



AGENDA

Tuesday, September 12, 2023: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PRESENTATION

a. Sprucing Up Southern Pines

Members of the Appearance Commission will attend to present the 2023 Sprucing Up Southern Pines awards.

5. PUBLIC COMMENTS

6. CONSENT AGENDA

a. Approve Ordinance #3002 Amending the Town's Code of Ordinances

This is a series of administrative revisions to the Code of Ordinances. These amendments address enforcement actions related to unsafe buildings and fines/fees assessed by the fire and finance departments.

b. Approve Ordinance #3003 Amending the Town's Fee Schedule

This ordinance updates the Town's fee schedule, effective September 12, related to charges for fire and rescue services and utility billing.

c. Approve Resolutions #1070 to Designate Public, Limited, and Non-Public Forum Areas in Town Facilities and #1071 to Amend the Southern Pines Public Library Use Policy

#1070 creates a policy to designate areas in Town-owned facilities with regard to public, limited, and non-public forums in order to comply with precedents interpreting the 1st Amendment.

#1071 amends the Town of Southern Pines Public Library Use Policy.

d. Consider Resolution #1072 Confirming Non-Inclusion of a Portion of Long Street in the Southern Pines Street Plan

This request is from Tom Mincher, Jr. pursuant to NCGS 136-96 (e) which requires the filing of a resolution and declaration of withdrawal with the Register of Deeds. Staff reviewed the Town's records and found that this portion of Long Street was not included in any street plan adopted under GS 136-66.2.

e. Approve Resolution #1073 Requesting that NCDOT Reduce the Speed Limit on a Portion of Broad Street

This resolution is a request for NCDOT to reduce the speed limit on SW Broad Street from W. Massachusetts to W. Illinois Ave to 20MPH. This would be consistent with the other sections of Broad that currently are one-way.

f. Approve Resolution #1074 and Ordinances #3005 and #3006 Accepting CWSRF/ASADRA Funds for the Warrior Woods Lift Station Relocation and Amending the Town's Budget to Receive and Allocate the Funds

The Town has been approved for low interest loan funding for the Warrior Woods Lift Station project. The funding is provided by the Division of Water Infrastructure as part of the Additional Supplemental Appropriation for Disaster Relief Act (ASADRA).

g. Authorize the Town Manager to Execute the 2023 Statewide Mutual Aid Agreement

The Town is currently part of the statewide mutual aid agreement, which is a tool to share resources across jurisdictional boundaries during an emergency event. Through this agreement, participating local governments work together to coordinate activities relating to emergency and disaster mitigation, preparedness, response, and recovery. The Town Manager will be authorized to execute the [2023 agreement](#).

7. ACTION ITEMS

a. AR-08-23 Southern Pines Golf Club Cottages

Mid Pines Development Group, LLC has applied for an Architectural Compliance Permit for seven 4-bedroom cottages and three 8-bedroom cottages totaling 52 bedrooms for the Southern Pines Golf Club off Country Club Circle. The overall project was approved by Town Council on February 14, 2023 through Special Use Permit #SU-07-22.

b. PD-02-23: Conceptual Development Plan for +/- .786 acres on the West Side of S. Bennett St. between New York Ave. and Pennsylvania Ave. (continued)

Mr. Colin Webster, on behalf of Grovsnor 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 on July 11, 2023.

c. Consider Weighted Vote for MPO Items

The newly formed MPO is establishing operational procedures and policies. The participating jurisdictions have been asked to recommend whether a weighted vote should be used in certain circumstances.

8. PUBLIC HEARINGS

a. AX-04-23: Annexation of 1.01 acres west of Cliff Court, off of Cliff Court Extension

Mary Schwab is requesting voluntary annexation of 1.01 acres, identified as PIN 858005192800 (PARID 00047929).

b. Convey Property to the YMCA of the Sandhills on the North Side of Morganton Rd at Henley St.

The Town owns a 49-acre tract at the corner of Henley St. and Morganton Rd. The Town has subdivided this parcel, creating a 7.73+/- acre sub-tract. It is the Town's intent to convey this property to the YMCA of the Sandhills, pursuant to G.S. 160A-279.

c. LRP-01-23: Southern Pines 2040 Comprehensive Plan

Town Council will hold a public hearing to receive comments on the draft 2040 Comprehensive Plan. The Planning Board has unanimously recommended approval of the plan with 13 modifications to the text.

d. PD-03-23: Preliminary Development Plan (PDP) for Morganton Park South Phase 3

Midland Atlantic Properties has applied for a Preliminary Development Plan for Morganton Park South. The application includes a 101,840-square foot wholesale retail building, a fuel service station, and a 2,050-square foot drive-through restaurant on +/- 13.89 acres. The Town Council will hold an evidentiary hearing prior to making a quasi-judicial decision on this matter.

9. ADJOURNMENT



ORDINANCE #3002
AMENDING THE TOWN'S CODE OF ORDINANCES

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, in regular session assembled on the 12th day of September, 2023, that the Town's Code of Ordinances be amended as follows:

1. Delete the existing text of § 95.038 in its entirety and replace with "Attachment A."
2. Amend Chapter 153 Unsafe Buildings in accordance with "Attachment B."
1. Delete the Miscellaneous charges and charges for Verification of Meter Accuracy in subsection (D) of Chapter 50, Water and Sewer Use, Appendix A: Rates, Fees and Charges.
2. Delete the text, in its entirety, of subsection (F) of Chapter 50, Water and Sewer Use, Appendix A: Rates, Fees and Charges.
3. This ordinance shall go into effect on September 12, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**ORDINANCE #3002
“ATTACHMENT A”**

§ 95.038 INSPECTIONS FOR FIRE/LIFE SAFETY PURPOSES.

- (A) Upon the first visit of the Fire Marshal or his/her authorized representative, a notice of violation will be issued to any person for violations of the North Carolina State Fire Code. Upon the second and all subsequent visits, the person responsible for the code violations may be charged a reinspection fee, as designated on the Town’s fee schedule.

(B) VIOLATIONS

- a. Any person shall be subject to all penalties allowed by law if the person:
- i. Violates or fails to comply with the provisions of the North Carolina Fire Code;
 - ii. Violates or fails to comply with any order made under the North Carolina Fire Code;
 - iii. Builds in violation of any detailed statement of specifications or plans submitted and approved under the fire prevention code or any certificate or permit issued thereunder; or
 - iv. Shall fail to comply with such an order as affirmed or modified by the Fire Marshal and/or his/her authorized representative, or by a court of a competent jurisdiction, within the time affixed.
- b. In addition to any civil penalties that may apply, violators are subject to criminal penalties pursuant to N.C.G.S. 153A-123 and any other criminal laws that may be applicable.

(C) PENALTIES

- a. The fine for a violation of this article shall be a civil penalty as designated on the Town’s fee schedule. Each violation, as well as each day a violation exists, shall constitute a separate and distinct offense.
- b. If a person has not been cited within the previous 12 months and the violations are corrected within 72 hours, the fines may be waived, with the exception of Type 4 violations. The citation and penalties shall be in writing, signed by the Fire Marshal or his/her authorized representative, and shall be delivered in person or by certified mail with return receipt requested to the offender at the place where the violation occurred.
- c. The failure of the offender to make payment of all civil penalties within 15 days from the date of the citation will result in a delinquency charge of (\$50.00) and/or further legal action and fines.
- d. The types of violations are as follows:
- i. *Type 1 violations.* These violations generally increase the likelihood of a fire or injury. They include, but are not limited to, failure to:

1. Obtain proper permits for required uses as listed under the permit fees.
 2. Maintain properly operating exit or emergency lights.
 3. Maintain a clear, unobstructed access to fire protection equipment.
 4. Properly cover or close electrical junction boxes.
 5. Properly use electrical extension cords.
- ii. *Type 2 violations.* These violations represent a general threat to property. They include, but are not limited to, failure to:
1. Safely maintain proper storage of combustibles outside of a business.
 2. Maintain a clear, unobstructed access to electric panels.
 3. Properly maintain automatic closing fire and smoke doors.
 4. Properly maintain and inspect portable fire extinguishers.
 5. Properly maintain unobstructed accesses to hydrants, risers and fire department connections.
- iii. *Type 3 violations.* These violations directly affect the life safety of persons within an occupancy or the probability of heavy property loss if a fire occurs, therefore fines shall be issued upon discovering violations of this type that are not immediately rectified. They include, but are not limited to, failure to:
1. Maintain a clear, unobstructed access to and from exit doors, both inside and outside.
 2. Install, test or properly maintain smoke and fire alarm systems.
 3. Install or properly maintain or test automatic sprinkler systems and extinguishing systems.
 4. Properly store or use flammable, combustible, or hazardous materials.
 5. Limit the number of persons in a place of assembly to the maximum posted number allowed.
 6. Failure to evacuate upon activation of a manual or automatic fire alarm system.
- iv. *Type 4 violations.* These violations are where, despite prior violations, corrections have not been made and/or previous fines have not been paid.
1. Any person who has committed a Type 3 violation in the previous five (5) months and has either not made corrections or commits a second Type 3 violation will receive a Type 4 violation and be subject to the civil penalty of a Type 4 violation.

(d) The application of fines or penalties in this chapter shall not prevent the enforcement of or removal of the prohibited conditions.



**ORDINANCE #3002
“ATTACHMENT B”**

Revision: Delete existing §153.01 in its entirety and replace with the following:

§ 153.01 UNSAFE BUILDINGS CONDEMNED

- (A) *Unsafe residential or nonresidential buildings (condemned).* All buildings, residential or non-residential, that are especially dangerous to life because of liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating systems, inadequate means of egress, or other causes shall be held to be unsafe and condemned. The inspector shall affix a notice of the dangerous character of the structure to a conspicuous place on the exterior wall of the unsafe, condemned building.
- (B) The Town Fire Marshal or his/her designee is designated as the public official who is authorized to exercise the powers prescribed in this chapter and the General Statutes.
- (C) This chapter shall be enforced by the Town of Southern Pines within its corporate limits and within its extraterritorial jurisdiction.
- (D) G.S. Chapter 160D, Article 11, Building Code Enforcement, including all subsequent amendments, as adopted by the North Carolina General Assembly, is hereby adopted by reference as fully as though set forth here and shall be enforced as part of this chapter.

Revision: Delete existing §153.02 in its entirety and replace with the following:

§ 153.02 ACTION IN EVENT OF FAILURE TO TAKE CORRECTIVE ACTION

- (A) *Failure to take corrective action.* If the owner of a building or structure that has been condemned as unsafe pursuant to G.S. 160D-1119 fails to take prompt corrective action, the public official shall give the owner written notice in accordance with G.S. 160D-1121. The written notice shall inform the owner:
 - (1) That the building or structure appears to be in one or more of the following conditions:
 - i. Constitutes a fire or safety hazard;
 - ii. Is dangerous to life, health, or other property;
 - iii. Is likely to cause or contribute to blight, disease, vagrancy, or danger to children;
 - iv. Has a tendency to attract persons intent on criminal activities or other activities

that would cause a public nuisance.

- (2) That an administrative hearing will be held before the inspector at a designated place and time, no less than ten (10) days and not more than thirty (30) days after the date of the notice, at which time the owner will be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter.
- (3) Following the hearing, the public official may issue such order to repair, close, vacate or demolish the building or structure as appears appropriate.
- (4) If the name or whereabouts of the owner cannot be discovered after due diligence, the public official shall properly and adequately serve the notice of the hearing in accordance with G.S. 160D-1121.

(B) *Order to take corrective action.* The public official shall hold an administrative hearing in accordance with G.S. 160D-1121. If the public official finds that the building or structure is in a condition that constitutes a fire or safety hazard or renders it dangerous to life, health, or other property, he/she shall issue an order in writing to the owner of such building or structure. The written order shall:

- (1) Confirm the findings of fact.
- (2) State the actions required to remedy the violation.
- (3) Confirm the deadline to complete the action.
 - i. The public official shall determine a reasonable time to take that action, provided at least 60 days from the date of the order.
 - ii. Where there is imminent danger to life or other property, the public official may set a deadline of less than 60 days.

(C) *Appeal; finality of order if not appealed.* Any owner who has received an order of corrective action may appeal from the order as follows:

- (1) The appeal shall be filed in writing within 10 days following issuance of the order.
- (2) The appeal shall be to the public official and to the Town Clerk.
- (3) The Planning and Zoning Board shall hear an appeal in accordance with G.S. 160D-406. All appeals shall adhere to quasi-judicial procedures and shall consider only the public official's interpretation of the Town Code related to the order. The Board may affirm, modify and affirm, or revoke the order.
- (4) In the absence of an appeal, the order of the public official shall be final.

Addition: Add new section §153.03 as follows:

§ 153.03 FAILURE TO COMPLY WITH ORDER OF CORRECTIVE ACTION

(A) *Civil enforcement.* Whenever any violation is denominated a misdemeanor under the provisions of this section, the Town, either in addition to, or in lieu of other remedies, may initiate any appropriate action or proceedings to prevent, restrain, correct or abate the violation or to prevent the occupancy of the building or structure involved.

(B) *Receivership.* In accordance with G.S. 160D-1130, the Town may petition Superior Court for the

appointment of a receiver for said property in order to rehabilitate, demolish, or sell a vacant building, structure, or dwelling.

(C) *Equitable enforcement.* In the case of a nonresidential building or structure declared unsafe and condemned under G.S. 160D-1119, the Town of Southern Pines may, in lieu of taking civil enforcement action, cause the building or structure to be removed or demolished pursuant to G.S.160D-1125.

(1) The Town may file a lien against the real property for the amount incurred for removal or demolition as provided in G.S.160A, Article 10 and G.S. 160D-1125.

(2) The Town may file an additional lien against any other real property of the owner except the owner's primary residence as provided in G.S.160A, Article 10 and G.S. 160D-1125.

(D) *Bond for repair or demolition.* The public official may require a surety in the form of performance bond or letter of credit to ensure completion of the required repairs or to cover the cost of securing and demolition of a structure.

(1) The surety shall be issued to the Town and drawn from an institution licensed to do business in North Carolina.

(2) The amount of the surety will be a minimum of (1.5) one and one-half times the estimated cost of the required repairs or demolition as determined by the public official.

(3) The surety shall be accompanied by a signed agreement between all parties that documents the necessary work and a deadline for the owner to complete such work, as determined by the public official.

(4) The bond or letter of credit must be valid for the time period provided by the public official. If work has not been completed by the deadline, then the public official is authorized to use necessary funds from the surety to ensure that the work is completed and the requirements of this chapter are met. Said work may include hiring contract labor for necessary repairs and/or demolition and removal of the structure(s).

(E) *Non-limiting power of declaration.* Nothing in this section shall be construed to impair or limit the power of the Town of Southern Pines to define and declare nuisances and to cause their removal or abatement by summary proceedings, or otherwise.



**ORDINANCE #3003
AMENDING THE TOWN'S FEE SCHEDULE**

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina that the Town's Fee Schedule is amended as follows:

1. Adopt the attached document in its entirety.
2. This fee schedule is effective September 12, 2023.
3. The fee schedule shall be administered by the Town Manager or his/her designee.
4. The fee schedule shall be maintained by the Town Clerk.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

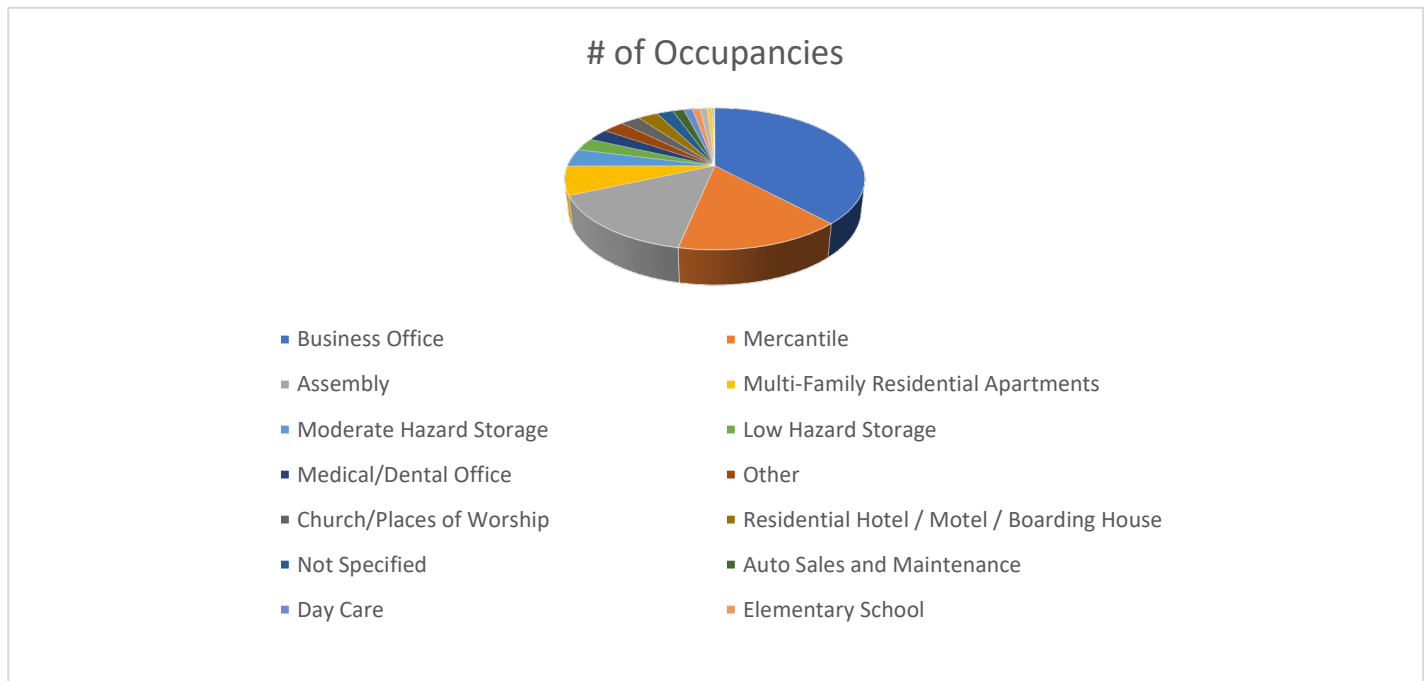
DRAFT

TOWN OF SOUTHERN PINES FEE SCHEDULE	
<i>Fee Description</i>	<i>Fee Amount</i>
FIRE & RESCUE	
Fire/Life Safety Type 1 Violation	\$ 100
Fire/Life Safety Type 2 Violation	\$ 200
Fire/Life Safety Type 3 Violation	\$ 300
Fire/Life Safety Type 4 Violation	\$ 500
Fire/Life Safety: 2nd reinspection and all subsequent visits	\$ 100
Delinquency charge on unpaid penalties	\$ 50
Hourly fee for fire/rescue Services billed to responsible party or owner, in addition to materials used	\$ 500
UTILITY BILLING	
Deposit for water service: ¾" and 1" meter	\$ 100
Deposit for water and sewer service: ¾" and 1" meter	\$ 150
Deposit for service: meters larger than 1"	\$ 300
Verification of meter accuracy: ¾" and 1" meter	\$ 30
Verification of meter accuracy: meters larger than 1"	Cost of test
Special meter reading at customer's request	\$ 15
Violation of grease trap violation (per billing period)	\$ 100
Connection fee for new customer	\$ 15
Reconnection after service is shut off for non-payment	\$ 20
Late fee	\$ 6
Handling fee for bad check/bank draft	\$ 25



Town of Southern Pines Occupancy Types

OccupancyType	# of Occupancies
Business Office	538
Mercantile	215
Assembly	214
Multi-Family Residential Apartments	92
Moderate Hazard Storage	57
Low Hazard Storage	41
Medical/Dental Office	39
Other	39
Church/Places of Worship	36
Residential Hotel / Motel / Boarding House	36
Not Specified	30
Auto Sales and Maintenance	20
Day Care	16
Elementary School	14
Medical, Surgical, Psychiatric	13
High School	9
Aircraft Hangar	2
Hazardous	2
Middle School	1
Total Occupancies:	1414



SOUTHERN PINES FIRE DEPARTMENT FIRE INSPECTIONS AUGUST 2022 TO AUGUST 2023

Inspection Type	Inspections	Violations
ABC Inspection	17	47
Alarm System Test	25	25
Annual	961	1,341
Assembly Inspection	1	1
Citation	8	8
Complaint	35	57
Construction Final	54	69
Construction Inspection	27	26
Daycare / School	6	9
Fire Flow Test	20	20
Fire Sprinkler Test	34	37
Fire Suppression System Test	4	4
Gate Inspection	3	3
Hood Suppression and Duct Inspection	63	135
KnoxBox Key Update	13	13
Plan Review	333	339
Posting	82	83
Pre-Plan	1	1
Reinspection	624	1,575
SPECIAL INSPECTION	31	53
Tent Inspection	20	25
Total	2,362	3,871

Inspection Results	Total
Citation Issued	5
Complaint cleared By Contact	7
Notice of Violation	547
Passed	1432
Pending	253
Second Correction Notice	97
Third Correction Notice	21
Total Inspections Completed	2362

All inspections occurred on or after 8/15/2022 and before 8/16/2023

Violations By Occupancy Type

Occupancy Type	#Violations
Assembly	1245
Auto Sales and Maintenance	126
Business Office	839
Church/Places of Worship	115
Day Care	52
Elementary School	66
Hazardous	14
High School	9
Low Hazard Storage	50
Medical, Surgical, Psychiatric	30
Medical/Dental Office	74
Mercantile	677
Middle School	1
Moderate Hazard Storage	127
Multi-Family Residential Apartments	156
Other	143
Residential Hotel / Motel / Boarding House	147
Total of Violations:	3871

Top 10 Fire Code Vioaltion Types	
Abatement of Electrical Hazards	124
Exits Obstructed Blocked or Locked	45
Emergency Lights	228
Extension Cords	148
Extinguishing System Service	116
Fire Alarm and Sprinkler Service	117
Fire Extinguishers	263
Kitchen Hood Cleaning	130
Maintain Records	161
Address Identification	30

1st Amendment Issues in Town Buildings

Memo

To: Mayor & Town Council

From: Mac McCarley, Town Attorney

cc: Reagan Parsons, Town Manager

Date: August 14, 2023

Re: 1st Amendment Issues in Town Buildings

First Amendment audits are a social movement that usually involves photographing or filming from a public place or in a public building. It is often characterized by its practitioners, known as “1st Amendment auditors”, as citizen journalism or citizens exercising their constitutional rights and testing the openness of their government. They will assert their right to be in a public place and to photograph or film the people present and the activities that are taking place. In most cases, these rights are protected by the 1st Amendment to the US Constitution and the self-appointed auditors have a right to be where they are and to film the people present and the activities occurring there. The auditors believe that their activities promote accountability by public officials and employees and encourage open and transparent government. A cursory search for internet videos will illustrate that public employees who react poorly and inappropriately draw lots of views.

These activities are relatively common across the country and North Carolina and there are 1st Amendment auditors active in the Fayetteville area. We have had dealings with a 1st Amendment auditor in Southern Pines over the last several months and expect that to continue. The Town Manager and I have already started working with staff to alert them to these issues, offer guidance and training, and will be posting signs if Council adopts the policies we are proposing. The purpose of this memo is to outline a few of the legal issues involved and describe how we can best prepare for this in Town facilities.

The Basics

- It is legal to film people and activities in public places and this includes photographing public employees in the course of their duties. What is a "public place" is sometimes hard to determine. Sidewalks and the lobby of a Town building open to the public will clearly qualify, but private offices in a government building will not.
- In the police context it is clear that citizens have a right to record law enforcement activity, including activity that involves the person recording. Bystanders also have a right to record police activity as long as they don't interfere with law enforcement officers carrying out their duties (e.g., the George Floyd videos).
- Under a recent federal case in our Circuit, there is a right to livestream law enforcement encounters, unless doing so creates a threat to officer safety. Since the 4th Circuit has determined there is a right to livestream law enforcement encounters there is most certainly a right to livestream the activities of other Town employees.

What is a "Public Place"?

The most obvious answers are streets, sidewalks and public parks which are generally referred to as "traditional public forums" and enjoy the greatest freedom for First Amendment expression and conduct. Many government buildings open to the public, like a library or a museum, are in a lesser, but still very open, category for public forum analysis by the courts. These areas are generally referred to in 1st Amendment cases as a "limited public forum". However, even in a library or a museum, the offices, storerooms, staff restrooms and lounges would not be public places; therefore, a "non-public forum".

Areas that are not public spaces can be shown to a member of the public with the permission of an appropriate official. And individuals with an appointment to see someone in the non-public areas of a public building are welcome to enter that area under whatever rules the government has established.

Proposed Action by the Town Council

The attached Resolutions are intended to designate the various areas of Town-owned buildings for First Amendment purposes. This will give clear guidance to staff, establish our policies for controlling public spaces, and give the public clear guidance on where they are allowed and what activities are allowed in our facilities. The Resolution concerning the Library is more specific and also includes the adoption by the Council of a revised Library Use Policy.



RESOLUTION #1070
TO ADOPT A REVISED LIBRARY USE POLICY FOR
THE SOUTHERN PINES PUBLIC LIBRARY

WHEREAS, the Town of Southern Pines wishes to promote a safe and welcoming environment for all patrons of the Southern Pines Public Library, and prevent behavior in the Library that goes outside of standard societal norms for library usage; and

WHEREAS, the Town Council believes that the Southern Pines Public Library is a limited public forum as that term is defined by the federal courts of the United States, and that therefore the Town is obligated only to permit the public to exercise rights that are consistent with the nature of the Library and consistent with the council's intent in designating the Library as a limited public forum;

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

Section 1. The public areas of the Library are hereby designated as a limited public forum for First Amendment purposes and the storage areas, staff offices, work spaces, staff restrooms and break room, loading dock, building mechanical room areas, and areas behind service desks and counters in the open public areas of the library are hereby designated as non-public forum areas for First Amendment purposes.

Section 2. The attached "Southern Pines Public Library, Library Use Policy" is hereby adopted.

Section 3. The Town Manager and the Director of the Library are authorized and directed to post appropriate signs in and around the Library specifying the non-public areas of the facility that are restricted to entrance by and use of Town employees only.

Section 4. This Resolution and the actions authorized under it are effective upon adoption.

Adopted this 12th day of September, 2023.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

SOUTHERN PINES PUBLIC LIBRARY

LIBRARY USE POLICY

The Library is a place for everyone, shared by the community, and used by many different people for different reasons. The goal of the Library's Use Policy is to maintain the Library as a welcoming and safe environment for all staff and members of the community and to provide a space for reading, writing, studying, research and quiet contemplation. The Library acknowledges that some Library sponsored programs may involve additional noise for the duration of the program (e.g., children's story programs) and this is allowed. The atmosphere of the library should be one of mutual respect for the rights of others. Therefore, the Library will only permit the public to exercise rights that are consistent with the nature of the Library and the Town's intent in designating the Library as a Limited Public Forum. These guidelines ensure that all may have productive and pleasant visits to the Library. We require users to respect the comfort and safety of fellow library users and library staff. If a patron's behavior is making others feel unsafe or violates any of these Policies, library staff will ask them to stop.

Violations of the rules and policies below may result in removal from the facility and/or temporary or permanent revocation of library privileges. This policy covers disturbances both inside the library and on the library grounds. All members of the library staff have the authority to take necessary steps when policy is violated, and the police may be called at any time to assist. Users are expected to comply with requests from library staff and staff reserve the right to suspend privileges or access if requests are not followed. These rules will be applied in a neutral and nondiscriminatory manner, to protect property, users, and staff and to effectuate the purposes for which the Library is provided to the community. Patron/user conduct is unacceptable if it:

- Blocks entrances or exits and impedes others from entering or exiting the building.
- Excludes others from using the library for its intended purpose.
- Results in or threatens injury to oneself or others.
- Interferes with others' use or enjoyment of the library facilities.
- Results, or may result in, damage to library materials, facilities, or equipment.
- Is illegal under the laws of the United States, the State of North Carolina, or ordinances of the Town of Southern Pines.

Policy Violation may include but are not limited to:

- Illegal activities
- For the protection of Children, profane or obscene language or gestures
- Inappropriate use of furniture
- Littering and leaving trash anywhere except in trash receptacles
- Careless or disruptive eating of snacks or drinking of beverages (both of which are otherwise allowed)
- Loud or disruptive conversation or noise (including loud cell phone use)
- Inappropriate displays of affection
- Sleeping
- Bringing in animals other than service animals as defined by the Americans with Disabilities Act
- Taking photographs or videos of library users without their permission, or the permission of a parent or guardian in the case of a minor

- Entering or attempting to enter non-public or staff-only area of the Library
- Engage in any activity prohibited by the Library's computer and internet use policy
- Selling or soliciting of any kind without permission from Library staff
- Unauthorized distribution of printed materials or posting of notices
- Possessing, consuming, or being under the influence of alcohol or illegal drugs
- Use of tobacco or vaping products
- Not wearing shoes or shirt, or inappropriately removing clothing
- Leaving children or vulnerable adults unattended- see Safe Child Policy
- Bringing weapons of any kind into the Library
- Blocking or interference with entry or exits
- Leaving belongings unattended while using the library
- Removing Library materials from the building without checking them out
- Not respecting the privacy, solitude, or personal space of other patrons

If a patron feels that something or someone is making their experience in the library unsafe or that a provision of the Library Use Policy is being violated, they should inform a staff member

Adopted 2/88

Revised 2/00

Revised 3/04

Revised 11/21

Revised 9/2023



RESOLUTION #1071
TO DESIGNATE PUBLIC FORUM AREAS, LIMITED PUBLIC FORUM AREAS, AND
NON-PUBLIC FORUM AREAS IN TOWN OF SOUTHERN PINES FACILITIES

WHEREAS, the Town of Southern Pines intends to fully comply with the rights of all citizens regarding their access to and use of Town owned buildings while at the same time securing non-public areas and areas of safety concern for the protection of employees and the public alike; and

WHEREAS, the Town Council, with advice from and on recommendations from the Town Attorney, Town Manager, and Department Directors has considered the time, place and manner of safe, appropriate and lawful use of Town-owned buildings and forum designations that balance the interests of citizens, the community, employees, and the dictates of the law; and

WHEREAS, the nomenclature in this Resolution for designating spaces in Town-owned facilities is drawn from case law precedent interpreting the First Amendment to the US Constitution and is intended to be in compliance with that precedent;

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

Section 1. The following forum designations are hereby adopted for the uses, times of usage, and manner of usage for Town owned buildings:

Police Department, 450 W. Pennsylvania Avenue: The lobby, first floor hallway, second floor lobby, and the Haney Community Room are designated as limited public forums. They are open for citizen access to transact business with the Southern Pines Police Department, and the Haney Community Room is open for public participation in open meetings of the Town Council and other events with limitations or restriction as are appropriate for the Time, even of use of the Room. The rest of the building and the rear parking lot are designated as non-public forum.

The “Old Library/Finance Building”, 180 S.E. Broad Street: The front lobby of the building (that area inside the front wall of the buildings and the front of the service counter for accepting payments owed to the Town) is designated as a limited public forum, for the intended use of transacting business with the Town or viewing exhibits in the lobby area. The Boyd room is a limited public forum for meetings and exhibits unless at the time it is being use by the staff of the Town for a meeting of and for Town staff. The rest of the building is a non-public forum.

Community Development Building and Public Works Compound, 801 S.E. Service Road: The entry lobby and adjoining conference room are designated as limited public forums open for the transaction of business with the Town, except that the conference room is a non-public forum at times when it is in use for meetings of and for Town staff. The rest of the building, and specifically, for safety purposes, any area where equipment, vehicles, materials, tools or chemicals are stored, and anywhere inside the fenced in area is a non-public forum.

Administration Building, 125 S.E. Broad Street: The entry lobby (front room) of the building is designated as a limited public forum open for the transaction of business with the Town. The rest of the building is a non-public forum.

GIS/Information Technology Building, 140 Memorial Park Court: For security reasons this entire building is designated as a non-public forum.

The Campbell House, 482 E. Connecticut Ave: The first floor, except for staff and private offices, is a limited public forum for the purpose of transacting business with the Arts Council or viewing exhibits under the rules and policies established by the Arts Council for the use and enjoyment of it's exhibit space. The open area on the second floor at the top of the stairs is a limited public forum for the purpose of doing business with the Parks and Recreation Department. The remaining work areas and staff offices on the second floor are a non-public forum.

The Train House, 482 E Connecticut Avenue: During the time that the facility is being used for Parks & Recreation programming the facility is a limited public forum open for the purposes of

the programming taking place, and under the rules and regulations of the Parks and Recreation Department applicable to such programming. When the facility has been rented for a private function the facility is a non-public forum.

Recreation Center, 160 Memorial Park Court: During the time that the facility is being used for Parks & Recreation programming the facility is a limited public forum open for the purposes of the programming taking place, and under the rules and regulations of the Parks and Recreation Department applicable to such programming. When the facility has been rented for a private function the facility is a non-public forum.

Whitehall at Reservoir Park: During the time that any building is being used for Parks & Recreation programming the facility is a limited public forum open for the purposes of the programming taking place, and under the rules and regulations of the Parks and Recreation Department applicable to such programming. When the facility has been rented for a private function the facility is a non-public forum.

Fire Stations: The lobbies of the Southern Pines Fire Stations are a limited public forum for the purpose of doing business with the Fire Department. The rest of the buildings including the truck bays, sleeping quarters, kitchens, storage rooms, offices and conference rooms are non-public forums.

The Train Station, 235 N.W. Broad Street: For safety reasons the train platform is a non-public forum at any time that a train is approaching the station, in the station, or pulling out of the station. At other times, the Welcome Center area is a limited public forum for the purpose of transacting business with the Welcome Center staff or viewing the exhibits in the facility. The meeting room (1) during the time that the facility is being used for Parks & Recreation programming the facility is a limited public forum open for the purposes of the programming taking place, and under the rules and regulations of the Parks and Recreation Department applicable to such programming, (2) a limited public forum when it is in use for an open public meeting, but (3) is a non-public forum when it has been rented for a private function or is in use for a meeting of the staff of the Town. The ticketing area of the building is under lease to Amtrak and is not a Town controlled public facility subject to public forum analysis.

E.S. Douglas Community Center, 1185 W. Pennsylvania Avenue.: During the time that the facility is being used for Parks & Recreation programming the facility is a limited public forum open for the purposes of the programming taking place, and under the rules and regulations of the Parks and Recreation Department applicable to such programming. When the facility has been rented for a private function the facility is a non-public forum. The Auditorium is open for public participation in open meetings of the Town Council, the Planning Board and other governmental bodies and other events with limitations or restrictions as are appropriate for the time, event or use of the Room.

Occasional Use Space: Any additional Town owned or controlled space where a formally Noticed meeting of a public body (to encompass Planning Board, Board of Zoning Adjustment, Historic District Commission, etc.) is to be held shall convert that space into a Limited Public Forum for the conduct of the business of the public body until such time that the Noticed meeting is adjourned.

For All Buildings: Staff break rooms, areas containing the mechanical, network and audio equipment for the building, and staff restroom facilities are non-public forums.

Section 2. The Town Manager is authorized and directed to post appropriate signs in and around Town owned Buildings specifying the non-public areas of the facility that are restricted to entrance by and use of Town employees only.

Section 3. This Resolution and the actions authorized under it are effective upon adoption.

Adopted this 12th day of September, 2023.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023, as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



RESOLUTION #1072
CONFIRMING NON-INCLUSION OF A PORTION OF LONG STREET
IN SOUTHERN PINES STREET PLAN

WHEREAS, Tom Mincher, Jr., has requested that a determination of whether a portion of Long Street consisting of 0.178 acres in the Town of Southern Pines, as shown on the copy of a preliminary map attached to this resolution, is shown as a future street on a street plan adopted by the Town of Southern Pines pursuant to G. S. § 136-66.2; and

WHEREAS, the Town has examined its records, which do not show that portion of Long Street as being included in its street plan;

NOW THEREFORE, BE IT RESOLVED that the Town Council of The Town of Southern Pines finds that the portion of Long Street crossing the property of William J. Simpson, Jr., as shown on the copy of a preliminary map attached to this resolution, has not been included in a street plan adopted pursuant to North General Statute § 136-66.2.

This the 12th day of September 2023.

Elizabeth Robertson, Town Clerk

REVIEW OFFICER'S CERTIFICATION

State North Carolina
County Moore

I, _____ Review Officer for The Town of Southern Pines, certify that the map or plat to which this certification is affixed meets all the statutory requirements for recording.

Review Officer _____ Date _____

CERTIFICATE OF EXEMPTION

I hereby certify that the division of property shown and described hereon is exempt from the Town of Southern Pines Subdivision Ordinance by definition and/or ordinance.

Subdivision Administrator Date _____

Approval of this exempt subdivision plat constitutes compliance with North Carolina General Statute 160D-802 only. Further development of the parcels shown subsequent to the date of this plat shall be subject to all applicable Federal, State and local laws, statutes, ordinances and/or codes.

CERTIFICATE OF SURVEY ACCURACY

"I, PETER E. GLUD, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book 1569, Page, 335, etc.) (other); that the boundaries not surveyed (dashed lines) are clearly indicated as drawn from information found in Book ***, Page ***; 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. **BY COORD. COMPUTATION**

This survey is of another category, such as the recombination of existing parcels, a court ordered survey or other exemption or exception to the definition of subdivision.

Witness my original signature, license number and Seal this 10th day of August A.D. 2022.

L-3330

Surveyor License Number



*** (See adjoining property referenced)

LEGEND

D.B.	DEED BOOK
P.G.	PAGE
ROW	RIGHT OF WAY
CP	COMPUTED POINT
NIP	NEW IRON PIPE
EIR	EXISTING IRON ROD
EIP	EXISTING IRON PIPE
F-F	FACE OF CURB TO FACE OF CURB
EX.	EXISTING
CL	CENTER LINE

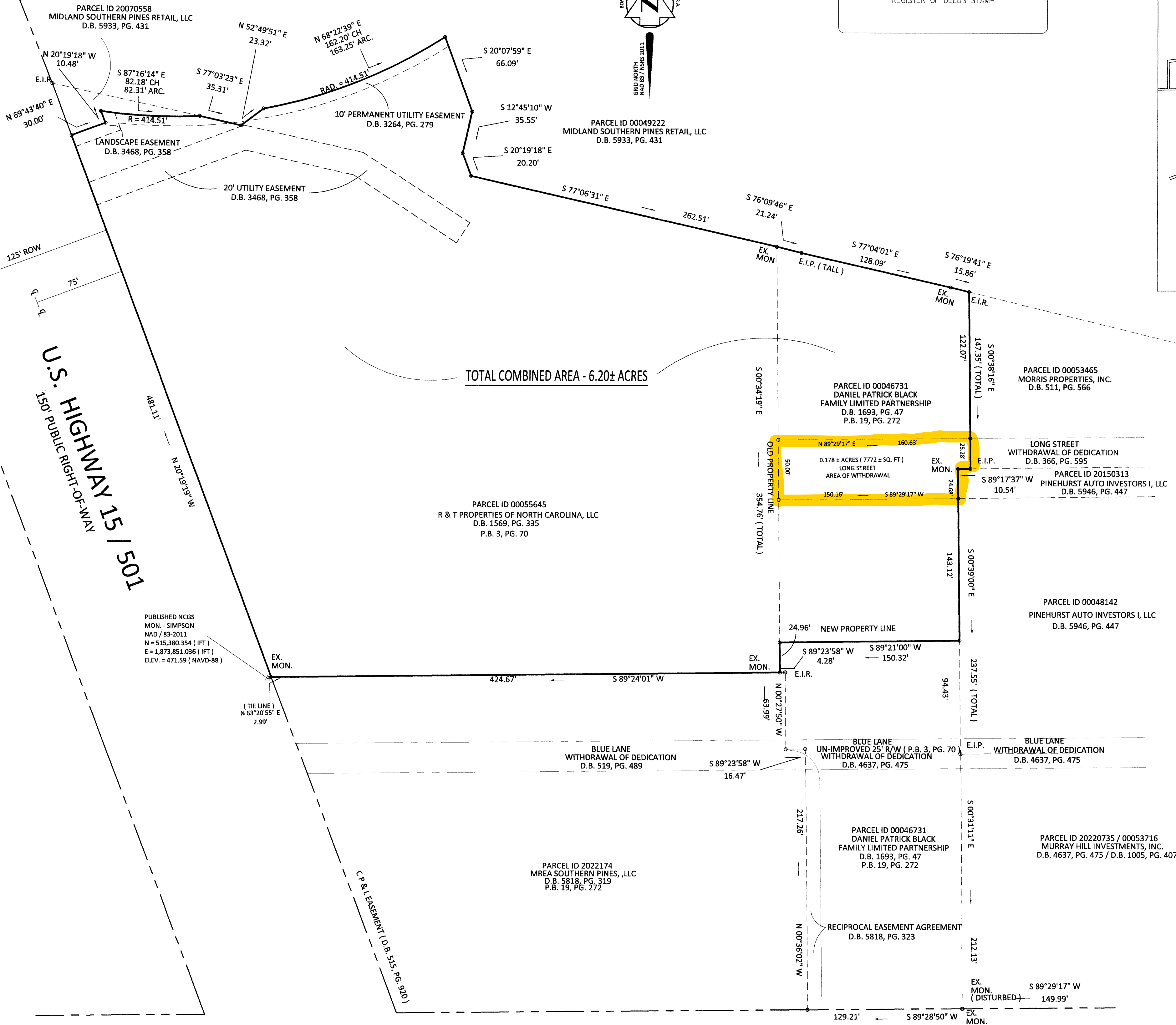
MISCELLANEOUS NOTES:

AREA DETERMINED BY COORDINATE METHOD

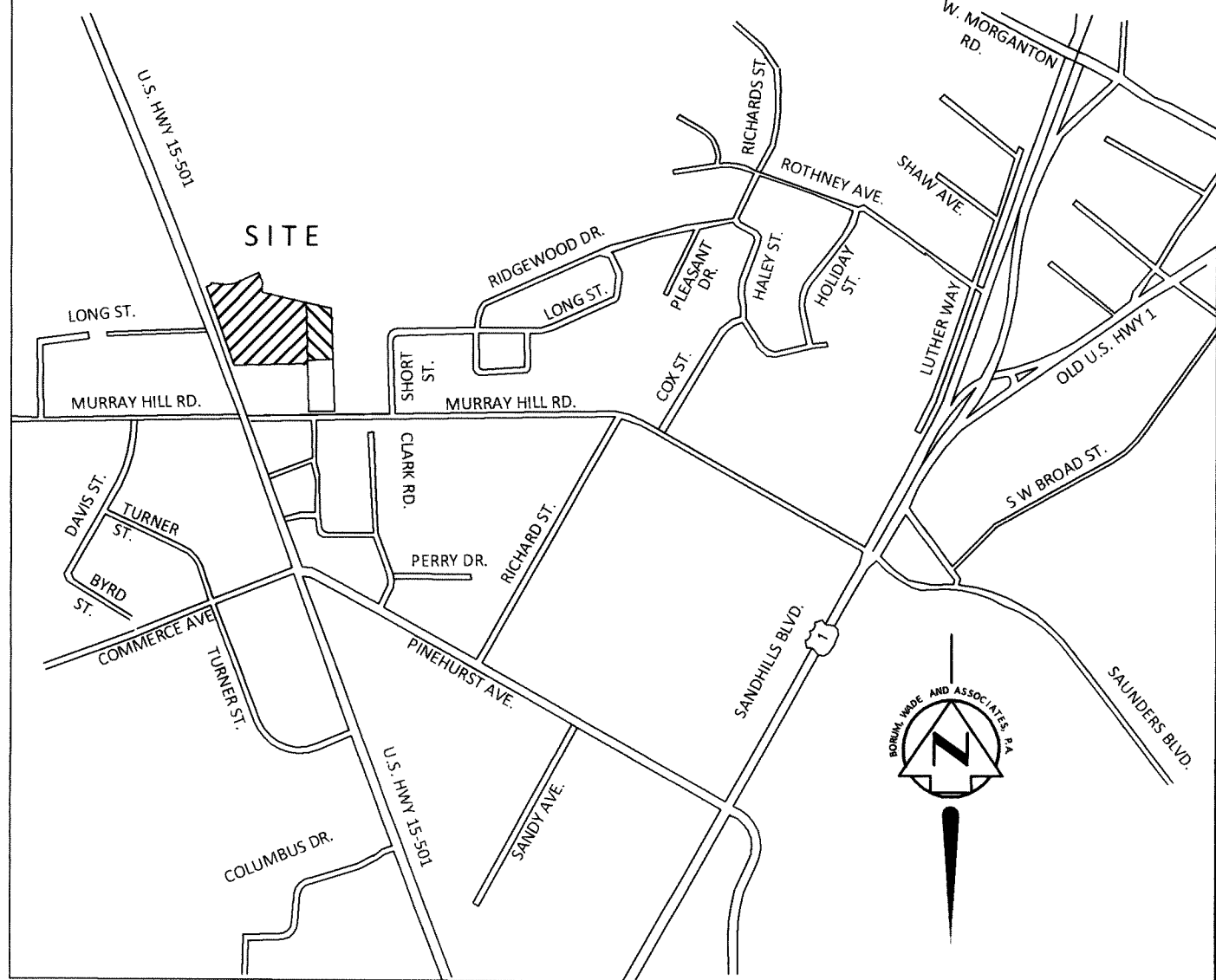
ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET.

BOUNDARY INFORMATION TAKEN FROM FIELD DATA BY BORUM, WADE & ASSOCIATES, P.A. AND NCGS PUBLISHED INFORMATION BASE BEARING - MIN. SIMPSON COORDINATE ROTATION-NAD 83/2011
N = 515,380.354
E = 1,873,851.036
ELEV. = 471.59 (NAVD-88)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY FACTS AND EASEMENT WHICH MAY BE DISCLOSED BY A COMPLETE TITLE SEARCH.



PLAT BOOK PAGE



VICINITY MAP
N. T.S.

SITE INFORMATION

EXISTING SITE AREA:	± 5.09 ACRES	(221,525 ± SQ. FT.)
PARCEL ID. REFERENCE:	00055645	
PARCEL PIN. REFERENCE:	857100450600	
DEED REFERENCE:	D.B. 1569, PG. 335	
PLAT REFERENCE:	D.B. 3, PG. 70	

SITE INFORMATION

ADDED SITE AREA:	± 1.109 ACRES	(48,308 ± SQ. FT.)
PARCEL ID. REFERENCE:	00046731	
PARCEL PIN. REFERENCE:	857100453452	
DEED REFERENCE:	D.B. 1693, PG. 47	
PLAT REFERENCE:	P.B. 19, PG. 272	

PRELIMINARY
MAP

NOT FOR RECORDATION, CONVEYANCES,
OR SALES

THE PURPOSE OF THIS PLAT IS TO RE- COMBINE
EXISTING TRACT (PI-00055645)(D.B.1569, PG. 335)
WITH THE NORTHERN PORTION OF LOT 1 (P.B. 19, PG. 272)

EXEMPT RECOMBINATION PLAT
R & T PROPERTIES
OF NORTH CAROLINA, LLC
OWNERS

R & T PROPERTIES
&
DANIEL PATRICK BLACK
FAMILY LIMITED PARTNERSHIP

10725 HWY U.S. 15-501

TOWN OF SOUTHERN PINES, NORTH CAROLINA

SANDHILLS TOWNSHIP MOORE COUNTY

SCALE: 1"= 50' DATE: AUGUST 14, 2023

0 25' 50' 100' 150' 200'
1" = 50'

BORUM, WADE AND ASSOCIATES, P.A. - ENGINEERS, PLANNERS, SURVEYORS
P.O. BOX 21882 GREENSBORO, N.C. 27420-1882
621 EUGENE CT., SUITE 100, GREENSBORO, NORTH CAROLINA 27401
PHONE: (336) 275-0471 FAX: (336) 275-3719
WEB: www.borum-wade.com
N.C. LICENSE # C-0868

C-1219-B

CURRENT OWNER

PARCEL ID 00046731
DANIEL PATRICK BLACK
FAMILY LIMITED PARTNERSHIP
235 BIRCHWOOD AVE, APT. 103
CRANFORD, NEW JERSEY 07016

CURRENT OWNER

PARCEL ID 00055645
R & T PROPERTIES
OF NORTH CAROLINA, LLC
1337 WINSTEAD PLACE
GREENSBORO, NORTH CAROLINA 27408

FLOOD CERTIFICATION:

No portion of this property is located in a (1%), 100 Year Flood Plain or in an identified "flood prone area", (ZONE X) as defined by FEMA and U.S. Department of Homeland Security, Community-Panel Number - 37108571001 pursuant to the National Flood Insurance Program, dated October 17, 2006.

S.R. # 1204
MURRAY HILL ROAD
50' PUBLIC RIGHT-OF-WAY

BROAD ST. ONE WAY EXTENSION



James Michel, P.E. - Town Engineer



910.692.1983



jmichel@southernpines.net



The Town, in partnership with NCDOT, will convert two additional blocks of Broad Street from two-way vehicle travel, to one-way.

The purpose of this change is to add more parking along Broad St. to serve downtown.



The resurfacing project is planned to start the week of August 21, 2023.

The work is estimated to be complete by August 31, 2023.



One-way travel will extend 2 more blocks on SW Broad St., transitioning to two-way at the intersection with W. Illinois Ave. Cars traveling from W. Morganton Rd., will turn right at W. Illinois Avenue, cross the railroad tracks, and then turn left to continue toward downtown on SE Broad St.



This change will allow diagonal parking spaces to be added on the left side of the roadway, similar to the existing one-way blocks. This will provide more parking spaces to serve downtown Southern Pines.



Scan this code or visit sopinesnc.info/projects for updates on this & other Town projects.



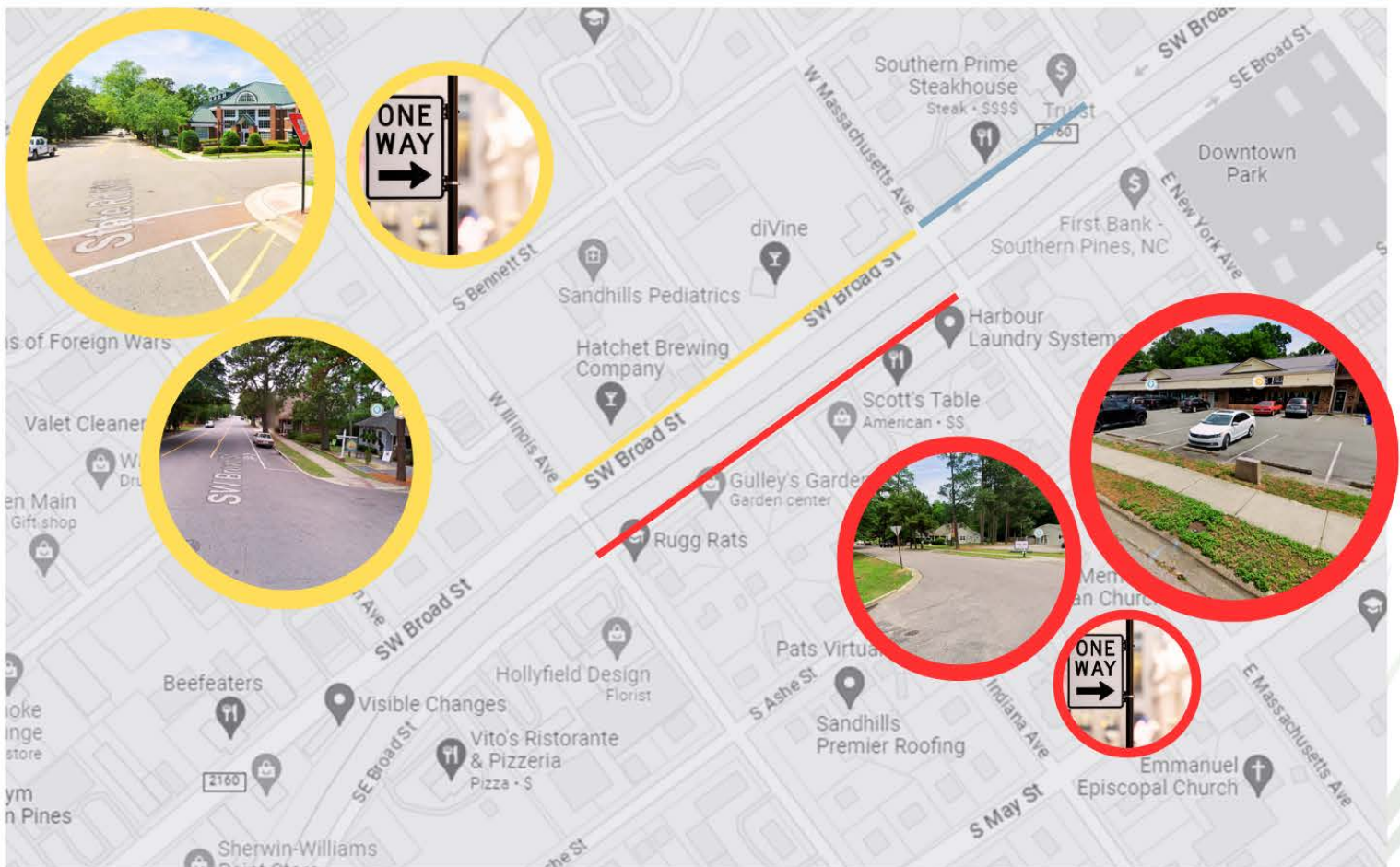
NCDOT has contracted with ST Wooten for this project. They are coordinating with the Town on striping and street signage.



The necessary restriping to complete this conversion is associated with NCDOT's planned resurfacing project. Therefore, there is no cost to the Town to make this change.



The image below shows the two blocks of SW Broad Street (in yellow) that will be affected by this change. Following the project, the two blocks in yellow will be similar to the block in blue (between W. New York Ave. and W. Massachusetts Ave.), which has parallel parking on the right side, diagonal parking on the left side, and a single lane of traffic headed southbound toward W. Morganton Rd.



WHAT ABOUT SE BROAD STREET?

SE Broad Street will also be converted to a one-way street for the two blocks between E. Illinois Avenue and E. Massachusetts Avenue (shown in red on the map above). While additional parking may be added in the future, the only change being made at this time is to convert these two blocks from two-way to one-way, headed northbound toward downtown.

Once this change is made, drivers entering SE Broad Street will only be able to go southbound (toward W. Morganton Rd.) from the intersection with E. Indiana Avenue. All other turns onto SE Broad Street will be a northbound direction toward the historic downtown area.



RESOLUTION #1073
REQUESTING NCDOT TO LOWER THE SPEED LIMIT ON A PORTION OF 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, to achieve additional parking on the subject road, changes in the current traffic pattern would be needed and the Town Council has requested that NCDOT make the changes in the traffic pattern with Resolution #1065; and

WHEREAS, the section of SW Broad Street being changed has an existing speed limit of 35MPH and the existing sections of Broad Street that are currently one-way have a speed limit of 25MPH,

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 reduce the speed limit along SW Broad Street (SR-2035) between W. Massachusetts Avenue to W. Illinois Avenue from 35MPH to 20MPH to be consistent with the existing sections of Broad Street that currently utilize a one-way traffic pattern
2. 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 12th day of September 2023.

Elizabeth Robertson, Town Clerk

WARRIOR WOODS PUMP STATION

 **Marc Clark - Engineering & Construction Technician**

 **910.692.1983**  **mclark@southernpines.net**


**Southern
Pines**



The Warrior Woods Lift Station is the largest sewer station operated by the Town. It serves a 7.7 square mile area, which is 41% of the overall Town. The station can pump up to 900 gallons per minute of sewer.



The project is being prepared to go out for bids in November 2023. Construction is expected to begin within 12 months.



The station is located near the corner of the Cherokee Drive and Warrior Woods Road in the Warrior Woods neighborhood, adjacent to Mill Creek



This critical lift station is located in the 100 year flood plain and is being relocated to protect the facility from future storm damage.



Scan this code or visit sopinesnc.info/projects for updates on this & other Town projects.



The Town is leading and funding this project.

The engineering firm WithersRavenel has designed the project and a contractor will be selected through the bid process.



The estimated cost is \$2,998,000. The Town has received a low-interest loan (1.18%) from the Clean Water State Revolving Fund.





ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

Kim H. Colson
Director

August 3, 2020

Mr. Reagan D. Parsons, Town Manager
Town of Southern Pines
155 SE Broad Street
Southern Pines, NC 28387

Subject: Letter of Intent to Fund
Warrior Woods Pump Station Relocation
Spring 2020 Application Cycle
Project No.: CS370893-01

Dear Mr. Parsons:

The Division of Water Infrastructure has reviewed your application, and the State Water Infrastructure Authority has approved your project as eligible to receive funding. The Clean Water State Revolving Fund (CWSRF) loan amount will be \$2,998,000 at a maximum interest rate of 1.18%. A loan fee of 2% will be invoiced after bids have been received.

Please note that this intent to fund is contingent on approval of the loan through the Local Government Commission and on meeting **all** of the following milestones:

<u>Milestone</u>	<u>Date</u>
Engineering Report Submittal	December 1, 2020
Engineering Report Approval	May 3, 2021
Bid and Design Package Submittal	November 1, 2021
Bid and Design Package Approval	March 1, 2022
Advertise Project, Receive Bids, Submit Bid Information, <u>and Receive Authority To Award</u>	July 1, 2022
Execute Construction Contract(s)	August 1, 2022

The first milestone is the submittal of an Engineering Report by close of business on December 1, 2020. The Engineering Report must be developed using the guidance found on our website (<https://deq.nc.gov/about/divisions/water-infrastructure/i-have-funding/engineering-report/environmental-information>). **Failure to meet any milestone may result in the forfeiture of funding for the proposed project.**



Upon detailed review of the project during the funding process, it may be determined that portions of your project are not eligible for funding and the total funding amount may be reduced. Additionally, changes in the scope or priority points awarded – based on additional information that becomes apparent during project review – may also result in changes to the total funding amount and loan terms.

Davis-Bacon Requirements and American Iron and Steel Provisions

Projects funded through the State Revolving Fund (SRF) programs (including ASADRA) must comply with Davis-Bacon wage requirements and American Iron and Steel provisions. You can find standard specifications covering these requirements on our website.

Joint Legislative Committee on Local Government Notification Requirements

In accordance with G.S. 120-157.2, local government units with projects that require debt to be issued greater than \$1,000,000 **must** submit a letter to Committee Chairs, Committee Assistant, and the Fiscal Research Division of the General Assembly at least 45 days prior to presentation before the Local Government Commission. You are responsible for submitting that letter and providing a copy to the Division.

Brooks Act Compliance

Projects funded through the CWSRF program (including ASADRA) must comply with the federal Brooks Act for the selection of architectural and engineering services. CWSRF projects cannot be exempted from qualification-based selection of these services under N.C.G.S. 143-64.32. Any services provided that were not selected in compliance with federal requirements will be ineligible for reimbursement.

If you have questions, please contact your Project Manager Tesfu 'Steve' Tsadwa, by phone at (919) 707-9172 or by email at steve.tsadwa@ncdenr.gov.

Sincerely,



Jon Risgaard, Chief
State Revolving Fund Section

CC: Ken Orie, PE, WithersRavenel, Cary
Anita E. Robertson, PE
Mark Hubbard, PE
Project File (**COM_LOIF**)

ROY COOPER
Governor

ELIZABETH S. BISER
Secretary

SHADI ESKAF
Director



June 16, 2023

Mr. James Michel, Assistant Public Works Director
Town of Southern Pines
125 SE Broad St.
Southern Pines, NC 28387

SUBJECT: Offer & Acceptance for SRF ASADRA Funding
Project No. CS370893-01
Warrior Woods Pump Station Relocation
Town of Southern Pines

Mr. Michel:

The Town of Southern Pines has been approved by the Division of Water Infrastructure for loan assistance from the Clean Water State Revolving Fund funding in the amount of **\$2,998,000**. This offer is made by the Division of Water Infrastructure (DWI), subject to the assurances and conditions set forth in the enclosed offer-and-acceptance document. Funds will not be disbursed unless this offer is accepted.

Upon your acceptance, please submit the following items to Pam Whitley, Division of Water Infrastructure (DWI), 1633 Mail Service Center, Raleigh, North Carolina 27699-1633 or email pam.whitley@deq.nc.gov:

1. A resolution (sample copy attached), adopted by the governing body, accepting the offer, and making the applicable assurances contained therein;
2. One (1) copy of the original offer-and-acceptance document, executed by the Authorized Representative for the project, along with the signed "Standard Conditions and Assurances" for ARP Projects. **Please retain a second copy for your files.**
3. Federal Identification Number and Unique Entity ID # of the Recipient (Memo attached)
4. Sales Tax Certification (attached)

Once construction of the subject project has commenced, the enclosed "reimbursement request form" must be completed and submitted with all reimbursement requests. You are free to reproduce this form should additional copies be needed.



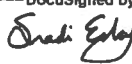
North Carolina Department of Environmental Quality | Division of Water Infrastructure
512 N. Salisbury Street | 1633 Mail Service Center | Raleigh, North Carolina 27699-1633
919.707.9160

In addition, a memorandum requesting your federal identification number has been included with this offer of funding. You must complete and submit this form no later than the time when you choose to submit your first request for reimbursement.

On behalf of the Department of Environmental Quality, I am pleased to make this offer of State Revolving Loan funds, made available by North Carolina Water Infrastructure Fund and the Federal Clean Water Act Amendments of 1987. Should you have any questions concerning this offer of funding, or any of the stipulations outlined in this letter, please contact Mark Hubbard, DWI's Grant Management Unit Supervisor, at 919.707.9162.

Sincerely,

DocuSigned by:



Shadi Eskaf, Director

Division of Water Infrastructure, NCDEQ

Enclosures: Offer-and-Acceptance Document
Resolution by Governing Body of Recipient (suggested format)
Fed ID/ Unique Entity ID # Request Memo
Sales-Tax Certification Form
Reimbursement Request Form
Fiscal Sustainability Plan Certification
Professional Engineering Services Procurement Form
North Carolina Wastewater Funding Programs Overview Site Certification
Certification Regarding Uniform Relocation Assistance and Real Property
Acquisition Policies (URLAP) Act of 1970
Capital Project Ordinance Sample

CC: Michael Wicker, PE, WithersRavenel, Southern Pines
Tesfu 'Steve' Tsadwa
Pam Whitley
FILE: SRF Project File (COM_FOX)



**RESOLUTION #1074
ACCEPTANCE OF CWSRF/ASADRA FUNDING FOR THE
WARRIOR WOODS LIFT STATION**

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

WHEREAS, the North Carolina Department of Environmental Quality has offered a Clean Water State Revolving Fund (CWSRF) Loan through the Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) in the amount of \$2,998,000 for the construction of wastewater collection system improvements project, and

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

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

That the Town of Southern Pines does hereby accept the CWSRF/ASADRA Loan offer of \$2,998,000.

That the Town of Southern Pines does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to, has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

That Mayor Carol R. Haney, Town Manager Reagan Parsons, Town Engineer James Michel, AND Town Finance Director Tess Brubaker-Speis are the Authorized Officials, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this the 12th day of September 2023.

Elizabeth Robertson, Town Clerk



**ORDINANCE #3005
AMENDING THE WARRIOR WOODS LIFT STATION**

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 upgrades to the lift station, which will increase capacity and meet expected future demand.

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 amount is reduced for the project:

Construction	<u>\$ 59,960</u>
Total Project Reduction	<u>\$ 59,960</u>

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

Transfer to – Warrior Woods ASADRA Construction	<u>\$ 59,960</u>
Total additional appropriated	<u>\$ 59,960</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 ordinance becomes effective September 12, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



ORDINANCE #3006
WARRIOR WOODS PUMP STATION RELOCATION FY23 ASADRA LOAN
PROJECT # CS370893-01

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina, that pursuant to section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Project Ordinance is hereby adopted.

Section 1: The Project authorized is the Warrior Woods Pump Station Relocation Project (project number CS70893-01) to be to be financed by the federal Additional Supplemental Appropriations for Disaster Relief Act of 2019 (ASADRA) loan funds awarded to the Town of Southern Pines by the North Carolina Department of Environmental Quality (DEQ) Division of Water Infrastructure (DWI).

Section 2: The officers of this unit are hereby directed to proceed with the loan project within the terms of the board resolution, grant documents, the rules and regulations of the Division of Water Infrastructure (DWI), and the budget contained herein.

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

ASADRA Loan Proceeds	\$ 2,998,000
Transfer In – Warrior Woods Construction 61-662-7000	<u>59,960</u>
Total	\$ 3,057,960

Section 4: The following amounts are appropriated for the project expenses:

Engineering, Administration, and Construction Services	\$ 2,998,000
Closing Fee (2%)	<u>59,960</u>
Total	\$ 3,057,960

Section 5: The finance officer is hereby directed to maintain within the Warrior Woods Lift Station Capital Project Fund, CPF 61. Name sufficient specific detailed accounting records to satisfy the requirements of the funding agency, the funding agreements, and federal regulations.

Section 6: Funds may be advanced from the Enterprise Fund or the Sewer Upgrade Fund for the purpose of making payments as due. Reimbursement requests should be made to the State funding agency in an orderly and timely manner. Compliance with all federal and state procurement regulations is required.

Section 7: The finance officer is directed to report, on a quarterly basis, on the financial status of each project element in section 4 and on the total funding revenues received or claimed.

Section 8: The Budget Officer is directed to include a detailed analysis of past and future costs and revenues on this capital project in every budget submission made to this board.

Section 9: Copies of this capital project budget ordinance shall be furnished to the Town Clerk, the Budget Officer, and the Finance Officer for direction in carrying out this project.

Adopted this the 12th day of September 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of September 12, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

DRAFT

Agenda Item

To: Reagan Parsons, Town Manager
From: Alaina Mallette, Senior Planner
Subject: AR-08-23, Southern Pines Golf Club Cottages, 290 Country Club Circle
Date: September 12, 2023

I. SUMMARY OF APPLICATION REQUEST

The applicant, Mr. Robert Koontz of Koontz Jones Design, is requesting an Architectural Compliance Permit for 10 cottages on behalf of the legal property owner, Mid Pines Development Group, LLC. The site is located in an FRR zoning district (i.e., Southern Pines Golf Club) and permitted under Special Use Permit SU-07-22. The architectural review is for ten detached golf cottage temporary dwellings housing a total of 52 guest rooms with associated parking and amenities such as a putting green and practice tee. No subdivision of property is proposed for the site, which constitutes a +/-9.48-acre portion of the +/-292.11 total acreage of the property. This parcel will have access from Country Club Circle and will be adjacent to the club's clubhouse between Spring Road and Ridge Street.

II. PROJECT INFORMATION

A. Property Owners

PIN 858100121842 (**PARID** 00048946)
Mid-Pines Development Group, LLC
P.O. Box 88
Southern Pines, NC 28388

B. Applicants and Authorized Agents

Robert Koontz
Koontz Jones Design
150 South Page Street
Southern Pines, NC 28327

Figure 1. Proposed Site Layout Plan with Conceptual Landscaping for Southern Pines Golf Club Cottages



Figure 2. Zoning and Vicinity Map for Property (Circled in Red). The subject property is located south of East Morganton Road and west of Country Club Circle. The proposed buildings (i.e., cottages) is outside of district overlays and protected areas. The subject property is zoned FRR. The broader neighborhood includes FRR (Southern Pines Golf Club), RS-1, RS-2, RS-3, and RM-1 zoning districts.

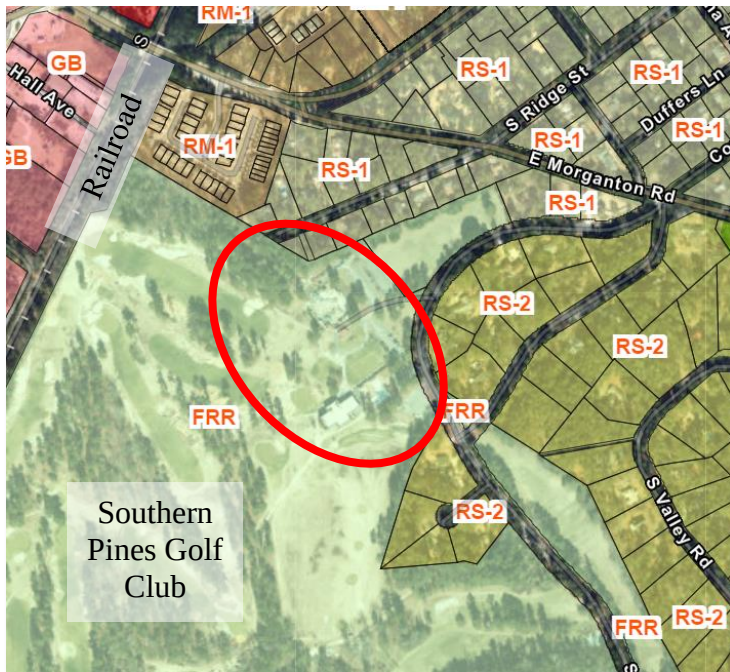
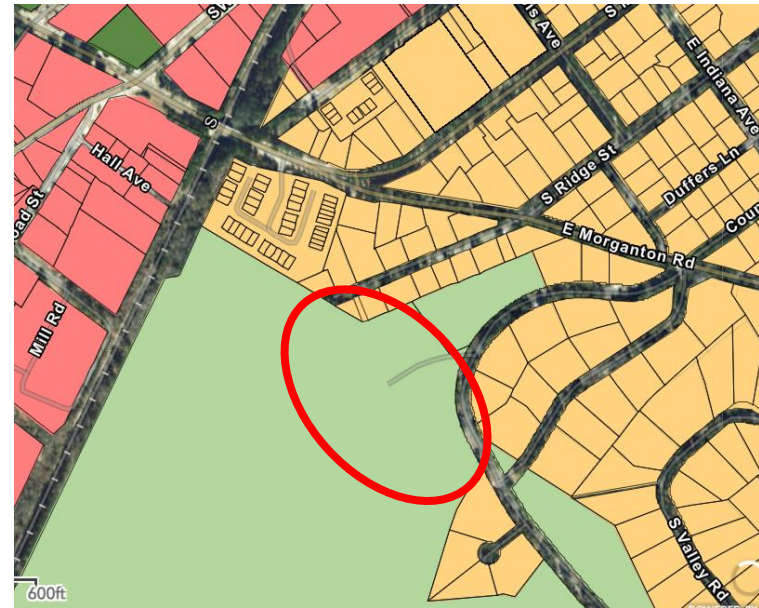


Figure 3 CLRP Future Land Use Map Designation with Subject Property Circled in Red. The zones filled with light green, including the subject property, have a Future Land Use Map designation as “Residential/Golf”. Surrounding properties have a Future Land Use designation of “Residential.”



III. STAFF REVIEW

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

2. **Application Review Dates**

Application Submitted: **August 7, 2023**

Application Complete: **August 17, 2023**

Town Council Agenda Meeting: **September 5, 2023**

Town Council Regular Meeting: **September 12, 2023**

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

✓ = compliant ✗ = not compliant

⚡ = compliance has not been determined

When reviewing an application for an Architectural Compliance Permit, the Town Council shall approve, conditionally approve, or deny the application based on the following criteria, as set forth in **UDO §2.26.7**. The proposed new development includes the construction of 10 cottages. Staff has reviewed the project for compliance with **UDO §2.26.7**. See staff comments for each requirement below.

(A) *The application is consistent with applicable Comprehensive Plan goals and policies;*

✓ No inconsistency with the Comprehensive Plan has been identified.

(B) *The application substantially conforms with the applicable multi-family or commercial design standards and other applicable provisions of the UDO, including the purposes of the zoning district in which the property is located;*

- This specific use must comply with the following UDO sections. Comments about compliance are provided for each applicable section. Text in green indicate compliance with the relevant architectural standards while text in red indicate non-compliance.
 - Site design standards from Chapter 4 will be reviewed for compliance by the Technical Review Committee during Site Plan Review.
 - 4.6. Signs. Signage will be reviewed for compliance during the sign permit application process.
 - 4.10.4 Development Design Standards. Of the 10 standards, 7 apply, and **2 deviations** are being requested. **Compliance for 1 standard was unable to be determined based on insufficient information provided in the application.** See staff comments in the following section for more details.

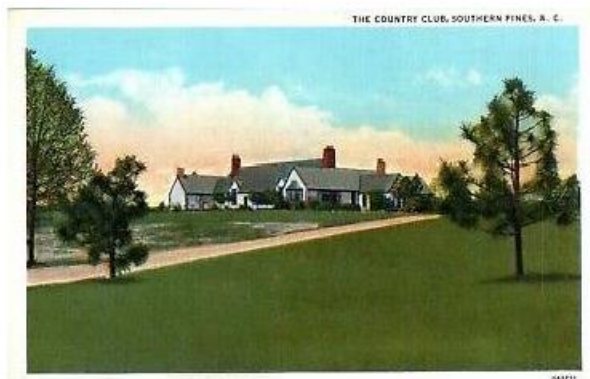
The application is consistent with applicable conditions of prior Development approvals; and

✓ **SU-07-22 Special Use Permit for the Development of 10 Guest Cottages.**
Generally compliant.

- Condition of approval #9: “The applicant will include variation in the architecture of the units to be constructed. Architectural plans will be presented to the Town Council during the Architectural Compliance Permit Process. To reflect the materials and design of the neighborhood, these units may vary from the strict commercial requirements of Section 4.10.4 of the UDO for materials and design, to permit the units to be constructed with a residential character.” See sample images below from Exhibit 3 of the evidentiary hearing.

Figures 4-6. SU-07-22 Screenshots from Exhibit 3 of the SUP Evidentiary Hearing

Original Clubhouse – Early 20th Century

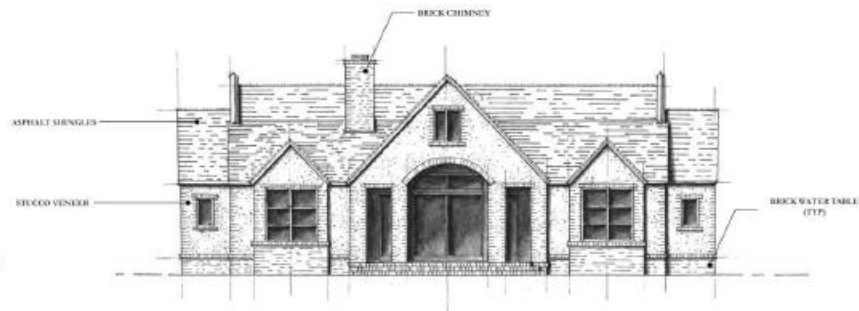


Conceptual Architecture – 4 Bedroom Cottage

Front Elevation

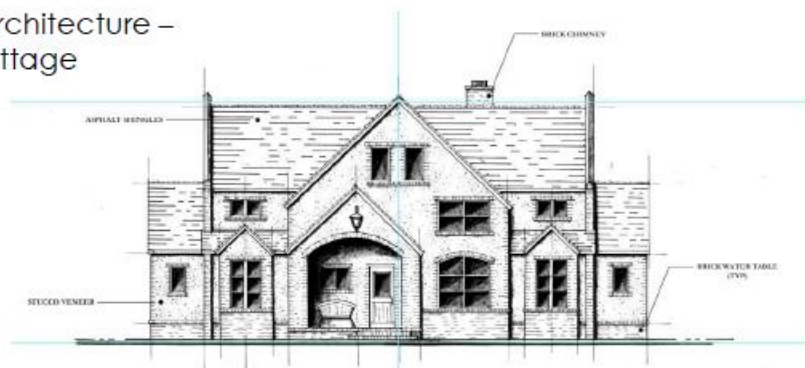


Rear Elevation

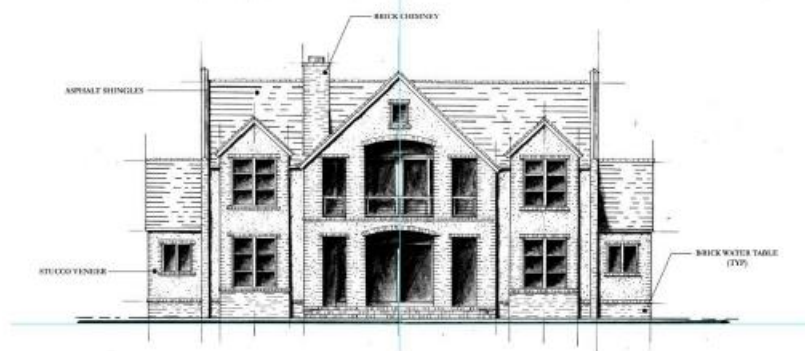


Conceptual Architecture – 8 Bedroom Cottage

Front Elevation



Rear Elevation



- Condition of approval #11: “The proposed cottages shall be limited to a maximum number of 52 bedrooms.”

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

✓ No inconsistency with the neighborhood has been identified.

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

✓ = compliant ✗ = not compliant
▲ = not applicable

Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*. See staff comments for each requirement below.

- **Applicant is generally compliant** for UDO §4.10.4 (A), which states that the front of buildings shall face and have the primary customer entry facing the street.
- **Applicant is generally compliant** for UDO §4.10.4 (B), which states in [non-CB and non-DTO] districts, the width of buildings or building segments shall not be more than twice the building height. Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments.
- **Applicant requires a deviation** for UDO §4.10.4 (C), which states the exterior finish of building walls shall be primarily comprised of brick. Cementitious horizontal lap siding, textured concrete masonry, cast stone and stucco may be used for accents, provided that they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.
 - ✗ All elevations have less than 80% brick building materials. The Town Council approved variation in building materials—during the approval of Special Use Permit SU-07-22—to accommodate a “residential character.” The applicant has proposed building material that have equal or greater durability to what is required. Staff agree that the proposed materials have equal durability to brick, and are consistent with past development approvals.
- **Applicant requires a deviation** for UDO §4.10.4 (D), which states that windows shall be glazed in non-reflective clear glass. The following standards apply in the FRR district: windows and doors shall comprise at least twenty-five (25) percent of street-facing building façades between the elevations of two (2) and ten (10) feet above the grade of the building entry.
 - ? Staff do not have information about the window reflectance nor the tinting.
 - ✗ The following versions of the cottages have less than 25% glazing between 2 and 10 feet, according to the applicant’s calculations: A1, A2, A, B1, B2, C1, C2, D, D1, D2, and the front and side elevations of the 8-bedroom cottage.
- **Applicant is generally compliant** for UDO §4.10.4 (E), which states that (1) awnings are encouraged and may encroach up to six feet into any street side

setback within non-CB districts, (2) the minimum clearance between the lowest point of an awning and sidewalk shall be eight feet, and (3) awnings shall be canvas or material of similar appearance and flexibility, or metal. Street facing awnings shall not be taller than six feet unless specifically approved by the Town Council.

? Design versions C1, C2, D1, and D2 are the only cottages with awnings. No clearance values were provided in the application for these awnings.

- **No galleries and arcades are proposed; therefore, requirements do not apply** for UDO §4.10.4 (F), *which states galleries and arcades are encouraged and may encroach up to six (6) feet into any street side setback but may not encroach into public right-of-way. The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade.*
- **Applicant is generally compliant** for UDO §4.10.4 (G), *which states that in the non-CB zoning districts buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than 100 feet. For buildings that are wider than 100 feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than 200 feet. The provision further states that shingles or standing seam, non-reflective metal shall be used on all roofs visible public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited.*
- **Unable to determine compliance** for UDO §4.10.4 (H), *which states that mechanical equipment shall be screened from view from the street and cannot be located between the building and the street.*
 - ? Information for the location of the mechanical equipment was not provided.
- **No garage doors or loading bays are proposed; therefore, requirements do not apply** for UDO §4.10.4 (I), *which states garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with UDO §4.3.4 and 4.3.5.*
- **Compliance will be determined during sign permit review** for UDO §4.10.4 (J), *which states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*
 - Signage will be reviewed for compliance during the sign permit application process.

5. Staff Recommendation

If the applicant can provide satisfactory information about where the mechanical equipment will be located and how it will be screened from view from the street, Staff would recommend approval of AR-06-23 with the following deviation:

- Regarding UDO §4.10.4 (C) Building Materials, all elevations may have less than 80% brick building materials considering that the Town Council approved variation in building materials during the approval of Special Use Permit SU-07-22 to accommodate a “residential character.” The applicant has proposed building material that have equal or greater durability to what is required.
- Regarding UDO §4.10.4 (D) Windows, the Planning Department recommends granting the deviation for the cottages with less than 25% glazing between 2 and 10 feet (i.e., A1, A2, A, B1, B2, C1, C2, D, D1, D2, and the front and side elevations of the 8-bedroom cottage), considering that the proposed design reflects the historical residential character of the neighborhood as was considered during the (approved) Special Use Permit SU-07-22 process.

IV. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Completed Application, including Appointment of Agent Form
2. Applicant Narrative
3. Exterior Building Renderings
4. Site Layout
5. Prior Development Approval Documentation

V. TOWN COUNCIL ACTION

The Town Council should consider the purpose of an architectural compliance permit per UDO §2.26 and shall vote on whether the proposed application complies with the criteria per UDO §2.26, the commercial building design requirements per UDO §4.10.4 and prior development approvals.

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

I move to:

1. Approve AR-08-23;
2. Approve AR-08-23 with the following conditions:

3. Deny AR-08-23.

Architectural Compliance Permit Application

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

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

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

Project Information:

Project Name: SOUTHERN PINES GOLF CLUB

Street Address: 290 COUNTRY CLUB CIR. SOUTHERN PINES, NC 28387

PIN: _____ Parcel ID: 00048946 Zoning: FRR

Type of building (retail, office, etc.): cottages Total square footage: ± 28,750

Applicant:

Name: KOONTZ JONES DESIGN - C/O BOB KOONTZ

Email: bkoontz@koontzjones.com Phone: 910-684-8487

Mailing Address: 150 S PAGE ST, SOUTHERN PINES NC, 28387

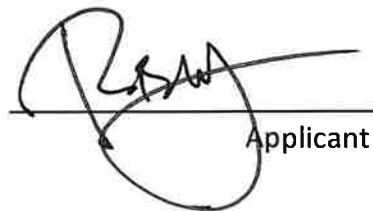
Legal Property Owner(s), if different from Applicant:

Name(s): MID PINES DEVELOPMENT GROUP LLC - C/O KELLY MILLER

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

Mailing Address: PO BOX 88 SOUTHERN PINES, NC 28388

Date: 08/07/2023


Applicant

APPOINTMENT OF AGENT

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

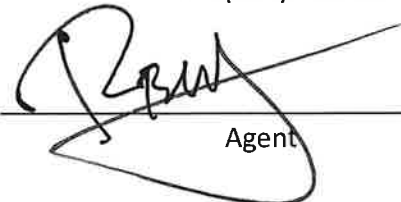
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance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

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

Signed this 7th day of August, 2023.



Property Owner

Property Owner


Agent

August 7, 2023

BJ Grieve
Community Development Department
Town of Southern Pines
801 SE Service Road
Southern Pines, North Carolina 28387

Re: Southern Pines Golf Club - Cottages
Architectural Compliance Permit Application

To the Town Council of the Town of Southern Pines:

On February 14, 2023, ten (10) guest cottages for the Southern Pines Golf Club (SPGC) were approved by Special Use Permit - SU-07-22 (SUP). The proposed development at SPGC described in the SUP will add additional lodging opportunities for golf travelers visiting Southern Pines at the newly restored golf course facility. During the approval process, The Town Council stipulated that the guest cottages must vary in design. In addition, the cottages were permitted to vary from the strict commercial requirements of Section 4.10.4 of the UDO for materials and design to develop a residential character for the buildings.

The proposed plan includes a mixture of four (4) and eight (8) bedroom cottages. As described in the SUP, all the cottages are designed to resemble single-family detached homes. These cottages, including the 2-story cottage, are designed to be below the Town's standard for residential building height of thirty-five (35) feet.

The character of the cottages is intended to reflect the original clubhouse facility, which was constructed in the early 20th century. New buildings will be brick and stucco structures that mimic the character of the original clubhouse. Images of the original clubhouse have been included with this application.

The original SUP submission included a cottage design for the project. 1-story and 2-story cottage designs were included in the application. To provide variation in the design of the individual cottages, four (4) different elevations for the 1-story cottages have been developed. The elevations for the cottage have added various elements to provide differentiation in the individual buildings while maintaining a consistent overall character that reflects the original Southern Pines Golf Club clubhouse. This character is important as amendments to the existing clubhouse are being considered, which would also reflect the English character of the original clubhouse. Elements that vary from cottage to cottage include the following:

- Roof pitches (gable roofs, hipped roofs)
- Dormers (shed dormers, gable dormers)



- Window types and variation (bay windows)
- Building materials variation

In addition to the modifications in material and design elements, the one-story buildings will be mirrored so that there are a total of eight (8) different elevations throughout the 9 one-story cottages. The cottages will vary along the walkway and cart path to provide a unique streetscape character.

The proposed elevations vary significantly yet seek to maintain the English character defined by the original clubhouse structure. In addition, there are several homes in the surrounding neighborhood and throughout Southern Pines which are similar in style and character. We believe that the proposed elevations and design are in character and consistent with the overall community, reflect the character of the original SPGC clubhouse, and vary as required by the Town Council's SUP condition to create a unique streetscape.

Best Regards,

A handwritten signature in dark ink, appearing to read 'R. Koontz', with a long horizontal stroke extending to the right.

Robert Koontz, PLA, Principal
Koontz Jones Design, PLLC

From: [Trevor Hansen](#)
To: [Alaina Mallette](#)
Cc: [Bob Koontz](#); [Kevin Jones](#); [BJ Grieve](#); [Kelly Miller](#); [Cindy Williams](#)
Subject: RE: AR-08-23 Southern Pines Golf Club Cottages Completeness Review
Date: Friday, August 25, 2023 3:52:57 PM
Attachments: [SouthernPines-CC_CONCEPT-MP_2023-08-25.pdf](#)
[SOP-CC_COTTAGE-ELEVATIONS_UDO-CALCS_2023-08-25.pdf](#)

Greetings Alaina,

In your response to the comments on the Architectural Compliance Permit application for the Southern Pines Golf Club property, please find our attached updated building elevations that include dimensions for the building and calculations for the façade, glazing (windows), and building materials. Our submitted application provided the same elevations attached to this email, and we have supplemented these plans with the UDO required information.

Additionally, please note my responses in red to your Completeness Review comments.

1. As you know, the site has to comply with prior development approvals for the planned development (i.e., CU-07-22). In my initial review, I noticed that no elevation drawings had been submitted.
 - a. The Architectural Compliance Permit Application submitted on 8/07/2023 included the cottage elevation drawings
2. Even though SU-07-22 condition of approval #9 (see attached) allows flexibility from strict adherence to UDO §4.10.4, we'll need to state in our report exactly where those deviations are for our records.
 - a. See attached pdf with cottage elevation drawings.
3. Please submit elevation drawings with calculations for building materials, dimensions (of building and windows), and percentage of glazing 2'-10'.
 - a. Please note the updated elevation drawings that include the information for building materials, dimensions, and percentage glazing per the UDO requirements.
4. Also, just a heads up that condition of approval #11 states that the cottages have a max. of 52 bedrooms, and you're proposing 54-56 bedrooms according to the site plan.
 - a. This was a typo in the plan. Please find the attached updated site plan, calling for (7) 4-bedroom cottages and (3) 8-bedroom cottages, totaling 52 bedrooms in total, in compliance with the approved SUP.

If you have any additional questions or concerns, please let us know.

All the best,
Trevor Hansen

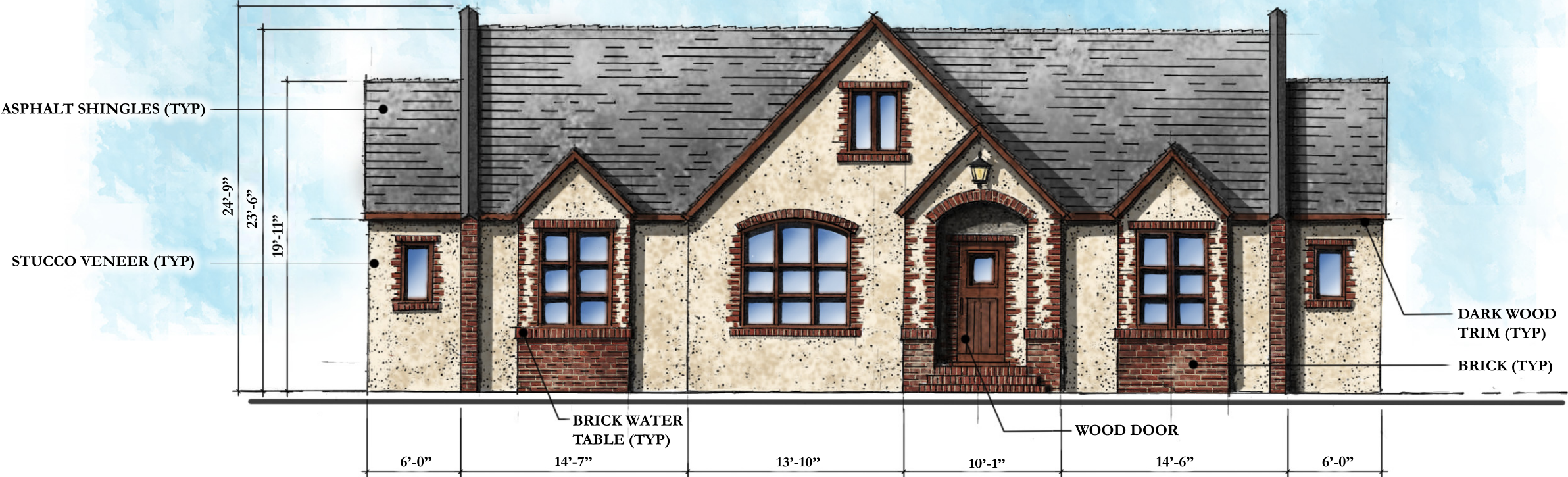
Trevor Hansen
Design Associate

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE
150 S PAGE STREET | SOUTHERN PINES, NC 28387 | P: 910.684.8487 C: 435.265.6355
EMAIL: thansen@koontzjones.com

SOUTHERN PINES
GOLF CLUB
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION A1)
AUGUST 7, 2023

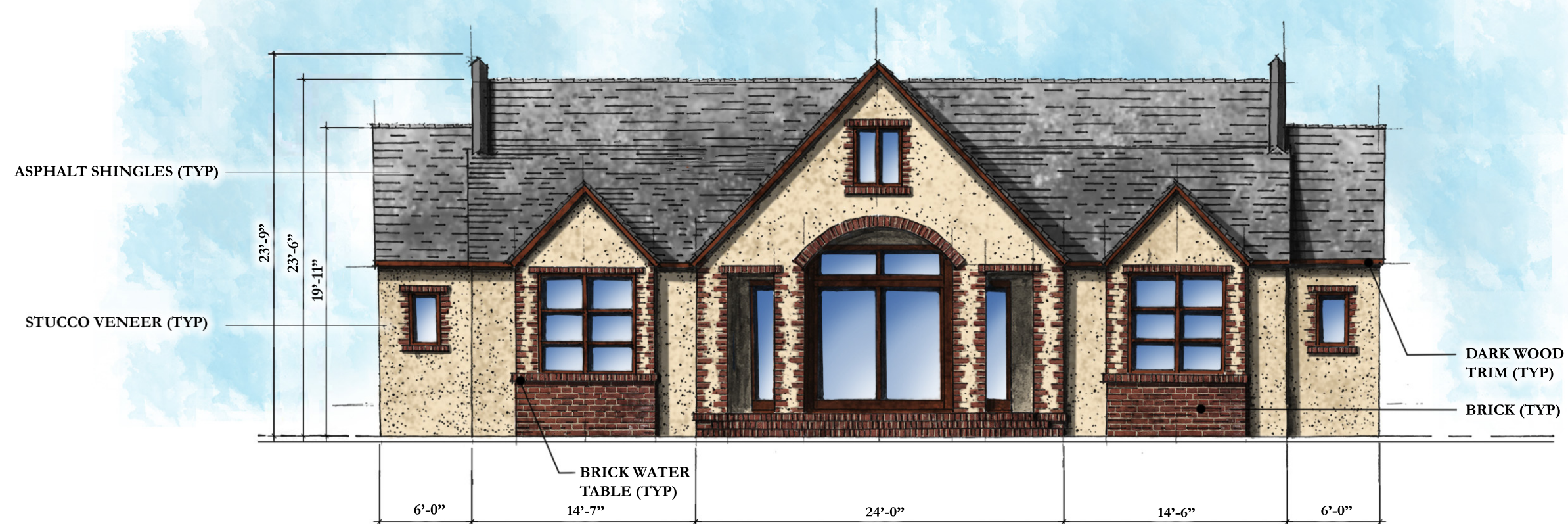


VERSION A1 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	897 SF
WINDOWS / DOORS:	154 SF (17%)
FACADE MATERIALS:	743 SF
BRICK:	195 SF (26%)

SOUTHERN PINES
GOLF CLUB
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION A1)
AUGUST 7, 2023

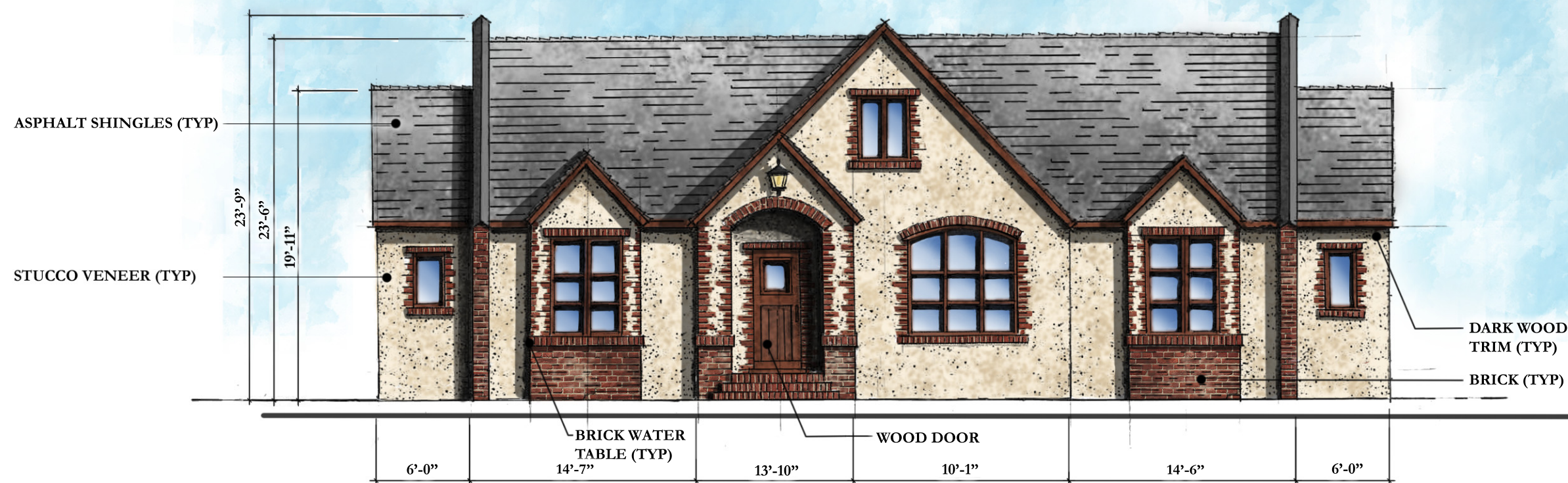


VERSION A1 - REAR ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	913 SF
WINDOWS / DOORS:	231 SF (25%)
FACADE MATERIALS:	682 SF
BRICK:	168 SF (25%)

SOUTHERN PINES
GOLF CLUB
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION A2)
AUGUST 7, 2023



VERSION A2 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	897 SF
WINDOWS / DOORS:	154 SF (17%)
FACADE MATERIALS:	743 SF
BRICK:	195 SF (26%)

SOUTHERN PINES GOLF CLUB

SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION A)
AUGUST 7, 2023



VERSION A - SIDE ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	728 SF
WINDOWS / DOORS:	54 SF (7%)
FACADE MATERIALS:	674 SF
BRICK:	122 SF (18%)

SOUTHERN PINES
GOLF CLUB
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION B1)
AUGUST 7, 2023



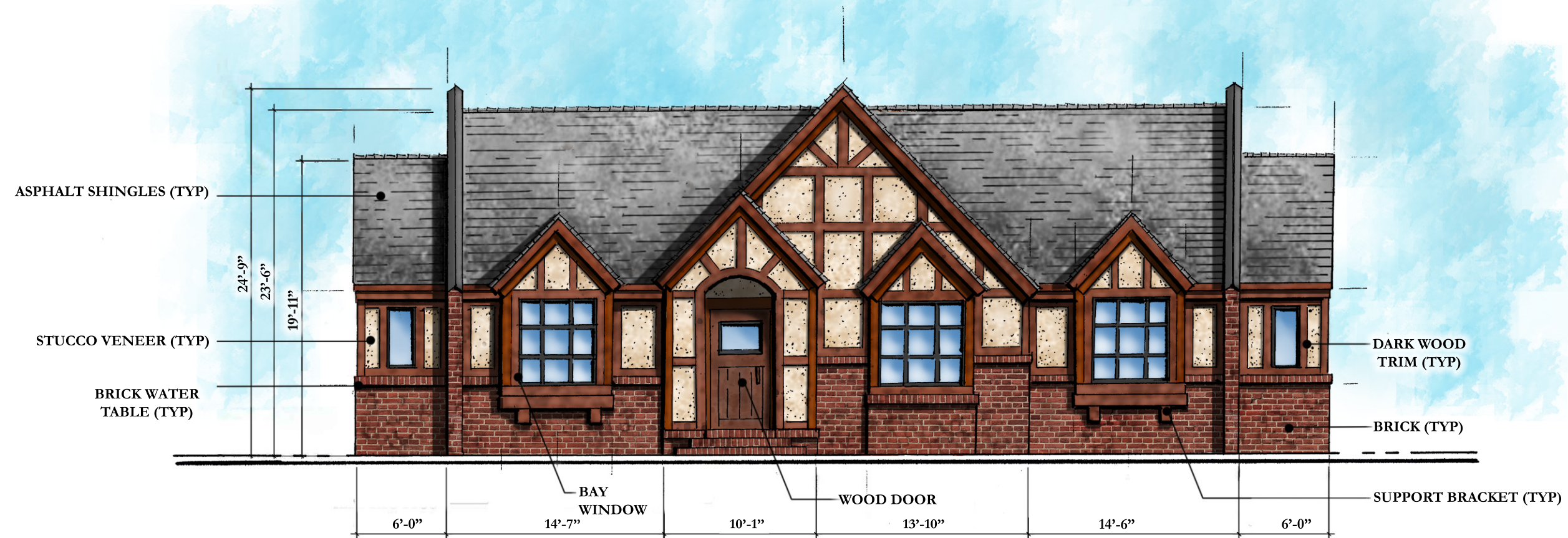
VERSION B1 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	887 SF
WINDOWS / DOORS:	134 SF (15%)
FACADE MATERIALS:	753 SF
BRICK:	280 SF (37%)

SOUTHERN PINES GOLF CLUB

SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION B2)
AUGUST 7, 2023



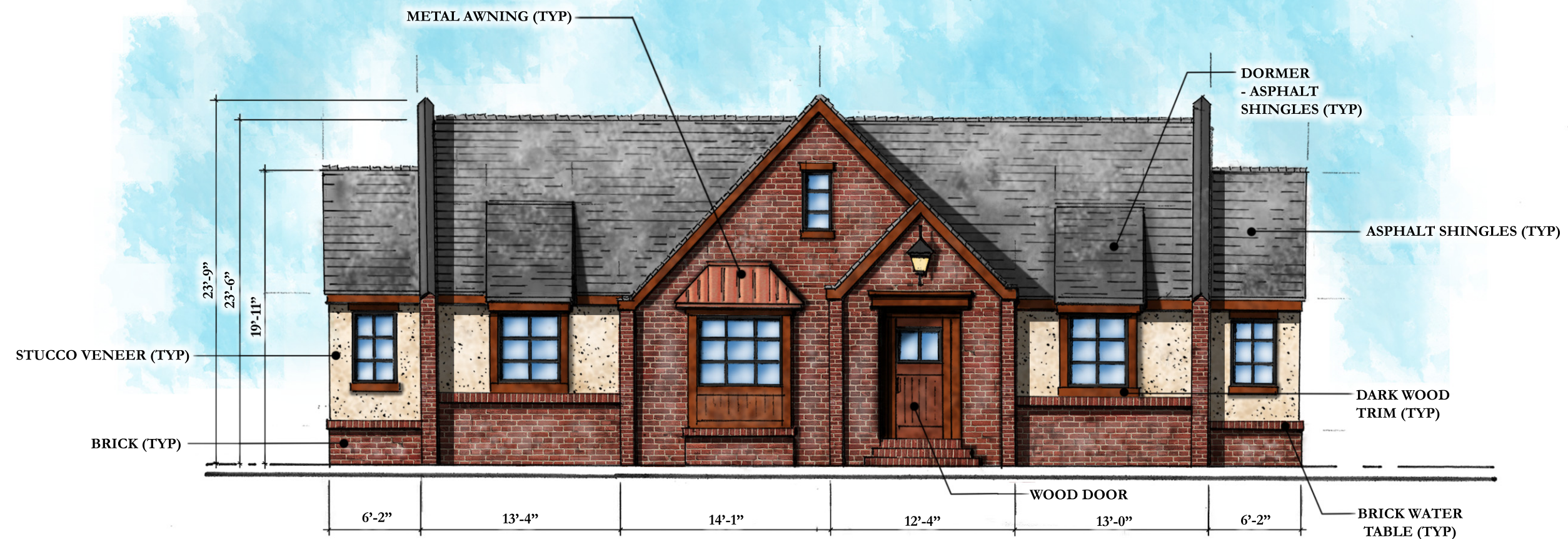
VERSION B2 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	887 SF
WINDOWS / DOORS:	134 SF (15%)
FACADE MATERIALS:	753 SF
BRICK:	280 SF (37%)

SOUTHERN PINES GOLF CLUB

SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION C1)
AUGUST 7, 2023



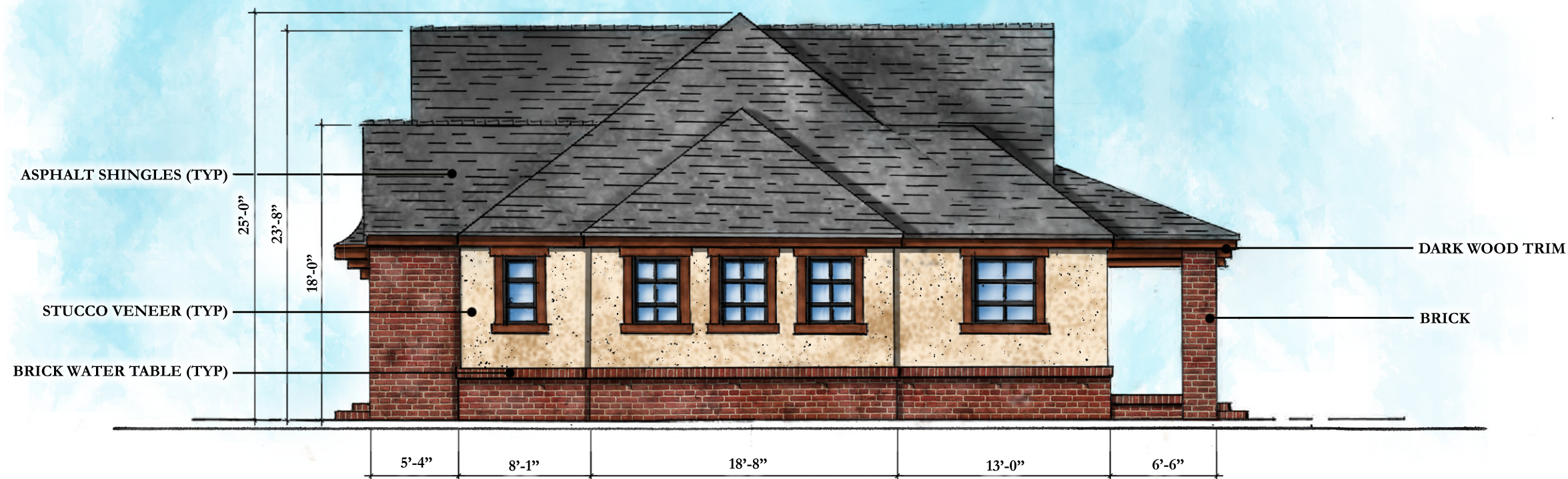
VERSION C1 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS

FACADE:	867 SF
WINDOWS / DOORS:	120 SF (14%)
FACADE MATERIALS:	747 SF
BRICK:	467 SF (63%)

**SOUTHERN PINES
GOLF CLUB**
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION D)
AUGUST 7, 2023



COTTAGE (VERSION D) - SIDE ELEVATION
SCALE: 1/8" = 1'-0"

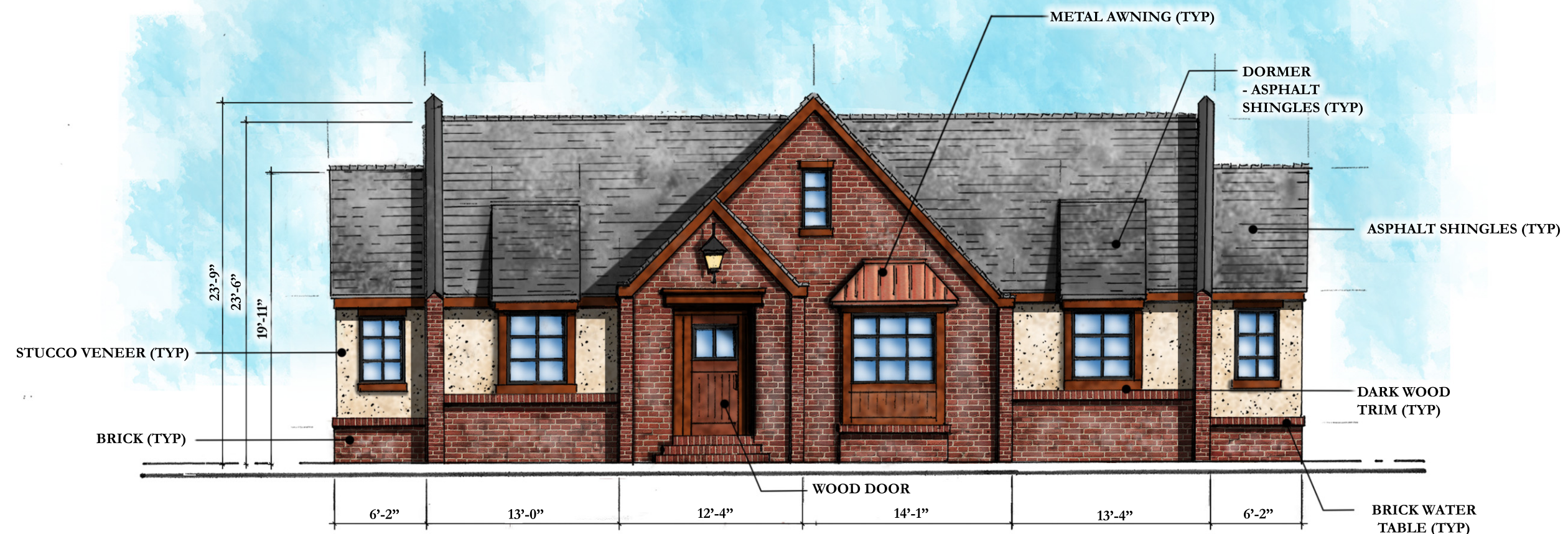
UDO CALCULATIONS

FACADE:	507 SF
WINDOWS / DOORS:	58 SF (11%)
FACADE MATERIALS:	449 SF
BRICK:	216 SF (48%)

SOUTHERN PINES GOLF CLUB

SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION C2)
AUGUST 7, 2023



VERSION C2 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	867 SF
WINDOWS / DOORS:	120 SF (14%)
FACADE MATERIALS:	747 SF
BRICK:	467 SF (63%)

SOUTHERN PINES
GOLF CLUB
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION D1)
AUGUST 7, 2023

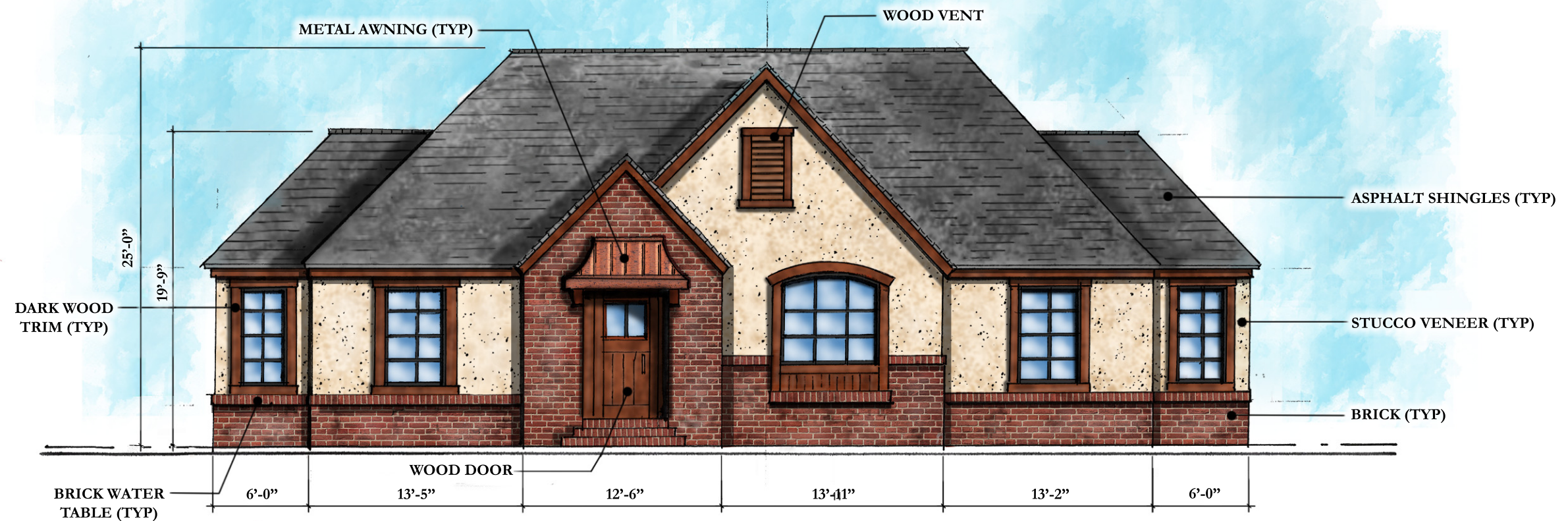


VERSION D1 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	896 SF
WINDOWS / DOORS:	140 SF (16%)
FACADE MATERIALS:	756 SF
BRICK:	296 SF (39%)

**SOUTHERN PINES
GOLF CLUB**
SOUTHERN PINES, NC

4-BEDROOM COTTAGE
(VERSION D2)
AUGUST 7, 2023



VERSION D2 - FRONT ELEVATION
SCALE: 1/8" = 1'-0"

UDO CALCULATIONS	
FACADE:	896 SF
WINDOWS / DOORS:	140 SF (16%)
FACADE MATERIALS:	756 SF
BRICK:	296 SF (39%)

SOUTHERN PINES GOLF CLUB

SOUTHERN PINES, NC

8-BEDROOM COTTAGE
AUGUST 7, 2023



COTTAGE - FRONT ELEVATION

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

UDO CALCULATIONS

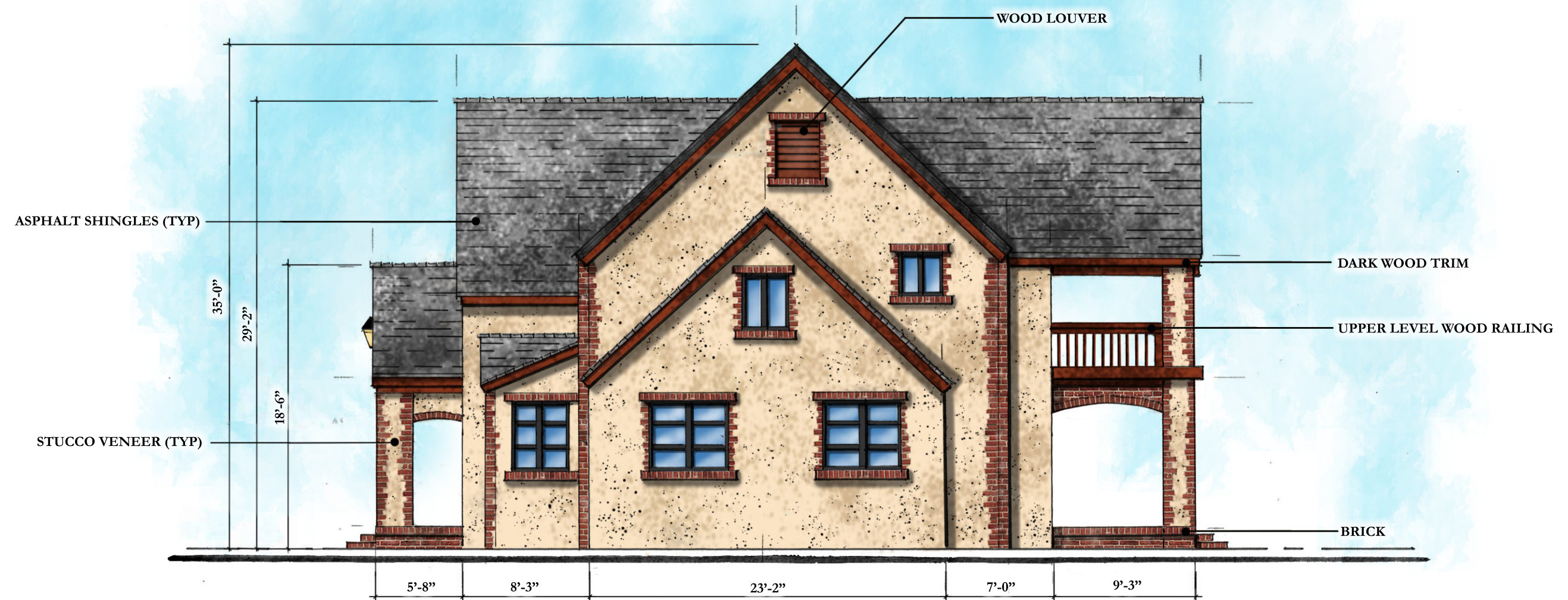
FACADE:	1,227 SF
WINDOWS / DOORS:	214 SF (17%)
FACADE MATERIALS:	1,013 SF
BRICK:	201 SF (20%)

SOUTHERN PINES

GOLF CLUB

SOUTHERN PINES, NC

8-BEDROOM COTTAGE
AUGUST 7, 2023



COTTAGE - SIDE ELEVATION

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

UDO CALCULATIONS

FACADE:	950 SF
WINDOWS / DOORS:	80 SF (8%)
FACADE MATERIALS:	870 SF
BRICK:	155 SF (19%)

**SOUTHERN PINES
GOLF CLUB**
SOUTHERN PINES, NC

8-BEDROOM COTTAGE
AUGUST 7, 2023



COTTAGE - REAR ELEVATION

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

UDO CALCULATIONS

FACADE:	1,356 SF
WINDOWS / DOORS:	381 SF (28%)
FACADE MATERIALS:	956 SF
BRICK:	245 SF (26%)

PRELIMINARY
CONCEPTUAL PLAN

FOR



SOUTHERN PINES
GOLF CLUB
— 1906 —

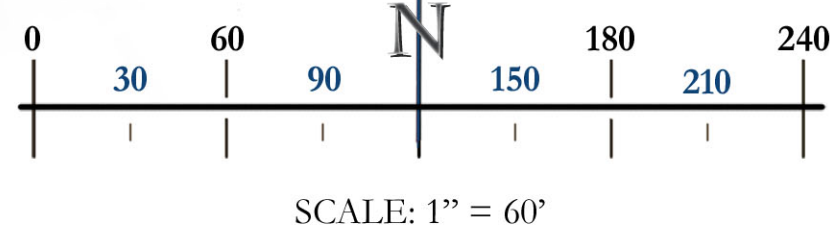
SOUTHERN PINES, NC
AUGUST 25, 2023

DEVELOPMENT SUMMARY:

(7) 4-BEDROOM COTTAGE:	28 BEDROOMS
(3) 8-BEDROOM COTTAGE:	24 BEDROOMS
TOTAL:	52 BEDROOMS

EXISTING PARKING:	±115 SPACES
NEW PARKING:	±155 SPACES

PREPARED BY:





801 SE Service Road
Southern Pines, NC 28387

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

March 10, 2023

Mr. Kelly Miller
Mid-Pines Development Group, LLC
PO Box 88
Southern Pines, NC 28388
kellymiller@rossresorts.com

RE: Written Decision and Special Use Permit for file #SU-07-22.

Mr. Miller,

Please be advised that Special Use Permit application SU-07-22 for the development of ten guest cottages on a +/-9.48 acre property located on the west side of Country Club Circle between Spring Road and Ridge Street in Southern Pines was approved with conditions at the February 14, 2023 Regular Business Meeting of the Town of Southern Pines Town Council. A formal Written Decision reflecting the Council's determination of contested facts and their application to the applicable standards was approved by the Town Council at the February 28, 2023 Town Council Work Session and received by our office on March 9, 2023. Please note that the enclosed Written Decision document contains two minor revisions compared to earlier versions, as instructed by Town Council at the February 28, 2023 Work Session. These revisions consist of corrections to the spelling of Councilwoman Petersen's last name, in every instance where the name is found in the document, and the removal of the word "some", between "include" and "variation" in condition #9.

Per North Carolina General Statute §160D-406(j), a copy of the Written Decision is enclosed with this letter for your records and does not require any further action on your part. A separate Special Use Permit (SUP) document is enclosed with this letter and pursuant to Unified Development Ordinance (UDO) §2.21.14 the SUP must be signed by the owner of record acknowledging receipt and recorded with the Moore County Register of Deeds. Once recorded, **a copy of the recorded instrument must be returned to the Planning Office for our records.**

In addition to the Special Use Permit from the Town Council, please carefully note that all applicable permits must be obtained before construction and/or demolition can begin. Examples include, but are not limited to, Architectural Compliance Permit per UDO §2.26, Site Plan review per UDO §2.48 and Building Permits per UDO 2.37.

Congratulations on your approval and best wishes with the upcoming project. If you should require additional information or have questions, please contact the Town of Southern Pines Planning Department at (910) 692-4003.

Sincerely,



Pamela Graham
Principal Planner

Enc. Written Decision of the Board SU-07-22
Special Use Permit SU-07-22

Cc: Mr. Bob Koontz, Koontz Jones Design
bkoontz@koontzjones.com

Mr. Nil Ghosh, Morningstar Law Group
nghosh@morningstarlawgroup.com

Mr. Andrew Petesch, Petesch Law
apetes@peteschlaw.com

Mr. Mac McCarley
mmcarley@southernpines.net

For Registration Register of Deeds

William Britton

Moore County, NC

Electronically Recorded

March 16, 2023 10 56 50 AM

Book: 5985 Page: 461 - 464 #Pages: 4

Fee: \$26.00

NC Rev Stamp: \$0.00

Instrument# 2023003233

Town of Southern Pines
SPECIAL USE PERMIT

On the dates as listed below, the Town Council of the Town of Southern Pines met and held a public hearing to consider, and to act upon, the following application:

Owner: Mid-Pines Development Group, LLC

Applicant: Mr. Kelly Miller, Mid-Pines Development Group, LLC

Property Location: The subject property is located at 290 Country Club Circle, Southern Pines, N.C. and is identified in the Moore County Tax Registry as PIN: 858100121842 (PARID: 00048946). The property owner according to the Deed filed with the Moore County Register of Deeds on Book 5772 and Page 286-291 is Mid-Pines Development Group, LLC

File Number: SU-07-22

**Activity Authorized by
the Special Use Permit:**

The Special Use Permit SU-07-22 allows for the development of ten guest cottages on a +/-9.48 acre portion of the parcel identified above, to be generally consistent with the site plan attached to this permit. The existing use on the property is Golf Course Resort (Southern Pines Unified Development Ordinance Land Based Classification Standard Code #5353), which allows guest accommodations with a special use permit. The development shall be consistent with the application materials and correspondence submitted and reviewed by the Town Council and entered into the public record as Exhibits I through II of SU-07-22.

Meeting Dates:

Planning Board Forum:	November 17, 2022
Town Council Hearing:	December 13, 2022, continued to January 10, 2023
Town Council Decision:	February 14, 2023
Town Council Approval	

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.

of the Written Decision: February 28, 2023

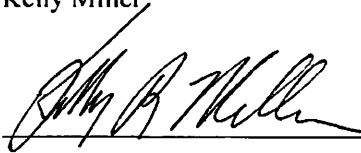
Having heard all evidence and arguments presented at the hearing and having considered other relevant factors, the Town Council found that the application was complete and that the application complied with the applicable requirements of the Town of Southern Pines Unified Development Ordinance (UDO). The Town Council approved and issued the Special Use Permit, subject to all applicable provisions of the Unified Development Ordinance, and with the following conditions:

1. An undisturbed buffer of no less than 25' as well as a 10' planted buffer for a total buffer of 35' along the project boundary with adjacent properties and/or rights-of-way shall be required prior to occupancy of the proposed lodging units.
2. A 65' setback from property boundaries shall be required for all proposed cottage structures.
3. Any needed improvements or extensions of infrastructure shall be made at the cost of the developer.
4. The emergency access point will be designed using grass pavers with an adequate base to meet the requirements of the Fire Department and the Technical Review Committee prior to site plan approval. The access point will be gated and used only for emergency vehicles.
5. Construction traffic will be prohibited from using Ridge Street and instead will use Country Club Circle.
6. Signage shall be compliant with UDO Section 4.6 and will be subject to the sign permit process.
7. Any fire pits or entertainment areas associated with the cottages will be located on the golf course side of the cottages.
8. Individual rooms within the cottages will be limited to an occupancy of two adults.
9. The applicant will include variation in the architecture of the units to be constructed. Architectural plans will be presented to the Town Council during the Architectural Compliance Permit process. To reflect the materials and design of the neighborhood, these units may vary from the strict commercial requirements of Section 4.10.4 of the UDO for materials and design, to permit the units to be constructed with a residential character.
10. The applicant will work with the Town of Southern Pines Planning and Engineering staff, as well as NCDOT, to examine options that may improve conditions at the intersection of Morganton Road, Country Club Circle and Country Club Drive. Solutions may include the addition of wayfinding or directional signage in the area to direct golfers and guests to the Southern Pines Golf Club, or additional regulatory signage in the area.
11. The proposed cottages shall be limited to a maximum number of fifty-two (52) bedrooms.

**THIS SPECIAL USE PERMIT MUST BE SIGNED BY THE OWNER OF RECORD,
RECORDED AT THE MOORE COUNTY REGISTRY, AND PROOF OF RECORDATION
MUST BE PROVIDED TO THE TOWN OF SOUTHERN PINES PRIOR TO THE
ISSUANCE OF ANY PERMITS.**

The undersigned owner of the above-described property acknowledges the receipt and issuance of
the Special Use Permit SU-07-22:

Mid-Pines Development Group, LLC
Kelly Miller

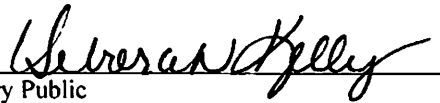


STATE OF NORTH CAROLINA

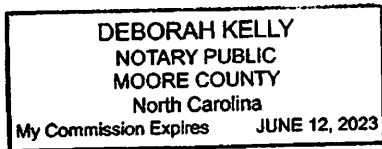
COUNTY OF MOORE

I certify that the following person personally appeared before me this date, acknowledging to me
that the Owner of Mid-Pines Development Group, LLC voluntarily signed the foregoing document
for the purpose stated therein and, in the capacity, indicated: Owner of Mid-Pines Development
Group, LLC

Date: 3/15/23



Notary Public

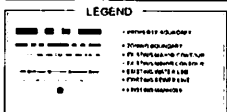


Deborah Kelly

Printed name of Notary Public

{Official Seal}

My Commission Expires: 6/12/2023



PROPERTY INFORMATION

PROPERTY OWNER(S):
AND-PINES DEVELOPMENT GROUP LLC
P.O. BOX 89
SOUTH-HERN PINES NC 28389
PARCEL ID: 00048848 FB: 9410012184
JB 5772 PG. 286

APPLICANT
WOP-NES DEVELOPMENT GROUP, LLC
P O BOX 88
SOUTHERN PINES, NC 28380

TOTAL ACREAGE: 170.1 AC
SLP AREA: 10.48 AC

IMPERVIOUS SURFACE
EXISTING 13.13 AC
PROPOSED 13.11 AC

REQUIRED PARKING:
 LODGING (1 SPACE PER EACH ROOM)
 96 CURBST PAVING = 96 SPACES
 CLUBHOUSE (1 SPACE PER 100 SF)
 2,500 SF CLUBHOUSE = 49 SPACES
 COURSE COURSE (1 / 3 USERS @ MAX CAPACITY)
 144 USERS = 48 SPACES
TOTAL = 193 REQUIRED SPACES

TOTAL PARKING PROVIDED: 155 SPACES

ZONING INFORMATION

ZONING CLASSIFICATION:
ERR-FACILITIES RESOLVED - 8 RE-CLASSIFIED

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE "X"
AREAS OF MINIMAL FLOODING.

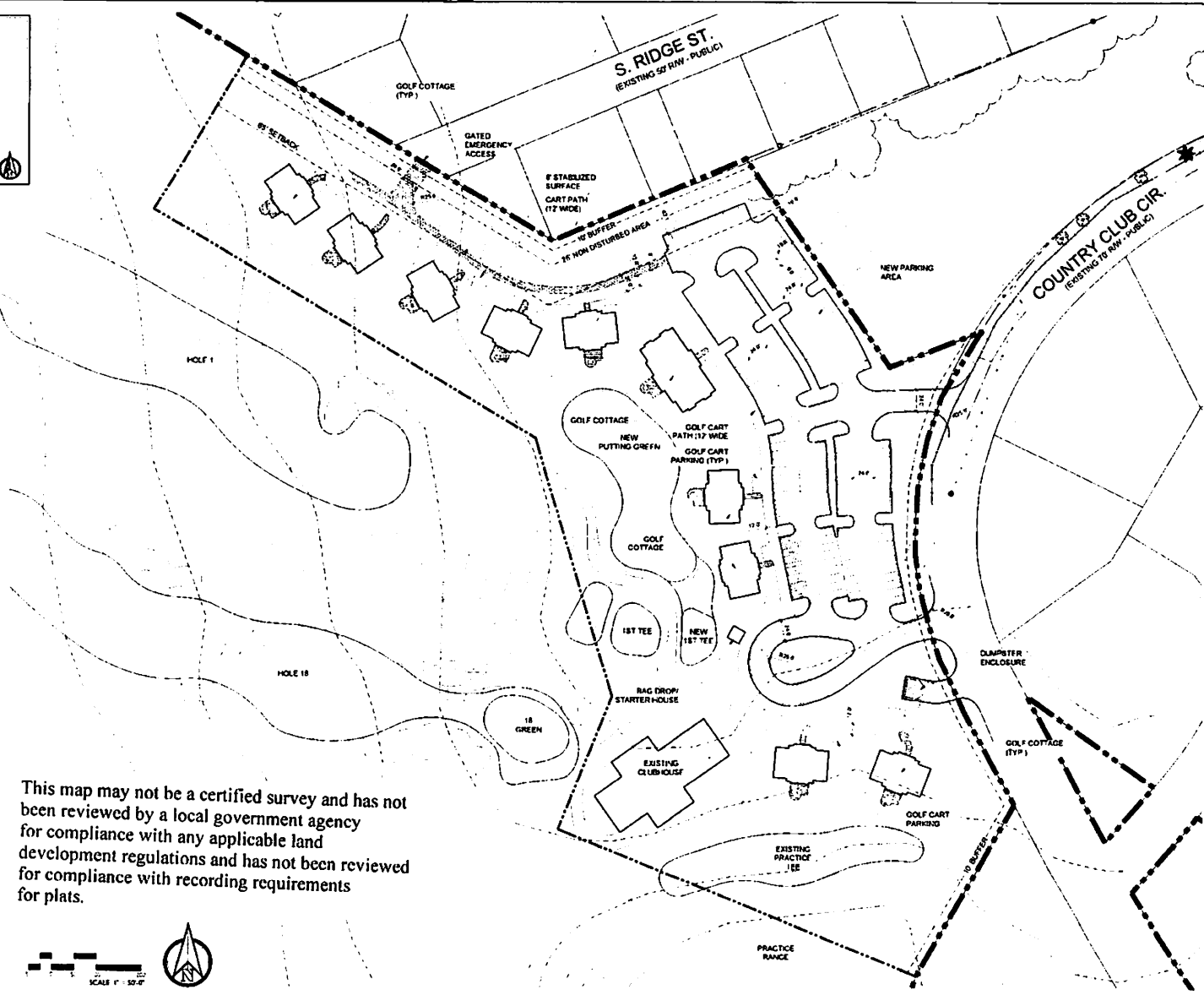
THE LOCATION OF THE 100 YEAR OLD PIONEER
MIDDLEBURY COMMUNITY
PARCEL(S) NO. 1271 8280
MAP(S) 3710A(1200) 3710B(1200)
DATE OCTOBER 11, 2006

CAUTION

THE UTILITY SHOWS PERSON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE AGENCIES AND THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR THE LOCATION, NUMBER AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES WITHIN THE POLYMER TUBE. ALL DAMAGES TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



This map may not be a certified survey and has not been reviewed by a local government agency for compliance with any applicable land development regulations and has not been reviewed for compliance with recording requirements for plats.



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

KOONTZ JONES Design
ARCHITECTS PLANNERS LANDSCAPE ARCHITECTS

100 S. PACIFIC STREET
SOUTH PLAINS, N.C. 28137
P. 919/379-4476
F. 919/379-4477



SOUTHERN PINES GOLF CLUB
SOUTHERN PINES, NORTH CAROLINA

SITE PLAN

1-12

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: September 12, 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 now allow for up to 12,500 (originally 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 69 (originally 57) on-site car parking spaces will be provided on-site, and the development also proposes to improve 8 car 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.

A copy of the Planning Board's March 23, 2023 Resolution for file #PD-02-23 is included in Town Council packets from the April, May, June, July and August 2023 Regular Meetings and may be found at the following link: [Agendas & Minutes | Southern Pines, NC - Official Website](#)

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.

At the August 8, 2023 Regular Meeting, the Town Council reconvened for discussion regarding application PD-02-23. The applicant presented three cross-section design options for the back of the proposed building that would add parking beneath the structure to address concerns related to off-street parking and building height that were discussed by Town Council at the July 11, 2023 meeting. Options A, B and C all provided an additional

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

21 car parking spaces and 6 motorcycle spaces beneath the rear portion of the building with different impacts on the roofline. The Town Council discussed preferring “Option A” dated August 8, 2023 as presented at the meeting. The Town Council also discussed ways to ensure that architecture of the structure is compliant with UDO 4.10.4. Following Town Council discussion, a motion was passed to continue discussion to the September 12, 2023 Town Council meeting. Planning staff were instructed to work with the applicant to finalize the Council’s concerns into the text of the CDP and have it ready for a decision at the September 12, 2023 regular meeting. Planning staff worked with the applicant on final revisions to the CDP document to reflect the Council’s discussion following the close of the public hearing and a modified CDP and Appendix H were provided to planning staff by the applicant on August 23, 2023. A copy of the final CDP document based on Council’s discussion, as well as the modified Appendices C and H (Option A), are attached to this report. The remaining attachments that have not changed since the August 8, 2023 Regular Meeting (Exhibits 1, 2 and 3 and Appendices A, B, D, E, F, G, and I) are included in the August 8, 2023 Regular Meeting packet and may be found online at this link: [Agendas & Minutes | Southern Pines, NC - Official Website](#)

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.

[illegible]

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):

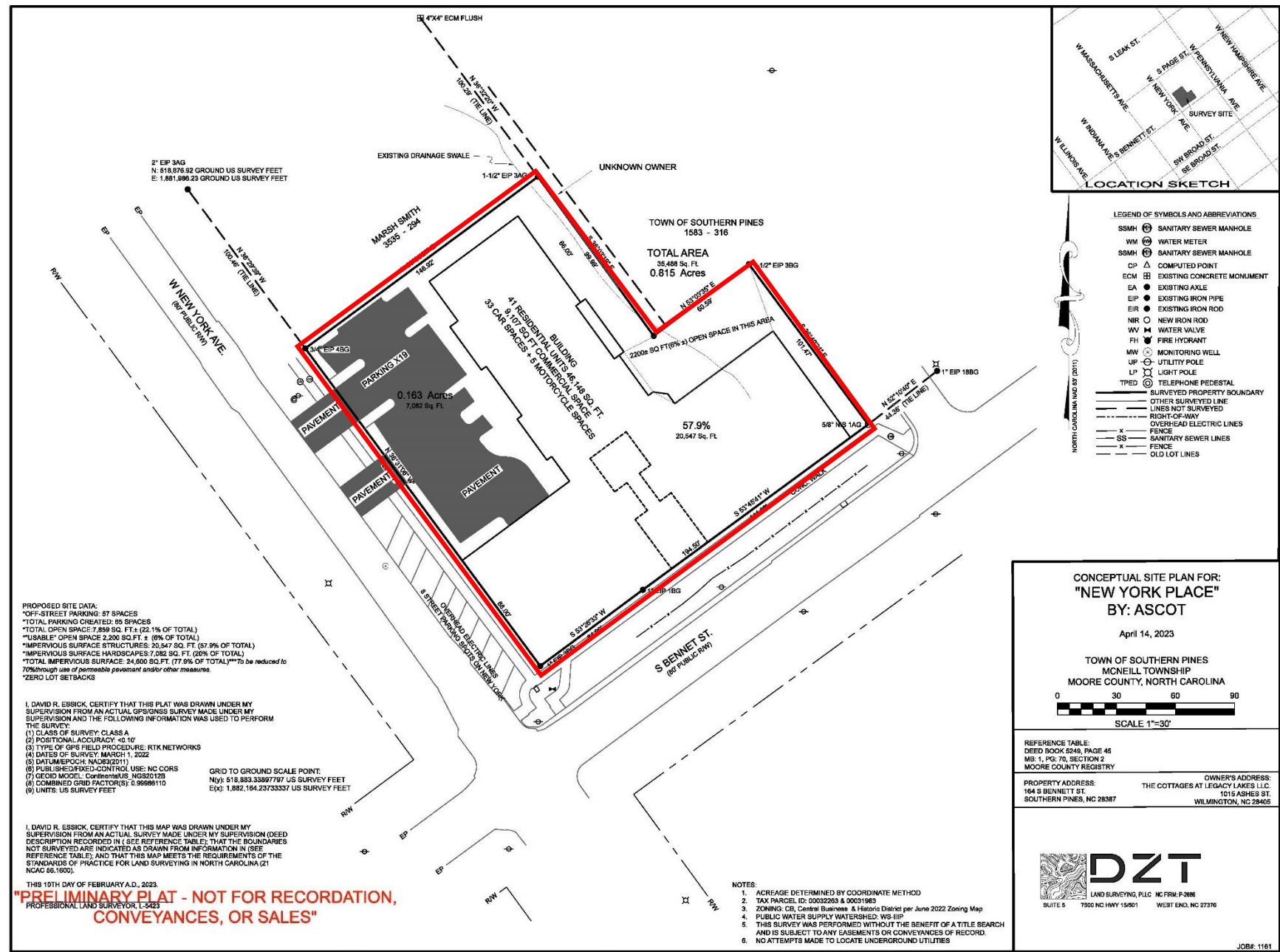


Figure 7: Conceptual Landscaping Plan for PD-02-23 (Updated August 4, 2023):



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, continued to September 12, 2023: August 8, 2023.
- Town Council discussion: September 12, 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 now providing 69 on-site car parking spaces (54 beneath the building and 15 in a surface lot) and 15 on-site motorcycle parking spaces (11 beneath the building and 4 in a surface lot), 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 have changed since Town Council discussion at the August 8, 2023 Regular Meeting and are therefore provided as attachments to this staff report. All other materials are located in the packet from the August 8, 2023 Town Council Regular Meeting and may be found online at the following link: [Agendas & Minutes | Southern Pines, NC - Official Website](#)

1. Applicant's CDP (version August 23, 2023) w/ Exhibits and Appendices:
 - Appendix C – Landscape Concept (August 4, 2023)
 - Appendix H – NY Street Sectional Elevations (August 8, 2023)

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... (STATE REASONS) and is a reasonable request for rezoning for the following reasons... (STATE 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.

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 64,000 Square Feet (Sq Ft) (approx.41 units) of residential condominiums, and approximately 9,100 Sq Ft of mixed office/retail space facing S. Bennett St.

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

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

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

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

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

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

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



The Growler Building



The Pinnacle Building (note the loft on unit 2)

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

- 2.0 Project Overview

NEW YORK PLACE MIXED USE DEVELOPMENT OVERVIEW



- 2.1 Vision



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: DZT 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.



- a. 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. A detail of proposed parking is presented in section 4.3 below.

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.
Office	Up to 12,500 sqft	Substitute residential and retail.
Retail/Restaurant	Up to 10,000 sqft	Limited to S. Bennet ground floor.
Total	73,100 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 2,500 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: Building height will be as depicted in Appendix H.

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. New York Place shall provide one dedicated parking space for every studio or one-bedroom dwelling unit and 1.8 dedicated parking spaces for every

dwelling with more than one bedroom (Example: 11 one-bedroom and 30 two- or three- bedroom units will provide 65 dedicated parking spaces). New York Place shall also provide 19 on-site shared parking spaces that may be used for both residential and commercial land uses. New York Place shall also provide 8 additional off-site parking spaces within the New York Ave. right of way.

Table 4.3.1

Land Use	Parking Standard	Discussion
Dedicated Residential on-site	65 Proposed	79 required by UDO
Residential/Office/ Commercial/Restaurant (Fex spaces) On-Site	19 Proposed* See Note #2	30 Required by UDO

Note #1: Angled parking allowed on public roads but only proposed for NY Avenue based on Planning Board input.

Note #2: Eight (8) spaces added on New York.

4.4 Landscaping and Open Space

Landscaping is expected to comply overall with the Town's requirements but may vary in detail per 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: Spectrum and Brightspeed services provide 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				
Land Use	ITE Land Code	Size		Data Source	Volume	Enter	Exit	Enter	Exit
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

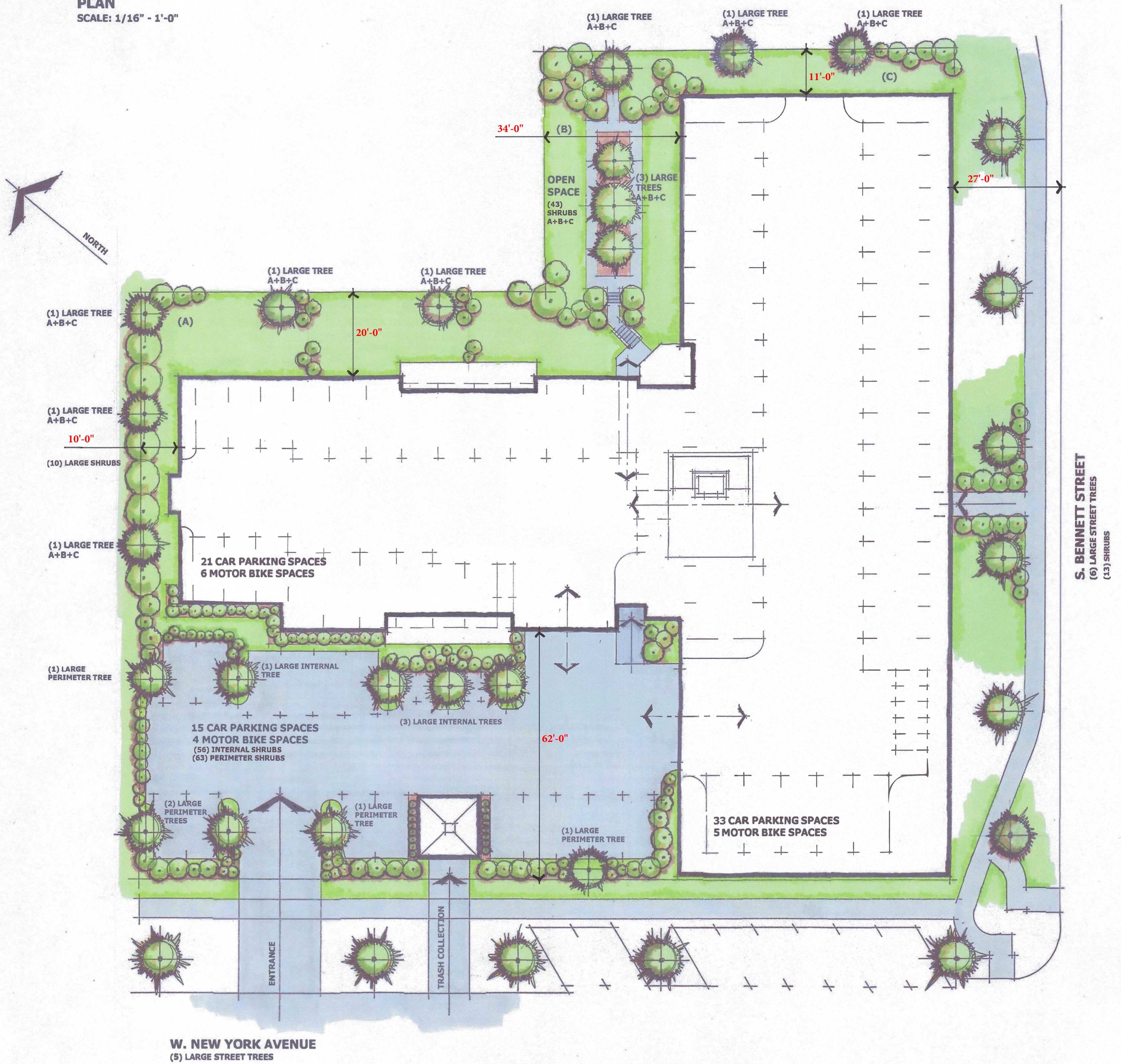
Appendix F – Watershed Protection Permit Allocation Application

Appendix G – Utilities Map

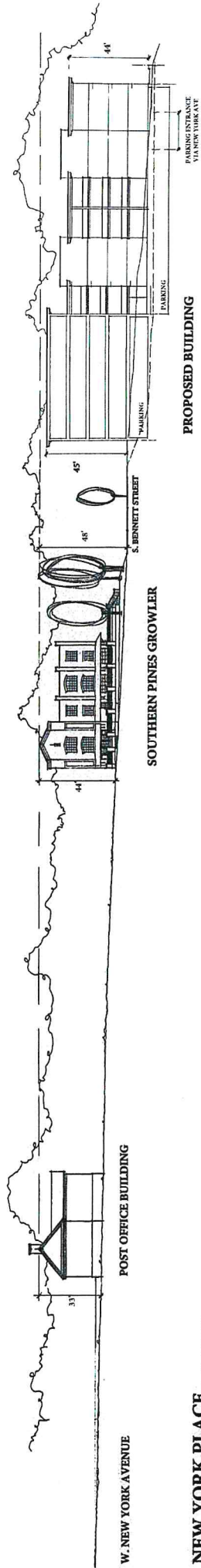
Appendix H – New York Street Sectional Elevations

Appendix I – Traffic Design Analysis

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



APPENDIX H - NEW YORK ST ELEVATIONS



NEW YORK PLACE - 08.08.2023

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

Agenda Item

To: Reagan Parsons, Town Manager

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

Subject: AX-04-23: Hold a Public Hearing for Voluntary Annexation of 1.01 Acres Contiguous to the Corporate Limits of the Town of Southern Pines;
Applicant: Mary L. Schwab

Date: September 12, 2023

I. SUMMARY OF APPLICATION REQUEST:

Mary Schwab is requesting voluntary annexation of 1.01 acres 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 858005192800 (PARID 00047929) and is owned by Mary L. Schwab.

II. PRIOR TOWN COUNCIL ACTION:

At the July 25, 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 August 8, 2023 Town Council Regular Meeting, the Town Council approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.

III. PROJECT INFORMATION:

A. Physical Addresses:

1 Cliff Court Extension
Southern Pines, NC 28387

B. Property Owner/Applicant:

Mary L. Schwab
1 Cliff Court Extension
Southern Pines, NC 28388

C. Property Identification & Parcel Identification Number:

PIN 858005192800 (PARID 00047929)

D. Size of Property:

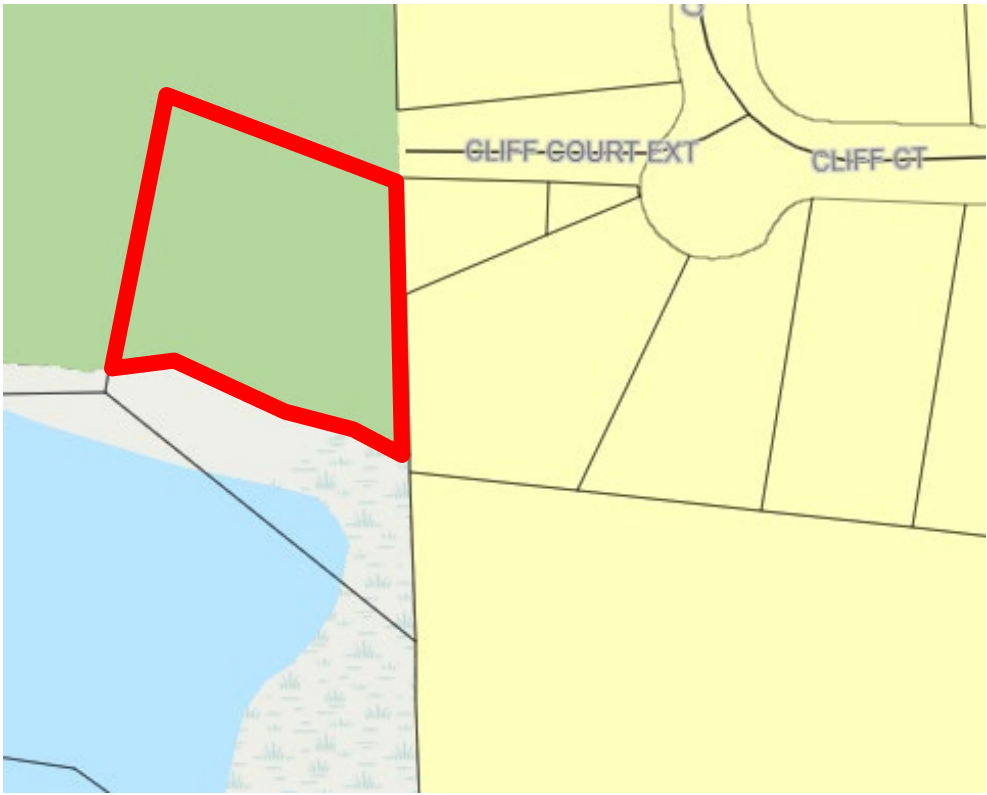
Total area: 1.01 acres

IV. STAFF COMMENTS:

- The applicant has submitted a Petition for Voluntary Annexation of the subject property.
- The site map of the area to be annexed has been approved by the Moore County Tax Mapper.
- The request is a voluntary request for contiguous annexation as the adjacent properties are within the corporate limits of the Town of Southern Pines (see Figure 1).
- The subject properties are presently zoned RS-2 (Residential Single-Family) and the adjacent properties are zoned RS-2.
- During the July 25, 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 August 8, 2023 Town Council Regular Meeting, the Town Clerk approved a *Resolution Fixing Date of Public Hearing on Question of Annexation Pursuant to G.S. 160A-31, As Amended*.
- The purpose of this agenda item is for the Town Council to hold a public hearing to consider the annexation request.
- **Comprehensive Long-Range Plan Analysis:**
 - The subject property is identified as “Residential” on the Comprehensive Long- Range Plan (CLRP) Future Land Use Map (see Figure 3). Per the CLRP 2015-2016 update:

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

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



 Town of Southern Pines Corporate Limits  Town of Southern Pines ETJ

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

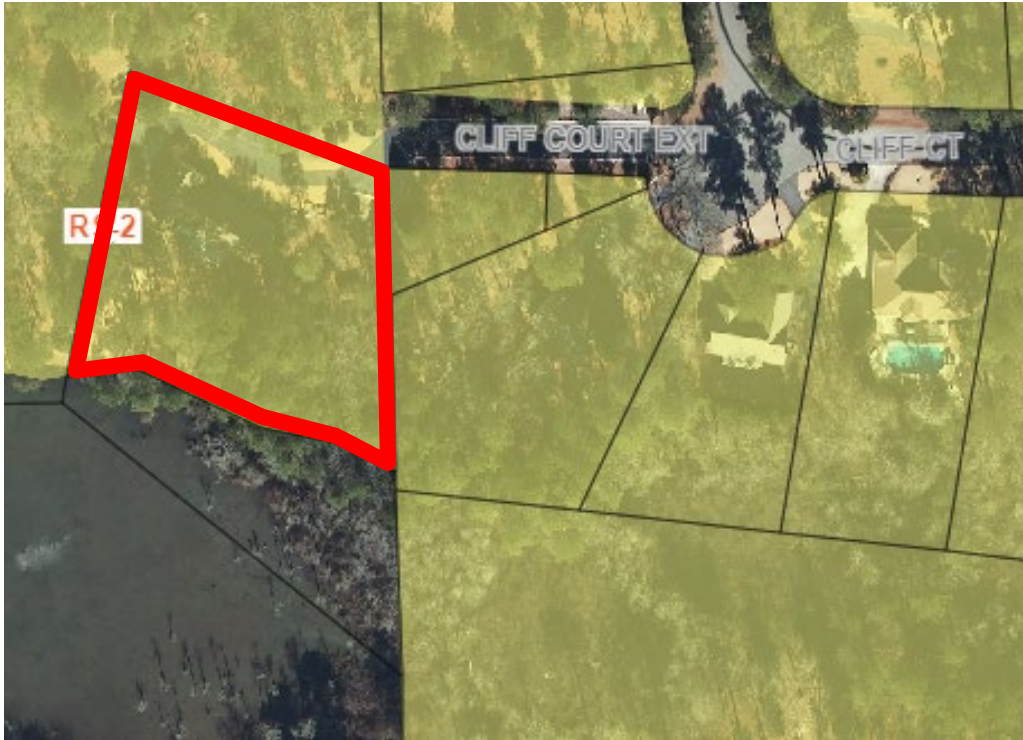
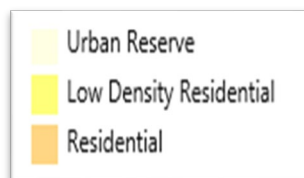
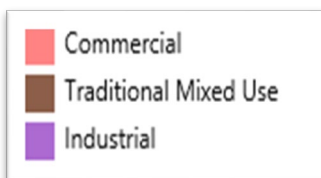
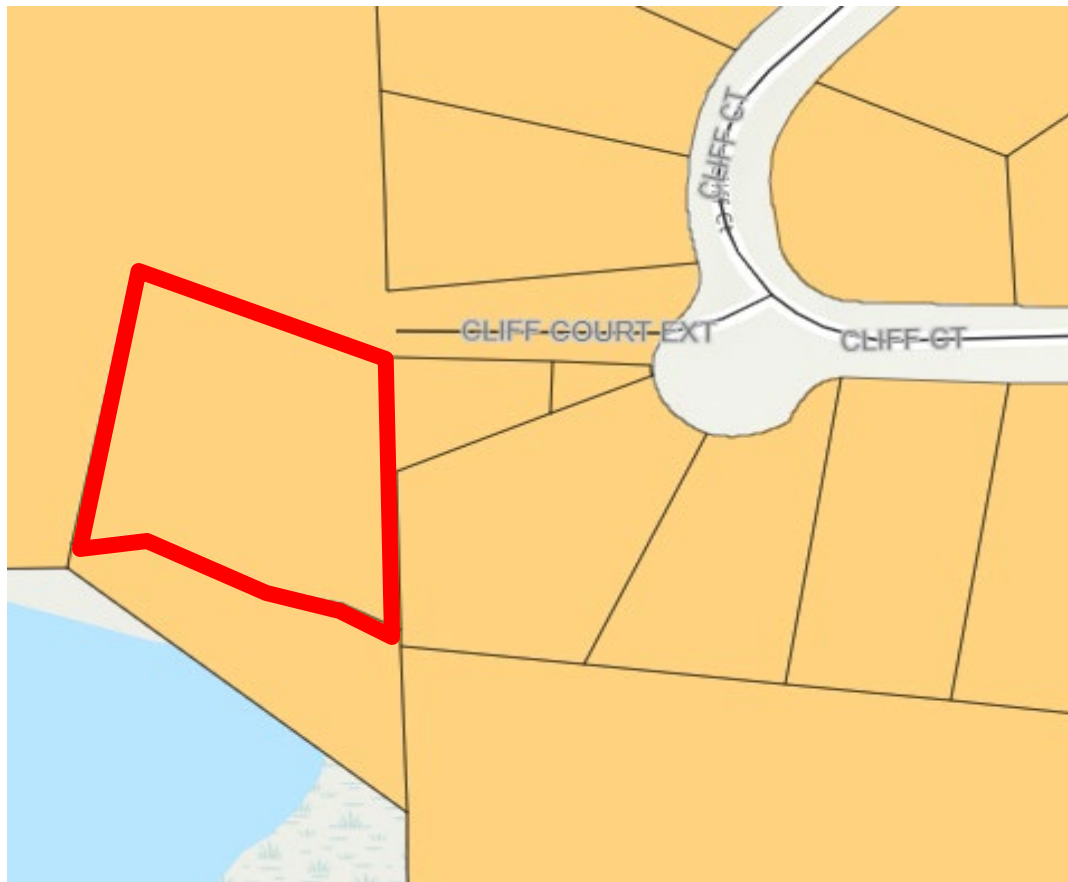


Figure 3: CLRP Future Land Use Map (Area to be Annexed Outlined in Red)



V. ATTACHMENTS:

1. Petition
2. Site Map (prepared for AX-04-23 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-04-23 for the property shown on the site map, and to have the Ordinance effective immediately.

-or-

- 2) I move to deny voluntary annexation request AX-04-23 for the property shown on the site map.

PETITION FOR VOLUNTARY ANNEXATION

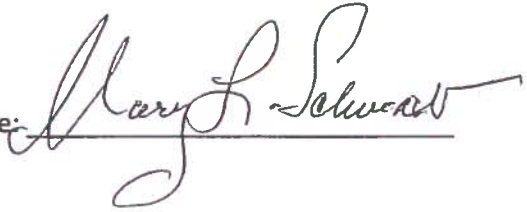
To the Town Council of the Town of Southern Pines, North Carolina:

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: 858005192800
858000192603; 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.)

PARID: 00053471

PARID: 00048996

Cliff Court

Cliff Court Ext

1.01 Acres of 1.18 Acres to be Annexed
PIN: 858005192800
PARID: 00047929

0.17 Acres
Previously Annexed

PARID:
20210500

PARID: 00052279

PARID: 00048945

PARID: 00053472

PARID: 20210501

Map created by Town of Southern Pines GIS. Descriptions were provided by Annexation Petitioners.

0 25 50 100 Feet

AX-04-23





ORDINANCE #3006

**TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF SOUTHERN PINES,
NORTH CAROLINA AX-04-23: 1 Cliff Court Ext.**

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-04-23, 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 12th day of September, 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:

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.

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

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina in regular session this 12th day of September, 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 12th day of September, 2023.

Section 2. Upon and after the 12th day of September, 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.

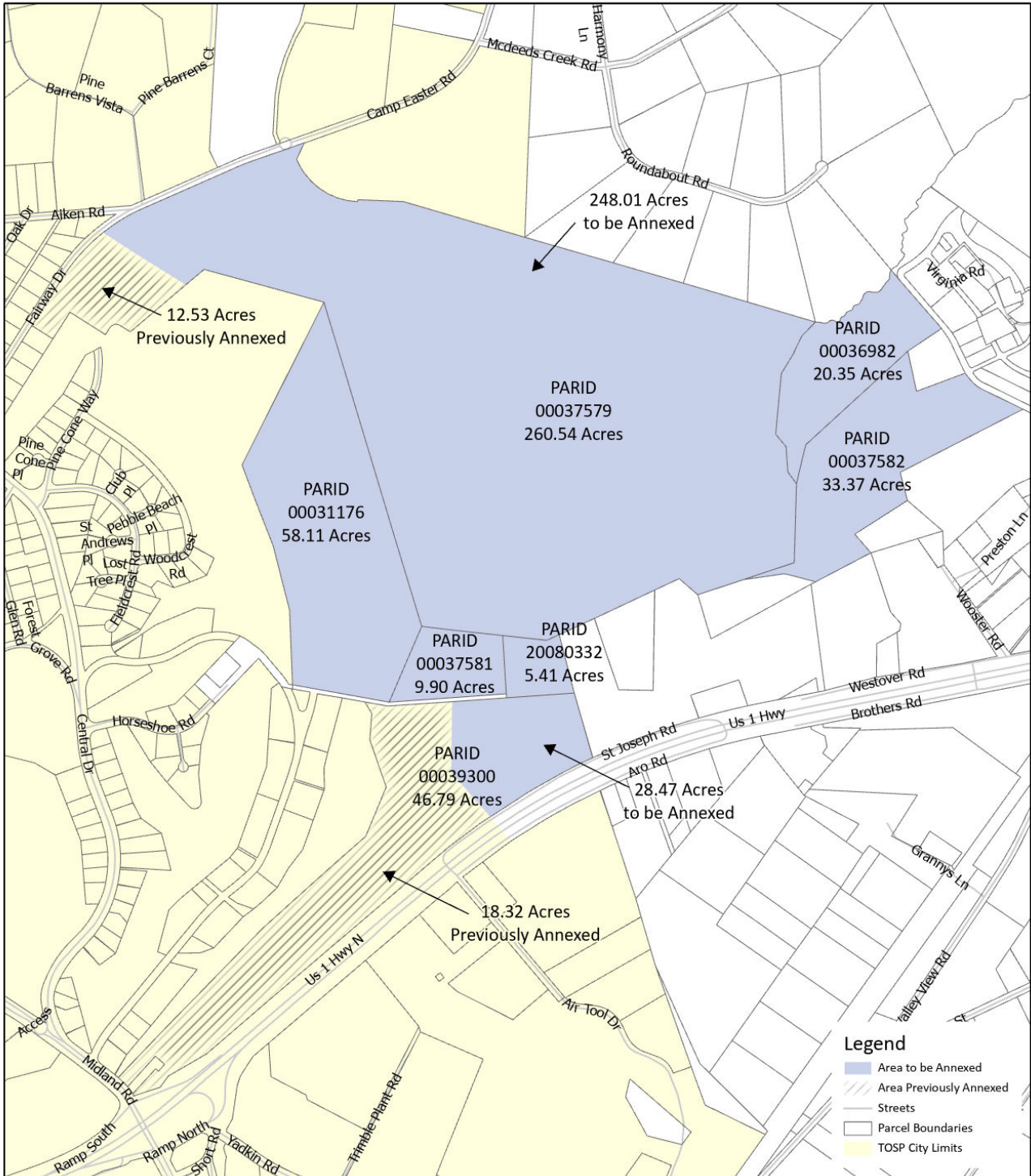
Section 4. This Ordinance shall be and remain in full force and effect from and after the date of its adoption.

Adopted this 12th day of September, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on September 12, 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



PARID: 00053471

PARID: 00048996

Cliff Court

Cliff Court Ext

N70°07'28"W ch len=198.55' R=325.00'

N87°53'00"W 119.07'

PARID: 20210500

0.17 Acres
Previously Annexed

1.01 Acres of 1.18 Acres to be Annexed
PIN: 858005192800
PARID: 00047929

N66°58'01"E 119.96'

N02°07'00"E 40.00'

PARID: 00052279

PARID: 00048945

N80°01'26"E 54.57'

S64°01'19"E 97.81'

S79°45'18"E 57.59'

S65°28'27"E 47.83'

N02°20'20"W 126.63'

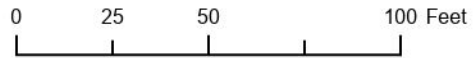
PARID: 00053472

PARID: 20210501

Map created by Town of Southern Pines GIS. Descriptions were provided by Annexation Petitioners.

Attachment A

AX-04-23



YMCA OF THE SANDHILLS



Reagan Parsons, Town Manager



910.692.7021



parsons@southernpines.net


**Southern
Pines**



Scan this code or visit
sopinesnc.info/projects
for updates on this &
other Town projects.



The Town owns a 49-acre tract in West Southern Pines. The Town has subdivided this parcel to sell about 7.7 acres to the YMCA of the Sandhills.

The Town will retain ownership of the remaining tract of approximately 41 acres.



The agreement requires the facility to open by December 31, 2028.

The YMCA must meet other milestones related to permitting.



The Town owns a 49-acre tract at the corner of Henley St. and Morganton Road. The new facility will be constructed across from Armory Field.



This property will be used by the YMCA of the Sandhills to construct a new recreation facility. The terms of the sale require the building to be a minimum of 45,000 square feet with an indoor pool.



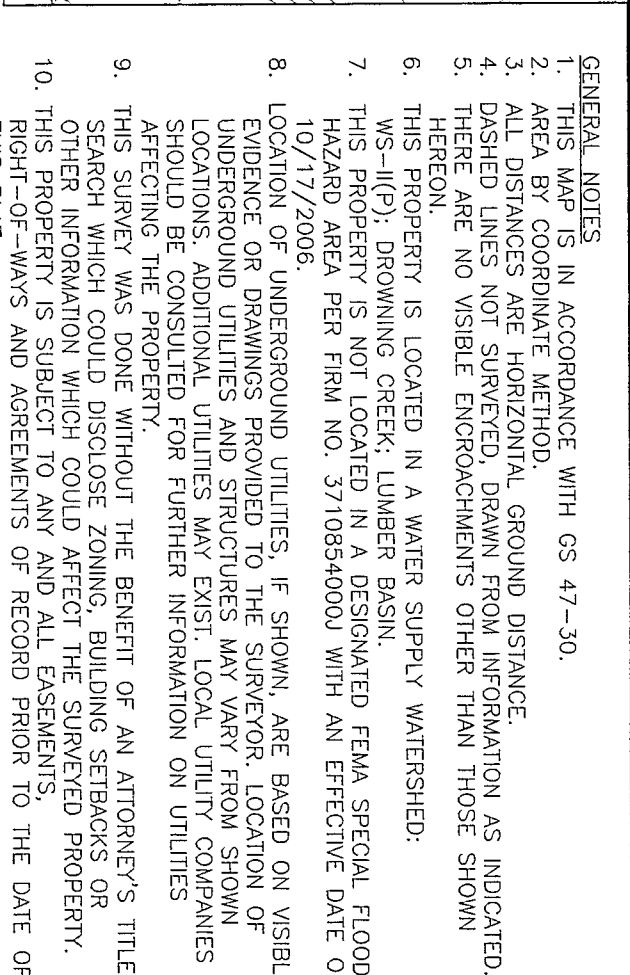
The YMCA will provide programs and memberships at a reduced or negligible rate so that cost will not be a burden for low-to-moderate income individuals and families to participate.



The Town will receive \$5,000 from this property sale.

The YMCA is responsible for the construction, maintenance, and operating costs of the facility.





ROBERT W. &
WILLIAM J. RAY
WASHINGTON

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 PAYMENT
 ——— = EDGE OF CONCRETE
 - - - - - X - - - - - X - - - - - X - - - - -
 = EXISTING FENCE
 W = WATER METER

LEGEND

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EIP ○ = EXISTING IRON ROD
EIP ○ = EXISTING IRON PIPE
EOM □ = EXISTING MONUMENT

_____ = RIGHT OF WAY
_____ = BOUNDARY LINE
_____ = BOUNDARY NOT SURVEYED
_____ = EDGE OF PAVEMENT
_____ = EDGE OF CONCRETE
_____ = EXISTING FENCE
8 = WATER METER

6x6 EQUIV
FLUSH

NOTARY
Shari Little

CERTIFICATE OF APPROVAL
I HEREBY CERTIFY THAT A
SOUTHERN PINES' PLANNING
SHOWN ON THIS PLAT HAD
INSTALLATION OR COMPLETE
BEEN ASSURED BY THE
SOUTHERN PINES' PLANNING
AND THAT THE
SOUTHERN PINES' PLANNING
THE SOUTHERN PINES' PLANNING
THE SOUTHERN PINES' PLANNING

WINNER

SIXTY DAYS OF THE DATE

7/7/73

NOTARY PUBLIC
State of New York
Commission Expires 12/31/2011

_____/DATE/

DATE 4/25/92

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151.28'

151.28'

W. 150th

W. 160th

PAVED PARKING

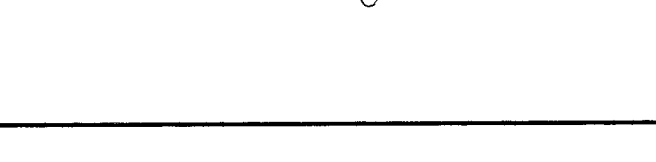
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W. H. T. Ford
REVIEW OFFICER

July 31, 2023 02:02:51 PM
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Fee: \$21.00
INSTRUMENT # 2023010226





**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.

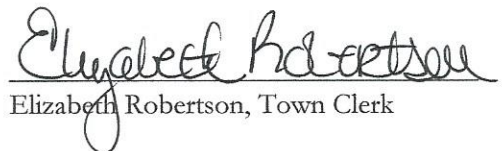
2. The consideration for the conveyance is the following set of conditions, covenants, and restrictions, which shall be incorporated in the deed given by the Town to Association:

- 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, Town Manager

From: Rachel Mann, Planning & Development Specialist
Alaina Mallette, Senior Planner
BJ Grieve, Planning Director

Subject: LRP-01-23; 2040 Comprehensive Plan Update

Date: September 12, 2023

I. SUMMARY OF APPLICATION REQUEST

North Carolina law states that all communities that adopt and apply zoning regulations must also adopt a comprehensive plan. A comprehensive plan establishes community policy regarding future growth and development for areas within municipal limits as well as any extra-territorial planning jurisdiction. The current Southern Pines plan was adopted in 2016 and the pace and nature of development since that time has changed. In August 2022, Southern Pines planning staff and a planning consulting firm started the process of writing a new plan by visiting properties throughout the planning jurisdiction, holding meetings throughout the community, attending community events, conducting surveys and asking anyone and everyone who was willing to participate to talk about future growth and development. A Community Advisory Committee was also created by the Town Council to act as a sounding board for the planning process.

From this extensive outreach effort, a new comprehensive plan consisting of six chapters was created. A Public Review Draft of the new comprehensive plan was posted online on June 30, 2023 and the public was encouraged to read the document and submit comments. Meetings with the Community Advisory Committee and the public were held in July of 2023 and planning staff made themselves available to the public at office hours events to answer questions and collect comments. A revised version of the Public Review Draft entitled “Public Hearing Draft” was posted online on August 4, 2023 and a public hearing was scheduled for the August 24, 2023 Planning Board Regular Meeting.

II. PLANNING BOARD RECOMMENDATION

The Planning Board met for their Regular Meeting on Thursday, August 24 at the E.S. Douglass Community Center. Their meeting included the first public hearing for the draft Comprehensive Plan. Prior to the start of the meeting, written comments were submitted by the following individuals: Chairman and Executive Director of the Regional Land Use Advisory Commission (RLUAC) Jeff Sanborn and Vagn Hansen (respectively), Bob Koontz representing Kelly Miller, Kim Wade, and Town Engineer James Michel. All written comments received prior to 6 PM on August 24, 2023 were reviewed and considered during the meeting.

Fourteen members of the public spoke during the public hearing. Some of the recurring concerns brought up during the hearing included gentrification, displacement, and cost of living. Marsh Smith submitted information from NC DEQ regarding Water Supply Watershed Protection – Density Averaging. After the public hearing, the Planning Board re-reviewed and considered every written and verbal comment that was received. After contemplating all comments, Planning Board unanimously made a recommendation to Town Council to approve the 2040 Comprehensive Plan with 13 suggested modifications. A resolution containing the Planning Board’s recommendation as well as each of the recommended modifications is attached to this staff report, labeled as Attachment #1. A copy of minutes and audio from the Planning Board meeting are available upon request. A copy of written comments submitted to, and reviewed by, the Planning Board are available on the Planning Department’s website under “Pending Applications” for the August 24, 2023 Planning Board meeting.

Any comment received following the conclusion of the August 24 Planning Board meeting and prior to the September 12 Town Council meeting will be provided to Town Council as part of staff’s presentation during the September 12 meeting.

III. ACKNOWLEDGEMENTS

In addition to the Town Council, the Planning Board, Town Administration, and the Town Planning Department, the Community Advisory Committee and the Consultant Team deserve special acknowledgement for their roles in the creation of the Draft Comprehensive Plan. Members of each are listed below.

Community Advisory Committee:

Lynn Anderson
Nora Bowman
David Carter
Suzanne Coleman
Paul Friday
Pam Garty
Brandon Goodman
Barry Huggins
Adam Kiker
Tom McCabe
Ray Owen
Lynn Thompson
Austin Vernon
John Weaver
Felicia Winfield

Consultant Team:

City Explained, Inc.
BAE Urban Economics Inc.
Arnett Muldrow & Associates, LLC
Nealon Planning, PLLC
Green Heron Planning, LLC
Zanetta Illustration
Timmons Planning

IV. STAFF REVIEW

A. Review Process

Comprehensive Plans are adopted and amended following the process mandated for zoning text amendments, per NCGS §160S-501(c). Comprehensive plan adoption requires Planning Board review and recommendation followed by Town Council review and decision. This report serves to help facilitate Town Council review.

B. Review Dates

- Comprehensive Plan Update Project Began: August 2022
- Public Review Draft Published: June 30, 2023
- Public Hearing Draft Published: August 4, 2023
- Notice of August 24, 2023 Planning Board Public Hearing:
 - Publication Dates: August 9 and August 16, 2023
 - Internet: August 4, 2023
- Planning Board Agenda Meeting: August 17, 2023
- Planning Board Regular Meeting and Public Hearing: August 24, 2023
- Notice of September 12, 2023 Town Council Public Hearing:
 - Publication Dates: August 30 and September 6, 2023
 - Internet: August 25, 2023
- Town Council Agenda Meeting: September 5, 2023
- Town Council Business Meeting and Public Hearing: September 12, 2023

C. Supporting Engagement Activities¹

The list below includes highlights of community engagement events from the past year. Please note this is not a comprehensive list of all community engagement related to the comprehensive plan update project.

- **Project Kickoff**
 - Bring Your Own Questions Event
 - Community Conversations (57 meetings; 824 comments)
 - Community Ideas Exchange Workshop
 - On the Table Meetings (11)
 - Launch the public-facing Comprehensive Plan website²
- **Growth Choices**
 - Growth Choices Main Event (150+ attendees)
 - Growth Choices Office Hours Library Events (Five Sessions)
 - Growth Choices West Southern Pines Event
 - Growth Choices Community Survey
 1. 268 respondents
 2. 1,176 open-ended comments

¹ See Engagement Corner page with consultant-created documents and presentations for more details, <https://www.southernpinesclrp.net/engagement-corner>

² <https://www.southernpinesclrp.net/>

3. 301 sticky note comments

- **Draft Plan Recommendations**

- Draft Plan Recommendations Workshop (55+ attendees)
- Two 9:00 a.m. to 5:00 p.m. Office Hours Sessions
- 30+ Emails Received with Comments/Feedback on the Draft Plan
- Policy-Maker Briefings and Adoption Hearings
- Responded to 907 comments on different versions of the Draft Plan (759 comments from Town staff and 148 comments from the public) as well as green (in favor) and red (opposed) dots in reaction to different sections of the first Public Draft Comprehensive Plan

- **Other Engagement**

- Community Advisory Committee (Five Meetings)
- Online Engagement
 1. 5+ Email Newsletters to 450 People on Email List
 2. 4,503 Website Visits as of July 25, 2023
- Special Events (800+ Flyers Given Out)
 1. West Southern Pines Cultural Arts Fair
 2. West Southern Pines Civic Club Meetings
 3. Downtown SP Trick or Treat
 4. First Friday
 5. Christmas Tree Lighting Ceremony
 6. Downtown SP New Year's Eve Event
 7. Southern Pines Business Association Presentation
 8. Southern Pines Civic Club
 9. Planning Board/Town Council Summit

D. Staff Comments

The planning process for putting together the Draft Comprehensive Plan included efforts by the consultant and the Planning Department to collect public input and create a document that reflected the vision and desires of the Town of Southern Pines community. This community input was joined with data and community-level analysis plus best planning practices to identify opportunities for the Town that align with community values and are supported by data. For instance, the Growth Choices initiative presented six scenarios on a scale from no community growth to significant community growth, and options in between. The public input from those outreach efforts informed the content of the Draft Comprehensive Plan.

The consultant team also put together six “book reports” assessing existing conditions and emerging trends using data, adopted town documents, and field observation, which serve as a baseline for the comprehensive plan. The topics include land use and community character, environment, market and economics, supporting infrastructure, transportation, and local policies and ordinances. These six book reports are supporting documents that are considered part of the comprehensive plan for reference. Concepts from each report have been woven into the text of the Draft Comprehensive Plan.

The challenge of comprehensive planning in the Town of Southern Pines is the speed with which our community is developing. There are as many opinions on growth as there are people in the Town of Southern Pines. The comprehensive plan, therefore, is intended to manage the expected projected growth and land disturbance between now and 2040. The shared vision—spurring off of the town’s branding process—emphasizes the town’s current priority to protect the town character, the community brand, and community culture. Chapter 4 (Town-Wide Concepts) also expands on the community vision.

Although the Draft Comprehensive Plan is a completely new document, it does not intend to dramatically change the town’s operations, rather enhance how things are currently structured. The most significant change, however, is in the creation of character districts. Character districts were a concept that came up during public engagement, so the consultant team identified districts within town that have a unique character and created illustrated examples of how to implement the character of each district. The intent of these character district is to create predictability in expected land uses, building design, and site design.

Chapter 2 (Growth and Conversation Framework) is comparable to the existing “future land use map,” with which the governing boards interact constantly during various development applications. Of the 12 maps included in the Draft Comprehensive Plan, three directly relate to identifying appropriate development and character for any parcel or area within town. The General Framework Map (p. 39) is our 30,000-foot perspective and shows areas to preserve, strengthen, enhance, and transform. The Conservation and Development Map (p. 46) is the 20,000-foot view and shows future land uses (e.g., open space, rural living, neighborhood, retail center, employment center, and mixed-use area as well as activity centers and priority areas. Lastly, the Character Districts Map (p. 65) is the 10,000-foot view and includes the 10 character districts. Seven matrices complement these maps and the text of the comprehensive plan.

Chapter 3 (Supporting Infrastructure) and Chapter 5 (Town Policies and Recommendations) represent the 10,000-foot and closer-to-ground (and even underground) views of the community. Chapter 3 highlights infrastructure and begins to address the concept of expanding public facilities, utilities, and services. The maps in Chapter 3 are meant to be further refined over time after conducting feasibility analyses for future master plans. Comprehensive, continuous, and connected infrastructure throughout the community is considered critical in the plan to realizing community vision. Chapter 5 will influence decisions made on future planning and development applications, proposals, and initiatives.

Lastly, Chapter 6 discusses plan implementation to make the comprehensive plan vision come to fruition. This chapter includes recommended town UDO design and land use considerations and administrative procedures. The comprehensive plan sees coordination and collaboration as key to implementation, including starting targeted initiatives, capital projects, and partner projects. This chapter was expanded after

additional public input on the first public Draft Comprehensive Plan was received in July 2023.

Overview of the 2040 Comprehensive Plan by Chapter

Chapter One: Explanation of emphasis on community character and overview of how to use the document.

Chapter Two: Houses three key maps from Comprehensive Plan, including: General Framework Map, which organizes and illustrates growth and conservation decisions; Conservation and Development Map, which depicts preferred development types, locations, patterns, styles, and intensities for the planning jurisdiction assuming full build-out of the community; and Character District Map, which provides opportunity to plan for a desired brand or character by specific region of the community.

Chapter Three: This chapter is about supporting infrastructure, including maps for Parks and Open Space, Greenway and Trails Networks, Fire and Police Protection, Water and Sewer Service Area, and Transit and Road Network Maps.

Chapter Four: Big ideas, general concepts, or best practices that address topics important for safeguarding community character, building a complete and connected town, and promoting Southern Pines as a community focused on high-quality design, unique experiences, and special places.

Chapter Five: Policies and recommendations to guide staff, Planning Board, Town Council and others when decision-making.

Chapter Six: Action plan and strategies for implementation of the 2040 Comprehensive Plan.

Top 10 Initiatives Summarized from the Comprehensive Plan (Pg. 8 and 9)

1. Evaluate the merits of replacing the quasi-judicial decision-making process used by Town Council for evaluating development applications with a legislative (policy) decision-making process that includes ample opportunities for public comment during an update to the Town of Southern Pines Unified Development Ordinance.
2. Develop and implement character-based zoning standards in the Town of Southern Pines Unified Development Ordinance to ensure zoning and subdivision regulations implement the character-based vision, guiding principles, policies, and recommendations presented in the 2040 Comprehensive Plan.
3. Implement new rules and processes that provide higher-scrutiny for a development application that proposes infill development or redevelopment in specific character districts (presented in the plan). New rules and processes should

be used to ensure new development in an existing neighborhood or center maintains a certain character that is consistent and complementary to the surrounding environment.

4. Think about new or expanded community facilities needed to serve future residents when reviewing development applications, and require that development applicants consider some of these needs in their site concept plans.
5. Coordinate investments in the public realm (streets, parks, plazas, greenways, etc.) as the primary means to influence the form and function of Southern Pines' planning area. Initiatives for creating a stronger public realm should help unify the natural and built environments. They should also emphasize a comprehensive and connected brand for the town that will create a unique sense of place and community pride for living and working in Southern Pines.
6. Implement standards and protocols for protecting open space throughout the community, including the protection of specific tree canopy areas under a local historic preservation ordinance. Individual decisions about open space in Southern Pines should consider the context and needs of a larger open space framework, which is aimed at maximizing a comprehensive, connected, and continuous open space network that is easily recognizable and accessible to town residents.
7. Create spaces in the community that are comfortable and present themselves well as a framework for bringing people together in a safe, clean, energized, and accessible environment. Ensure enough capacity is available to accommodate formal or informal events in different locations.
8. Town officials should consider vulnerabilities to neighborhood gentrification and displacement during the review of development applications. Further, town officials should advocate for equitable distribution of the benefits associated with a development application for the neighborhood where the project is located.
9. Provide a safe and reliable transportation system that balances all modes of travel; including walking, biking, public transit, rail, and cars. Specific to greenways and trails, implement a system with the help of others that will connect important destinations in Southern Pines, Pinehurst, Aberdeen and beyond.
10. Provide for greater housing diversity in the community, including different types, sizes, and price points of homes intermingled in close proximity, with a range of living experiences from rural to suburban to urban so that there is something for everyone.

V. ATTACHMENTS

Rather than attaching over 400 pages of comprehensive plan and supporting materials to this report and including it all in the Town Council’s September packets, staff is providing links to the following referenced documents:

1. Public Hearing Draft 2040 Comprehensive Plan.
Link to document: <https://www.southernpinesclrp.net/draft-plan-for-review>
2. 2040 Comprehensive Plan Book Reports:
Link to documents: <https://www.southernpinesclrp.net/existing-conditions>
3. Attached to this report:
 1. Planning Board Resolution to Recommended Approval of the 2040 Comprehensive Plan with Modifications.

VI. TOWN COUNCIL ACTION

Upon receiving a recommendation from the Planning Board, the Town Council will hold a legislative public hearing. Per NCGS §160D-501, “Adoption and amendment of a comprehensive or land-use plan is a legislative decision and shall follow the process mandated for zoning text amendments set by G.S. 160D-601.” If approved, the 2040 Comprehensive Plan will be adopted by ordinance³.

To assist the Town Council, town staff have prepared the following draft motions for the consideration, possible modification as necessary, and adoption of the 2040 Comprehensive Plan:

I move that after reviewing the Public Hearing Draft 2040 Comprehensive Plan and supplemental documents and after hearing from the public at an advertised public hearing and after reviewing the Planning Board’s recommendation and suggested modifications regarding the plan, the Town Council recommends:

1. Approval of the 2040 Comprehensive Plan;

OR

2. Approval of the 2040 Comprehensive Plan with the following modifications:

³ Per North Carolina General Statute §160D-601(c).

OR

3. Denial of the 2040 Comprehensive Plan.



**PLANNING BOARD RESOLUTION
TO RECOMMEND APPROVAL OF THE
2040 COMPREHENSIVE PLAN - PUBLIC HEARING DRAFT**

WHEREAS, Section 160D-301(b)(1) of the North Carolina General Statutes specifies that the Planning Board shall prepare, review, maintain, monitor, and periodically update and recommend to the governing board a comprehensive plan, and such other plans as deemed appropriate, and conduct ongoing related research, data collection, mapping, and analysis; and

WHEREAS, Section 160D-301(b)(2) of the North Carolina General Statutes specifies that the Planning Board shall facilitate and coordinate citizen engagement and participation in the planning process; and

WHEREAS, Section 160D-301(b)(3) of the North Carolina General Statutes specifies that the Planning Board shall develop and recommend policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner; and

WHEREAS, Section 160D-501(c) of the North Carolina General Statutes specifies that plans shall be adopted by the governing board with the advice and consultation of the planning board; and

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on August 24, 2023 to listen to public comments, ask questions of the Town's Planning staff and comprehensive plan consultant, and to consider the Public Hearing Draft of the 2040 Comprehensive Plan (i.e., application LRP-01-23).

NOW, THEREFORE BE IT RESOLVED that the Planning Board recommends to the Town Council approval of the Public Hearing Draft 2040 Comprehensive Plan with the following modifications:

1. Page 2, Section "Acknowledgements"- Update the Planning Department staff list to include current staff.
2. Page 121, "Greenway and Trails Network Map"- The map should continue the trail along McDeed's Creek up to Page Street and could include a boardwalk, as shown on the Town Engineer's comments submitted to the Planning Board.
3. Page 168, Section "Gentrification and Displacement"- Replace "base housing allowances" with "basic allowance for housing."

4. Page 6, Section “A town rooted in history”- Remove the sentence “The town began as two communities that ultimately became one.”
5. Page 172-173, Section “Improve Communication and Coordination”- Create a new policy, numbered Policy 1.3 and renumber current subsequent policies accordingly. The new policy will state “Create a Historical Document Supplemental to the 2040 Comprehensive Plan that Describes the History of Southern Pines and West Southern Pines”
 - a. The new policy should include the following description: “A comprehensive historical essay of the Town of Southern Pines, including the history of West Southern Pines, should be incorporated into the supplemental supporting documents of the Comprehensive Plan. This essay will be a town-initiated effort that will include partnerships with strategic historical entities in the region. The creation of a comprehensive historical essay may be done through the creation of a committee or using existing staff resources. The final essay will be used to update the Town’s History webpage.” The work products would be a comprehensive historical essay and associated comprehensive plan amendment. The chart that begins on page 220 of the plan should be modified to reflect that the timeframe is short-term (0 to 3 years), the lead party is Town Administration, estimated cost is N/A and funding source is staff resources.
6. Page 168, Section “Gentrification and Displacement”- Include a sentence at the end of the fourth paragraph (after “search for affordable housing”) that states “Development growth should not be at the detriment of the local community’s ability to be housing secure.”
7. Page 168, Section “Gentrification and Displacement”- Modify the fourth paragraph by replacing “could lead to mass gentrification” with “are leading to mass gentrification.”
8. Page 168-169, Move up “Gentrification and Displacement” (and associated references) to the very beginning of Chapter 4. Move gentrification policies (Policy 9.1 and 9.2) forward numerically in Chapter 5 (to number one) in order to prioritize and spotlight.
9. Replace any mention of “affordable housing” with “affordable, attainable, and low-income housing.”
10. In the section “Expand Housing Options” that begins on page 197 - Create a new Policy 6.6 on page 200 and renumber current subsequent policies accordingly. The new policy will state “Explore Opportunities to Address Housing Security in Low-Income Neighborhoods”
 - a. The new policy should include the following description: “Property valuation increased for many taxpayers in Moore County for the year 2023. As more infill development and redevelopment occur in places where low-income families live, there is a greater chance that housing prices will price existing low-income families out of their ancestral homes and neighborhoods. Therefore, the town should explore opportunities, for example, a grant program to provide direct cash

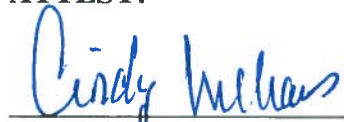
assistance to some low-income homeowners (i.e., property tax assistance welfare program for the poor). The work product would be N/A. The timeframe would be short-term (0 to 3 years). The lead party would be the Planning Department or a new "Housing" Department. Estimated cost would be "\$\$\$\$\$" and funding source would be annual town budget and staff resources.

11. Page 195, Policy 5.4- Add to the end of the paragraph, "All districts, prioritizing West Southern Pines, should have all infrastructure reviewed and brought to a uniformed city standard."
12. Page 205-206, Section "Expand Local Business and Employment Opportunities"- Create a new Policy 8.3 and renumber current subsequent policies accordingly. The policy should state, "Town should explore possibilities of how to encourage a living wage for all residents. Reference the North Carolina Justice Center's white paper as a guide."
13. A final read through should be completed for grammar, edits, and scrivener's errors.

ADOPTED this the 24th day of August, 2023.


Diane T. Westbrook, Chair

ATTEST:


Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: PD-03-23: A Planned Development District - Preliminary Development Plan for Morganton Park South Phase 3 Commercial/Retail; Applicant: Midland Atlantic Properties; Bob Koontz of KoontzJones Design PLLC, Authorized Agent; Property Owners: Morganton Road Enterprises, LLC, Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M Van Camp Living Trust

Date: September 12, 2023

I. SUMMARY OF APPLICATION REQUEST

Mr. Robert Koontz has applied on behalf of Midland Atlantic Properties—who is the applicant for Morganton Road Enterprises, LLC—for a Planned Development Preliminary Development Plan without preliminary plat in association with the Morganton Park South Development Plan that was approved in 2021. A 101,840-square foot wholesale retail building, a fuel service station without convenience store, and a 2,050-square foot drive-through restaurant are being proposed on +/- 13.89 acres. Up to 650,000 square feet of retail is authorized in the Conceptual Development Plan (CDP).

The application is for the 3rd phase of development within the Morganton Park South Planned Development district. The preliminary development plans for the 1st phase (PD-09-21) and the 2nd phase (PD-07-22) were approved on October 12, 2021, and July 12, 2022, respectively.

II. PLANNING BOARD REVIEW

On August 24, 2023, the Planning Board held a Preliminary Forum regarding PD-03-23 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by Town staff, Mr. John Silverman, Midland Atlantic Properties, discusses the current status of the whole project and addressed some of staff's concerns. Mr. Bob Koontz with KoontzJones Design presented an overview of the site plan, open space, and transportation plan—including a statement about the trip generation letter attached to the application that concludes that the proposed uses will generate less traffic than was anticipated in the 2021 traffic impact analysis. Members of the Planning Board asked Mr. Bob Koontz and Planning staff a series of questions. Two members of the public brought a question regarding impact to small businesses and a concern regarding traffic to the podium.

On a unanimous vote of 7-0, the Planning Board moved to transmit the following issue to the Town Council for that body to consider in applying the criteria for a PDP to application PD-03-23:

1. The impact of traffic on the surrounding neighborhoods and whether or not the 2021 traffic impact analysis and submitted traffic generation letter comprehensively consider the impact of Morganton Park South traffic on adjacent communities. Town Council may want to consider NC Department of Transportation (NC DOT) STIP Project U-5814 study regarding future NC DOT plans: tinyurl.com/NCDOTU5814.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for Council consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-03-23.

III. PROJECT INFORMATION

A. Property Owners(s)

PIN 857100681141 (PARID 98000749)

Co-Owned by Morganton Road Enterprises, LLC, Robert W. Van Camp and Julie M. Van Camp, Trustees of the Robert W. and Julie M Van Camp Living Trust

PO BOX 1389

Pinehurst, NC 28370

B. Applicant(s)

Midland Atlantic Properties

8044 Montgomery Road, Suite 370

Cincinnati, OH 45236

C. Authorized Agent

Robert Koontz

Koontz Jones Design

150 South Page Street

Southern Pines, NC 28387

D. Property Information

1. Street Address

The subject property is currently unaddressed. Addresses will be assigned by Moore County following approval of the PDP.

2. Size of Property

Total acreage in approved CDP: +/-98.78

Area being developed in current PDP: +/-13.89

3. Subject Property Description

The subject project is located within the “Retail” area of the approved CDP and is described as being positioned between U.S. Highway 15-501 and West Morganton Road, adjacent to dead end of Southern Road. The deed states that the entire parcel is 52 acres, and solely +/-13.89 of that parcel will be developed. The applicant does not know whether a portion of the parcel being developed will ultimately be conveyed, hence they did not include a preliminary plat for concurrent subdivision review.

The PDP includes the extension of Southern Road, which will connect to a roundabout on Carolina Green Parkway, which cuts through the center of the Planned Development. This extension and connection will provide a link between the Southern Pines Village (i.e., Kohl’s) development along Brucewood Road and Morganton Park South.

4. Jurisdiction

The subject property is currently located entirely within Southern Pines’ corporate boundary after being annexed in February 2022 (see AX-07-21). The CDP approval was conditioned on annexation of the entirety of the CDP area prior to issuance of the first building permit for construction for any phase.

5. Property Zoning Classification

The zoning of the subject property is PD-Planned Development (See Figure 4: Vicinity & Zoning Map below). A Conceptual Development Plan (CDP) for Morganton Park South was approved by the Town of Southern Pines Town Council on September 14, 2021 as file PD-08-21. The current and all future Preliminary Development Plan (PDP) applications must be consistent with the approved CDP or must request and be granted deviations from the CDP as part of the PDP review and approval process.

Figure 1: Current Zoning Vicinity Map (Overall CDP outlined in Red, current PDP area roughly outlined in blue).

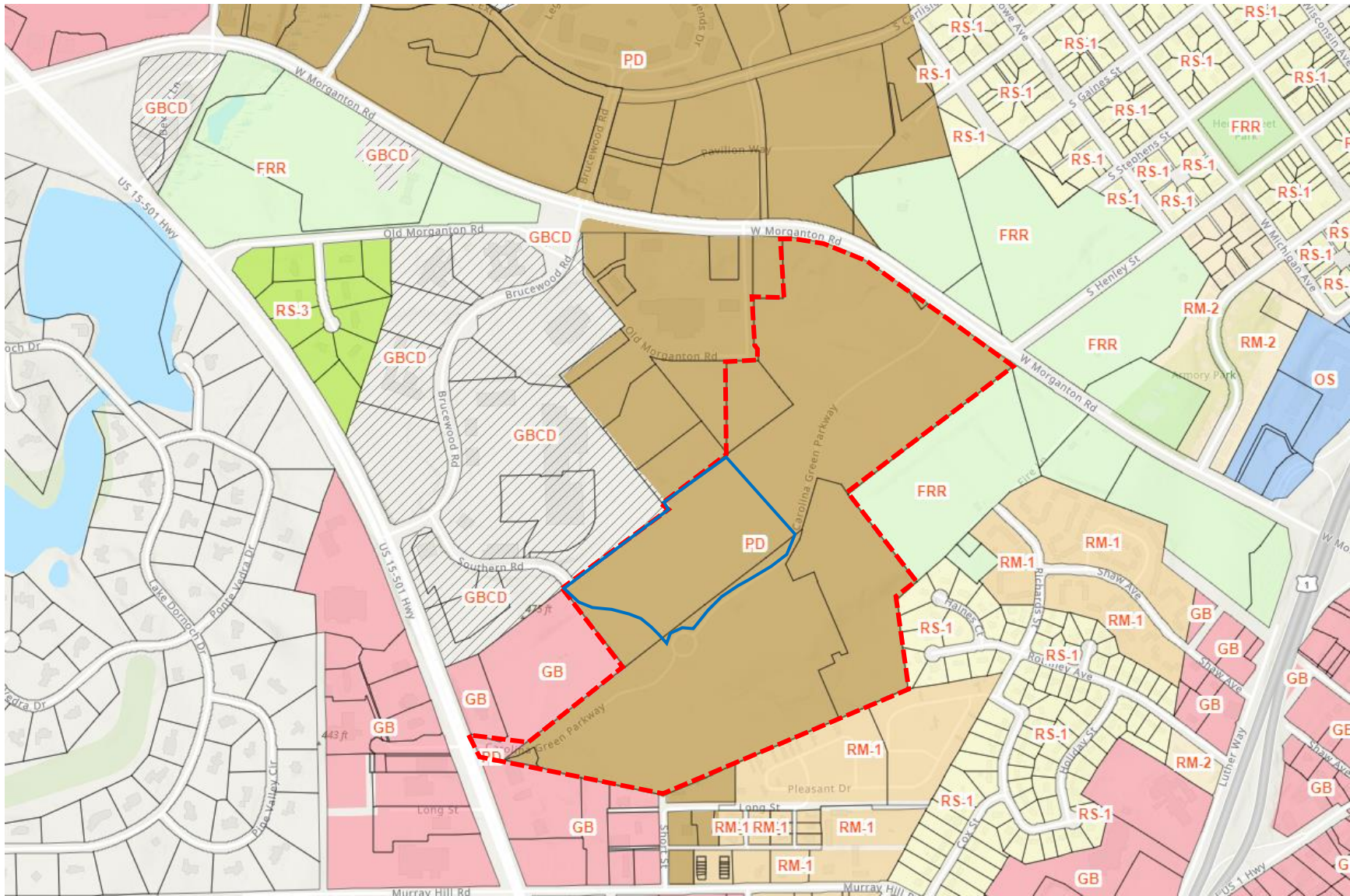


Figure 2: Drone image taken May 4, 2023, looking west towards Kohl's Retail Building



Figure 3: Drone image taken July 13, 2023, showing Carolina Green Parkway Roundabout Construction.



Figure 4: Morganton Park South CDP Conceptual Land Use Plan (2021) with Black Star on Subject Site

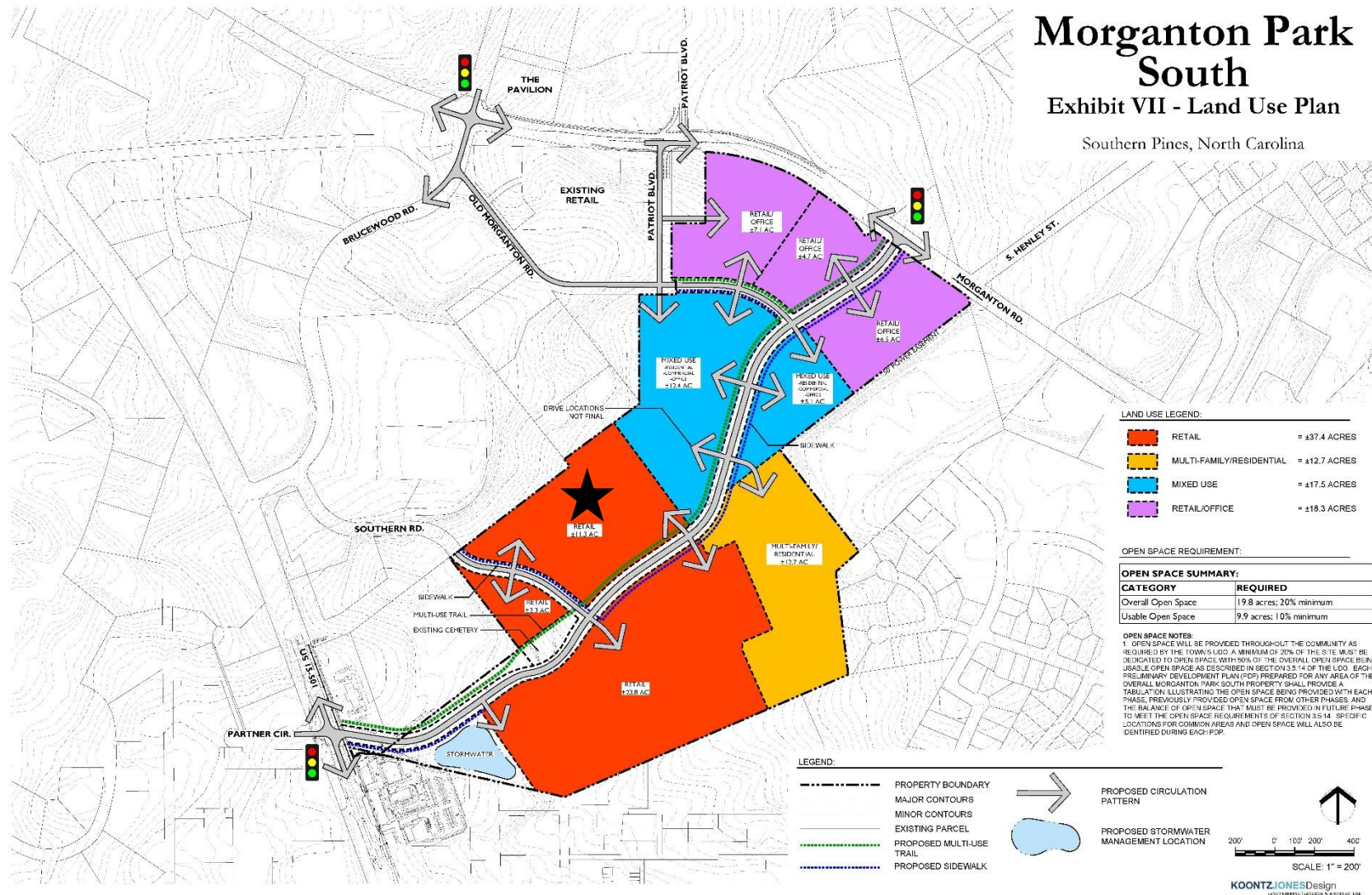
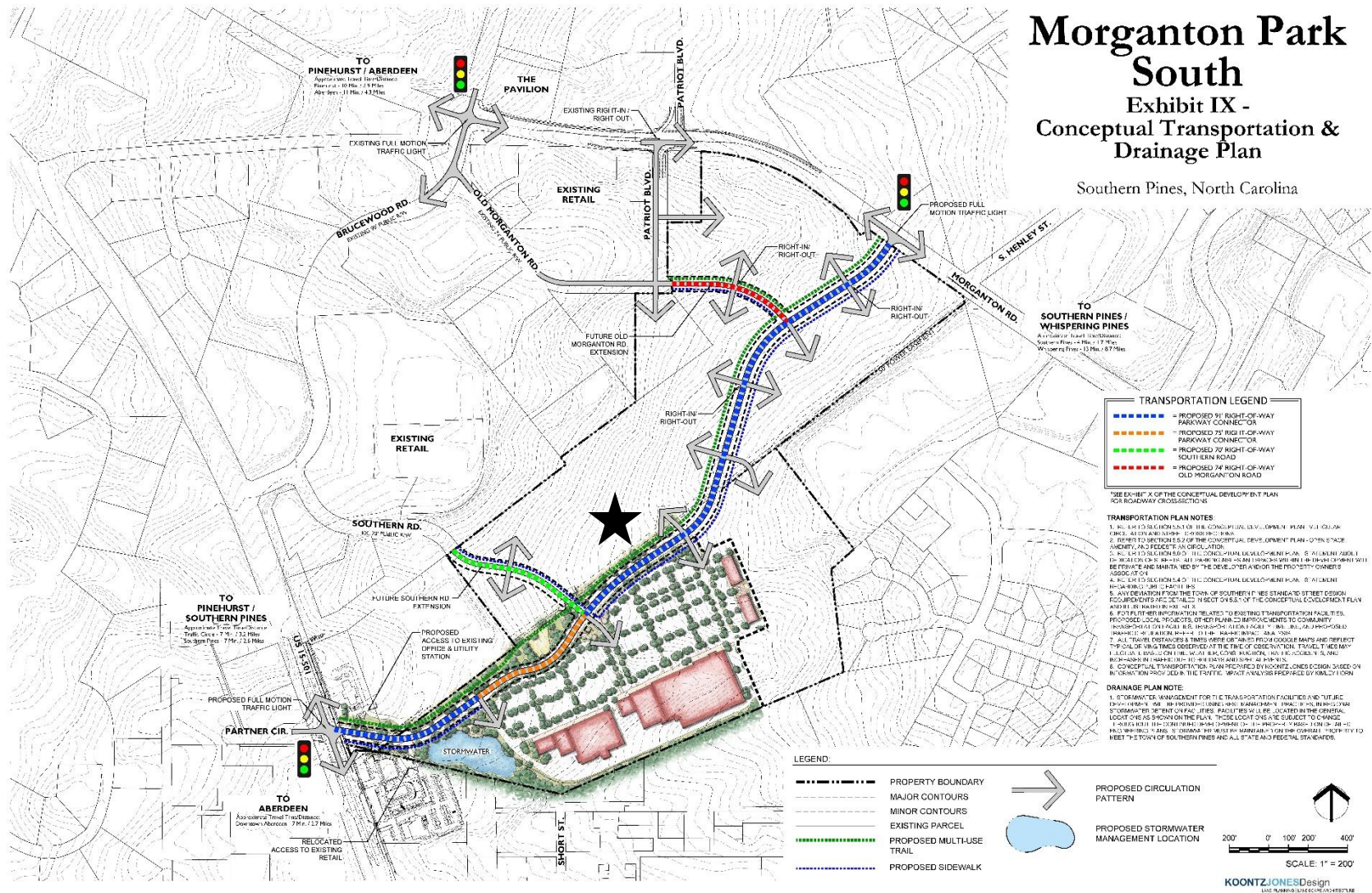


Figure 5: Morganton Park South CDP Conceptual Transportation Plan (2021) with Black Star on Subject Site



IV. STAFF REVIEW

I. Review Process

Applications for a Planned Development District (PD) are reviewed in accordance with UDO §2.18. Creating a Planned Development District is a three-step process including Conceptual Development Plan (CDP), Preliminary Development Plan (PDP), and Final Development Plan (FDP). The second step, PDP, is when a project or phase of a project is reviewed for compliance with the unique zoning standards established in the CDP. An application for approval of a Preliminary Development Plan (PDP) follows the procedure for quasi-judicial decisions by the Town Council. Prior to the Council's decision, the Planning Board may hold a Preliminary Forum to review the project, which occurred on August 24, 2023.

II. Summary of Procedural Requirements

- PDP Application Submitted: July 10, 2023
- PDP Application Complete: July 21, 2023
- Notice of August 24, 2023 Planning Board Preliminary Forum
 - Posted On-site: August 2, 2023
 - Mailed: August 4, 2023
 - Internet: August 2, 2023
 - Newspaper: August 9, 2023 and August 16, 2023
- Planning Board Preliminary Forum: August 24, 2023
- Notice of September 12, 2023 Town Council Public Hearing:
 - Posted On-site: August 24, 2023
 - Mailed: August 28, 2023
 - Internet: August 25, 2023
 - Newspaper: Sent August 25, 2023, for August 30 and September 6, 2023 publications
- Town Council Agenda Session: September 5, 2023
- Town Council Regular Meeting: September 12, 2023

III. Applicable Criteria for Review

The criteria for review and approval of a PDP are found in Chapter 2, §2.18.5(H), of the Town of Southern Pines Unified Development Ordinance. Staff analysis of how the application addresses these criteria begins on the following page of this document.

IV. Town Staff Review and Comments

○ Consultation with Technical Review Committee

The proposed development received a pre-application review on June 13, 2023. Staff consulted the TRC on July 25, 2023, and the Town Engineer on August 4, 2023, after the PDP application was deemed complete, per UDO §2.18.5(E). TRC members stated that fire hydrants and sewer easements were not shown on the PDP site layout, but will need to be included during site plan review. There was also some confusion on what sewer lines would be public and which would be privately owned and maintained.

The Town Engineer, James Michel, had found three issues. First, there should be a pedestrian connection between the smaller drive-through restaurant (i.e., Starbucks) and the sidewalk. The applicant corrected this omission in their August 10, 2023, updated Sheet L-1.1 (i.e., Attachment 4) submittal. Second, Mr. Michel has concerns about the connectivity of utilities between this phase and future, adjacent phases. He would like the applicant to address looping of current water lines into future phases as well as clarification on whether or not the sewer line will be stubbed out in order to connect CDP Phase 7 development, which will be necessary due to technical grading issues along the Carolina Green Parkway. The applicant added water and sewer line stub outs in their August 10, 2023, updated Sheet L-1.1 (i.e., Attachment 4) submittal. Lastly, the geometry of the connection between Southern Road and the Carolina Green Parkway at the roundabout is problematic and will need to be approved by the Town Engineer during site plan review. The applicant responded to this concern on August 10, 2023, stating “The design team will work with engineering staff to provide a suitable roundabout design during the site plan design/approval phase of the project.” This is acceptable to the Town Engineer.

Mr. Michel found that Southern Road cross-section appears to be CDP compliant. He also found that there does not seem to be any issues with the trip generation analysis modifying the July 2021 traffic impact analysis counts. In fact, it was at his request that they do it this way. A formal site plan review for this phase will occur following approval of the PDP by Town Council.

o **Consistency with Criteria for a Preliminary Development Plan**

The criteria against which a PDP shall be reviewed are found in UDO §2.18.5(H). The applicants have provided a Narrative addressing the criteria for a PDP as required by the UDO, which is enclosed with this report. Staff analysis of the application’s ability to meet the criteria is as follows.

1. *The application demonstrates that it will achieve the purposes of the Planned Development District (PDD) and this section of the UDO.*

The purpose, intent, and general requirements for the Planned Development (PD) District are found in UDO Chapter 3, §3.5.14, and are included in the paragraphs that follow. The stated purpose for the District is “to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development...” A restaurant, fuel station, wholesale retail building, open space, and multi-model greenway trails represent a mix of commercial and recreational land uses. The stated intent for the District is “to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can readily be extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development. See “Consultation with Technical Review Committee” section and Criteria 2(d), 3, and 4 below for staff comments on public water and sewer service and Criteria 2(c) regarding street system and traffic impact analysis.

The UDO's stated intent of the regulations for the District is included as a list below.

- a. *Encourage planned, large-tract Development, including service, office, commercial, residential, public or private recreational Development or light industrial uses;*
- b. *Exclude heavy commercial and heavy industrial land uses;*
- c. *Encourage Development in areas located on major thoroughfares and collector streets;*
- d. *Encourage vehicular access from service drive and other local streets;*
- e. *Provide performance standards to help ensure compatible land uses;*
- f. *Encourage common or shared parking;*
- g. *Promote creativity and innovation in the design that leads to more appropriate relationships between land uses and features;*
- h. *Facilitate clustering of Development thereby increasing the amount of saved land;*
- i. *Foster Development of a network of open space to serve a variety of recreational and environmental purposes designed and located with respect to existing unique natural features and environmentally sensitive areas;*
- j. *Improve connectivity within and between Developments to promote mobility and enhance walkability;*
- k. *Integrate public spaces and amenities to promote community gatherings and activities;*
- l. *Establish coordinated land plan and consistent treatment of common design elements;*
- m. *Provide the flexibility to respond to market conditions over longer projected Development periods due to the scale of such Developments; and*
- n. *If residential land uses are proposed, provide a variety of Lot sizes and Dwelling types to expand the spectrum of housing choices for households of various type, size, income and age.*

No performance standards demonstrating compatibility of proposed land uses (i.e., letter “e” above) was provided by the applicant. Furthermore, there are 24 more parking spaces for the small retail building than is permitted by the CDP and UDO, which is inconsistent with letter “f” above regarding shared and common parking. There is minimal integration between the linear park public space and amenities that would promote community gatherings and activities (i.e., letter “k” above) aside from a multi-modal trail, benches, and shade structures. Otherwise, the applicant is consistent with all other intents of the PD district

2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of the UDO.*

The UDO sets the expectation for uniqueness in the design and development of Planned Developments in §3.5.14, allowing for a significant degree of deviation from the UDO. In §3.5.14(F)(3), the UDO specifically allows for alternative standards as long as the proposal:

- Meets or exceeds the general intent of the UDO standards for the base districts;
- Is appropriate given the specific mix of uses and character of the development; and
- Achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

The CDP for the Morganton Park South was originally approved in 2021, with the PDP for the first phase for retail development approved that same year (i.e., PD-09-21) and the second phase for a multifamily development approved in 2022 (i.e., PD-07-22). The current proposal constitutes the third phase of development. The CDP's "Retail" development program (i.e., CDP Table 1.1) for the area that includes this phase, allows for up to 650,000 square feet of commercial and retail space, but no more than 700,000 square feet of development can be a combination of commercial, retail, and office. The full development program also includes 483 dwelling units as multi-family dwellings, townhomes, and single-family detached dwellings, per CDP and the first condition of approval on PD-07-22 (i.e., Phase 2 multifamily PDP). From an acreage perspective, the CDP Table 1.0 designated approximately 37 acres as retail; 13 acres as residential; 18 acres as mixed retail and office; and 18 acres as mixed use.

In comparing the PDP proposal with the approved CDP, staff analyzed the following CDP provisions that are relevant to this phase, as indicated below.

a. CDP §2.2 Vision

The vision of the PD is to integrate into the surrounding area and be compatible with surrounding development. Architectural themes, signage, landscaping, and design elements are intended to be consistent with Southern Pines' UDO and additional or deviated standards established in the CDP. Architecture will be reviewed during the Architecture Compliant Permit process, landscaping and other site design elements will be addressed during site plan review, and permit applications will be reviewed, as needed. Furthermore, Southern Road was intended to connect to the Carolina Green Parkway during this phase so that future users have access to adjacent developments, as has been proposed by the applicant.

b. *Open Space*¹

The CDP requires 19.8 acres of open space, of which 9.9 acres have to be usable open space. The UDO defines *usable* open space as:

“... areas comprised of, but not limited to, any combination of the following: natural areas, wetlands, trails, boardwalks, parks, ball fields for structured recreation, equestrian fields or tracks, golf courses (not including clubhouse or other vertical structures), buffers (outside of a platted Lot), any water bodies including ponds and lakes, and/or innovative and accessible water quality ponds (that are designed as an amenity).”

The CDP considers “trails, open areas, amenity areas, linear park areas, multi-use paths, and other recreational areas” to be used as *usable* open space. This PDP proposes adding 3.4 acres of open space, of which 1.59 acres will be *usable*. When added to Phase 1 and Phase 2, the total approved and proposed open space provided would be 11.92 acres, leaving 7.88 acres remaining. The proposed *usable* open space added to the approved open space amounts to 9.48 acres, leaving 0.42 acres remaining.

The 40 to 60 feet of linear park along Carolina Green Parkway is required to have a minimum of 80 feet total on both sides of the parkway and cannot be less than 20 feet on either side of the parkway. Section 5.5.2 of the CDP states that the 20- to 60-foot minimum linear park “will include patio areas, sitting areas, park features, trellises, and other outdoor features.” A table on Page 13 of the CDP includes a list of linear park amenities that must be provided within a specified distance along the linear park and provides standards for those amenities; the table also includes pedestrian path and landscaping requirements for the linear park. Sheet L-1.1 shows no less than three benches, one pet waste and trash receptacle, one shade structure and one bike rack being included with this PDP. Note landscaping and hardscaping standards will be reviewed and enforced during site plan review.

The PDP includes the linear park that is adjacent to the parcel along the parkway. Development properties are required to make connections to the multi-modal linear park path where sidewalks are installed. The applicant has provided a connection through the Linear Park to the multi-modal path for the large

¹ Per CDP §5.2 Development Standards; CDP §5.4 Statement Regarding Public Facilities; CDP §5.5.2 Open Space, Amenity, and Pedestrian Circulation; UDO §3.6.6(C)(4) General Morganton Road Overlay District Standards; UDO §3.5.14(G) Planned Development Open Space Standards; and UDO §4.9 Open Space.

retail building and a connection to the Southern Road sidewalk from the restaurant.

Morganton Road Overlay: The site's natural features and surroundings, unique features of the subject and surrounding property shall be considered by the Town when evaluating the configuration and uses of planned Open Space. Where practical, Open Space shall be configured to provide connectivity with other Open Space, both on- and off-site, and allow for connectivity to and the extension of the existing Greenway Trail System. The required 20' buffer, open space adjacent to Southern Pines Village, and the Linear Park will create connectivity between through and around the site. The CDP states that the multi-modal trail is anticipated to be dedicated to the Town of Southern Pines, thus, expanding the Town's Greenway Trail System.

c. *Phasing², Streets³, Traffic Impact Analysis, and Sidewalks,*

This 3rd phase of development includes Southern Road, which is required to be constructed with this site and dedicated to the Town prior to issuance of a certificate of occupancy for any building within the development. Southern Road—functionally a commercial collector, but a local/sub-collector commercial road per UDO classification—is planned to be connected to the existing stub out during this phase of development and to mirror the existing street cross-section, as seen on the site plan layout (**Attachment 4**). Upon completion, the street is to be dedicated to the Town of Southern Pines prior to its final certificate of occupancy as described in the CDP and acknowledged by the applicant.

A traffic impact analysis is required at the time of PDP. The applicant attached a Trip Generation Analysis, as recommended by Town Engineer, James Michel. No issues were found with the analysis. All site access drives for this phase of development will be off Southern Road. A full motion intersection (i.e., a roundabout with right-in and right-out traffic pattern) will connect Southern Road to the Carolina Green Parkway. The Town Engineer noted an issue with the geometry of the connection of Southern Road to the Carolina Green Parkway roundabout, which should be addressed during site plan review.

Southern Road is required to have sidewalks on one side of the road continuing on the north side from where they currently end

² Per CDP §10 Phasing and UDO §2.9 Phased Development

³ Per CDP §5.5.1 Vehicular Circulation, Street Cross Sections, and Parking;

in Southern Pines Village. All sidewalks have to conform to UDO standards, and will be reviewed during site plan review.

c. *Public Street Lighting*⁴

The UDO requires streetlights be placed at each intersection and at such block spacing as may be required by the Public Service Director. No streetlights are shown on the PDP. If the power supplier retains ownership and not the town, then the type of street lighting facilities to be installed shall be acceptable to both the Town of Southern Pines and the supplier of electrical power. The town is responsible for street light maintenance unless assumed by another entity. Street lights will not be accepted by the Town until the road has also been accepted. All poles must be approved by the Town Engineer and standards must follow Exhibit 4-13: Standard Street Lighting which is dependent on street classification.

d. *Utilities*⁵

The Phasing section of the CDP states that a conceptual utility design plan is required for the PDP process. The Technical Review Committee wanted to see water and sewer line stub outs for CDP Phase 7, which were added by the applicant to Sheet L-1.1 (i.e., **Attachment 4**) and received by staff on August 10, 2023.

According to the CDP and UDO, utilities including water, sewer, gas, cable and electric (including distribution lines) shall be located underground. All proposed utilities appear to be underground with the exception of existing electric power lines owned by Duke Energy, which run through the Linear Park and will remain above ground. Staff is unaware if gas line or cable line extensions are anticipated. Utilities shall be designed to accommodate future subdivision of the space into retail spaces no larger than 20,000 square feet with independent exterior entrances. Utilities installed in public rights-of-way or along private roads shall conform to the requirements set forth in section 4.15, which will be reviewed during site plan review.

e. *Large-Scale Retail Development*⁶

⁴ Per CDP §5.5.6 Street Lighting and UDO §4.8 Lighting Code

⁵ Per CDP §5.5.5 Utilities, UDO §3.5.14(O)(4); UDO §3.6.6(I) Morganton Road Overlay District Utilities, UDO §4.10.6(C)(1) Utility Design for Large-Scale Retail Development, UDO §4.11.20 Utilities within Public ROW, and UDO §4.15 Utilities

⁶ Per UDO §4.10.6

The 101,840-square foot retail building is considered large-scale retail, per UDO definition. Therefore, it will have to comply with utility and architectural standards of the UDO. For instance, the Southern Road-facing and Carolina Green Parkway-facing façades, which measure over 100 feet in length, will be required to have building articulation, which is not shown on the PDP.

*f. Parking*⁷

The large-scale 101,840-square foot retail building requires between one parking space per 250 square feet of retail space (or 407 spaces) and 200 square feet (or 509 spaces). 436 parking spaces are being provided for this building, which would be within the required range. However, the small 2,050-square foot retail development requires between one space per 400 building square footage (or five spaces) and 250 square feet (or eight spaces), and the applicant is proposing 32 parking spaces (i.e., 24 spaces over the maximum allowed in the Morganton Road Overlay district). The applicant calculated parking for the entire site as one space per 222 square feet of gross floor area, and did not differentiate by small- and large-scale development as is required in the CDP. The applicant's narrative did not make a comment regarding shared parking. Other off-street parking standards will be reviewed during site plan review.

*g. Accessory Uses (Fuel Canopy/Gasoline Service Station)*⁸

Fuel pumps may be located between the large retail building and a public street—but not within the 20-foot buffer with the adjacent parcel nor the 25-foot building setback—if a landscape screen is applied per UDO Landscaping Code. It is not located within the buffer or the building setback, but no comment was made in the narrative regarding landscape screening. Fuel station compliance with site-related standards will be checked during site plan review, including certification, signed and sealed, by an engineer ensuring that fuel will not runoff into the municipal storm drainage system.

Furthermore, architectural compatibility with the wholesale retail building is required and will be evaluated during architectural compliance permit review. Signs will be reviewed when a sign application is submitted.

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

⁷ Per CDP §5.5.1 Vehicular Circulation, Street Cross Sections, and Parking

⁸ Per CDP §5.5.8 Accessory Uses and UDO §5.3 Accessory Uses and Accessory Structures and §5.4 Automobile Service Stations/Gas Sales Operations

The PDP is proposed for an area with access to a commercial local road (i.e., Southern Road), which is to be constructed by the applicant and dedicated to the Town thereafter. The newly constructed Southern Road will provide access to Carolina Green Parkway that bisects the Morganton Park South Planned Development and connects Morganton Road to U.S. Highway 15-501, which are two commercial and residential highway corridors within the town. The proposed parcel(s) is/are⁹ adjacent to shopping centers (e.g., Southern Pines Village/Kohl's retail plaza and Phase 1 retail, including Target) and multi-family housing (e.g., Phase 2 development and Murray Hill Road multifamily build-to-rent project).

Water and sewer lines are available to the development. The applicant submitted a letter dated July 7, 2023, from environmental consultants, Dr. J.H. Carter III & Associates, Inc., regarding adjacent red-cockaded woodpecker foraging activity. No new cavity trees were found and the closest known cavity tree is 2,350 feet away. Three federally-endangered plant species in Moore County were also not discovered on the project site; though, the biologist hypothesized that fire suppression and habitat conversion both contribute to the absence of these endangered plant species since the habitat is suitable for at least one of the species. Therefore, the wildlife biologist concluded that the project would have no impact on the red-cockaded woodpecker rough-leafed loosestrife, Michaux's sumac, or American chaffseed.

Lastly, the subject project as well as the remainder of the CDP area are designated as Traditional Mixed Use in the 2016 Comprehensive Long-Range Plan. The Traditional Mixed Use category applies to parcels suitable for mixed-use development (i.e., residential and non-residential development) "in a manner similar to that found in downtown Southern Pines." It also indicates that development must be multi-modal—thus, accessible by pedestrians and bicyclists—and include new street networks. Although the building form of a large 100,000+ square foot wholesale store and drive-through restaurant are inconsistent with downtown Southern Pines, those uses were permitted in the retail subdistrict of the CDP. Therefore, Planning believes that the development is in an appropriate area of the town.

4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

Water and sewer lines are located on Southern Road and U.S. Highway 15-501 and extensions have already been anticipated and incorporated in the Morganton Park South PDP. These extensions will be at the cost of the

⁹ The applicant has not been clear about whether or not the drive-through restaurant will be conveyed separately. Planning Staff have seen both options—one in the PDP and the other in the proposed leasing plan—with the parcel unsubdivided and subdivided, respectively. Planning Staff have informed the applicant that they will be able to submit for an expedited review, per UDO §2.19.3 Subdivision Classification, but that they will have to submit their expedited review application prior to site plan submittal.

developer. The extension of these services to this site constitutes an efficient expansion of coverage.

CDP Section 5.4 Public Facilities states that multimodal trails will be dedicated to the Town of Southern Pines upon completion. However, linear park amenities that are required in the CDP are the responsibility of the adjoining landowners to maintain. Nothing in the narrative speaks to this process.

o **Noteworthy Project Elements for Planning Board and Town Council Consideration and Staff Recommendations**

1. Approval of the Morganton Park South Phase 3 Retail PDP will allow a 101,840-square foot wholesale retail building, a fuel service station without convenience store, a 2,050-square foot drive-through restaurant, associated parking, and open space, all arranged in the manner depicted in Preliminary Development Plan Sheet L-1.1. Following approval, the proposal may proceed to engineering plan (site plan) review with town staff and architectural review with the Town Council.
2. No request for deviations from the approved CDP (PD-08-21) and/or the UDO have been received by the Planning staff. However, the applicant has not modified parking design to comply with the Morganton Road Overlay parking maximum (1 space per 250 square feet of gross floor area, or 8 total parking spaces for a 2,050-square foot small retail building), thus is proposing 24 parking spaces over the permitted maximum.

IV. Cooperating Agency Review and Comments:

A request for comments from agencies was emailed to representatives of the Town of Southern Pines Engineering, Public Works, Streets, Utilities, Fire, and Parks & Recreation Departments as well as representatives of the North Carolina Department of Transportation, Moore County Airport Authority, U.S. Fish and Wildlife Service, and the Regional Land Use Advisory Commission on August 2, 2023.

- RLUAC responded on August 4, 2023 stating that they did not have any comments.

V. ATTACHMENTS:

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

1. Draft Town Council Findings of Fact
2. Morganton Park South Phase 3 Retail PDP Application
3. Applicant's PDP Narrative and Justification Document
4. Applicant's Existing Conditions Plan and Overall Site Plan for Phase 3 (CDP Phase 5)
5. Reference: Morganton Park South Conceptual Development Plan's Phasing Plan
6. Morganton Park South Phase 3 Retail Traffic Generation Analysis (addendum to 2021 TIA) by Kimly-Horn
7. 2023 JH Carter RCW Report

VI. TOWN COUNCIL ACTION:

To either approve or deny a Preliminary Development Plan application, the Town Council must make findings of fact and conclusions to the applicable standards.

- The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case.
- The Town Council shall then vote on whether the application complies with the criteria as set forth in Section 2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4. Staff has drafted a findings of fact for consideration in **Attachment 1**. The Town Council may make modifications or provide an alternative to the draft findings of fact and related motions at their discretion.

I move to:

1. Adopt **Attachment 1** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-03-23.

- OR -

2. Adopt **Attachment 1** of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-03-23, with the following changes:

Next, the Town Council shall vote on whether to approve, deny, or approve with conditions the proposed Preliminary Development Plan. The Town Council may choose one of the following motions, or any alternative they wish. If the Town Council chooses to conditionally approve the PDP as presented, **staff recommended conditions include:**

1. Southern Road shall be constructed with this Phase 3 and dedicated to the Town prior to issuance of a certificate of occupancy for any building within the development.
2. The geometry of the connection of Southern Road to the Carolina Green Parkway roundabout shall be approved by the Town Engineer prior to construction.
3. Public street lighting shall be placed at each intersection and at such block spacing as may be required by the Public Service Director. Public street lights shall not be accepted by the Town until the road has also been accepted.
4. Parking spaces for the small retail building shall be reduced from 32 parking spaces to 8 spaces and parking shall be shared with the large-scale retail development parcel.
5. Fuel pump canopies shall have a landscape screen between the canopy and Southern Road as well as the adjacent proposed small retail development, per the Town of Southern Pines Landscaping Code standards.

6. Outdoor recreation opportunities and amenities (e.g. multi-modal trails, benches, shade structures, bike racks, pet waste and trash receptacles) shall be included in the design of the linear park and other usable open space areas within the development in accordance with the CDP.
7. The multi-modal trail shall be dedicated to the Town as part of its Greenway Trail System per Section 5.4 of the CDP. Amenities within the linear park such as benches and shade structures shall be maintained by the owner of each property having frontage along the linear park, per Section 5.5.2 of the CDP.
8. The Southern Road-facing and Carolina Green Parkway Road-facing facades shall have articulation along each elevation to satisfy large-scale retail development standards.

I move to:

1. Approve the Preliminary Development Plan for PD-03-23;
2. Deny the Preliminary Development Plan for PD-03-23;
3. Approve the Preliminary Development Plan for PD-03-23 with the following additional conditions:

ATTACHMENT 1
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-03-23

Finding of Fact #1:

The Town Council finds that the application is complete and that the facts submitted are relevant to the case because the request for Preliminary Development Plan approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices, the applicants have submitted adequate evidence addressing criteria for a Preliminary Development Plan, and the evidence submitted was sworn testimony by qualified experts or provided through substantiated documentation.

Finding of Fact #2:

The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criteria 1-4, in that:

1. The application demonstrates that it will achieve the purposes of the PD district and the UDO.

The Town Council finds that the Preliminary Development Plan (PDP) for the Morganton Park South Phase 3 Retail development implements the purposes of the Planned Development District because the proposed wholesale retail building, restaurant, fuel station, open space, and multi-model greenway trails adjoining passive and active recreation amenities represent a mix of commercial and recreational land uses—components of a full Planned Development district—are a broad mix of land uses supporting the stated purpose of the district as being “to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development...” Furthermore, the design of the PDP is consistent with at least eleven of the fourteen stated intentions of the Planned Development district regulations as set forth in Chapter 3 of the UDO.

2. The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO.

The Town Council finds that the PDP is generally consistent with the Morganton Park South Conceptual Development Plan (CDP; PD-08-21) and that the proposed PDP meets the general intent of the UDO standards for the base district. The applicant has not requested a deviation from compliance nor modified parking design to comply with the Morganton Road Overlay parking maximum (1 space per 250 square feet of gross floor area, or 8 total parking spaces for a 2,050-square foot small retail building), thus is proposing 24 parking spaces over the permitted maximum. Furthermore, no public street lighting, large-scale retail building articulation, nor landscape screening for fuel canopies were provided on the PDP.

The PDP is appropriate given the specific mix of uses and character of the development and achieves a more efficient, safe, or economical land use without detracting from the quality of the development or the community as a whole.

3. **The proposed Development is located in an area of the Town that is appropriate.**

Town Council finds that the proposed PDP is located in an appropriate area of town because the proposed multi-phased, mixed-use development is proposed for an area that is designated as Traditional Mixed Use by the Comprehensive Long-Range Plan (2016)'s Future Land Use Map. Furthermore, the development may be served by existing public utilities or by utilities that will be improved by the developer and at the expense of the developer, and is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes. Additionally, the risk of negative impacts to the environmentally sensitive lands within and adjacent to the project site are being adequately mitigated through the development design.

4. **The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.**

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and any necessary extensions or improvements will be made by the developer. Furthermore, a portion of the property in which the development is proposed has been annexed by the Town and currently benefits from the public safety services available to properties within the Town's corporate boundary.



Planned Development District Preliminary Development Plan Application

Fee: \$ _____

Date Received: _____

Case No.: PD- ____ - ____

Project Information:

Project Name: Morganton Park South Phase 3

Physical Address: Southern Road

PIN: 857100681141

Parcel ID: 98000749

Site Size: 13.89 acres

Zoning: PDP approval based on Approved CDP

Applicant:

Name(s): Midland Atlantic Properties

Email: jsilverman@midlandatlantic.com

Phone: 513-792-5000

Mailing Address: 8044 Montgomery Road, Suite 370, Cincinnati, OH 45236

Authorized Agent, if different from Applicant:

Name(s): Robert Koontz

Email: bkoontz@koontzjones.com

Phone: 910-684-8487

Mailing Address: bkoontz@koontzjones.com

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

Name(s): MORGANTON ROAD ENTERPRISES, LLC

Email: thomasv@vancamplaw.com

Phone: 910-295-2525

Mailing Address: PO BOX 1389, Pinehurst, NC 28370

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 – Preliminary Development Plan as required by the Town of Southern Pines Zoning Ordinance. The following information is submitted in support of this application:

The property which is the subject of this application is located on the NE side of Southern Road (St./Ave.), between Brucewood Road (St./Ave.) and Carolina Green Pkwy (St./Ave.). The property has a frontage of +/- 680 feet and a depth of +/- 1,162 feet.

The request is based upon **Section 2.18.5** of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

Develop the 3rd Phase of the Morganton Park South CDP area with an additional retail shopping center

Date: 7/10/23



Applicant

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

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), MORGANTON ROAD ENTERPRISES, LLC, hereby appoint(s) Robert Koontz as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 10TH day of JULY, 2023.

Property Owner

Property Owner

Robert Koontz

Agent

APPOINTMENT OF AGENT

THOMAS VAN CAMP TRUSTEE & OTHERS

The undersigned owner(s), MORGANTON ROAD ENTERPRISES, LLC, hereby appoint(s) Robert Koontz as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 10th day of July, 2023.

MORGANTON ROAD ENTERPRISES, LLC
By: [Signature]
Property Owner, THOMAS VAN CAMP

Property Owner
[Signature]
Agent

MORGANTON PARK SOUTH – PHASE 3 PRELIMINARY DEVELOPMENT PLAN NARRATIVE

The purpose of this PD – Preliminary Development Plan (PDP) application is to fully describe the next phase of development for the approved Morganton Park South Conceptual Development Plan (CDP). As stated in the Town of Southern Pines Unified Development Ordinance (UDO) in Section 2.18.5(A), the PDP is intended to show, with greater detail, the proposed portion of the development and illustrate how the “proposed land use mix and intensity are consistent with the Comprehensive Plan, the purposes of the PDD and the approved Conceptual Development Plan.” The following narrative will provide information related to the submitted plans and details of Phase 3 of the proposed development of the Morganton Park South CDP. This narrative will describe how the PDP meets the criteria set forth in Section 2.18.5(A). Phase 3 is consistent with the PD zoning district, the approved CDP, and the Town’s Comprehensive Long-Range Plan (CLRP).

The subject property is currently zoned Planned Development (PD) with an approved Conceptual Development Plan (CDP). The property is also indicated as Traditional Mixed-Use in the Town’s CLRP. The proposed development in this PDP follows the standards of the approved CDP.

This is the 3rd Phase of development under the approved Morganton Park South CDP and is thus referred to as Phase 3 in the materials included with this PDP application. Any references to Phase 5 in the application materials reference the conceptual phasing plan (exhibit VIII of the approved CDP) and are intended to reflect the current phase of the development.

Phase 3, as described in this PDP application, will include a retail shopping center development on +/- 14.79 acres. Access to the retail shopping center will be provided from Southern Road. The Southern Road extension will connect to the existing portion of Southern Road, which intersects with Brucewood Road and the roundabout at Carolina Green Parkway. The retail development will comprise approximately +/- 103,890 SF of retail space and a fuel station. Following is a description of the individual phase and overall design elements of the PDP.

Retail Development

Phase 3 of the Morganton Park South CDP will include a retail development consisting of ± 103,890 SF of retail space and a fuel station. All uses are permitted in Exhibit VII – Land Use Plan of the approved CDP. The following are specifics of the proposed development included in the PDP drawings.

Open Space

Phase 3 will connect to the linear park along Carolina Green Parkway through a series of sidewalks. The linear park required by the approved CDP connects all sections of the development to a network of pedestrian sidewalks and multi-use trails that have been established as part of the overall development. Required elements of the linear park will be provided within the development per Section 5.5.2 of the CDP document.



+/- 3.40 acres (+/- 22%) of open space is included in this development phase. Open space includes areas of the linear park and other site areas as calculated by the UDO standards.

The required open space in the entirety of the CDP area is 19.8 acres (20%), of which 9.9 acres (10%) must be usable. As a result of this PDP, the remaining open space to be provided for the CDP area is 8.24 acres of overall open space and 0.42 acres of usable open space. A tabulation of the overall open space and open space remaining to be developed is included on sheet L.1.1 of the PDP documents.

Architectural Character

Elements and materials common to Southern Pines will be utilized in the development. The Town of Southern Pines Council will review and approve all building plans for compliance with the Town's architectural standards in Section 4.10.4 of the UDO. All buildings will require an Architectural Compliance Permit.

Stormwater Management

Stormwater management for all sites on the property will be provided per Section 5.5.10 of the CDP booklet. Appropriate local stormwater and erosion control permits will be required by the Town before any land disturbance activity on the site. A general location for the site's stormwater management area is depicted on the PDP plan. The stormwater area indicated in the plan is intended to be dry ponds. The site is not located in HQW or Water Supply Watersheds.

Lighting

Lighting levels along streets will be provided to meet the UDO standards for safety. Parking lot lighting levels will be permitted up to 4.00 lumens per square foot (4 footcandles) and include luminaires with cutoffs less than 90 degrees to prevent the spilling of light onto adjacent properties. Lighting up to 7 lumens per square foot (7 footcandles) will be permitted for the fuel station for safety. All lights within the fuel station will be in the canopy above the fuel pumps, with luminaires hidden within the structure to limit the visibility of the light source. Lights will be directed downward and have cutoffs less than 90 degrees. Documents showing the lighting levels consistent with the standards above will be submitted with the engineering and site plan submissions.

Endangered Species

A report prepared by Dr. JH Carter and Associates has been provided with this application. After a survey of the property in July of 2023 by a wildlife biologist, no new cavity trees were found, and the nearest tree is approximately 2,350 from the property boundary. As a result, the development of this property should have no negative impact on RCW habitat.

All development and building permits within the site are subject to all local, state, and federal permitting guidelines, rules, and regulations. Additional studies will be conducted as required for permitting.

Utilities

This PDP follows the criteria described in Section 5.5.5 of the CDP booklet. Water and sewer utilities are readily available for the project. A Conceptual Plan provided in the documents illustrates the general location of water and sewer utility connections. Water will loop the new site with connections from the Parkway water main and connecting to an existing water main on Southern Road, a water main will also be extended along the new section of Southern Road. Gravity Sewer will parallel the northern property line and connect to an existing gravity main on Southern Road.

Roadways

Section 5.5.1 Vehicular Circulation, Street Cross Sections, and Parking - Ingress/Egress of the CDP allows for ingress/egress for the Phase 3 property and requires the extension of Southern Road to connect to Carolina Green Parkway. The CDP states that access points throughout the development can be reviewed at the time of PDP. Based on the information provided by Kimley Horn and included in this package, all intersections along Southern Road into the development be permitted as full-motion intersections, with both left and right turns.

The CDP provided the proposed cross-section for Southern Road and stated that the road extension would follow the existing design standards of Southern Road. Roadway plans included in the PDP follow the existing Southern Road cross-section. Upon completion, Southern Road will be dedicated to the Town of Southern Pines

Signage

Signage on the property will follow Section 5.5.7 of the approved CDP document. Freestanding landmark/monument signs and retail entry and wayfinding signs will follow the standards of the CDP and will be located at the locations depicted in Exhibit XI – Signage Plan. A Unified Sign Plan will be prepared for the shopping center as the UDO requires.

In summary, the proposed PD – PDP is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Traditional Mixed-Use. This PDP meets the standards of the approved CDP. The proposed PDP is the third development phase for the Morganton Park South area in the Town of Southern Pines. Phase 3 will meet the community vision described in Section 2.2 of the CDP and create a vibrant new retail development in Southern Pines.

EXHIBIT A

Morganton Park South Preliminary Development Plan Justification

Below are listed the four (4) criteria required to approve a Preliminary Development Plan (PDP) application as described in Section 2.18.5(H) of the Town of Southern Pines Unified Development Ordinance (UDO). Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Preliminary Development Plan is permitted if the Applicant demonstrates that:

- (1) The application demonstrates that it will achieve the purposes of the PDD and this section;

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards set forth in the UDO. The documents included with the approved CDP demonstrate the overall compliance with the UDO, and this PDP follows the standards of the CDP.

- (2) The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;

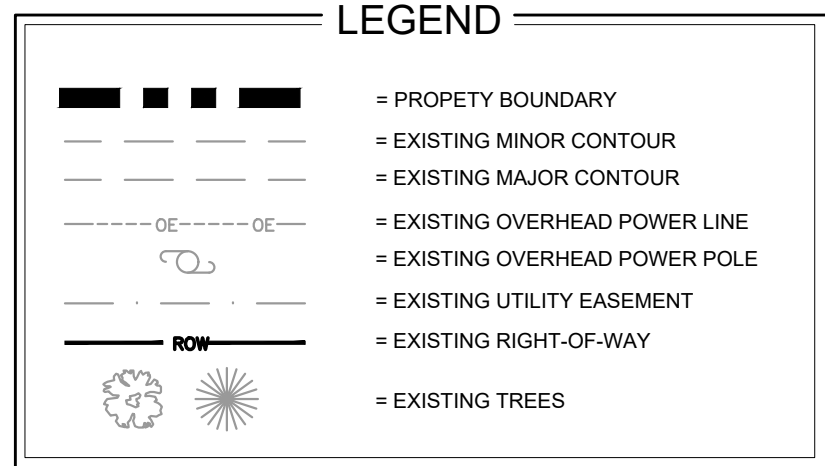
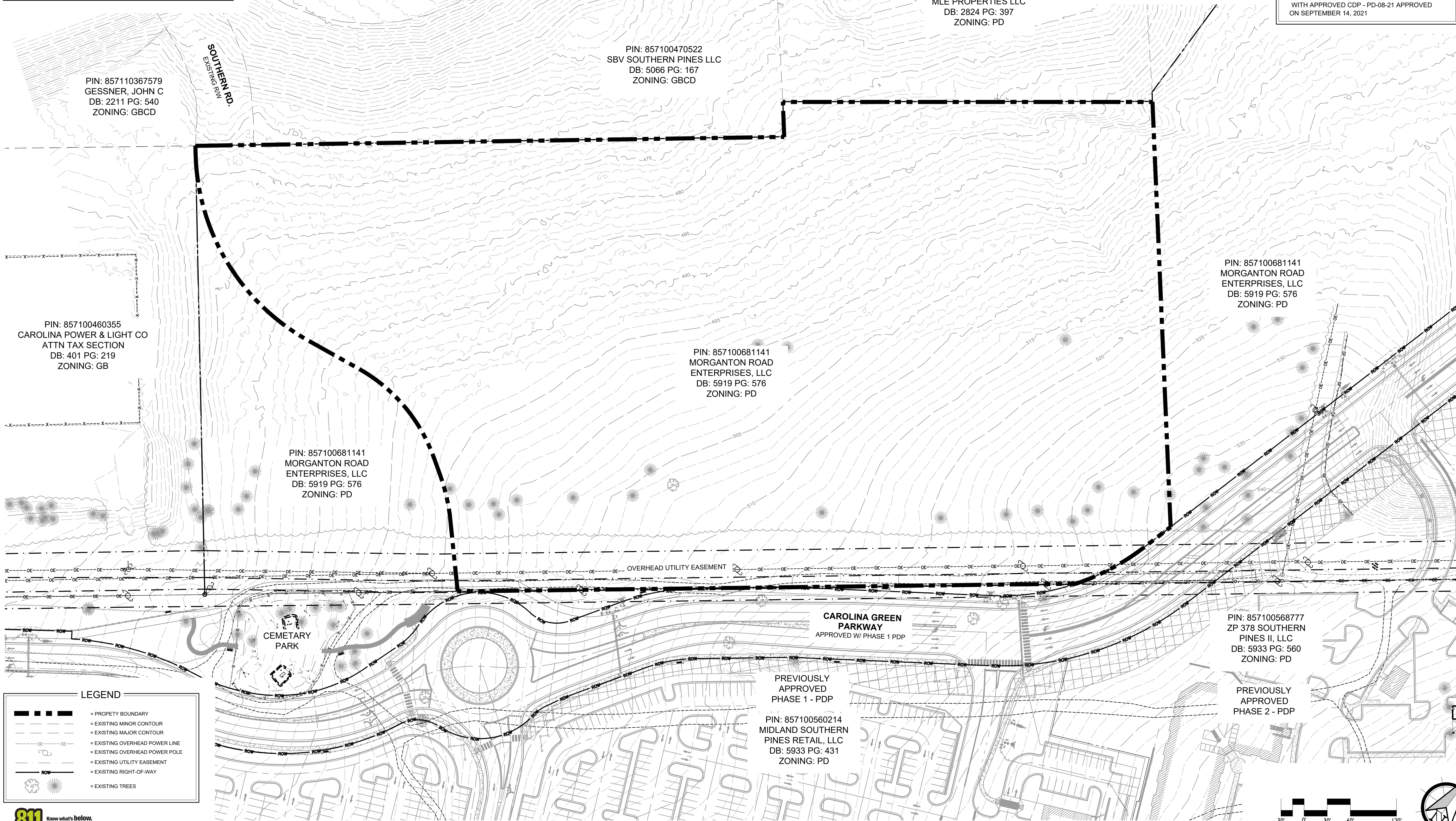
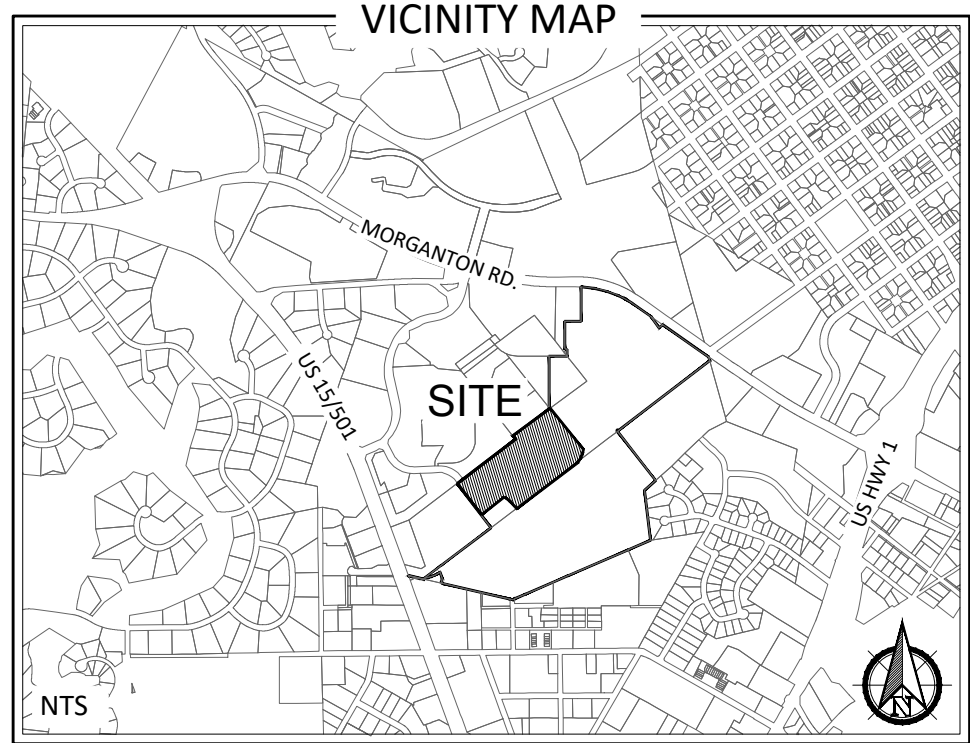
The PDP is consistent with and meets all standards and requirements provided in the CDP documents and plans and conforms to the standards of the UDO. All uses are consistent with the proposed development program and allowable uses in the CDP. The retail development is consistent with Section 2.2 & Section 5.0 of the CDP's Project Narrative and Design Standards. The retail development will follow all standards of the CDP.

- (3) The proposed Development is located in an area of the Town that is appropriate; and

The Comprehensive Long-Range Plan (CLRP) designates this property as Traditional Mixed Use with a PD (Planned Development) zoning classification, allowing for various land uses. The surrounding properties consist of retail, commercial, and residential uses. The CDP application, plans, and exhibits encourage a variety of land uses and building types, including residential, commercial, and office uses. The CDP results in a master-planned development, discouraging disjointed, piecemeal development. As defined in the CDP, proposed standards and allowable uses are compatible with the surrounding developed properties and adjacent zoning classifications. The proposed PDP follows the standards established in the CDP and is consistent and appropriate for the area of the Town in which it is located.

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

As described in Section 4.2.3 of the CDP, water, sewer, and all other necessary utilities are readily available for the project. New utilities to serve the community described in the CDP documents will follow the existing pattern of utility extensions within the area. Adequate sewer and water capacity to serve the development is available.



FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X' (AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8571 MAP(S): 3710857100J DATE: OCTOBER 17, 2006

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

PROPERTY INFORMATION

PROPERTY OWNER(S):
MORGANTON ROAD ENTERPRISES, LLC
THOMAS VAN CAMP, TRUSTEE, & OTHERS
PO BOX 1389
PINEHURST, NC 28370

APPLICANT:
MIDLAND ATLANTIC PROPERTIES - JOHN SILVERMAN
8044 MONTGOMERY ROAD, SUITE 370
CINCINNATI, OH 45236

TOTAL ACREAGE (PHASE 5): ±14.79 AC

ZONING INFORMATION

EXISTING ZONING CLASSIFICATION:
PD: PLANNED DEVELOPMENT
WITH APPROVED CDP - PD-08-21 APPROVED
ON SEPTEMBER 14, 2021

PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

REVISIONS:

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

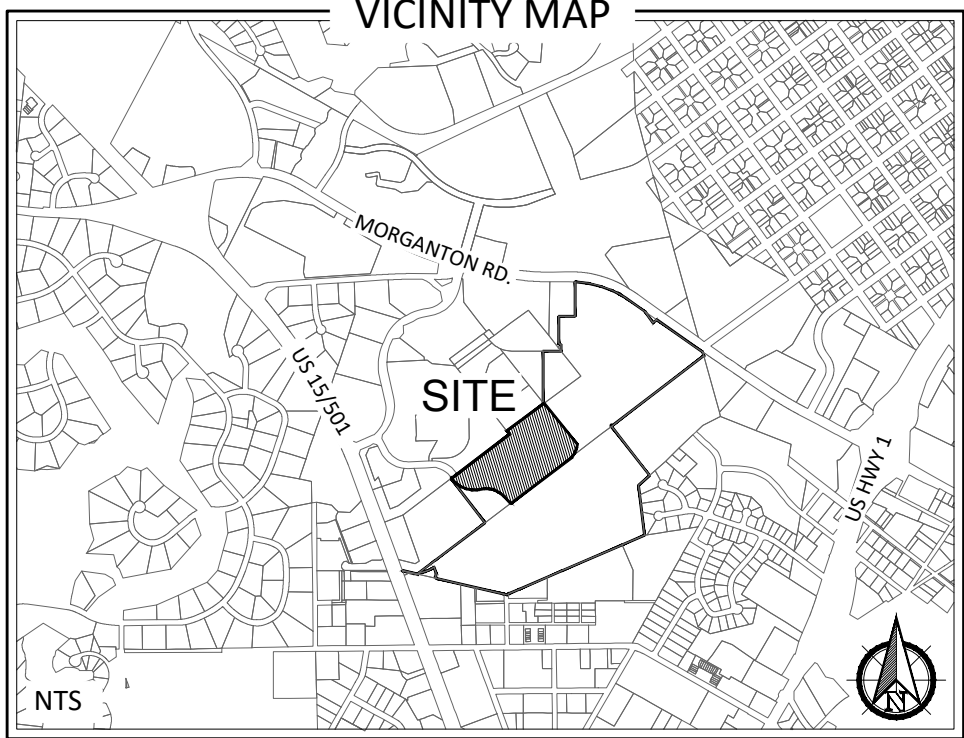
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9467
W: www.koontzjonesdesign.com

MORGANTON PARK SOUTH - PHASE 3

PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

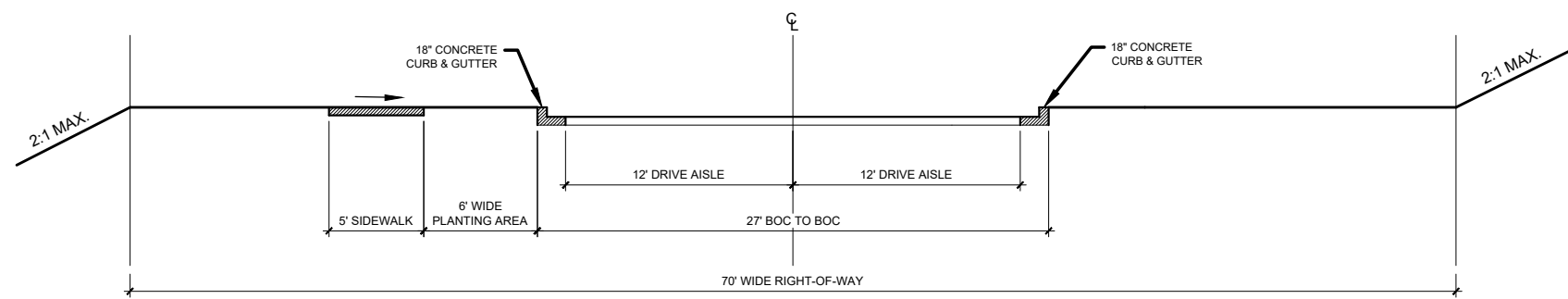
EXISTING CONDITIONS

DATE: 07-10-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KID23040
SHEET NUMBER: #
L-1.0



- GENERAL NOTES:**
1. STREET LIGHTING WILL BE PROVIDED IN ACCORDANCE WITH SECTION 5.5.6 OF THE CDP AND SECTION 4.8 OF TOWN'S UDO
 2. PROJECT SIGNS WILL MEET ALL REQUIREMENTS AS ESTABLISHED IN SECTION 5.5.7 OF THE CDP
- DRAINAGE NOTES:**
1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
 2. DRAINAGE WILL BE RETAINED BY EXISTING REGIONAL STORMWATER MANAGEMENT POND WITHIN THE MORGANTON PARK SOUTH DEVELOPMENT. DETAILED STORMWATER MANAGEMENT PLANS AND CALCULATIONS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT

ROADWAY CROSS SECTIONS



70' RIGHT-OF-WAY (SOUTHERN ROAD)
SECTION (NOT TO SCALE)
*OR TO MATCH EXISTING SOUTHERN ROAD CROSS SECTION

OPEN SPACE SUMMARY

(PER SECTION 5.0 OF THE CONCEPTUAL DEVELOPMENT PLAN)

PHASE	OVERALL OPEN SPACE (PROVIDED)	USEABLE OPEN SPACE (PROVIDED)
1	5.92 acres	5.92 acres
2	2.60 acres	1.97 acres
3	3.40 acres	1.59 acres
TOTAL PROVIDED	11.92 acres	9.48 acres
REQUIRED OPEN SPACE (20%/10%)	19.8 acres	9.90 acres
TOTAL REMAINING TO PROVIDE	7.88 acres	0.42 acres

FLOODPLAIN DATA

THIS PROPERTY IS LOCATED IN FLOOD ZONE 'X'
(AREAS OF MINIMAL FLOODING)

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571
MAP(S): 3710857100J
DATE: OCTOBER 17, 2006

CAUTION

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT DEPICTED ON THESE PLANS. THE LANDSCAPE ARCHITECT AND ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATIONS OF ALL UTILITIES WITHIN THE PROJECT LIMITS. ALL DAMAGE MADE TO THE EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY BY THE CONTRACTOR.

PROPERTY INFORMATION

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THOMAS VAN CAMP, TRUSTEE, & OTHERS
PO BOX 1389
PINEHURST, NC 28370

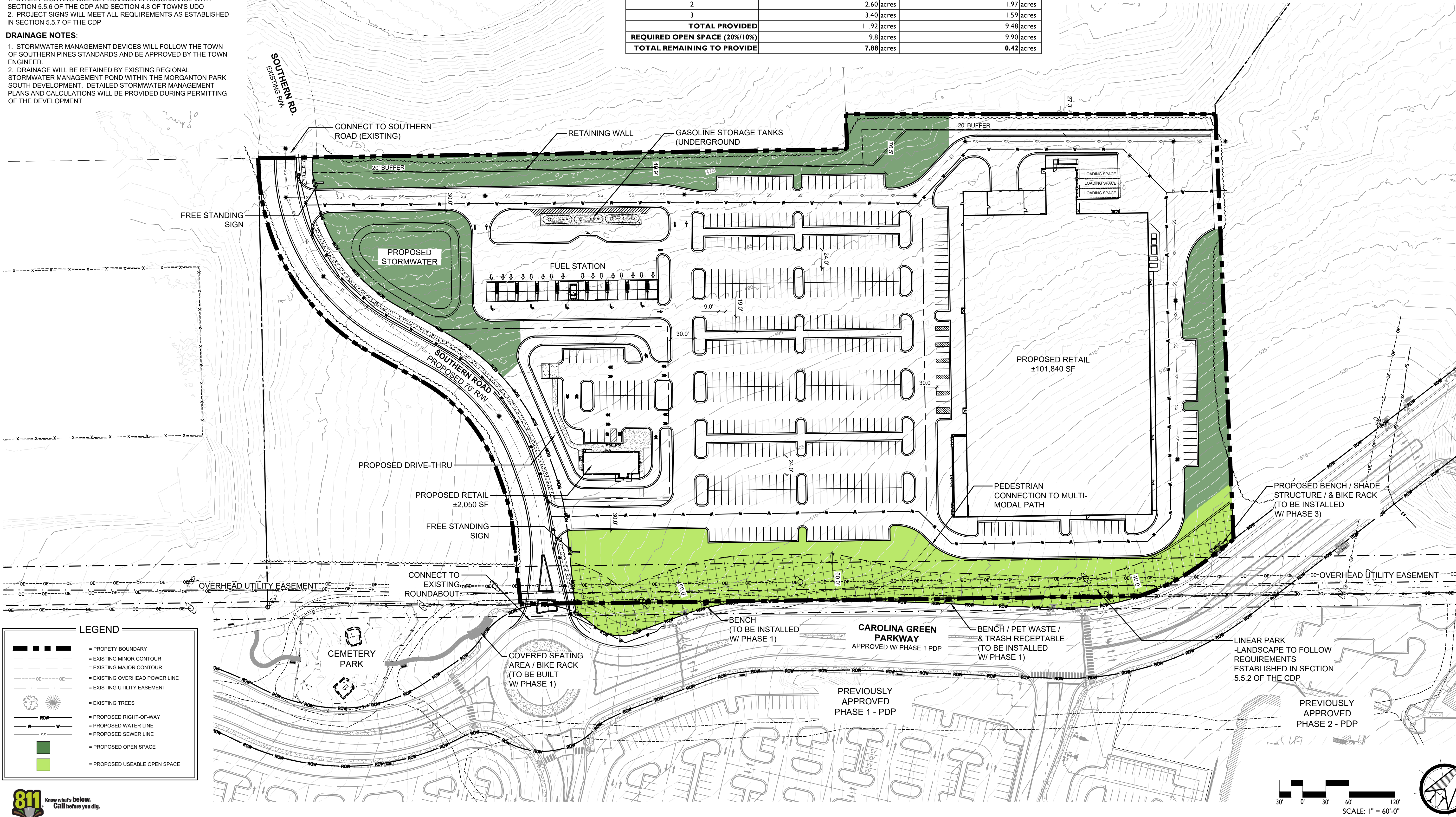
APPLICANT:
MIDLAND ATLANTIC PROPERTIES - JOHN SILVERMAN
8044 MONTGOMERY ROAD, SUITE 370
CINCINNATI, OH 45236

TOTAL ACREAGE (PHASE 3): ±14.79 AC

TOTAL OPEN SPACE: ±3.40 AC
TOTAL USEABLE OPEN SPACE: ±1.59 AC

TOTAL RETAIL: ±103,890 SF + FUEL STATION

PROVIDED PARKING: 468 SPACES (1 SPACE / 222 SF)



PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

REVISIONS:

MORGANTON PARK SOUTH - PHASE 3
PRELIMINARY DEVELOPMENT PLAN
SOUTHERN PINES, NORTH CAROLINA

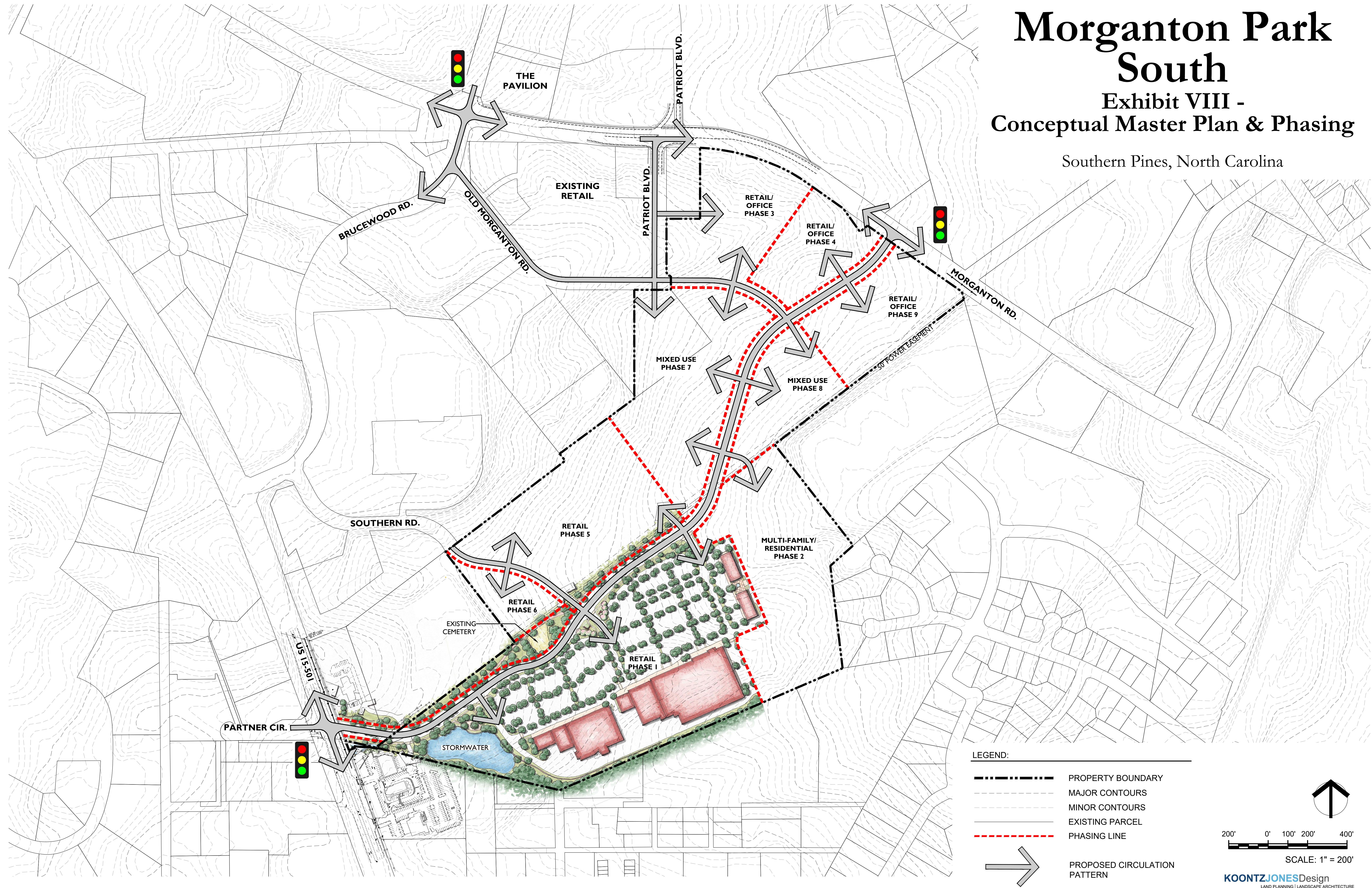
PRELIMINARY DEVELOPMENT PLAN - PHASE 3

DATE: 07-10-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KID23040
SHEET NUMBER: L-1.1

Morganton Park South

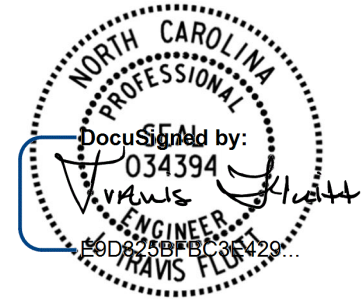
Exhibit VIII - Conceptual Master Plan & Phasing

Southern Pines, North Carolina



July 10, 2023

James Michel, P.E.
Town of Southern Pines
801 SE Service Road
Southern Pines NC 28387



RE: Morganton Park South Parcel 10 – Trip Generation Analysis

7/10/2023

Dear Mr. Michel,

Kimley-Horn has performed an analysis of the proposed development of Parcel 10 of the Morganton Park South shopping center located on the north side of the Southern Road extension at the future parkway in Southern Pines, North Carolina. Access to the site is proposed via two driveways on the Southern Road extension.

The Parcel 10 development is currently proposed to include an approximately 100,000 square-foot (SF) discount club with fueling facility and an approximately 2,500 SF coffee shop with drive-through window. In the *Pine Ridge Commercial TIA* (July 23, 2021), the 10-year horizon analysis included full build-out of the Morganton Park South development. In that TIA, Parcel 10 was called Phase 5 and was assumed to consist of 114,000 SF of retail space.

Trip generation calculations for Phase 5 from the July 2021 are summarized in [Table 1](#) below. Detailed trip generation calculations from the original TIA are attached for reference.

Table 1 ITE Trip Generation (Vehicles) – Phase 5 from July 2021 TIA						
Land Use	Size	Daily	AM Peak Hour		PM Peak Hour	
		Total	In	Out	In	Out
Shopping Center (LUC 820)	114,000 SF	6,572	130	79	288	311
<i>Internal Capture</i>		217	1	1	14	19
<i>Pass-by Capture</i>		2,107	0	0	93	99
Total Net New External Trips: Phase 5		4,248	129	78	181	193

As shown in Table 1, Phase 5 of the Morganton Park South development was projected to generate approximately 4,248 total net new trips on a typical weekday, 207 net new trips during the AM peak hour, and 374 net new trips during the PM peak hour.

Traffic for the currently proposed development was generated using data from the 11th Edition of the *ITE Trip Generation Manual*. It should be noted that the description for discount club (ITE land use code 857) notes that sites may include “on-site fueling pumps”. Trip generation calculations for the proposed land uses are shown below on [Table 2](#) below, and detailed trip generation calculations are attached.

Table 2 ITE Trip Generation (Vehicles) – Parcel 10 Proposed Land Uses						
Land Use	Size	Daily	AM Peak Hour		PM Peak Hour	
		Total	In	Out	In	Out
Discount Club (LUC 857)	100,000 SF	4,246	49	31	210	209
Coffee/Donut Shop w/ Drive-Through Window (LUC 937)	2,500 SF	1,334	110	105	49	48
Subtotal		5,580	159	136	259	257
Internal Capture		892	8	8	34	34
Pass-by Capture		1,481	95	91	99	93
Total Net New External Trips: Parcel 10		3,207	56	37	126	130
Total Net New External Trips: Phase 5		4,248	129	78	181	193
Difference: Proposed vs. TIA		-1,041	-73	-41	-55	-63

As shown in Table 2, the proposed Parcel 10 development is projected to generate approximately 3,207 total net new trips on a typical weekday, 93 net new trips during the AM peak hour, and 256 net new trips during the PM peak hour. This represents 1,041 fewer net new daily trips, 114 fewer net new AM peak hour trips, and 118 fewer net new PM peak hour trips.

As the improvements being performed for the Morganton Park South development were designed to accommodate the projected site traffic from the July 2021 TIA and as the proposed land uses for this site are projected to generate fewer daily, AM peak hour, and PM peak hour trips than the land uses assumed in the TIA, no additional roadway improvements should be required for the development of Parcel 10.

Please let me know if you have any questions or require any further information. We appreciate the opportunity to provide these services to you.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Travis Fluitt, P.E.
Senior Project Manager



Pine Ridge Commercial Master Plan Trip Generation: Pod 2										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
221 Multifamily Housing (Mid-Rise) - Phase 7	250 d.u.	1,362	681	681	84	22	62	107	65	42
710 General Office Building - Phase 7	31,000 s.f.	342	171	171	56	48	8	37	6	31
820 Shopping Center - Phase 7	31,000 s.f.	2,712	1,356	1,356	167	104	63	228	109	119
820 Shopping Center - Phase 5	114,000 s.f.	6,572	3,286	3,286	209	130	79	599	288	311
820 Shopping Center - Phase 6	23,000 s.f.	2,214	1,107	1,107	163	101	62	183	88	95
Subtotal		13,202	6,601	6,601	679	405	274	1,154	556	598
<i>Internal Capture</i>										
221 Multifamily Housing (Mid-Rise) - Phase 7		332	166	166	2	0	2	51	31	20
710 General Office Building - Phase 7		94	50	44	5	3	2	11	4	7
820 Shopping Center - Phase 7		90	44	46	2	1	1	13	6	7
820 Shopping Center - Phase 5		217	107	110	2	1	1	33	14	19
820 Shopping Center - Phase 6		73	36	37	1	1	0	10	4	6
<i>Internal Capture Total</i>		806	403	403	12	6	6	118	59	59
Total External Trips		12,396	6,198	6,198	667	399	268	1,036	497	539
<i>Pass-By Capture</i>										
	<u>AM</u> <u>PM</u>									
820 Shopping Center - Phase 7	0% 34%	868	434	434	0	0	0	73	35	38
820 Shopping Center - Phase 5	0% 34%	2,107	1053	1,054	0	0	0	192	93	99
820 Shopping Center - Phase 6	0% 34%	714	357	357	0	0	0	59	29	30
<i>Pass-By Capture Total</i>		3,689	1,844	1,845	0	0	0	324	157	167
Total Net New External Trips: Pod 2 Total		8,707	4,354	4,353	667	399	268	712	340	372
Total Net New External Trips: Phase 5		4,248	2,126	2,122	207	129	78	374	181	193

MPS Master Plan - Pod 2

Internal Capture Reduction Calculations

Methodology for A.M. Peak Hour and P.M. Peak Hour
based on the *Trip Generation Handbook* , 3rd Edition, published by the Institute of Transportation Engineers

Methodology for Daily
based on the average of the Unconstrained Rates for the A.M. Peak Hour and P.M. Peak Hour

SUMMARY

GROSS TRIP GENERATION

INPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	171	171	48	8	6	31
	Retail	5,749	5,749	335	204	485	525
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	681	681	22	62	65	42
	Hotel	0	0	0	0	0	0
		6,601	6,601	405	274	556	598

INTERNAL TRIPS

OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	50	44	3	2	4	7
	Retail	187	193	3	2	24	32
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	166	166	0	2	31	20
	Hotel	0	0	0	0	0	0
		403	403	6	6	59	59
	% Reduction		6.1%		1.8%		10.2%

EXTERNAL TRIPS

OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	121	127	45	6	2	24
	Retail	5,562	5,556	332	202	461	493
	Restaurant	0	0	0	0	0	0
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	515	515	22	60	34	22
	Hotel	0	0	0	0	0	0
		6,198	6,198	399	268	497	539

Morganton Park South Parcel 10

Trip Generation

Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
857 Discount Club	100,000 s.f.	4,246	2,123	2,123	80	49	31	419	210	209
937 Coffee/Donut Shop with Drive-Through Window	2,500 s.f.	1,334	667	667	215	110	105	97	49	48
Subtotal		5,580	2,790	2,790	295	159	136	516	259	257
<i>Internal Capture</i>										
857 Discount Club		446	183	263	8	4	4	34	20	14
937 Coffee/Donut Shop with Drive-Through Window		446	263	183	8	4	4	34	14	20
<i>Internal Capture Total</i>		892	446	446	16	8	8	68	34	34
Total External Trips		4,688	2,344	2,344	279	151	128	448	225	223
<i>Pass-By Capture</i>										
	<u>AM</u> <u>PM</u>									
853 Discount Club	0% 34%	646	323	323	0	0	0	131	65	66
937 Coffee/Donut Shop with Drive-Through Window	90% 98%	835	418	417	186	95	91	61	34	27
<i>Pass-By Capture Total</i>		1,481	741	740	186	95	91	192	99	93
Total Net New External Trips: Proposed		3,207	1,603	1,604	93	56	37	256	126	130
Total Net New External Trips: TIA Phase 5		4,248	2,126	2,122	207	129	78	374	181	193
Difference: Proposed vs. TIA		-1,041	-523	-518	-114	-73	-41	-118	-55	-63

Internal Capture Reduction Calculations

Methodology for A.M. Peak Hour and P.M. Peak Hour
based on the *Trip Generation Handbook* , 3rd Edition, published by the Institute of Transportation Engineers

Methodology for Daily
based on the average of the Unconstrained Rates for the A.M. Peak Hour and P.M. Peak Hour

SUMMARY

GROSS TRIP GENERATION

INPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	0	0	0	0	0	0
	Retail	2,123	2,123	49	31	210	209
	Restaurant	667	667	110	105	49	48
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	0	0	0	0	0	0
	Hotel	0	0	0	0	0	0
		2,790	2,790	159	136	259	257

INTERNAL TRIPS

OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	0	0	0	0	0	0
	Retail	183	263	4	4	20	14
	Restaurant	263	183	4	4	14	20
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	0	0	0	0	0	0
	Hotel	0	0	0	0	0	0
		446	446	8	8	34	34
	% Reduction		16.0%		5.4%		13.2%

EXTERNAL TRIPS

OUTPUT	Land Use	Daily		A.M. Peak Hour		P.M. Peak Hour	
		Enter	Exit	Enter	Exit	Enter	Exit
	Office	0	0	0	0	0	0
	Retail	1,940	1,860	45	27	190	195
	Restaurant	404	484	106	101	35	28
	Cinema/Entertainment	0	0	0	0	0	0
	Residential	0	0	0	0	0	0
	Hotel	0	0	0	0	0	0
		2,344	2,344	151	128	225	223

Dr. J.H. CARTER III & ASSOCIATES, Inc.

Environmental Consultants
515-F Midland Road
Southern Pines, N.C. 28388
910-695-1043 / 910-695-3317 (fax)

7 July 2023

TO: Koontz Jones Design
Attn: Robert E. Koontz
150 South Page Street
Southern Pines, NC 28387

FROM: William Mullin, Wildlife/Wetland Biologist
Dr. J.H. Carter III & Associates, Inc. (JCA)

SUBJECT: Summary of red-cockaded woodpecker survey for the proposed Morganton Park South project in Southern Pines, Moore County, North Carolina.

CC:
Raleigh USFWS Field Office
U.S. Fish and Wildlife Service
P.O. Box 33726
Raleigh, NC 27636-3726

Midland Atlantic Development Co., LLC, plans to construct a commercial development within the northeastern portion of the Morganton Park South retail complex, on portions of 2 adjacent lots (LRK #s 52502 and 98000749), approximately 54.20 acres (ac.) in Southern Pines, Moore County, North Carolina (NC) (Figure 1). This memorandum evaluates the impacts of this project on the Federally-endangered red-cockaded woodpecker (*Picoides borealis* = *Dryobates borealis*) (RCW) and 3 Federally Endangered plant species, pursuant to Section 9 of the Endangered Species Act (ESA), as amended. The Morganton Park South retail complex is composed of 3 parcels totaling 99.64 ac., the southern most of the 3 parcels is already cleared and construction is underway. This memorandum serves as an update to the July 2021 evaluation for the entire development, it only concerns the 2 northern parcels.

The project site is located between US Highway (Hwy.) 15-501 and State Route (SR) 1309 (Morganton Road (Rd.)), north of the Morganton Road Sports Complex and south of the Southern Pines Village retail complex in Southern Pines, NC (Figure 1).

The smallest of the 2 northern lots, lot (LRK #52502) is 3.04 ac. and occurs south of Patriot Boulevard (Blvd.) along the northern edge of the project site (Figure 1). Two-thirds of the lot is pine-forested with dense, second-growth loblolly pine (*Pinus taeda*), a dense 7-ft. tall midstory of bluejack oak (*Quercus incana*) and common wax-myrtle (*Morella cerifera*), and a dense ground cover of muscadine grape (*Muscadinia rotundifolia*), poison ivy (*Toxicodendron radicans*) and Virginia-creeper (*Parthenocissus quinquefolia*). The eastern third of the lot was clear-cut between 2013 and 2014. The clear-cut covers portions of both lots surveyed for this update. The clear-cut has begun to revegetate and contains a moderately dense shrub layer of loblolly pine saplings, winged sumac (*Rhus copallinum*) and sweetgum (*Liquidambar styraciflua*), and dense herbaceous layer of dogfennel (*Eupatorium capillifolium*), blackberries (*Rubus* spp.), ragweed (*Ambrosia artemisiifolia*) and broomsedge (*Andropogon virginicus*).

The larger of the 2 updated lots, lot (LRK #98000749) is 51.16 ac., of which approximately 34.22 ac. consists of 38-year old longleaf pine (*Pinus palustris*) plantation and loblolly pine regeneration, a dense 7-15 ft. tall midstory of sassafras (*Sassafras albidum*), blackjack oak, American persimmon (*Diospyros virginiana*) and red maple (*Acer rubrum*), and a moderately dense ground cover of Carolina wiregrass (*Aristida stricta*), eastern bracken fern (*Pteridium latiusculum*) and Carolina jessamine (*Gelsemium sempervirens*). Dense mats of kudzu (*Pueraria montana*) blanket the pines along Morganton Road. The previously mentioned clear-cut is slightly north of the larger parcel's center and adjoins the smaller parcel.

A wildlife biologist with Dr. J. H. Carter III & Associates, Inc. (JCA) surveyed the project site and vicinity on 5 July 2023 for RCW cavity trees. No new cavity trees were found. The nearest RCW cavity tree (#1204) contains a relic enlarged cavity and is located 2,350 feet west of the project site in SOPI Cluster 60 (Figure 1). This project will have no effect on the RCW.

The United State Fish & Wildlife Service (USFWS) lists 3 Federally Endangered plant species that occur in Moore County: rough-leaved loosestrife (*Lysimachia asperulaefolia*), Michaux's sumac (*Rhus michauxii*) and American chaffseed (*Schwalbea americana*) (USFWS 2023). A biologist evaluated the project site for listed plant species on 6 July 2023. No habitat occurred within the project site for rough-leaved loosestrife or American chaffseed. Potentially suitable habitat occurred within the project site for Michaux's sumac in the regenerating clearcut area on both parcels, however, none was observed.

A JCA biologist transected the 54.20 ac. area at 10-foot intervals and noted vegetative characteristics, soil conditions and ecology. The exclusion of fire and habitat conversion were potential contributing factors to the absence of the listed plant species. The closest known record of Michaux's sumac occurs 3.0 miles southeast of the project area (NCNHP 2023). This project will not impact Michaux sumac.

NC Natural Heritage Program. 2023. NC Natural Heritage Program online database at <http://ncnhp.org/Pages/heritagedata.html> (accessed 5 July 2023).