may be required by NCDOT with regard to this request.

This the 8th day of August 2023.

ATTEST:

Beth Robertson, Town Clerk



APPLICATION FOR Voluntary Annexation

SUBMITTAL REQUIREMENTS:

- ✓ **Completed Petition for Voluntary Annexation (attached).** Petition signed with original wet ink by the owners of all real property located within the subject area to be considered for annexation.
- ✓ **Legal Description.** Written metes and bounds legal description of the subject property.
- ✓ **Accurate Map.** Provide a survey or accurate map of subject property.
- ✓ **Electronic copy (.pdf) of all application materials.** E-mail to admin@southernpines.net.
- ✓ **NCGS § 160A-31** governs the Town's authority to annex property by a voluntary petition.

REVIEW & APPROVAL PROCESS:

- **Submittal (2nd Monday – month #1 of process):** Submit a packet as detailed above to the Town Clerk no later than close of business on the 2nd Monday of the month.

Hard copies shall be submitted in person or by mail to: Town Clerk, Town of Southern Pines Administration Dept., 125 SE Broad St., Southern Pines, NC 28387.
- **Review by Staff:** Town staff will review the petition to ensure all required materials are submitted and properly executed. If the petition is complete, staff will forward it, along with a report, to the Town Council for review at their work session (4th Monday of the same month a complete application is submitted).
- **Town Council Work Session (4th Monday of month #1):** Staff and the petitioner will present the details of the petition to the Town Council. The Council will vote on a Resolution Directing the Town Clerk to Investigate the Sufficiency of a Petition for Annexation.
- **Investigation by Town Staff:** The Town Clerk will investigate the sufficiency of the petition per North Carolina General Statute §160A-31 and prepare a Certificate of Sufficiency.
- **1st Town Council Regular Meeting (2nd Tuesday of month #2):** The Town Council will receive the Certificate of Sufficiency and vote on a resolution scheduling a public hearing for the petition.
- **Legal Notice:** Town staff will publish a notice of the public hearing in the newspaper, at least 10 days prior to the date of the public hearing.
- **2nd Town Council Regular Meeting (2nd Tuesday of month #3):** The Town Council will hold a public hearing to receive public comment on petition and then vote to either approve or deny the petition. If approved, the annexation generally becomes effective the same day.

PETITION FOR VOLUNTARY ANNEXATION

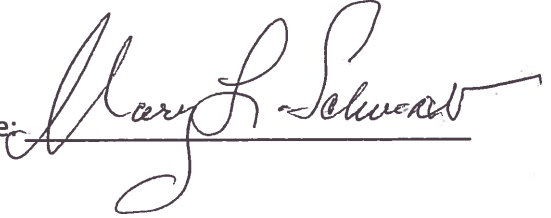
To the Town Council of the Town of Southern Pines, North Carolina:

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: 858005192800
858005192603; PARID: 00047929, 20210501

Property Owner(s):

Name: MARY L. SCHWAB

Address: 1 CLIFF COURT EXT.

Signature: 

Name: _____

Signature: _____

Address: _____

Name: _____

Signature: _____

Address: _____

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

Exhibit AParcel 1: House Tract (1.18 acres)

That certain parcel or tract of land being bounded on the East by Karl Martin (617-87), on the Northeast by Cliff Court Extension, and on all other sides by Jack R. Morris (414-116, 298-535) and more particularly described as follows to/wit:

Beginning at an existing iron pipe (said pipe being the Northwest corner of Karl Martin (617-87) and being in the dividing line between Southern Pines Country Club (PC 2, Slide 126) and Jack R. Morris (298-535), the Southwest corner of Lot 510 "Southern Pines Country Club" PC 2, Slide 126, and running thence as the Southern line of said lot N 66-58-01E 119.96 feet to a new iron pin, thence as a new line N 02-07-00E 40.0 feet to a new iron pin, thence N 87-53-00W 119.07 feet to a new iron pin, thence as a curve to the right having a radius = 325.0 feet, length = 198.55 feet a chord bearing and distance of N 70-07-28W 195.47 feet to a new iron pin, thence leaving said curve S 11-42-18W 225.49 feet to a new iron pin, thence N 80-01-26E 54.57 feet to a new iron pin, thence S 64-01-19E 97.81 feet to a new iron pin, thence S 79-45-18E 57.59 feet to a new iron pin, thence S 65-28-27E 47.83 feet to a new iron pin in the Western line of Lot 511 "Southern Pines Country Club (PC 2, Slide 126), thence as said line N 02-20-20W 126.63 feet to the beginning containing 1.18 acres more or less and being a portion of those tracts of land described in DB 298 Pg 535, DB 414 Pg 116, Moore County Registry.

Being the same tract designated as Lot 1 and shown on plat thereof recorded in Plat Cabinet 12, Slide 7, Moore County Registry.

Parcel 2: Triangle at Street > Already incorporated

Being all of that parcel containing 1660 square feet, as shown on plat entitled "Map of a Boundary Survey for Jane Sandrock, Property of Jack R. Morris Estate, Pee Dee Lake, Sandhills Township, Moore County, Aberdeen, North Carolina", dated November 23, 2004, drawn by James S. Armstrong, PLS, Blue: Land, Water, Infrastructure, PA, and recorded in Plat Cabinet 12, Slide 7 of the Moore County Registry.

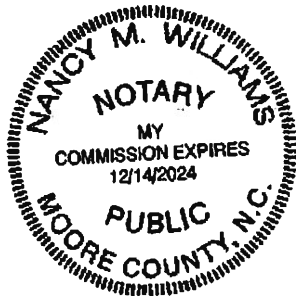
Parcel 3: Shoreline

Beginning at an iron stake, the southwest corner of Lot 511 of the Southern Pines Country Club Lands as shown on Plat Cabinet 2, Slide 126; thence South 02 degrees 03 minutes 18 seconds East 135.76 feet to a calculated point; thence North 51 degrees 11 minutes 28 seconds West 319.54 feet to a calculated point; thence North 12 degrees 00 minutes 12 seconds East approximately 20 feet to the southwest corner of the Jane Clark 1.18 acre parcel described in Book 665, Page 317 of the Moore County Registry; thence continuing with the Clark line the following calls and distances; North 80 degrees 37 minutes 49 seconds East 54.44 feet to an iron stake; South 63 degrees 54 minutes 56 seconds East 97.81 feet to an iron stake; South 79 degrees 24 minutes 45 seconds East 57.59 feet to an iron stake; South 65 degrees 10 minutes 35 seconds East 47.83 feet to an iron stake; thence leaving the Clark line South 02 degrees 30 minutes 17 seconds East 9.53 feet to the point of beginning.

STATE OF NORTH CAROLINA
COUNTY OF

I, Nancy M. Williams, a Notary Public of the County and State aforesaid, do hereby certify that , Jane M. Clark, Attorney in Fact for Daniel Clark (a/k/a Daniel E. Clark), personally appeared before me this day, and being by me duly sworn, says that she executed the foregoing and annexed instrument for and in behalf of Daniel Clark (a/k/a Daniel E. Clark), and that her authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged and recorded in the Office of the Register of Deeds of Moore County, North Carolina, in Deed Book 5706, Page 41, and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney; that the said Jane M. Clark acknowledged the due execution of the foregoing and annexed instrument for the purpose therein expressed, for and in behalf of the said Daniel Clark (a/k/a Daniel E. Clark).

Witness my hand and notarial seal, this 21st day of September, 2021.



Nancy M. Williams
Nancy M. Williams, Notary Public

My commission expires: 12/14/2024

For Registration Register of Deeds
Judy D. Martin

Moore County, NC

Electronically Recorded

October 1, 2021 3:50:26 PM

Book: 5715 Page: 223 - 226 #Pages: 4

Fee: \$26.00 NC Rev Stamp: \$1,140.00

Instrument# 2021021888

Drafted by William H. Pate, Attorney at Law
Mail To: 120 Applecross Road, Pinehurst, NC 28370
No Title Search

Tax Stamps:

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 14th day of September, 2021, by and between **JANE M. CLARK** and husband, **DANIEL CLARK (a/k/a DANIEL E. CLARK)**, by **JANE M. CLARK**, his Agent, of 585 Penick Woods Lane, Southern Pines, NC 28387 (hereafter "Grantor"), and **MARY L. SCHWAB** (hereafter "Grantee") of PO Box 25, Southern Pines, NC 28388.

WITNESSETH:

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

SEE ATTACHED EXHIBIT "A." LEGAL DESCRIPTION.

This conveyance is made subject to: (i) ad valorem taxes for the current year, which taxes shall be prorated at closing; (ii) utility easements of record; and (iii) unviolated restrictive covenants that do not materially affect the value of the property; (iv) items shown on the above referenced plat.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 665, Page 317, Moore County Registry.

Submitted electronically by "Robbins May & Rich LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Moore County Register of Deeds.

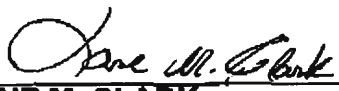
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

Daniel Clark makes no warranty of title and joins in this deed solely to waive any potential rights he may have as the spouse of the individual grantor holding title.

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

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

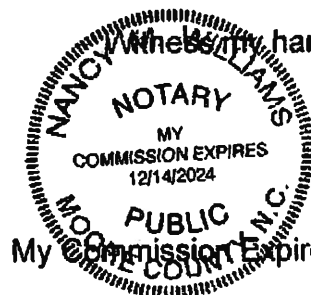
 (Seal)
JANE M. CLARK

 (Seal)
DANIEL CLARK
by Jane M. Clark A/S

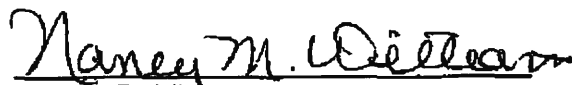
**STATE OF NORTH CAROLINA
COUNTY OF MOORE**

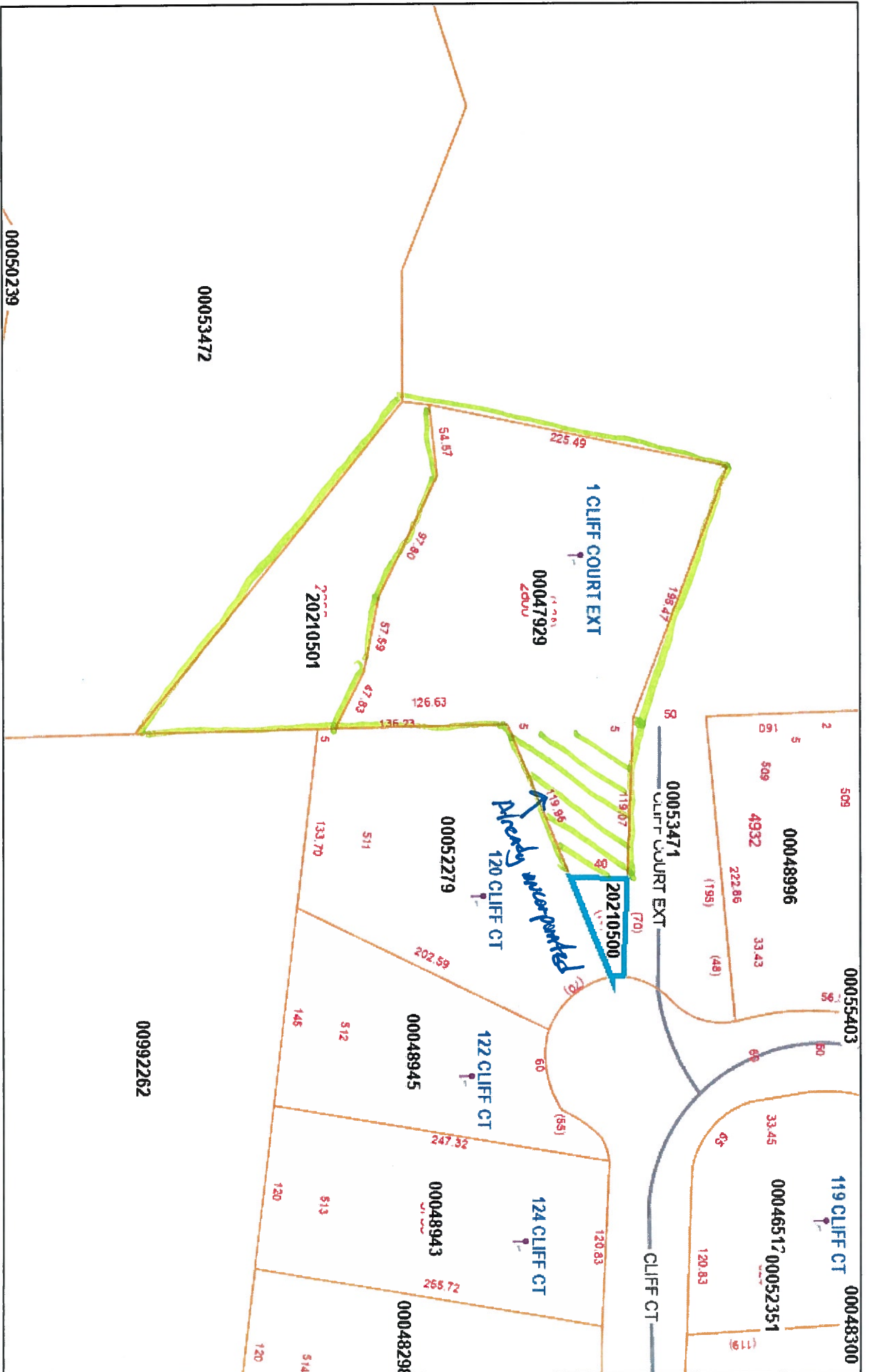
I, Nancy M. Williams, a Notary Public of the County and State aforesaid, certify that Jane M. Clark personally appeared before me this day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 21ST day of September, 2021.



My Commission Expires: 12/14/2024

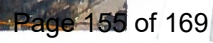

Notary Public



Name: SCHWAB, MARY L

Parcel ID: 20210500

Deeded Acres: 0.04





**RESOLUTION #1066
CERTIFICATE OF SUFFICIENCY
AX-04-23: 1 Cliff Court Ext.**

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

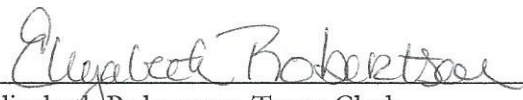
I, Elizabeth Robertson, Town Clerk, do hereby certify that I have investigated the attached petition and hereby make the following findings:

1. The petition contains an adequate property description of the area proposed for annexation, which is identified as follows:
 - PIN 858005192800 (PARID: 00047929)
 - PIN 858000192603 (PARID: 20210501)
2. The petition is signed by and includes addresses of all owners of real property lying in the area described herein. Per the Moore County Tax Department and Moore County Register of Deeds, the property owners are listed as:

Mary L. Schwab
1 Cliff Court Ext.
Southern Pines, NC 28387

3. The area described in the petition is contiguous to the Town of Southern Pines primary corporate limits, as defined by N.C.G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Southern Pines, North Carolina, this 27th day of July, 2023.


Elizabeth Robertson, Town Clerk





RESOLUTION #1067
SETTING DATE OF PUBLIC HEARING FOR ANNEXATION APPLICATION
AX-04-23: 1 Cliff Court Ext.

WHEREAS, a petition requesting annexation of an area described herein has been received; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency thereof; and

WHEREAS, certification by the Town Clerk as to the sufficiency of said petition has been made;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein will be held at the Douglass Community Center at 6:00 pm on September 12, 2023.

Section 2. The area proposed for annexation is described as follows:

Property Identification Number (PIN) and Parcel Identification:

PIN: 858005192800; PARID: 00047929

PIN: 858000192603; PARID: 20210501

Property Owners/Applicants:

Mary L. Schwab

1 Cliff Court Ext.

Southern Pines, NC 28387

Total Size of Property:

Total Acreage: +/- 1.18 acres

Meets & Bounds:

Parcel 1 House Tract: A certain parcel or tract of land being bounded on the East by Karl Martin (617-87), on the Northeast by Cliff Court extension, and on all other sides by Jack R. Morris (414-116, 298-535) and more particularly described as follows to/wit:

Beginning at an existing iron pipe (said pipe being the Northwest corner of Karl Martin (617-87) and being in the dividing line between Southern Pines Country Club (PC2, Slide 126) and Jack R. Morris (298-535), the Southwest corner of Lot 510 "Southern Pines Country Club" PC 2, Slide 126, and running thence as the southern line of said lot N 66-58-01E 119.96 feet to a new iron pin, thence a new line N 02-07-00E 40.0 feet to a new iron pin, thence N 87-53-00W 119.07 feet to a new iron pin, thence as a curve to the right having a radius = 325.0 feet, length = 198.55 feet a chord bearing and distance of N 70-07-28W 195.47 feet to a new iron pin, thence leaving said curve S 11-42-18W 225.49 feet to a new iron pin, thence N 80-01-26E 54.57 feet to a new iron pin, thence S 64-01-19E 97.81 feet to a new iron pin, thence S 79-45-18E 57.59 feet to a new iron pin, thence S 65-28-27E 47.83 feet to a new iron pin in the Western line of Lot 511 "Southern Pines Country Club (PC 2, Slide 126), thence as said line N 02-20-20W 126.63 feet to the beginning containing 1.18 acres more or less and being a portion of those tracts of land described in DB 298 Pg. 535, DB 414 Pg. 116, Moore County Registry.

Being the same tract designated as Lot 1 shown on plat thereof recorded in Plat Cabinet 12, Slide 7, Moore County Registry.

Parcel 3 Shoreline: Beginning at an iron stake, the southwest corner of Lot 511 of the Southern Pines Country Club Lands as shown on Plat Cabinet 2, Slide 126; thence South 02 degrees 03 minutes 18 seconds East 135.76 feet to a calculated point; thence North 51 degrees 11 minutes 28 seconds West 319.54 feet to a calculated point; thence North 12 degrees 00 minutes 12 seconds East approximately 20 feet to the southwest corner of the Jane Clark 1.18 acre parcel described in Book 665, Page 317 of the Moore County Registry; thence continuing with the Clark line the following calls and distances; North 80 degrees 37 minutes 49 seconds East 54.44 feet to an iron stake; South 63 degrees 54 minutes 56 seconds East 97.81 feet to an iron stake;

South 79 degrees 24 minutes 45 seconds East 57.59 feet to an iron stake; South 65 degrees 10 minutes 35 seconds East 47.83 feet to an iron stake; thence leaving the Clark line South 02 degrees 30 minutes 17 seconds East 9.53 feet to the point of beginning.

Section 3. Notice of said public hearing shall be published in The Pilot, a newspaper having general circulation in the Town of Southern Pines, at least ten (10) days prior to the date of said public hearing.

Adopted this 8th day of August, 2023.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of August 8, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

DRAFT



MINUTES

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

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

Absent: Bill Pate

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda. Staff is requesting to add the following items to the Agenda:

- AX-03-23 to be added to the *Consent Agenda*
- Code Update on Yard Sales Ordinance added as an *Action item*
- Designating the Police Chief as representative to ABC Board. added to the *Consent Agenda*
- Nomination to the Appearance Commission added as an *Action item*

After discussion, changes were made to the Agenda for the July 11, 2023 meeting; the *Consent Agenda* will be moved to the beginning of the meeting, several items were added and item *Public Hearing 'a'* to be moved to *Public Hearing 'd'*.

Town Manager Parsons announced that the closed session for today's meeting is cancelled.

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 Grovsnor Land, LLC, has submitted an application for a mixed-use development with condominiums, single-family townhouses, office, retail, and restaurant.

Asst. Town Manager Jessica Roth advised the Council that Planning Director BJ Grieve is working with the applicant to get more specificity on the application and recommends approval of the new plan which is included in the packet.

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.

Town Manager Parsons reviewed the item and noted that the Planning Board has recommended approval of the item.

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.

Town Manager Parsons reviewed the application.

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.

Town Manager Parson reviewed the application.

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.

Town Manager Parsons reviewed the request.

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.

Town Manager Parsons reviewed the request.

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

No changes were requested.

7. CLOSED SESSION

Closed Session was cancelled per Town Manager Parsons.

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

Upon motion by Mayor Pro Tem Murphy, seconded by Councilmember Petersen and carried unanimously, Council adjourned at 6:24 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT



MINUTES

Tuesday, July 11, 2023: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PUBLIC COMMENTS

Logan King, 355 E Connecticut expressed his excitement regarding plans for the future skate park.

5. CONSENT AGENDA

Councilmember Clement moved to approve the Consent Agenda, seconded by Mayor Pro Tem Murphy; the vote was unanimous with the exception of Item #5d with a vote of 4-0 due to Councilmember Pate recusing himself.

Motion passed.

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

d. Set August 8, 2023 Public Hearing for AX-03-23

Knollwood Partners, LLC and Kaveri Investment Management Company, LLC c/o Pine Needles and Mid Pines have petitioned the Town for a voluntary annexation of 7 parcels totaling 558.04 acres located between Camp Easter Road, McDeeds Creek Road and US Hwy No.1. The Town Clerk has submitted a Certificate of Sufficiency and a public hearing will be scheduled for August 8, 2023.

e. Resolution #1061 - Designate the Police Chief as Town of Southern Pines Official Representative to

the ABC Commission.

Staff has prepared Resolution #1061 to designate the Police Chief as the Town of Southern Pines Official Representative to make recommendations to the North Carolina Alcoholic Beverage Control Commission on ABC permit applications.

6. ACTION ITEMS

a. Appoint Mary Miller to the Appearance Commission

Ms. Mary Miller has applied to serve on the Appearance Commission; the Commission requests that Council approve her appointment. She will represent one of the ETJ seats, with a three-year term to expire on July 10, 2026.

Councilmember Pate moved to approve Mary Miller's reappointment to the ETJ position on the Appearance Commission, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

b. Ordinance #2093 - Amendment to Yard Sale Ordinance

Town Attorney Mac McCarley has recommended changes to the Yard Sales Ordinance to bring it into full compliance with the Legislature's decriminalization of most municipal ordinances.

Councilmember Pate moved to approve Ordinance #2093 - Amendment to the Yard Sale Ordinance, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

7. PUBLIC HEARINGS

a. 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.

Councilmember Pate moved to open the hearing for OA-01-23: Amendments to the Architectural Compliance Permit Process in Section 2.26 of the UDO, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Planning Director Grieve presented the request and staff report to the Council.

After discussion, it was agreed upon by the Council to set a limit of 10,000 sq.ft. on projects not required to come before the Council for approval.

Karen Tesing, 210 Grove Road, asked for an example of a project that met the compliance standards but didn't meet the character standards, so was then denied approval by the Council. No examples were voiced. Will projects under the new 10,000 sq. ft. limit be approved using current design standards until new ones are adopted? Yes.

Susan Coleman, 225 N May, appreciates setting the limit at 10,000 sq. ft. and has a lot of confidence in the review process by the Council in regards to character standards and believes character is essential to the town's brand. Ms. Coleman questions approving the amendment until the new CLRP is approved.

Discussion ensued.

Councilmember Clement moved to close the hearing for OA-01-23; Amendments to the Architectural Compliance Permit Process in Section 2.26 of the UDO, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved that the proposed text amendments are consistent with the

Comprehensive Plan and to adopt Attachment 1 to the staff report with the following addition after "...the character of the community (Policy P-11)"

Furthermore, requiring Town Council review of all large and/or noncompliant commercial structures for consistency with the goals of the Town's comprehensive plan is reasonable and in the public interest because those commercial structures are most likely to have an impact on the overall character of the neighborhood within which they are located.

The motion was seconded by Councilmember Petersen and the vote was unanimous.

Motion passed

Councilmember Pate moved to approve OA-01-23: Amendment to the Architectural Compliance Permit Process in Section 2.26 of the UDO with the following changes to Attachment 2 to the staff report:

- Change 15,000 to 10,000 square feet gross floor area

- Change UDO Section 2.26.7 to the language suggested by Town Attorney Mac McCarley

The motion was seconded by Mayor Pro Tem Murphy and the vote was unanimous.

Motion passed.

b. 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.

Councilmember Pate moved to open the hearing for AX-01-23: PARID #00040888, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed

Planning Director Grieve presented the application and staff report to the Council.

Discussion ensued.

No public comments were voiced.

Councilmember Pate moved to close the hearing for AX-01-23: PARID #00040888, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

Councilmember Pate moved to approve Annexation Application AX-01-23: PARID #00040888, seconded by Mayor Pro Tem Murphy; the vote was unanimous.

Motion passed.

c. 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.

Councilmember Pate moved to open the hearing for AX-02-23: Morganton Park, seconded by Councilmember Clement; the vote was unanimous.

Motion passed.

Planning Director Grieve presented the application and staff report to the Council.

Marsh Smith, 560 Santee Road, shared his displeasure at the continued cutting down of trees for new projects.

Councilmember Pate moved to close the hearing for AX-02-23: Morganton Park, seconded by Mayor Pro

Tem Murphy; the vote was unanimous.
Motion passed.

Councilmember Pate moved to approve the Application for Annexation AX-02-23: Morganton Park, seconded by Councilmember Clement; the vote was unanimous.
Motion passed.

d. 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 announced the reconvening of the public hearing for PD-02-23: Conceptual Development Plan for +/- .786 acres on the west side of S. Bennett Street.

Planning Director Grieve presented the staff report and recent changes made to the proposed project. The applicant, Colin Webster of 140 Lakeshore Drive in Whispering Pines, was present to answer Council questions regarding specific aspects of the plan. Parking, stroller and bicycle storage, windows and other items were among the topics discussed.
Discussion ensued.

John McNerny, 460 Crest Road, asked a question regarding the number of stories allowed in Southern Pines.

David Sullivan, 19 Village Ring Circle, likes the concept of 'live, work, play' but feels that people aren't taking into consideration the suitability of the land with the proposed use and too many deviations being requested of the Town.

Marsh Smith, 568 Santee Road, entered 3 items into record (2 pictures and an email dated 6/13/23 from Mr. Smith to the Council members and staff members) and urges the Council to adhere to the UDO standards and not grant further deviations.

Alex Founis, of 15 River James Place, Pinehurst, presented a photo of a license plate with an Illinois state tag that reads Southern Pines to the Council. Mr. Founis shared his opinion on the proposed development with the Council; the proposed development is a great plan but not at the proposed location and will create parking problems.

Discussion ensued.

Councilmember Clement moved to close the 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.

Councilmember Clement moved to ask the Clerk to put the vote for PD-02-23 on the agenda for the Town Council meeting August 8, 2023, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

8. ADJOURNMENT

Upon motion by Councilmember Petersen, seconded by Councilmember Clement and carried unanimously, Council adjourned at 9:05 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, July 25, 2023: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

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

Absent: Paul Murphy

2. ACTION ITEMS

a. Approve Resolution #1064: Direct Clerk to Investigate Application for Annexation AX-04-23.

Mary Schwab is petitioning the Town of Southern Pines for annexation of a +/-1.18 acre parcel 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 Parson presented the application to the Council.

Councilmember Pate moved to approve Resolution #1064 to Direct Clerk to Investigate Application for Annexation AX-04-23, seconded by Councilmember Peterson; the vote was unanimous.

Motion passed.

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Town Manager Parson advised that the meeting live stream will switch from the Council Meeting to the CLRP Meeting at 5:45 pm.

4. COUNCIL UPDATES AND DISCUSSION

a. Solid Waste and Recycling

The Town released an RFP for solid waste services to begin on January 1, 2025 when GFL's contract ends. Three vendors submitted responses. Staff will review the results and recommendations for next steps.

Asst Town Manager Mike Cameron, Consultant David Harvell and Consultant Elizabeth Summernight presented an update on the search for a new contract for solid waste and recycling. Details on pricing, service options and logistics were discussed.

Discussion ensued.

Councilmember Pate, seconded by Councilmember Petersen, requests the Clerk put a public hearing for input from the community on the calendar for the Town Council Agenda meeting on August 8, 2023; the vote was unanimous.

Motion passed.

b. Knoll Road Multi-Use Path

The Town has a financial obligation to NCDOT for \$418,000 to complete the Knoll Road path. The capital project fund balance currently has \$236,325, requiring a transfer of \$181,675 to fund the

obligation. Staff seeks Council direction on the source of these funds, as this could be a potential project for revenue replacement funds.

Town Manager Parsons requested the Council to advise staff on whether to appropriate the project to the ARPA revenue replacement funds spreadsheet. The project's budget has increased, so therefore, our match will increase and a budget amendment will need to be prepared. The council indicated that they were agreeable to the funds coming from the ARPA funds.

Asst. Public Works Director/Town Engineer James Michel spoke to the Council.

Discussion ensued.

c. Broad Street Parking and Directional Change Update

Update on discussions with NCDOT and BPAC

Planning Director Grieve gave a presentation regarding proposed parking and directional changes (one way traffic and parallel parking with horizontal parking striped on DOT side) on Broad Street.

Discussion ensued.

The Council indicated their agreement with the proposed changes. Staff will present a Resolution to the Council for approval at the August Council meeting.

5. COUNCIL ROUNDTABLE DISCUSSION

Councilmember Petersen

- is requesting a public parking lot sign for the Bennett Street parking lot.
- a letter to the editor in a recent edition of the Pilot newspaper spoke about the inadequacy of the electrical vehicle charging stations in Town. The charging stations discussed in the letter are owned and run privately and the space is just leased from the Town.

Councilmember Clement

- updated the Council on her work with the proposed skate park.
- requested clarification on the Knollwood paving project be put online. Staff advised that the Town hasn't received confirmed project finish dates from DOT but would put what they had online and that the paving is just being patched currently but would be re-paved completely once the project is finished.
- questioned if there were any projects or preparations needed to be done prior to the U.S. Open and asked staff to bring any requests to the Council.

Councilmember Pate questioned the order of presentations on proposed projects at Council meetings, giving the impression that the projects are being "recommended" by the Town staff, so should the applicant speak first, then staff.

- Town Attorney Mac McCarley advised that the reasoning behind this is for the staff to present the staff report to lay out the facts first and the applicant then presents their proposal or "sales pitch" and prevents the staff from having to dispute points made in the applicant's presentation. Town Manager Parsons added that having the staff speak gives them a chance to highlight any potential issues and give the Council a chance to question the applicant with that knowledge.
- should we allow everyone to speak and keep council questions till after? Town Manager Parsons advised that the Chair has a lot of power to steer the direction and order of the hearing. Discussion ensued.

6. CLOSED SESSION

Town Manager Parson advised that no action would be taken by the Council following the closed session.

a. Closed Session Discussion

Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(5) to discuss the potential transaction of real property.

Council entered into closed session at 5:00 pm following a 10 minute break and exited closed session at 5:21 pm.

7. ADJOURNMENT

Upon motion by Councilmember Clement, seconded by Councilmember Pate and carried unanimously, Council adjourned at 5:21 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT