



AGENDA

Wednesday, November 8, 2023: 6:00 PM

Town Council Agenda Meeting

C. Michael Haney Community Room: Southern Pines Police Department

450 W. Pennsylvania Ave

1. CALL TO ORDER

2. TOWN MANAGER'S COMMENTS

3. REVIEW PUBLIC HEARING APPLICATIONS FOR UPCOMING BUSINESS MEETING AGENDA

a. PD-04-23 West Southern Pines Center Conceptual Development Plan

The Southern Pines Land and Housing Trust has applied for a Planned Development Conceptual Development Plan (CDP) for the +/- 17.13 acres of the West Southern Pines Center for African American History, Cultural Arts, and Business.

4. REVIEW PROPOSED ACTION ITEMS FOR UPCOMING BUSINESS MEETING AGENDA

a. AR-09-23: Morganton Park South Phase 3 (BJ's Wholesale & Starbucks)

Midland Atlantic Properties is requesting an Architectural Compliance Permit for Phase 3 of the Morganton Park South Planned Development. The architectural review is for a 101,840-square foot wholesale retail building with an accessory fuel service station (with a kiosk) and a 2,500-square foot drive-through restaurant on +/- 13.89 acres.

5. REVIEW PROPOSED CONSENT AGENDA FOR UPCOMING BUSINESS MEETING AGENDA

Approve Ordinance #3013 Establishing a Capital Project Fund for Fire Trucks

Town owns a ladder truck and fire engine that are nearing their end of life. Staff recommends establishing a capital project fund to designate funds towards these upcoming purchases. The ordinance also allocates \$1.5 million to this fund.

b. Approve Ordinances #3014 and 3015 Amending the Budget for Recreation Improvements

The Town has recently resurfaced the playgrounds at Downtown Park and Pool Park. Due to unforeseen conditions underneath the previous surface, additional prep work was needed. The additional scope of work totaled \$33,488 for both playgrounds.

c. Approve Resolution #1076 Supporting the Town's Application to be Designated a Bee City USA Affiliate

The Appearance Commission requests that the Town apply for affiliation as a Bee City USA. Similar to the Town's participation in the Tree City USA program, this is a voluntary program and demonstrates the Town's support for supporting pollinators, integrated pest management, and environmental awareness and sustainability. It also helps to advance policy 4.9 of the 2040 Comprehensive Plan: "Protect natural areas and environmental assets throughout the community."

d. Approve Resolution #1077 to Modify the Thresholds for Capital Assets and SBITAs

Staff recommends increasing the Town's capitalization threshold from \$10,000 to \$20,000. This is a monetary threshold that determines whether an asset is reported on the Town's financial statements and was last updated in 2013. The Town's materiality threshold for SBITAs was set to match the capitalization threshold, so staff also recommends increasing this threshold to \$20,000.

e. Approve meeting minutes for October 2023

Staff has prepared the following meeting minutes for approval:

- October 3, 2023 Town Council Agenda Meeting
- October 10, 2023 Town Council Business Meeting
- October 24, 2023 Town Council Work Session

6. CLOSED SESSION

a. Closed Session - Personnel

Council will hold a closed session as authorized in N.C.G.S. §143-318.11(a)(6) for the evaluation of Town Attorney, Mac McCarley.

7. ADJOURNMENT

Agenda Item

To: Reagan Parsons

From: Alaina Mallette, Senior Planner

Subject: PD-04-23: A Planned Development District - Conceptual Development Plan for the West Southern Pines Center and Residential Development; Applicant: Southern Pines Land and Housing Trust

Date: November 14, 2023

I. SUMMARY OF APPLICATION REQUEST

Sandra Dales, Executive Director of the Southern Pines Land and Housing Trust, has applied on behalf of the Southern Pines Land and Housing Trust for a Planned Development Conceptual Development Plan (CDP) in association with the West Southern Pines Center for African American History, Cultural Arts, and Business. The properties are currently zoned Residential Single-Family (RS-1) and Facilities, Resources, and Recreation (FRR). This application proposes a rezoning to Planned Development district with four separate sub-districts on +/- 17.13 acres, including a Single-Family district; Neighborhood Business district; Open Space district; and Recreation district. This CDP intends to preserve the history and culture of the properties while also permitting commercial, recreational, and housing-related uses in the historic buildings on the site as well as newly constructed affordable housing units and open space.

The CDP narrative proposes four phases of project development: (1) restoration of outdoor recreation areas, (2) rehabilitation of indoor recreation spaces, (3) rehabilitation of proposed office and retail structures and parking areas, and (4) proposed residential district's infrastructure improvements and housing construction.

II. PLANNING BOARD REVIEW

On October 19, 2023, the Planning Board held a public hearing regarding PD-04-23 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 2040 Comprehensive Plan, and recommended approval with the following items noted as recommended conditions of approval:

1. That sewer and water extensions be made as shown in Figure 4 of the staff report—or as approved by the Town Engineer during the Preliminary Development Plan for this sub-district, and language to this effect be included in the CDP regulatory document;
2. That the extension of West Illinois Avenue be built to town standards for a local road, and language to this effect be included in the CDP regulatory document; and

3. That the proposed street improvements, such as planted medians and planting strips along South Carlisle Street, mentioned in the narrative be included in the CDP regulatory document, as well.

A copy of the Planning Board's October 19, 2023 Resolution for file PD-04-23 is included in this packet.

III. PROJECT INFORMATION

A. Property Owners and Applicant

PIN 857220827460 (PARID 00036869)

PIN 857216824550 (PARID 00031531)

PIN 857220823309 (PARID 00031530)

PIN 857200821500 (PARID 00033141)

Southern Pines Land and Housing Trust, Inc.
1250 W New York Avenue
Southern Pines, NC 28387

Figure 1: Drone image taken March 25, 2023, looking west towards the West Southern Pines Center



[illegible]

Figure 3: PD-04-23 Proposed District Map

Landtrust Conceptual
Development Plan District
Map

-  Residential
-  Neighborhood
Business District
-  Open Space
-  Recreation

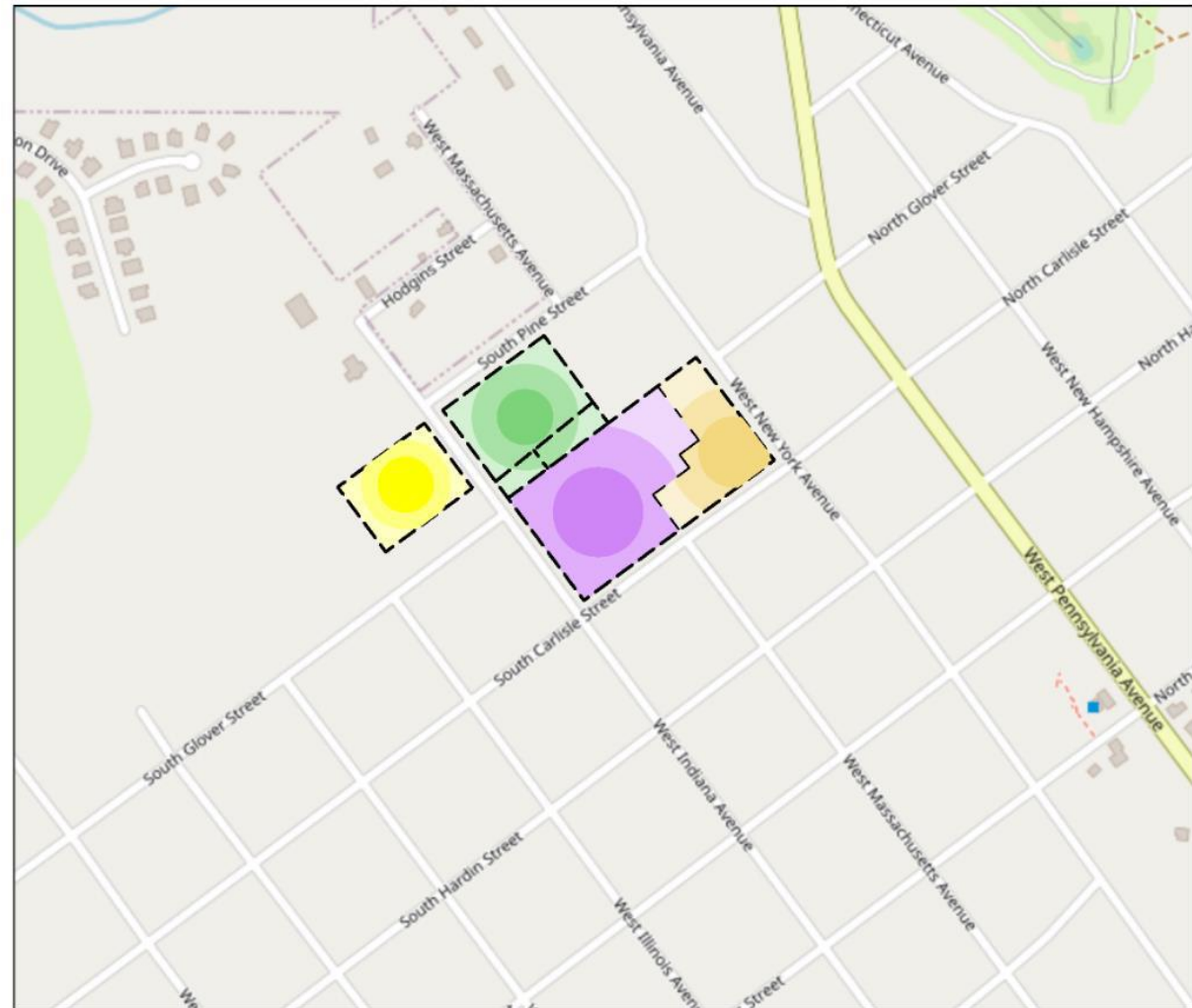
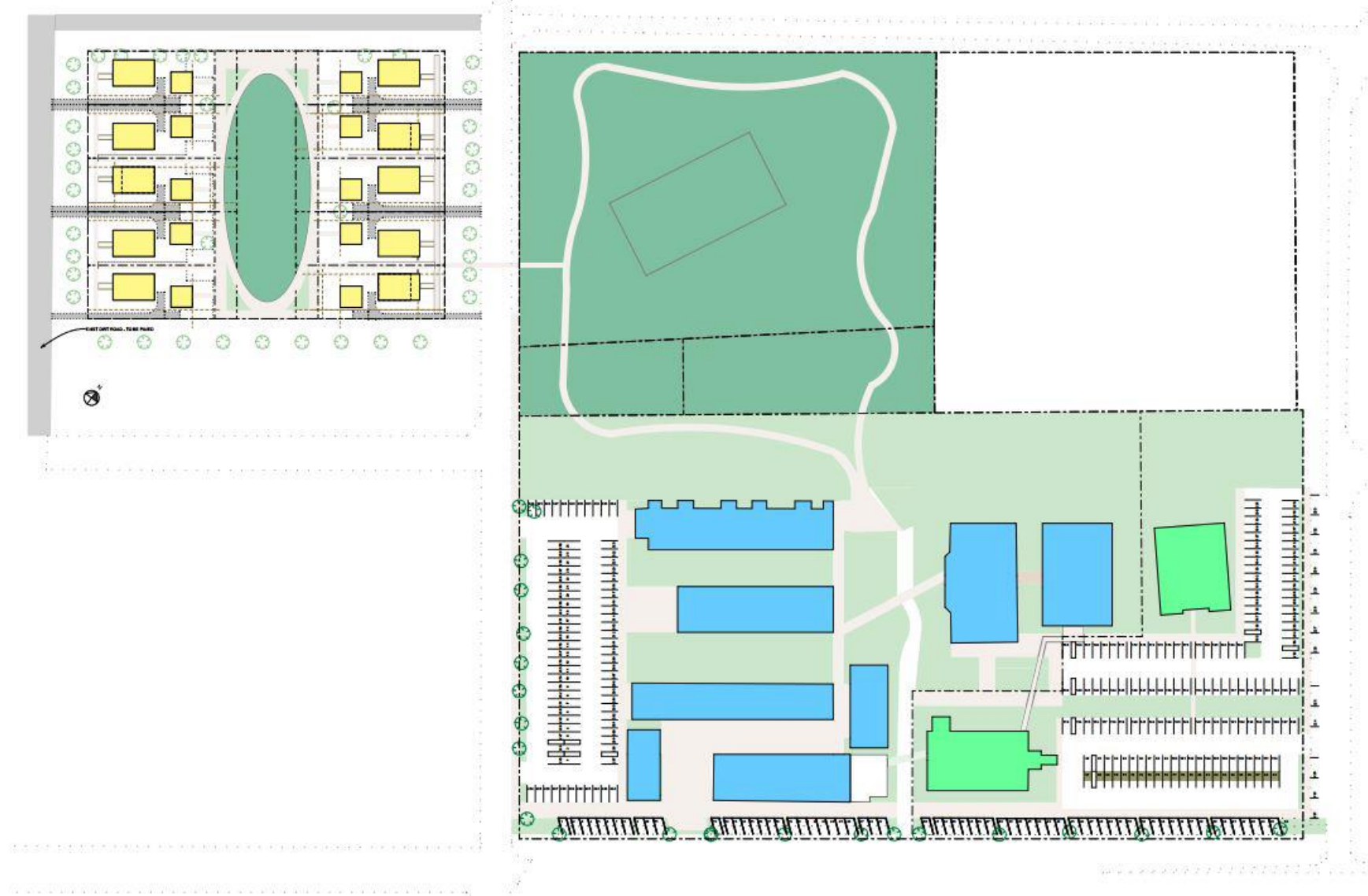


Figure 4. Conceptual Layout of Buildings and Open Space



IV. 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) Summary of Procedural Requirements

- The Applicant has involved the public in their planning process since at least 2020, holding at least six community meetings as well as tours of the site for residents and stakeholder groups. The required Neighborhood Meetings for this Conceptual Development Plan was held on **August 29, 2023**, in compliance with UDO §2.18.3(D). A description of their public participation, including meeting materials are in Attachment 3.
- CDP Application Submitted: **September 11, 2023**
- Application Deemed Complete: **September 18, 2023**
- Consultation with the Technical Review Committee: via email on **September 19, 2023** and in person on **October 3, 2023**
- Notice of October 19, 2023, Planning Board Public Hearing:
 - Posted On-site: **October 3, 2023**
 - Mailed: **September 29, 2023**
 - Publication Dates: Emailed to The Pilot on September 29, 2023, for publication on **October 11 and October 18, 2023**
- Planning Board Regular Meeting: **October 19, 2023**
- Notice of November 14, 2023 Town Council Public Hearing:
 - Posted On-site: **October 3, 2023**
 - Mailed: **October 23, 2023**
 - Publication Dates: Emailed to The Pilot on October 20, 2023, for publication on **November 1 and 8, 2023**
- Town Council Regular Meeting: **November 14, 2023**

(C) Applicable 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 property(ies), 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 VI of the submitted CDP narrative.

Conceptual Development Plan Criteria [UDO §2.18.4(H)]

1. *The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;*

2. *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;*
3. *The proposed Development is appropriate for the area of the Town in which it is located; and*
4. *The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.*

Rezoning Criteria (UDO §2.17.9)

1. *(A) Consistency. Rezoning shall be consistent with the adopted Comprehensive Plan.*
2. *(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.*
3. *(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.*
4. *(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.*
5. *(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.*
6. *(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.*
7. *(G) Other Factors. The Hearing Body may consider any other factors relevant to a rezoning application under state law.*
8. *(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.

(D) Town Staff Review and Comments

1. Consistency with Goals and Policies of the 2040 Comprehensive Plan, Public Policies, and Suitability as Presently Zoned

The applicant prepared the CDP documents while the 2040 Comprehensive Plan was being adopted, so their narrative reflects the previous Comprehensive Long-Range Plan (2016). Planning staff have reviewed the application against the current adopted Comprehensive Plan to check for consistency.

Table 1: Comprehensive Plan Consistency Analysis

	Proposed Residential Single-Family district	Proposed Recreation, Open Space, and NB districts
General Framework Map	Area to Enhance	Area to Strengthen in a Neighborhood Activity Center
Conservation and Development Map	Neighborhood	Mixed-Use Area in a Neighborhood Activity Center
Character District Map	West Southern Pines	West Southern Pines
CONSISTENCY DETERMINATION	CONSISTENT	CONSISTENT

No inconsistencies with the 2040 Comprehensive Plan have been identified; in fact, the proposed CDP directly implements the vision of the Comprehensive Plan, including further activating a Neighborhood Activity Center using a mix of land uses, mixing home types and housing income (i.e., affordable single-family detached housing on small lots with accessory dwelling units), and expanding an existing network of open space. The proposed housing component is consistent with the 2040 Comprehensive Plan Policy 7.5 Explore Opportunities to Promote More Local Workforce (Affordable) Housing in the Tri-Cities Area. Additionally, the proposed CDP effectively addresses the goal of protecting historic resources and expanding public art to enhance community character and several of its associated policies (e.g., Policy 10.1 Protect and Maintain Historic Structures and Policy 10.3 Honor Town History Using Signage, Monuments, or Plaques).

The CDP also addresses the goal of expanding local businesses and employment opportunities, especially in promoting micro-retail businesses in the West Southern Pines character district. In fact, the current FRR zoning has been a barrier to development of the site as several interested businesses' proposed land uses were deemed unauthorized in the FRR district by the Planning Department. Therefore, the Planning Department believes that the proposed District Map is more suitable zoning than the present zoning.

2. **Consistency with other Criteria for a Zoning Map Amendment and Conceptual Development Plans**

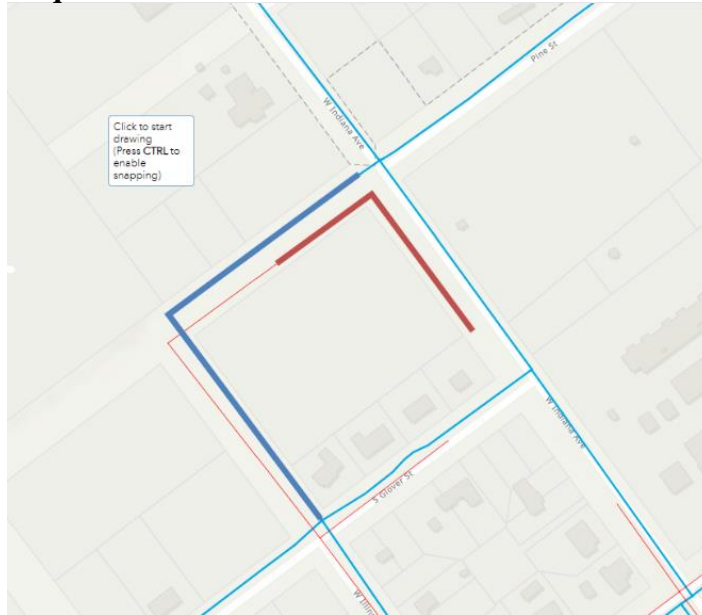
Regarding adverse impacts on neighboring lands, the applicant stated the participants in their engagement activities were concerned about the density of housing. The applicant's proposed site plan illustrates the intention to create a cluster subdivision with usable open space (e.g., a shared pocket park), which is permitted under current RS-1 zoning. Furthermore, the minimum lot size in the residential district is 5,000 square feet (or .11 acres), which is consistent with the size of many parcels in the West Southern Pines neighborhood. Therefore, Planning staff do not see a higher density of housing than what is currently permitted and existing in the surrounding neighborhood.

The proposed land uses, however, will change the nature of traffic in the area and no traffic impact analysis was completed as part of the application as it is not required until Preliminary Development Plan (PDP). Regarding traffic, the applicant states, "These new uses... are not expected to create significantly more traffic than the previous educational use." Furthermore, the application includes in CDP Section V information about car and pedestrian access to the sites. In this section, they propose traffic calming along South Carlisle Street such as a center island as well as measures to protect pedestrians using a planting strip along sidewalks.

However, the feasibility of these design treatments have yet to be confirmed with the Town Engineer, detailed regulations regarding this design standard is not included in the CDP regulatory text, and it is unclear what entity will be paying for those improvements. New sidewalks are also being proposed along West Indiana and West New York Avenues. Therefore, Planning staff finds the proposed CDP to be a multi-modal development that will reduce the parking demand—compared to a development that lacks multi-modal features—by creating opportunities for walking and biking access. Parking is being proposed on-site, through shared parking, and on-street angled and parallel parking (see applicant's Proposed Site Plan in Attachment 3).

Planning staff did not identify any threats to the health, safety, and welfare of the general public. Rather, the CDP proposes protecting the historical buildings on the site and promoting the history of the area. The size of tract and the range of land uses all are appropriate for the location where they are proposed. Regarding efficient extensions and expansions of public facilities, utilities, and services, the applicant will have to bear the burden of extending water and sewer around the residential district (see Figure 4 below), paving the proposed extension of West Illinois Avenue, and other roadway improvements like the proposed center island trees and grass unless another alternative is identified. The applicant's proposed site plan does envision paving the existing dirt road to allow for access to the residential sub-district.

Figure 5: Extension of Water (Thick Blue Lines) and Sewer (Thick Red Lines) Required to Serve the Residential District



Lastly, note that approximately 24% (about 4.15 acres) of the proposed planned development district is intended to be open space, which is greater than the minimum required of 20%, or 3.43 acres. All of the open space is planned to be usable by including trails and parks (some, of which, are already existing). Museums, historical or archeological institutions, private facilities, government/public administrative offices, child and youth services, child daycare, associations and organizations, temporary uses, and home occupations are all authorized land uses within the Open Space sub-district.

3. **The Planning Department recommends approval of PD-04-23 with the conditions:**
 - 1) **That the authorized land uses for Open Space in Table 1 of the CDP be exclusively for outdoor programming for those land uses and/or that the construction of any buildings associated with those land uses be limited to a maximum total sum development of 25,000 square feet of gross floor area;**
 - 2) **That sewer and water extensions be made as shown in Figure 5 or as approved by the Town Engineer during the Preliminary Development Plan for this sub-district, and language to this effect be included in the CDP regulatory document;**
 - 3) **That the extension of West Illinois Avenue be built to town standards for a local road, and language to this effect be included in the CDP regulatory document;**
 - 4) **That the proposed center island street improvement to South Carlisle Street mentioned in the narrative be included in the CDP regulatory document, as well; and**
 - 5) **That Section 3.5.4 of the CDP regulatory text be removed as it conflicts with Table 4 of the same document.**

IV. Cooperating Agency and Technical Review Committee Review and Comments

Planning staff consulted with the Technical Review Committee via email on September 19, 2023 and in person on October 3, 2023. There were no significant concerns noted. The Town Engineer said that water and sewer extensions will be needed around the residential single-family portion of the site and that a new road (i.e., an extension to W. Illinois Avenue) will need to be constructed adjacent to the residential single-family district to local road standards. This information was communicated to the applicant by Planning staff.

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 September 29, 2023. The only response received was from the Town Utilities Superintendent, Ron Istre, who responded on September 29, 2023 stating that he had no comments.

V. ATTACHMENTS

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

1. CDP Application
2. CDP Regulatory Zoning Text and District Map
3. CDP Narrative, Conceptual Transportation Plan, and Nature of Services
4. Additional Neighborhood Meeting Information
5. Signed Planning Board Resolution

VI. 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 2040 Comprehensive Plan for the reasons set forth in the written Planning Board recommendation attached to staff report PD-04-23;**
2. The requested Conceptual Development Plan is consistent with the 2040 Comprehensive Plan for the reasons set forth in the written Planning Board

recommendation attached to staff report PD-04-23 as revised by the Town Council as follows...
;

3. The requested Conceptual Development Plan is inconsistent with the 2040 Comprehensive Plan and is not a reasonable request for rezoning for the following reasons...

And, therefore, I move to:

1. Approve PD-04-23 as submitted;
2. **Approve PD-04-23 with the following conditions of approval:**
 - a. **That the authorized land uses for Open Space in Table 1 of the CDP be exclusively for outdoor programming for those land uses and/or that the construction of any buildings associated with those land uses be limited to a maximum total sum development of 25,000 square feet of gross floor area;**
 - b. **That sewer and water extensions be made as shown in Figure 5 of the Staff Report or as approved by the Town Engineer during the Preliminary Development Plan for this sub-district, and language to this effect be included in the CDP regulatory document;**
 - c. **That the extension of West Illinois Avenue be built to town standards for a local road, and language to this effect be included in the CDP regulatory document;**
 - d. **That the proposed center island street improvement to South Carlisle Street mentioned in the narrative be included in the CDP regulatory document, as well; and**
 - e. **That Section 3.5.4 of the CDP regulatory text be removed as it conflicts with Table 4 of the same document.**

; or

3. Deny PD-04-23.



Planned Development District Conceptual Development Plan

REQUIRED APPLICATION MATERIALS:

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

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

REVIEW AND APPROVAL:

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



Planned Development District Conceptual Development Plan Application

Fee: \$1,800.00

Date Received: _____

Case No.: PD-____-____

Project Information:

Project Name: West Southern Pines Center

Physical address: 1250 W. New York Avenue

PIN: 857200821500

Parcel ID: 00033141

Site Size: _____

Zoning: _____

Applicant: Sandra Dales, Ex. Dir. Vincent Gordon, Board Chair

Name(s): Southern Pines Land & Housing Trust

Email: sdales@splandandhousingtrust.org Phone: 910.877.1454

Mailing Address: same as physical

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____

Phone: _____

Mailing Address: _____

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

Name(s): Same as above

Email: _____

Phone: _____

Mailing Address: _____

1/12/22

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

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

The property which is the subject of this application is located on the front side of Carlisle (St./Ave.), between W. New York (St./Ave.) and Indiana (St./Ave.). The property has a frontage of _____ feet and a depth of _____ feet.

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

To create a center for
cultural arts, business and economic development

Date: 9/11/23

Sandra S. Dale
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

UDO §2.18 Planned Development

§2.18.4(H) Conceptual Development Plan Criteria

- (1) The proposed PDD satisfies the criteria for a zoning map amendment established in this chapter;
- (2) 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;
- (3) The proposed Development is appropriate for the area of the Town in which it is located; and
- (4) The proposed Development will not generate the need for inefficient extensions and expansions of public facilities, utilities and services.

Southern Pines Land and Housing Trust Conceptual Development Plan

Final Version: October 2023

Table of Contents

Chapter 1. 1

1.1. 1

1.2. 1

1.3. 2

1.4. 2

Chapter 2. 2

2.1. 2

Chapter 3. 2

3.1. 2

3.2. 2

3.3. 33

3.4. 44

3.5. 44

3.6. 45

3.7. **Error! Bookmark not defined.**5

3.8. 66

3.9. 2120

Chapter 4. **Error! Bookmark not defined.**

4.1. 23

4.2. 23

4.3. 26

4.4. 27

4.5. 28

4.6. 30

4.7. 3128

4.8. 3128

4.9. **Error! Bookmark not defined.**

Chapter 5. 319

5.1. 319

Chapter 6. 319

6.1. 319

Chapter 7. 329

7.1. 329

7.2. 329

7.3. 329

7.4. 329

7.5. 3230

7.6. 3230

Chapter 8. 3230

8.1. 3230

8.2. 3230

Chapter 1. General Provisions

1.1. PURPOSE

The Southern Pines Land and Housing Trust Conceptual Development Plan (“CDP”) is designed to accommodate mixed land uses—such as office, residential, service, commercial, and public or private recreational development—of the campus of the West Southern Pines Center. The regulations in this CDP intend to:

- (A) Provide new and/or renovated residential development that is compatible with that in West Southern Pines;
- (B) Create spaces for economic, cultural, professional and recreational opportunities within the existing spaces without disturbing the historical significance of the exterior of the structures;
- (C) Include publicly accessible recreational uses currently not available in West Southern Pines that are compatible with proposed residential uses;
- (D) Promote creativity and innovation in the campus design that leads to more appropriate relationships between land uses, structures, and community character;
- (E) Align with the West Southern Pines neighborhood’s revitalization goal to increase economic and physical vitality while preserving the neighborhood’s culture and character;
- (F) Preclude large-scale buildings that are inconsistent with the Neighborhood character;
- (G) Encourage new residential development that is compatible with that in the existing Neighborhoods;
- (H) Foster the development of a network of open space to serve a variety of recreational and environmental purposes;

- (I) Encourage common or shared off-street parking;
- (J) Set standards that permit reasonable use of signs and preserve the character of the West Southern Pines community;
- (K) Produce new uplifting, playful, inspiring, colorful, thoughtful, or historical Original Art Murals with a universal appeal to locals and visitors that engage local artists, regional artists, and the West Southern Pines community, especially youth, and create new opportunities for muralists and pedestrians; and,
- (L) Prohibiting the erection of signs in such numbers, sizes, designs, illumination, and locations as may create a hazard to pedestrians and motorists.

1.2. APPLICABILITY

1.2.1. Generally

- (A) The use of buildings and land within the PD is subject to all other Town of Southern Pines regulations, General Statutes of North Carolina, and any other applicable regulations, as well as this CDP, whether or not such other provisions are specifically referenced in this CDP.
- (B) Regarding coordination with other regulations, the CDP will follow the same regulations as the Town of Southern Pines Unified Development Ordinance (“Town’s UDO”) §1.8 Coordination with Other Regulations. This CDP provides additional regulations that complement or supersede provisions within the Town’s UDO.

1.2.2. Overlay District

As of the writing of this CDP, the PD is within the West Southern Pines Overlay district. Development shall comply with all current and future overlay district provisions, as amended, within the Town’s UDO.

1.2.3. Fees

Any and all fees related to development shall be subject to payment as established by the Town of Southern Pines.

1.3. AUTHORITY

This planned development is adopted pursuant to the authority contained in Chapter 160D and Chapter 160A Article 8 of the North Carolina General Statutes as well as that in the Town's UDO, as amended. The Town's UDO §3.5.14 PD – Planned Development District describes the purpose, applicability, procedures, land use mix, development patterns, and general provisions and regulations guiding this CDP for the PD. Whenever any provision of this planned development refers to or cites a section of the North Carolina General Statutes or the Town's UDO and that section is later amended or superseded, the planned development shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

1.4. ADMINISTERING THIS PLANNED DEVELOPMENT DISTRICT

This CDP is intended to be administered jointly with the Town of Southern Pines UDO throughout the development review process. The roles of the Town's governing bodies shall be the same for this PD.

Chapter 2. Development Processes

2.1. COORDINATION WITH THE TOWN'S UDO

CHAPTER 2. DEVELOPMENT PROCESSES

All development shall comply with the development processes, requirements, and regulations as stipulated in the Town's UDO Chapter 2. Development Processes.

Chapter 3. Districts, Map, and Development Patterns

3.1. COORDINATION WITH THE TOWN'S UDO

CHAPTER 3. ZONING

All development shall comply with the development processes, requirements, and regulations as stipulated in the Town's UDO Chapter 3. Zoning, except as provided by the regulations of this Chapter and all of the applicable standards and regulations in other Chapters of this CDP.

3.2. ESTABLISHMENT OF DISTRICTS

- (A) The PD zoning district is declared to be in effect upon all land areas included within the boundaries of the district as shown on the PD District Map (see rules for interpretation of boundaries in section 3.4.2 of the Town's UDO).
- (B) After adoption of the CDP, any amendments to the PD boundaries shall be made by legal description or metes and bounds description, which shall be the best evidence of the boundaries, amended or created, and shall control unless a scrivener's or other error in such plat or description is manifestly contrary to the intent of the amending ordinance.
- (C) PD sub-district boundary lines are approximate on the PD District Map and are intended to be administered with flexibility depending on unique circumstances of development proposals that best achieve the purposes of this CDP.

3.2.1. Non-Residential and Mixed-Use Development Zoning Sub-Districts

- (A) Neighborhood Business District
- (B) Recreation District
- (C) Open Space

3.2.2. Single Family Residential Planned Development Zoning Sub-District

- (A) Residential District, Single Family

3.3. PD DISTRICT MAP

- (A) There shall be a map designated as the PD District Map, which shall show the boundaries of each sub-district zone within the District. This PD District Map shall update the existing Town of Southern Pine's Official Zoning Map to "Planned Development", and shall be stored in both

the Town's geographic information systems and printed on durable material with the adoption date and kept in the Planning Department's office.

- (B) Any revisions to the PD District Map must follow appropriate Town procedures, pursuant to the Town's UDO §3.4. Zoning Map.



Figure 1: District Map

3.4. NEIGHBORHOOD BUSINESS DISTRICT DEVELOPMENT REQUIREMENTS AND STANDARDS

3.4.1. Intent

The NB district is established as a mixed use district that allows small-scale, limited retail and service land uses that provide goods and services primarily to surrounding residential Neighborhoods, residential Buildings and mixed-use Buildings.

The major objectives of this district are to:

- (1) Encourage the location of convenience retail establishments, professional services and professional offices that are Compatible with surrounding residential uses;
- (2) Preclude large-scale Buildings that are inconsistent with the Neighborhood character;
- (3) Promote safe and convenient pedestrian access from surrounding residences.

3.4.2. Authorized and Prohibited Uses

The uses authorized by section 3.8 of this CDP may be established in accordance with the provisions of this CDP, including, but not limited to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

3.4.3. District Use Standards

Standards for specific uses and development patterns authorized in this sub-district are established in Chapters 5 and 6. In addition, the following standards shall apply:

- (1) Outside storage, display and operations are each prohibited.
- (2) Subject to Building code compliance, Buildings may be used for authorized residential or non-residential purposes.
- (3) Drive-through and drive-in uses are prohibited.

3.4.4. District Development Standards

Dimensional and density standards are summarized in Table 2. Section cross-references identify the location of additional dimensional standards. Additional district Development standards are established in chapter 4 of this CDP.

3.5. RECREATION DISTRICT DEVELOPMENT REQUIREMENTS AND STANDARDS

3.5.1. Intent

(A) The Recreation district is intended for open space, public facilities and privately owned and recreation areas. Publicly owned land uses include governmental, recreational, education, natural resource and utility facilities. Privately owned land uses include related facilities, land trusts established to preserve natural resources, schools and recreational facilities that typically include substantial open space. The objectives of the Recreation district are to:

- (1) Provide land for publicly and privately-owned facilities and privately-owned natural and man-made resource and recreation areas; and
- (2) Preclude major residential, retail office, institutional, and industrial uses that typically provide limited open space.

3.5.2. Authorized and Prohibited Uses

The uses authorized by section 3.8 of this CDP may be established in accordance with the provisions of this CDP, including, but not limited to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

3.5.3. District Use Standards

Standards for specific uses and development patterns authorized in this sub-district are established in Chapters 5 and 6.

3.5.4. District Development Standards

Building heights and Setbacks shall conform to those of the abutting district. Required buffers shall be based on the use established in the Recreation district and the abutting use or district, whichever requires the greater buffer.

3.6. OPEN SPACE REQUIREMENTS AND STANDARDS

3.6.1. Intent

Open Space is intended for natural areas, trails, Greenways, parks, buffers, and stormwater retention basins.

3.6.2. Authorized and Prohibited Uses

The uses authorized by section 3.8 of this CDP may be established in accordance with the provisions of this CDP, including, but not limited to the

procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

3.6.3. District Use Standards

The Open Space requirements established in the Town's UDO §4.9.1 Usable Open Space Required letters (B) and (C); §3.5.14 (H) Landscaping, Screening, Buffers, and Trees; and §3.5.14(K) Stormwater Control shall apply to all areas within this PD. Unless dedicated to and accepted by the Town or a similar legal entity, the owner is required to provide for the continuing maintenance of Open Space.

3.6.4. District Development Standards

Additional sub-district development standards are established in Chapter 4 of this CDP and the Town's Overlay district design guidelines.

3.7. SINGLE FAMILY RESIDENTIAL DISTRICT ZONE REQUIREMENTS AND STANDARDS

3.7.1. Intent

The Residential district is established as a district in which to allow primarily low density Single-Family residential land uses (approximately 5 Dwelling Units per acre). The regulations of this district are intended to:

- (1) Preserve existing Single-Family residential Neighborhoods that have developed at a medium-density; and
- (2) Encourage new residential Development that is Compatible with that in the existing Neighborhoods.

3.7.2. Authorized and Prohibited Uses

The uses authorized by section 3.8 of this CDP may be established in accordance with the provisions of this CDP, including, but not limited to the procedures established in chapter 2, the zoning district standards of this chapter, and the design standards of chapter 4.

3.7.3. District Use Standards

Standards for specific uses and development patterns authorized in this sub-district are established in Chapters 5 and 6.

3.7.4. District Development Standards

Dimensional and density standards are summarized in Table 3. Additional sub-district development standards are established in Chapter 4 of this CDP and the Town's Overlay district design guidelines.

----- THIS PORTION OF PAGE INTENTIONALLY LEFT BLANK -----

3.8. AUTHORIZED USES TABLE AND INTERPRETATION

Table 1 (Table of Authorized Land Uses) lists the Principal Uses allowed by right within zoning sub-districts. The listed use is allowed by right within the corresponding PD zoning sub-district or sub-districts subject to the issuance of development approvals within the Town's UDO and compliance with the applicable standards and regulations within this CDP and the Town's UDO. For uses not specifically listed in Table 1 (Table of Authorized Land Uses), then interpretation guidance from the Town's UDO §3.7.2(A) shall apply to proposed uses in relation to the permissible uses set forth in Table 1 (Table of Authorized Land Uses) below.

Table 1. Table of Authorized Land Uses

Land Use		LBCS Code	Description	Neighborhood Business	Recreation	Open Space	Single Family Residential
RESIDENCE OR ACCOMODATION FUNCTIONS (1000)							
Private Dwelling (1100) Housing Services (1200)	Single-family detached	1111	Typical Single-Family Dwelling				
	Single-family attached	1112	Each dwelling unit on a separate lot; firewall may protrude from roof or roofs may be staggered				
	Class A Single-Family Manufactured Home	1113	Modular homes and other structures that comply with the NC Residential Building Code as amended				
	Accessory dwelling unit	S1130	A residential dwelling that is secondary to the Principal Use				

	Two-Family (double or Duplex)	1120					
	Assisted-Living Board and Care, Adult Care Group Homes	1230	Adult care, group homes, board and care (excludes rehab uses in code #6520)				
GENERAL SALES OR SERVICES (2000)							
Retail Sales or Service and Repair (2100)	Bicycle sales and repair	2113b	New or used bicycles sales or repair				
	Clothing, jewelry, luggage, shoes, clocks, sewing	2133	Including shoe repair and tailoring				
	Florist	2141					
	Art dealer, supplies, sales and service	2142	Including frame shops				
	Mail order or direct selling establishment	2144	Retailing other than in stores				

	Antique shop, flea market, thrift store	2145				
	Convenience store, bodega	2152	Excludes those with fuel pumps			
	Specialty food store	2153	Retail specialty food items such as coffee and gourmet foods			
	Fruit and vegetable store	2154				
	Pharmacy or drug store	2161	Primarily retail prescription or nonprescription drugs and excludes stand-alone pharmacies or drug stores			
	Cosmetic and beauty supplies and personal grooming products	2162	Primarily retail cosmetics, perfumes, toiletries			

	Optical and contact lenses	2163	Retail prescription or nonprescription eyeglasses				
	Markets for farm produce or crafts	2199					
Finance and Insurance (2200)	Bank, credit union, or savings institution	2210	Central banking functions				
	Credit and finance establishment	2220	Credit card, sales financing, unsecured consumer lending, real estate credit, international trade financing				
	Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios				
	Insurance-related establishment	2240	Insurance underwriting, selling insurance				
	Fund, trust, or other financial establishment	2250	Pool assets on behalf of shareholders or beneficiaries				

Real Estate, and Rental and Leasing (2300)	Real estate services	2310	Lease real estate (except buildings) such as manufactured home sites and vacant lots; includes real estate appraisers				
	Rental housing-related	2322	Lease buildings used as residences				
	Intellectual property rental	2336	Establishments that assign patents, trademarks, brand names, and franchise agreements				
Business, Professional, Scientific, and Technical (2400)	Legal services	2411	Title abstract, lawyers, notaries				
	Accounting, tax, bookkeeping, payroll services	2412					
	Architectural, engineering, surveying, and related services	2413	Architectural, engineering, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)				

	Graphic, industrial, interior design services	2414	Interior, industrial, and graphic design				
	Consulting services (management, environmental, technical)	2415	Advise and assist businesses on management, scientific, and technological issues				
	Advertising, media, and photography services	2417	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers				
	Office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning				
	Facilities support services	2422	Provide operating staff for support services within a client's facilities, including janitorial, security, laundry services, etc.				

	Employment agency	2423	Provide employee placement, temporary help				
	Copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.				
	Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus				
Food Services (2500)	Full service restaurant	2510	Provide services to patrons who order and are served while seated or in combination with takeout				
	Snack or nonalcoholic bar	2530	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the premises, snowball stand				

	Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles				
	Caterer	2560	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.				
Personal Services (2600)	Hair, nail, and cosmetic skin care	2611	Barber or beauty shop				
	Dieting and weight reducing	2612					
	Tanning salon	2614					
	Electrolysis, ear piercing, and other personal care services	2616					
Pet (2700)	Pet or pet supply store	2710	Retail pets, pet foods, pet supplies				

	Animal services	2721	Grooming and training, excludes sitting, boarding, and veterinary and farming services				
COMMUNICATION AND INFORMATION (4000)							
Communication and Information (4200)	Software publisher	4212	Publish and reproduce computer software				
	Motion picture and video production, publishing, and distribution	4221	Produce or distribute motion pictures, videos, television programs, or commercials				
	Tele-communications and broadcasting towers and antennas 50 feet tall or less	4233a					
	Online information services	4241	Internet access and service providers				
	Library or archive	4242	Provide library or archive services				

ARTS, ENTERTAINMENT, AND RECREATION (5000)							
Arts, Entertainment and Recreation (5000)	Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.				
	Independent artist, writer, or performer	5160	Independent individuals engaged in art, productions				
Museums and Other Special Purpose Recreational Institutions (5200)	Museum	5210	Includes art museums, science museums, and more				
	Historical or archeological institution	5220	Archeological sites, battlefields				
	Zoos, botanical gardens, arboreta	5230					
Amusement, Sports, Rec. (5300)	Games arcade establishment	5320	Operate arcades and parlors, except gambling, billiard and pool				
	Public facilities	5371					

	Private facilities	5372					
	Bowling, billiards, pool	5380					
5500	Natural and other recreational parks	5500	All parks without special economic functions				
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS (6000)							
6200	Legislative and executive functions	6210	Government and public administrative offices				
Public Safety (6400)	Fire and Rescue	6410					
	Police	6420	Includes combined police and fire departments				

	Emergency Response	6430	Provide ground or air transportation for medical relief purposes				
Health and Human Services (6500)	Outpatient clinic and health spas	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers				
	Outpatient family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care				
	Health care facility	6540	Maximum of 25 beds for overnight care				
	Child and youth services	6561	Offer services such as adoption, foster care, drug prevention services				
	Child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs				

	Community food services	6563	Collect, prepare, and deliver food for the needy, food banks, meal delivery programs and soup kitchens				
	Emergency and relief services	6564	Provide food, shelter, clothing, medical relief, resettlement to disaster victims				
	Other family services	6565	Hotline centers, suicide crisis centers, selfhelp organizations, etc.				
	Services for elderly and disabled	6566	Does not include housing for the elderly				
	Veterans affairs	6567					
	Vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services				

6600	Small religious institutions	6600	Churches, temples, synagogues, mosques up to 250 seats in largest seating area, excludes those that have more than 250 seats in largest seating area				
Associations, Nonprofit, Clubs (6800)	Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups				
	Business association or professional membership	6820	Promote the business interests of their members organization or of their profession				
	Civic, social, or fraternal organization	6830					
UNCLASSIFIABLE (9900)							
	Special events	9911	As defined in the Town's UDO §9.3 Definitions and regulated in the Town's UDO §5.18 Special Events.				
	Other (Ord. #1716)	9912					

	Temporary uses	9920	Temporary uses as regulated by the Town's UDO §5.22 Temporary Uses					---
	Subdivisions	9930						---
	Major subdivision	9931						- T
	Minor subdivision	9932	Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots as described in the Town's UDO §2.19.3 Subdivision Classification					
	Combination Uses	9940						
	Home Occupations	9950						
	Cluster Subdivisions	9961						

3.9. Prohibited Uses

The following uses are prohibited as principal uses within this planned unit development:

LAND USE
Multi-Family
Multi-Family
Multi-Family Conversion
Multi-Family Condominium
Hotels, Motels, or Other Accommodation Services
Bed and Breakfast Home
Bed and Breakfast Inn
Rooming and boarding
Hotel, motel, Tourist Home or tourist court
GENERAL SALES OR SERVICES

Markets for farm produce or crafts
Tobacco or tobacconist establishment
Beer, wine and liquor store
Business, Professional, Scientific, and Technical
Veterinary Services
TRANSPORTATION, COMMUNICATION, INFORMATION, ETC.
Air transportation
air passenger transportation
air freight transportation
airport and support establishment
aircraft and accessories
other air transportation
Rail transportation

Courier and messenger services
Tele-communications and broadcasting
towers and antennas 50ft tall or less
towers and antennas taller than 50 ft
telephone and other wired tele- communications
Utilities and Utility Services
service distribution lines
electric substations
natural gas service
Water, steam, air conditioning supply
drinking water
water service
Sewer, solid waste, and related services

solid waste collection
waste treatment and disposal
wastewater treatment plants
wastewater service
Golf course
public golf course
private golf course
golf course resort
Horse Riding Stables
Public Administration
Judicial functions (Civilian courts of law and correctional institutions)
AGRICULTURE, FORESTRY, FISHING, AND HUNTING
Crop Production

Outdoor Production
Greenhouse - no on-premises sales
Domestic backyard chickens
bees

Chapter 4. Development and Design Standards

4.1. COORDINATION WITH THE TOWN’S UDO CHAPTER 4. DEVELOPMENT AND DESIGN STANDARDS

The standards in this Chapter are intended to be additional requirements for development of buildings, sites, and infrastructure. All development shall comply with the development processes, requirements, and regulations as stipulated in the Town’s UDO Chapter 4. Development and Design Standards and other relevant sections of the Town’s UDO, except as provided by the regulations of this Chapter and all of the applicable standards and regulations in other Chapters of this CDP.

4.2. LOT DEVELOPMENT STANDARDS

Lot development standards are included in Tables 2 through 7. Guidance for applying these is included in the Town’s UDO Chapter 4.2 Lot Development Standards.

4.2.1. NEIGHBORHOOD BUSINESS DISTRICT DEVELOPMENT AND DESIGN STANDARDS

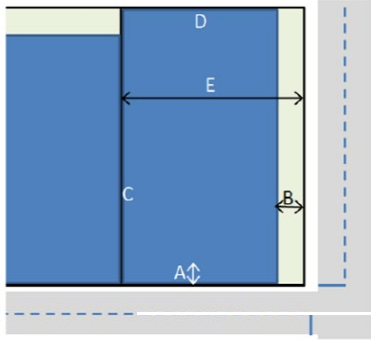


Figure 2. Neighborhood Business District Dimensional Standards Illustration. Letters match dimensions in the design element column of Table 2.

Table 2. Neighborhood Business District Building Height, Setbacks, and Lot Dimensional Standards.

<i>Design Standard</i>	<i>Neighborhood Business District</i>
Max. Height	35'
Min. Front Setback (A)	15'
Min. Exterior Side Setback from ROW (B)	10'
Min. Exterior Side Setback (C)	10'
Min. Rear Setback (D)	No minimum
Min. Lot Width (E)	No minimum
Min. Lot Size	No minimum

Table 3. Neighborhood Business District Additional Design Standards.

Element	Standard	Rationale
Outdoor storage, displays, and operations	- Outdoor storage is prohibited. - Displays (up to 20 square feet in size and under 4 feet tall) are allowed within the sidewalk frontage zone and (up to a foot into) the furniture zone, but is prohibited in the pedestrian through zone. The displays have to be removed when the business is closed.	Outdoor space should be used for operations, not storage. Outdoor displays are acceptable when properly located to avoid creating safety hazards for pedestrians.
Front Yards, including Frontage, and Pedestrian areas	Front yards are encouraged to have courtyards, parklets, benches, wayfinding signage, and outdoor dining areas, so front setbacks have flexible administration at the discretion of the Planning Director. Landscaping is required to follow the Town's UDO Landscaping Code.	The outdoor space in front of buildings should be utilized to create an interactive and engaging built environment that encourages pedestrian activity. Furthermore, the landscaping, lighting, and street furniture should create a safe and interesting streetscape for pedestrians.
Buildings	- Buildings shall be predominantly (80% or more) brick and other masonry materials can be used as accents. - One customer entry is required to face the primary pedestrian zone or frontage and other entries are also permitted where pedestrians might approach the building from internal areas of the development. - Buildings segments must be taller than wide. - In new construction, windows should cover at least 70% of the first-floor building façade and	Public feedback and the West Southern Pines neighborhood inspired the design standards.

	have to align with adjacent buildings. Awnings are also recommended for spaces that encroach over the pedestrian sidewalks. For existing buildings, the historical character of building facades shall be maintained.	
Off-Street Parking	Maximum of one vehicle parking space for every 400 square feet of retail and office floor area. Minimum of one bicycle parking space per 2,500 square feet of floor area, unless a central bicycle parking hub is provided elsewhere in the planned development.	Avoid overparking/ parking lots that are larger than necessary while preserving pedestrian experience.

----- THIS PORTION OF PAGE INTENTIONALLY LEFT BLANK ---

4.2.2. RECREATION DEVELOPMENT AND DESIGN STANDARDS

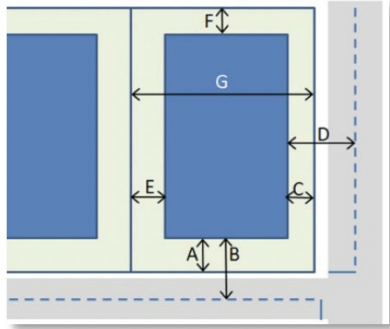


Figure 3. Recreation and Residential Dimensional Standards Illustration. Letters match dimensions in the design element column of Table 3.

Table 4. Recreation Building Height, Setbacks, and Lot Dimensional Standards.

Design Standard	Recreation District
Max. Height	35' (two stories)
Max. Front Setback from ROW (A)	5'
Min. Front Setback from Street Centerline (B)	45'
Min. Exterior Side Setback from ROW (C)	15'
Min. Exterior Side Setback from Street Centerline (D)	45'
Min. Interior Side Setback (E)	20'
Min. Rear Setback (F)	20'
Min. Lot Width (G)*	No minimum
<i>*Not applicable to Townhouse Development</i>	
Min. Lot Size/Density	Not applicable

Table 5. Recreation District Additional Design Standards.

Element	Standard	Rationale
Outdoor operations	Outdoor operations are limited to playgrounds, programming, events, outdoor courts for sports, skate parks, zoos, botanical gardens, arboreta, and other natural or recreational parks.	Outdoor operations should be strictly recreational according to the allowed uses within the district.
Front Yards (including Frontage, Pedestrian, and Side Yards)	- Playgrounds, outdoor recreational programming, basketball courts, skate parks, and other recreational uses permitted in the sub-district are allowed to occur in front yards and side yards. - Patio space (street-facing or interior lot-facing) is encouraged.	A coherent campus feel, and regular public use of outdoor spaces on campus.
Buildings	- One customer entry is required to face a main pedestrian zone. - Buildings segments must be taller than wide. - For new buildings, no single material can be more than 20% of the exterior finish, and one of the materials shall be brick. Cementitious horizontal lap siding, textured concrete masonry, or wood are encouraged to be used for building accents. - If the building is 2 stories or taller than 20 feet, then the second story has to be primarily constructed with glass (more than any other building material). - At least 40% of the front building elevation must be windows and doors. - Reflective glass is permitted as long as there is no glare visible from the right-of-way or adjacent land uses. - Street- and resident-facing building elevations have to have a mansard or false mansard roofs or shingled or standing seam roofs. - For existing buildings, the historical character of building facades shall be maintained.	The public preferred maintaining existing feel of neighborhood and historical building facades.

Off-Street Parking	- Maximum one parking space for every three persons that the facilities are designed to accommodate when fully utilized. - Minimum space per 3,000 square feet of floor area unless a central bicycle parking hub is provided elsewhere in the planned development.	Avoid parking lots that are larger than necessary while still providing easy access for customers and pedestrians.
--------------------	--	--

----- THIS PORTION OF PAGE INTENTIONALLY LEFT BLANK -----

4.2.3. SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND DESIGN STANDARDS

Flexibility is encouraged to maintain the affordability of the proposed dwelling units.

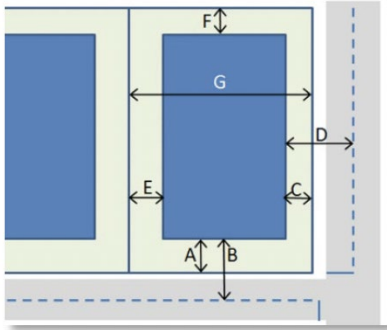


Figure 4. Single Family Residential Dimensional Standards Illustration. Letters match dimensions in the design element column of Table 3.

Table 6. Residential Building Height, Setbacks, and Lot Dimensional Standards.

<i>Design Standard</i>	<i>Single Family Residential District</i>
Max. Height	15'
Max. Front Setback from ROW (A)	35'
Min. Front Setback from Street Centerline (B)	60'
Min. Exterior Side Setback from ROW (C)	15'
Min. Exterior Side Setback from Street Centerline (D)	45'
Min. Interior Side Setback (E)	10'
Min. Rear Setback (F)	30'
Min. Lot Width (G)* *Not applicable to Townhouse Development	45'
Min. Lot Size/Density	5,000 sq. ft.

Table 7. Single Family Residential District Additional Design Standards.

Element	Standard	Rationale
Off-Street Parking	One parking space per dwelling unit.	Provide enough parking for a single-family residence while providing sufficient green space and lower quantities of impervious surfaces
Lighting	Only luminaires with cutoffs less than 90 degrees are permitted in residential districts.	Lighting should not shine into residents' homes, but lighting is important for safety concerns.

4.3. LANDSCAPING

Development shall comply with the Town's UDO Landscaping Code and the provisions in this CDP.

4.3.1. Street Trees and Screening

- (A) A Planting Strip that physically separates any sidewalk, sidepath, shared use path, Parklet, or other seating area from the roadway. A hedgerow may also be considered by the Town's Planning Director.

4.3.2. Buffers

- (A) Required buffers shall comply with the Town's UDO §4.3.4 Buffers and shall be based on the use established in the sub-district and the abutting use or sub-district, whichever requires the greater buffer.

4.4. OFF-STREET PARKING AND LOADING

4.4.1. Purpose and Applicability

All developments in all zones shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question while precluding parking lots that are larger than necessary.

4.4.2. Parking Space Requirements

New development for by-right uses within all PD zoning sub-district shall be required to comply with the minimum and maximum number of off-street parking spaces established in Table 4, provisions in the Town's UDO §4.5.5, and Exhibit 4-7 Parking Space Design Standards in the Town's UDO. When determining the number of parking spaces, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space. All square footage is measured as gross footage.

Table 8. Minimum and Maximum Number of Parking and Bicycle Spaces Required

Zone	Maximum Parking	Minimum Bicycle Parking Requirements
Neighborhood Business areas	1 parking space for every 400 square feet	1 space per 2,500 square feet of floor area unless a central bicycle parking hub is provided elsewhere in the planned development
Recreation areas	1 parking space for every three persons that the facilities are designed to accommodate when fully utilized	1 space per 3,000 square feet of floor area unless a central bicycle parking hub is provided elsewhere in the planned development
Open Space	None	1 space per 10,000 square feet of open space
Single Family Residential areas	One parking space per dwelling unit	None

4.5. SIGNS

4.5.1. Purpose and Intent

Signs perform an important function in identifying and promoting properties, businesses, services, residences, events, and other matters of interest to the public. The intent of this section is to regulate all signs within the PD to ensure that they are appropriate for their respective uses, in keeping with the appearance of the affected property and surrounding environment, and protective of the public health, safety, and general welfare.

4.5.2. Applicability

(A) Any sign erected, altered, or maintained after the effective date of this CDP shall conform to the following regulations and the Town's Sign Code, UDO §4.6 Signs, with the following exceptions:

- a. Primary Landmark Signage;
- b. Secondary Landmark Signage;
- c. Pedestrian-Scale Signage; and,
- d. Original Art Murals;
- e. Temporary Signage.

(B) Private signs are prohibited on public property.

(C) External electronic message center and digital signs, including but not limited to video displays, are prohibited.

4.5.3. General Standards

Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted and subject to the same regulations.

4.5.4. Primary Landmark Signage

(A) Primary Landmark Signs are allowed along South Carlisle Street and where South Carlisle intersects West Indiana and West New York Avenues.

(B) Design standards.

- a. Up to two Primary Landmark Signs are permitted for the entire Neighborhood Business sub-district.
- b. Primary Landmark Signs shall contain no more than one sign band per tenant.
- c. The Primary Landmark Signs must be consistent with the character of the buildings within the non-residential areas of the development.
- d. The Primary Landmark Sign shall have a low profile and shall not exceed 10 feet in height.
- e. Landscaping will be included around the base of the Primary Landmark Signs.



Figure 5: Example of Primary Landmark Signage

4.5.5. Secondary Landmark Signage

- (A) Secondary Landmark Signage is allowed on South Carlisle Street and West Indiana and adjacent to the entrance of off-street parking. The intention for Secondary Landmark Signage is to allow monument signage at the street, smaller than the Primary Landmark Signage that contains space for changing messaging to advertise events, community gatherings, and exhibits in the event, gathering, and history spaces, within the PD.
- (B) Design standards.
 - f. Secondary Landmark Signage shall be consistent with the design and character of the Primary Off-Premise Landmark Signage.
 - g. Up to two Secondary Landmark Signs are permitted for the entire Planned Development.
 - h. Secondary Landmark Signage shall comply with the same design standards as the Primary Off-Premise Landmark Signage, except:
 - i. The Secondary Landmark Sign shall not exceed seven feet in height.



Figure 6: Example of Secondary Landmark Signage

4.5.6. Pedestrian-Scale Signage

- (A) Pedestrian-Scale Signage, such as Wayfinding Signs and Historical Signs, are permitted and encouraged throughout the PD.
- (B) Pedestrian-Scale Signage is allowed on sidewalks, at the corner of roadways, at the entrances to off-street parking, and on multi use trails and Greenways.
- (C) Design standards.
 - i. Pedestrian-Scale Signage shall use sans-serif, non-cursive fonts to improve sign legibility and readability.
 - j. Vertical Wayfinding Signs shall not exceed seven feet.

- k. Historical Signs shall be between four and five feet, measured from the floor to the baseline of the text and/or braille characters.

- l. Historical Markers are encouraged



Figure 7. Example Historical Marker

- m. Wayfinding Signs shall not direct persons to more than eight destinations.

4.5.7. Original Art Murals

- (A) Original Art Murals are allowed on up to 50% of one Building Elevation per building provided that Original Art Murals do not contain any commercial messaging.
- (B) Original Art Murals shall be consistent with the character and history of the PD.

4.5.8. Temporary Signage

- A. Event Banners are allowed on South Carlisle, West Indiana and West New York to highlight upcoming events - commercial use is not allowed.
- B. Support hardware for hanging event banners on existing light poles are allowed and encouraged.

4.6. FURNISHING ZONE AND FRONTAGE ZONE

4.6.1. Furnishing Zone within Frontage

All regulations in the Town's UDO §4.10.5 apply within the PD and new development shall comply with Figure 3. Sidewalk Zone and the following additional standards:

- (A) Sidewalks, sidepaths, and shared use paths must be physically separated from the roadway by Planting Strips—which may include planters—and street trees.

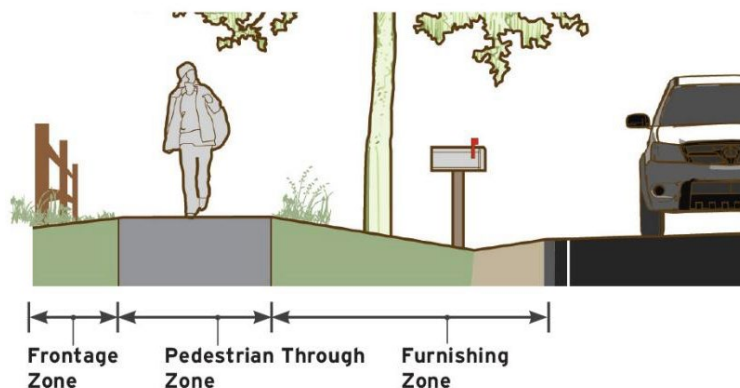


Figure 8. Sidewalk Zone Components and Standards.

VOLUME & USER MIX	FRONTAGE ZONE	PEDESTRIAN THROUGH ZONE	FURNISHING ZONE	TOTAL WIDTH
PD & UDO Code Minimum	3 ft (0.9 m)	8 ft (2.4 m)	6 ft (1.8 m)	17 ft (5.2 m)

4.6.2. Frontage and Furnishing Zone Requirements in the Neighborhood Business Sub-district

For new development, the Front Setback may be increased to establish courtyards, Parklets, benches, Wayfinding Signs, and dining areas, provided that not more than 25% of the total of any block face shall be set back more than the maximum established in [Table 2](#) and the Planning Director finds that:

- (A) The Sidewalk Zone improves the visual quality and character of the street, promotes pedestrian traffic, Multimodal design, and is ADA compliant;
- (B) The Sidewalk Zone enhances access between outdoor and indoor spaces;
- (C) Flooring and surfaces are constructed of durable, non-slip materials that complement sidewalk paving;
- (D) Changes in colors are used to highlight steps;
- (E) The shape and design, including landscaping, of the space provides visibility of the entire space from the sidewalk;
- (F) The Sidewalk Zone is not enclosed, except for decorative walls—which shall not be taller than 30 inches—and posts with decorative ropes or chains or other decorative enclosures approved by the Planning Director;
- (G) Other than Street Furniture for dining and Parklet areas, Sidewalk Zone improvements are limited to seating, decorative waste receptacles, fountains, water features, and landscaping.

4.7. LIGHTING

Development shall comply with the Town’s UDO Lighting Code and the provisions in this CDP.

4.7.1. Residential District Lighting

Only luminaires with cutoffs less than 90 degrees are permitted in residential districts and in rights-of-way adjacent to residential districts, including the Residential sub-district.

4.8. FENCING

Chain link fencing over 36 inches high is prohibited in the PD. Barbed or razor wire or any other type of wire designed to cut, puncture, etc., are also prohibited in the PD. Chain link fencing must be vinyl with a non-reflective color such as brown, black or dark green.

4.9. Parklets and Patios

- (A) In the Neighborhood Business and Recreation sub-districts, a patio or similar seating area is encouraged off the street-facing building facade or a building façade facing an interior lot line and may be ground level off the first story or on a balcony of the second story of the building. Patios in the Neighborhood Business and Recreation sub-districts shall be at least 40% the width of the building façade where it is located.
- (B) In the Neighborhood Business and Recreation sub-districts, balconies and covered porches may extend up to five feet into the Front Setback, provided that such features do not impede pedestrian circulation or extend more than 25% into the setback.

Chapter 5. Supplementary Conditions for Specific Uses

5.1. COORDINATION WITH THE TOWN’S UDO CHAPTER 5. SUPPLEMENTARY CONDITIONS FOR SPECIFIC USES

All development shall comply with the development processes, requirements, and regulations as stipulated in the Town’s UDO Chapter 5. Supplementary Conditions for Specific Uses.

Chapter 6. Non-Conformities

6.1. COORDINATION WITH THE TOWN’S UDO CHAPTER 7. NON-CONFORMITIES

All development shall comply with the development processes, requirements, and regulations as stipulated in the Town’s UDO Chapter 7. Non-Conformities.

Chapter 7. Administration

7.1. COORDINATION WITH THE TOWN'S UDO

CHAPTER 8. ADMINISTRATION

All development shall comply with the development processes, requirements, and regulations as stipulated in the Town's UDO Chapter 8. Administration, except as provided by the regulations of this Chapter and all of the applicable standards and regulations in other Chapters of this CDP.

7.2. ENACTMENT AND REPEAL OF EXISTING DEVELOPMENT REGULATIONS

The CDP hereby adopted, shall supplement the Town's existing UDO regulations and shall supersede all provisions of the Town's UDO or any other Town ordinances in conflict herewith.

7.3. INTERPRETATION

This CDP shall be interpreted to promote the safety, health, convenience, comfort, prosperity, and general welfare of the public. The Town's UDO shall be liberally interpreted in order to further its underlying purposes. The meaning of any and all words, terms, or phrases in the Town's UDO shall be construed in accordance with [Chapter 9 – Definitions](#). In case of a conflict between the CDP Narrative document with the text of the CDP Code, the CDP Code text shall control.

7.4. SEVERABILITY

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term or word, this code is declared involved, such involvement shall not affect the validity or enforceability of the remaining portions of the Code.

7.5. RESPONSIBILITIES FOR APPLICATION OF THE CDP

- (A) The Town of Southern Pines staff shall be responsible for approval tasks associated with development approvals and any other roles and responsibilities as outlines in the Town's UDO.
- (B) Maintenance of streets and the Pedestrian and Furnishing Zones within the street rights-of-way shall be

determined at the time of development solicitations for preliminary development plans associated with this CDP.

7.6. EFFECTIVE DATE

The provisions in this CDP were adopted and became effective on September 11, 2023, and shall be published and recorded with the Town of Southern Pines.

Chapter 8. Word Usage and Definitions

8.1. COORDINATION WITH THE TOWN'S UDO

CHAPTER 9. DEFINITIONS

All development shall comply with the provisions in the Town's UDO Chapter 9. Definitions, in addition to the provisions of this Chapter.

8.2. WORD USAGE

Except where specifically defined herein, all words used in this planned unit development code shall carry their customary meanings. Words used in the present tense include the future, and the plural included the singular. The word "lot" includes the word "plot;" "Building" includes the word "structure;" and "planned unit development" includes "conceptual development plan." The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied." Any definition not explicitly stated in the Definitions sections shall have the meanings assigned to them in the Town's UDO §9.3 Definitions.

8.2.1. Definitions

As used in this CDP, the following terms shall have the meanings as prescribed below in this section.

Building Elevation: The visible vertical plane of the side of a building from ground level to the roof line.

Bulb-out: Curb extensions at intersections that reduce curb-to-curb roadway travel lane widths. Bulb-outs make sidewalks more pedestrian-friendly by reducing vehicle speeds which increases pedestrian safety. The extended area can also accommodate landscaping, outdoor dining, and other features.

Frontage Zone: A zone adjacent to the property line and along the Pedestrian Zone that provides space for people to enter and exit buildings and where business patios and outdoor seating may occur.

Furniture Zone: The zone closest to the street that provides space for signs, street lighting, street trees, and other utilities. Lighting, landscaping, bike racks, waste receptacles and Street Furniture may be approved for use in this area.

Glare: The effect by reflections of light with intensity sufficient as determined in a commercially reasonable manner to cause annoyance, discomfort, or loss in visual performance and visibility in any material respects.

Greenway: A contiguous or linear open space, including multiuse trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Historical Sign: A sign designated by the Town of Southern Pines that highlights an historic or cultural resource or an historical element of an historical landmark.

Hotel, Motel, or Other Accommodation Service: Lodging and short-term accommodation for travelers. This definition shall include bed and breakfast homes, bed and breakfast inns, room and boarding dormitories. Short-term rentals are excluded from this definition.

Multimodal: A transportation design that allows for flexible, environmentally sustainable, and compact streetscape design., which creates multiple modes of connections, mobility, and access for all users and modes of travel.

Parklet: A platform or similar level surface extending into the public right of way Frontage Zone with amenities such as but not limited to tables and/or chairs (including benches), bike parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building.

Patio: An uncovered horizontal structure with a surface height, at any point, no greater than 2 feet above grade, intended for use as an outdoor amenity space.

Pedestrian (Through) Zone: The clear width needed for pedestrian travel activity wide enough for at least two people to walk side-by-side. The

Pedestrian Zone is located between the Furniture Zone and the Frontage Zone.

Planting Strip: A portion of any street between two curb lines or between the curb line and the adjacent property line not intended for pedestrian or vehicular traffic.

Sidewalk Zone: The portion of a front yard that includes the Frontage Zone, Pedestrian Zone, and Furnishing Zone.

Street Furniture: Equipment and furnishings such as bike racks and benches, positioned between a street and a principal building for use by the public.

Original Art Mural: A hand-painted, hand-tiled, or digitally printed image on the exterior vertical building wall that does not contain any commercial message. For definition purposes, a commercial message is any message that advertises a business conducted, services rendered, or goods produced or sold.

Wayfinding Sign: A type of sign that allows users to find their way, using information provided along a pathway, including a sidewalk, a sidepath, a shared use path, and Greenways.

8.2.2. Acronyms

ACRONYM	FULL NAME
(Town's) UDO	Town of Southern Pines Unified Development Ordinance
CDP	Conceptual Development Plan
CLRP	Town of Southern Pines Comprehensive Long-Range Plan
HUD	United State Housing and Urban Development
NC	North Carolina
PD	Planned Development District
ROW	Street right-of-way (singular) or rights-of-way (plural)
TIA	Traffic impact analysis
WSP	West Southern Pines

Table 9. List of Conceptual Plan Development Acronyms



SOUTHERN PINES LAND AND HOUSING TRUST

Conceptual Development Plan - Narrative

October, 2023

Table of Contents

I.	SUMMARY AND PURPOSE	3
	Summary.....	3
	Background and Guiding Public Interests	3
II.	GEOGRAPHY.....	4
	Property boundaries	4
	Project location and map.....	5
	<i>Figure 2: Proposed Conceptual Plan District Map</i>	6
III.	PUBLIC PARTICIPATION PLAN	7
	Neighborhood Meeting.....	8
	Meeting Notice	8
	Visual Preference Survey at Neighborhood Meeting	8
IV.	CONCEPTUAL PLAN AND DEVIATIONS FROM UDO.....	9
	Plan for Carlisle Street.....	Error! Bookmark not defined.
	Location of Easements, Right-of-Ways and Nature of Planned Utility Services & Providers	10
	Landscaping and Fencing Standards.....	11
	Neighborhood Business Use Standards	13
	Recreation Use Standards	15
	Single Family Residential Use Standards.....	17
V.	CAR AND PEDESTRIAN ACCESS.....	20
	Introduction.....	20
	Sidewalks and Pedestrian Access	20
	Streetscape and Traffic Calming.....	20
	Parking.....	20
	Signage.....	20
VI.	UDO CRITERIA FOR ZONING MAP AMENDMENT AND CONCEPTUAL DEVELOPMENT PLAN	21
	UDO §2.17.9 Criteria For Zoning Map Amendment	21
	UDO §2.18.4(H) Conceptual Development Plan Criteria Responses	24
VII.	ATTACHMENTS.....	25

List of Tables

Table 1. Tax Parcels Included in Project Area	5
Table 2. Summary of Neighborhood Business District Development Standards.	14
Table 3. Neighborhood Business District Building Design Standards and Rationale.	15
Table 4. Summary of Recreation District Development Standards.	16
Table 5. Recreation District Building Design Standards and Rationale.	17
Table 6. Summary of Single Family Residential District Development Standards	18
Table 7. Single Family Residential District Building Design Standards and Rationale.	19

List of Figures

Figure 1. Aerial View of the Property	5
Figure 2. Proposed Conceptual Development Plan District Map	6
Figure 3. Neighborhood Meeting Flyer	7
Figure 4. Social Media Post	8
Figure 5. Participants at Neighborhood Meeting	9
Figure 6. Proposed Site Plan	1010
Figure 7. Town of Southern Pines Utilities Map	Error! Bookmark not defined. 1
Figure 8. Renderings of Retail Space on WSP Center Campus	Error! Bookmark not defined. 3
Figure 9. Image Representative of Gym on Campus of WSP Center	16

I. SUMMARY AND PURPOSE

SUMMARY

Seventeen acres are requesting rezoning from Facilities, Resources and Recreation to Planned Development on S. Carlisle and W. New York Avenue. A conceptual Development Plan has been created in collaboration with the West Southern Pines (WSP) community. The mission of the Southern Pines Land and Housing Trust is to improve the quality of life of Southern Pines citizens by providing crucial services and securing key properties within the neighborhood of West Southern Pines to prevent deterioration, displacement, and create new economic opportunities. This CDP intends to ensure the preservation of properties of historic and cultural significance to the residents of the community of West Southern Pines, and putting those properties into uses that will create economic opportunity, recreation, and address current housing needs and desires.

The celebration of history and culture is central to this CDP with placemaking and design language chosen to honor West Southern Pines past and resilience as well as create a place for the neighborhood to dream a future for itself and make that future a reality. Specifically, the CDP will support the creation of spaces for remembrance, performance and play, gathering, business development and growth, crucial services, and new housing. If approved, this conceptual plan will expand business opportunities (Neighborhood Business District), recreation (Recreation District), affordable housing (Residential District), and open space.

The CDP is divided into three primary documents, plus attachments required by Appendix A of the Town of Southern Pines Unified Development Ordinance (Town's UDO). The primary document is the CDP zoning, which mimics the format and zoning language of the Town's UDO. Complementary to the CDP zoning is the Official District Map that will amend the Town's Official Zoning Map. Lastly, this CDP narrative provides context to the CDP zoning, informative visualizations, and descriptions of different aspects of the CDP zoning in layman's terms.

BACKGROUND AND GUIDING PUBLIC INTERESTS

In 2019, Moore County Schools formally voted to declare the Southern Pines Primary School surplus and began the process of decommissioning and selling the property. Beginning even before the official notice, the Southern Pines Land and Housing Trust, representing the West Southern Pines community, had begun conversation on the best use of the property. The board of the Southern Pines Land and Housing Trust includes many long-time residents of West Southern Pines, dedicated to the mission of empowering the neighborhood and providing greater opportunity. What emerged in those conversations, community meetings, and in subsequent input sessions is a preference for celebration of local history and culture including commemoration of the site as the location of one of Moore County's 17 Rosenwald-funded schools, then as a High School that served the African American community of the region prior to integration, economic development and small business opportunity, education and childcare, workforce support, indoor and outdoor recreation, and affordable housing.

Many of these themes were echoed in a separate set of community engagement and listening sessions conducted in West Southern Pines by the UNC School of Government Development Finance Institute. Those sessions recorded community desires for increased economic opportunity, especially for local small businesses, recognition and preservation of the community's history,

including the importance of the former Southern Pines Primary School campus as community asset and potential neighborhood anchor. To bring about these community goals, the Southern Pines Land and Housing Trust has already established the West Southern Pines Center for African American History, Cultural Arts, and Business on the majority of the proposed site that includes the existing structures, with open space, and housing proposed on the remaining acreage.

II. GEOGRAPHY

PROPERTY BOUNDARIES

This project area includes the entirety of the tax parcels—including their legal metes-and-bounds boundary descriptions—listed in Table 1, for a total of 17.13 acres.

No.	Owner	PIN and PARID	Mailing Address	Deed Acreage	Zoning	Future Land Use
1	Southern Pines Land and Housing Trust, Inc.	857220827460 00036869	1250 W New York Avenue Southern Pines, NC 28387	9.6	FRR	Neighborhood Business - Conditional
2	Southern Pines Land and Housing Trust, Inc.	857216824550 00031531	1250 W New York Avenue Southern Pines, NC 28387	0.4	FRR	Residential and Open Space
3	Southern Pines Land and Housing Trust, Inc.	857200821500 00033141	1250 W New York Avenue Southern Pines, NC 28387	6.799	MULTIP	Residential and Open Space
4	Southern Pines Land and Housing Trust, Inc.	857220823309 00031530	1250 W New York Avenue Southern Pines, NC 28387	0.331	FRR	Residential and Open Space

Table 1. Tax Parcels Included in Project Area

PROJECT LOCATION AND MAP

This project is located on the corner of Carlisle Street and West New York Avenue, in the space most recently used as the Southern Pines Primary School, as well as across West Indiana Avenue at South Pine Street.



Figure 1: Aerial view of the property

Landtrust Conceptual
Development Plan District
Map

-  Residential
-  Neighborhood
Business District
-  Open Space
-  Recreation

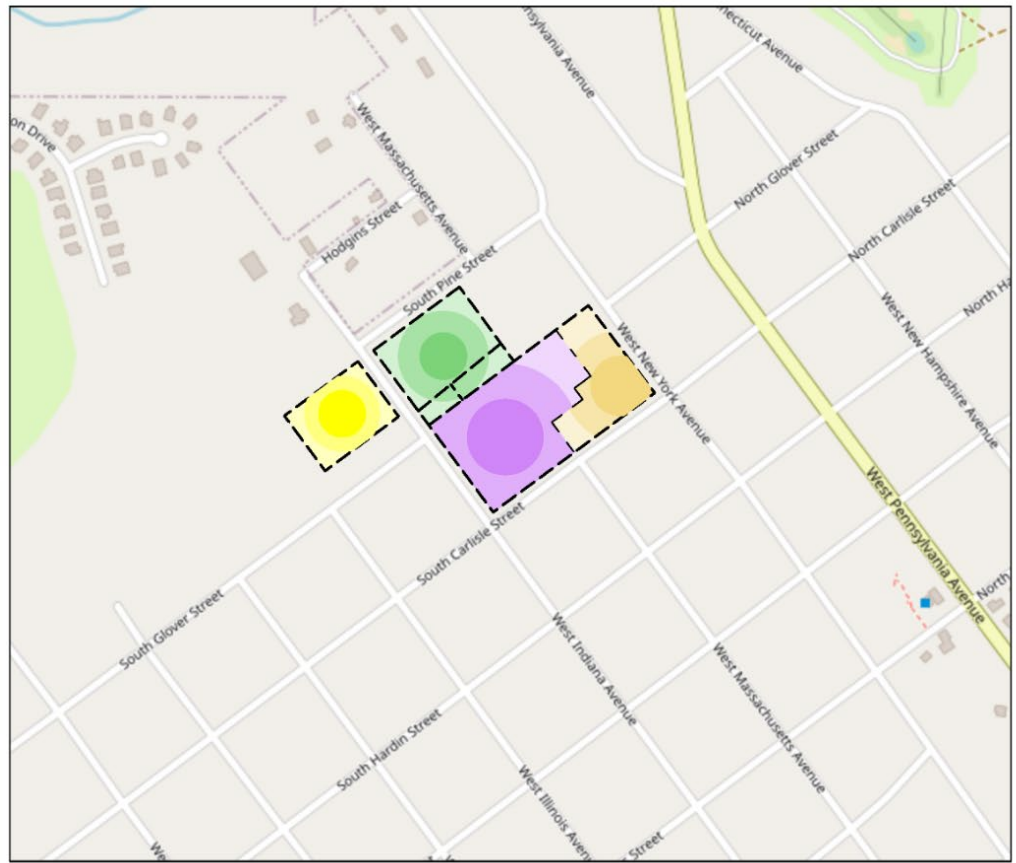


Figure 2: Proposed Conceptual Plan District Map

III. PUBLIC PARTICIPATION PLAN

Public participation has been an intensive and integral component of the Southern Pines Land and Housing Trust's efforts to acquire and repurpose the former Primary School property into the WSP Center for African American History, Cultural Arts, and Business. Prior to acquisition, the WSP community mobilized around the Trust to support the purchase offer to Moore County Schools, including a prayer vigil, a march, attendance at School Board meetings, and a 1,200+ signature petition.

In 2020 and 2021 the Trust hosted two community meetings to give residents a chance to give input on how the property would be utilized if acquired by the Trust and how those might best fit within the existing buildings and the available acreage. An additional community charrette was conducted by an outside facilitator in West Southern Pines. All these instances of public participation, and ongoing, less formal conversations between Southern Pines Land and Housing trust Board members were considered over the course of 2022 and the first half of 2023. The Trust's Board Chair also sent out annual letters to supporters, stakeholders and community members with updates on progress towards finalizing a vision for the elements of the Center that best met the community's desires. All community meetings and events were advertised online, through posted flyers where appropriate, and shared on social media and through local networks, churches, and civic groups. Since acquiring the property in December 2021, the Trust has conducted numerous tours for resident and stakeholders groups, potential tenants, public officials, and potential partners.

As noted in previous sections, also incorporated into the Trust's considerations for the sites' future conceptual plan were three virtual community meetings held by the Development Finance Institute on August 13th, 15th, and 18th in 2021.

On December 21, 2022, a news release was sent to media outlets in the area, which can be read on the town's website: [News Flash • Southern Pines, NC • CivicEngage](#). Planning staff also provided interviews for local newspaper, The Pilot, staff writers that contributed to two featured articles:

- "Community Input Requested: West Southern Pines Development Plan Moves Forward" by Ana Risano on January 3, 2023;
- "Neighbors, Officials Tour West Southern Pines Project Site" by Laura Douglass and Ana Risano on January 5, 2023;

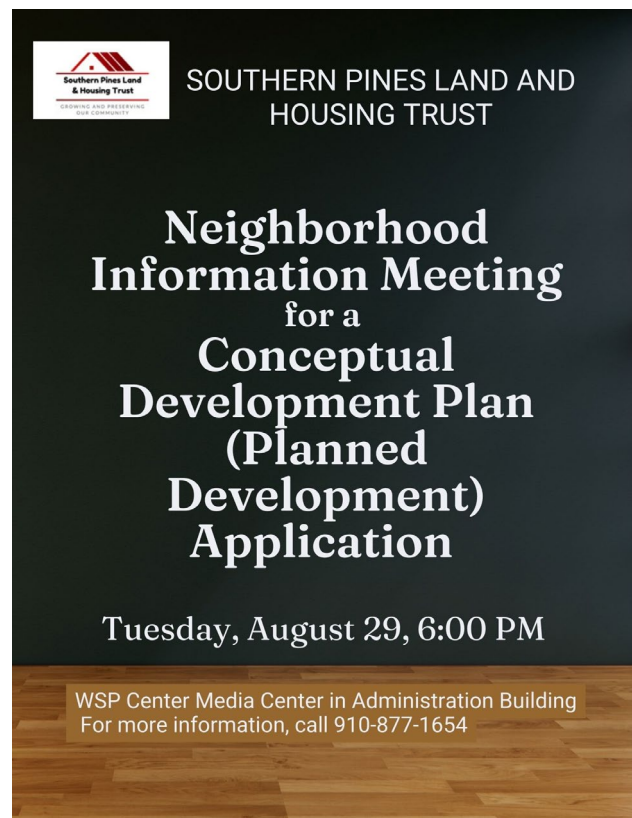


Figure 3. Neighborhood Meeting Flyer

NEIGHBORHOOD MEETING

A final neighborhood input session prior to the submission of the CDP was held on the Center's campus the evening of August 29th, 2023. This session was widely publicized and included the distilled versions of the most emphasized uses from prior sessions, and allowed residents to use dot voting to indicate whether they felt the indicated use was a high, medium, or low, priority. Attendees were also able to submit additional comments in writing, ask questions of Trust board members and staff, and submit any final concerns in writing.

MEETING NOTICE

Prior to the Neighborhood Meeting, the Trust initiated awareness by utilizing a number of different methods to ensure all community members received notification. The Trust hung 11" by 17" public engagement posters at highly visible key gathering points in the neighborhood, including the E.S. Douglass Community Center and Blendz Barber Shop, each located on West Pennsylvania Avenue, as well as the American Legion Post Number 177. A large yard sign was placed in front of the subject property, the West Southern Pines Center, streetside.

In addition, 75, 8'x 10' flyers were created and mailed directly to community residents that reside within 200 feet or slightly further from the subject property. Mailers were sent 10 days prior to the scheduled meeting, postmarked as August 18, 2023.

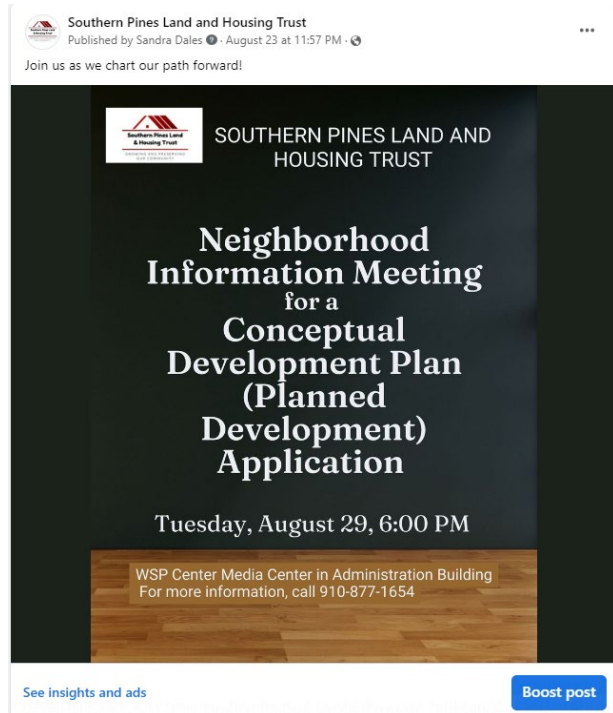


Figure 4. Social Media Post

Notice of the Neighborhood Meeting was also posted to the Trust's social media channels, as shown in figure 4.

VISUAL PREFERENCE SURVEY AT NEIGHBORHOOD MEETING

On August 29, 2023, the community meeting was held at 6pm with 32 participating community residents. All 32 residents signed in, leaving contact information. Participants were able to talk with members of the Trust's Board and the Trust's design professional, ask questions, leave written comments, and provide feedback through a dot-voting visual preference survey.

Four visual preference survey boards were created for the Neighborhood Meeting, one for each major element of the proposed development on which the Trust was seeking feedback: high exposure retail and office space to local entrepreneurs, daycare and office space for local professionals, a location for cultural, educational, and community focused programs (including museum facilities and history programming, and recreational and event facilities), and affordable housing options for Moore County residents. The affordable homes will be built in the residential district, on Southern Pines Land and Housing Trust land, across Indiana Avenue, on the back of

the campus, blending in with the design and style of the established homes in West Southern Pines. A summary of the survey results and participants comments can be found in the Attachments.



Figure 5. Image Captured at the Neighborhood Meeting at the West Southern Pines Center.

IV. CONCEPTUAL PLAN AND DEVIATIONS FROM UDO

The four primary elements of the proposed conceptual plan are approximately 9 acres of neighborhood-scale retail and office space geared towards supporting local and small businesses and creating space for services (Neighborhood Business use), 3 acres of recreation facilities (Recreation use), 2 acres of single family housing (Single Family Residential use), and 3 acres of Open Space. Note that this acreage includes portions of rights -of-way, which is why plan acreage totals and deeded acreage may not completely align. The boundaries of each exact district within the Plan may shift slightly depending on the preliminary development plan process.

The neighborhood business use would include approximately 50,000 square feet within existing single story structures dedicated to office, retail, museum/history space, and food-related facilities. The recreation use will include indoor recreation and community performance space within a 8,347 square foot gymnasium and 7,576 square foot auditorium. Open space will comprise 20% of the gross and area of the planned development per UDO §3.5.14(G). Open space will comprise park space, walking trails, gardening areas, play fields, etc.

Although planned district uses are shown on the map, acreages above are intended to be approximate. The final property and district boundaries and corresponding acreage and square footage will depend on further site design as approved during the preliminary development plan process.

Location and Size of Proposed Development and Common Areas

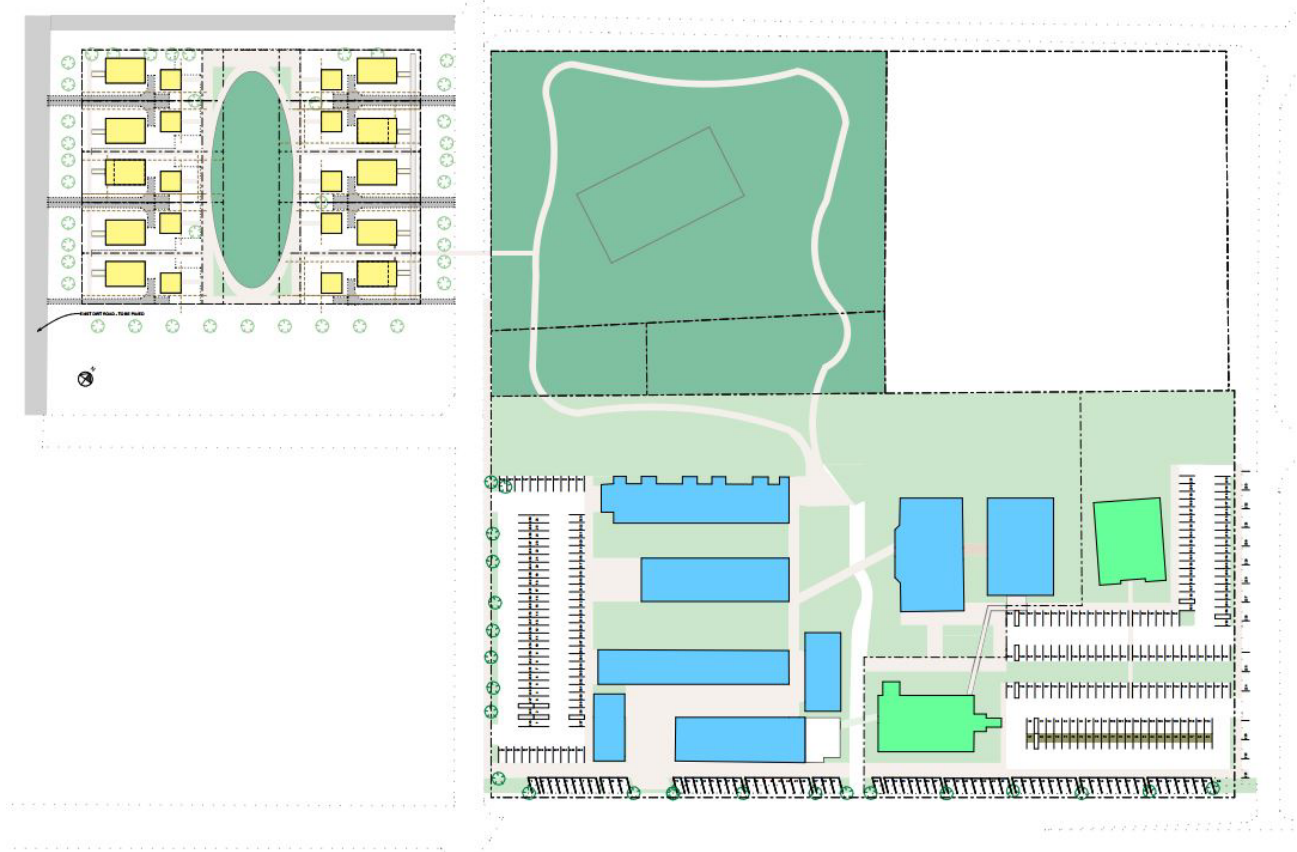


Figure 6: Proposed Site Plan

LOCATION OF EASEMENTS, RIGHT-OF-WAYS AND NATURE OF PLANNED UTILITY SERVICES AND PROVIDERS

The planned development area includes two previous unopened 80-foot right-of-ways for public street extensions of West Massachusetts Avenue and South Glover Street. The special warranty deed recorded at the last sale of the subject properties includes a note indicating that both of these 80-foot right-of-ways have been relinquished by the Town, approved April 26, 2021. Within the previous West Massachusetts Avenue right-of-way, Town maps indicate a sewer line extended from South Carlisle Street into the property along a mid-block access road between the existing Cafeteria and Gymnasium. At the moment of application submittal, the applicant is unaware of any other easements on the subject properties.



Figure 7: Town of Southern Pines Utilities Map. Water lines are blue and sewer lines are red. Source: Esri Community Maps Contributors, Moore County GIS (NC), State of North Carolina DOT, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, Safegraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA.

As shown in Figure 7 above, existing water lines are available on West New York Avenue, South Carlisle Street, West Indiana Avenue, and South Pine Street. Sewer lines are also readily available on South Mechanic Street, West Lowe Avenue, and South Gaines Street. Stormwater connections are either in place or will require a minimal on-site cost. As mentioned previously, at least 20% of the development area will be left as open space.

Broadband and electricity are all readily available to the site. Some potential current broadband providers include Charter Communications (i.e., Spectrum), T-Mobile home internet, Viasat, HughesNet, Earthlink, Starlink, and kinetic by windstream. Please note that this may not be a holistic list of what is currently available. Duke Energy provides most of the electricity to the area. P&G may offer gas services to the subject properties.

LANDSCAPING AND FENCING STANDARDS

The conceptual development plan will follow the UDO Landscape Code and UDO §4.7 Fences and Walls.

The following sections will highlight development and design standards for each sub-use area.



Figure 8: Renderings of retail space on WSP Center campus

NEIGHBORHOOD BUSINESS USE STANDARDS

A. Overview

The commercial component of the planned development will include retail and office space. The buildings are all one story. No specific use has been established currently, as that will occur when The Trust approves potential tenants for the spaces. However, authorized uses are listed in Table 1 of the CDP Code §3.9 Authorized Uses Table and Interpretation, including retail sales and services, business and professional services, and food services. Some communication, information, arts, entertainment, recreation, education, and public uses are authorized uses, as well.

B. Use Development Standards

The development standards for principal structures in the neighborhood business uses of the West Southern Pines Center campus are intended to create a design that is consistent with community character while also promoting economic vitality of the community. The development standards are summarized in Table 2 below and can be found in detail in Figure 2 and Table 2 within the CDP §4.2 Lot Development Standards, as well.

Design Element	Principal Structure Standards	Illustration
Maximum height	35 feet	
Min. Front Setback (A)	15 feet	
Min. Exterior Side Setback from ROW (B)	10 feet	
Min. Exterior Side Setback (C)	10 feet	
Min. Rear Setback (D)	No minimum	
Min. Lot Width (E)	No minimum	
Minimum lot size	No minimum	
Parking maximum	1 parking space for every 400 square feet of floor area	
Bicycle parking minimum	1 space per 2,500 square feet of floor area unless a central bicycle parking hub is provided elsewhere in the planned development	

Table 2. Summary of Neighborhood Business District Development Standards.

C. Use Design Standards

All development is required to have a similar character to the West Southern Pines community. In addition to standards shown in Table 2 above, the standards listed in Table 3 apply to structures serving the neighborhood business use. The rationale for standards is also described in Table 3.

Element	Standard	Rationale
---------	----------	-----------

Outdoor storage, displays, and operations	• Outdoor storage is prohibited. • Displays (up to 20 square feet in size and under 4 feet tall) are allowed within the sidewalk frontage zone and (up to a foot into) the furniture zone, but is prohibited in the pedestrian through zone. The displays have to be removed when the business is closed.	Outdoor space should be used for operations, not storage. Outdoor displays are acceptable when properly located to avoid creating safety hazards for pedestrians.
Front Yards, including Frontage, and Pedestrian areas	• Front yards are encouraged to have courtyards, parklets, benches, wayfinding signage, and outdoor dining areas, so front setbacks have flexible administration at the discretion of the Planning Director. Landscaping is required to follow the Town's UDO Landscaping Code.	The outdoor space in front of buildings should be utilized to create an interactive and engaging built environment that encourages pedestrian activity. Furthermore, the landscaping, lighting, and street furniture should create a safe and interesting streetscape for pedestrians.
Buildings	• Buildings shall be predominantly (80% or more) brick and other masonry materials can be used as accents. • One customer entry is required to face the primary pedestrian zone or frontage and other entries are also permitted where pedestrians might approach the building from internal areas of the development. • Buildings segments must be taller than wide. • In new construction, windows should cover at least 70% of the first-floor building façade and have to align with adjacent buildings. • Awnings are also recommended for spaces that encroach over the pedestrian sidewalks. For existing buildings, the historical character of building facades shall be maintained.	Public feedback and the West Southern Pines neighborhood inspired the design standards.
Off-Street Parking	• Maximum of one vehicle parking space for every 400 square feet of retail and office floor area. Minimum of one bicycle parking space per 2,500 square feet of floor area, unless a central bicycle parking hub is provided elsewhere in the planned development.	Avoid overparking/parking lots that are larger than necessary while preserving pedestrian experience.

Table 3. Neighborhood Business District Building Design Standards and Rationale.



Figure 9: Image representative of gymnasium on the campus of The WSP Center

RECREATION USE STANDARDS

A. Overview

The principal building in the Recreation district would be a 8,300 square foot building that houses the gym on the West Southern Pines Center property. Approximately 2 acres will be a playground and event space on the back side of the Center's campus. A more complete list of authorized uses is listed in Table 1 of the CDP Code §3.9 Authorized Uses Table and Interpretation.

B. District Development Standards

The goal of the district is to allow for activities and uses not currently in the West Southern Pines area of town and preserve the existing recreational opportunities on the site. The development standards are summarized in Table 4. The principal structures design standards are summarized in Table 5 below and can be found in detail in Figure 1 and Table 3 within the CDP §4.2 Lot Development Standards, as well.

<i>Design Element</i>	<i>Principal Structure Standards</i>	<i>Illustration</i>
Maximum height	35 feet (two stories)	
Maximum front setback from right-of-way/Build-to line (A)	5 feet	
Minimum Front Setback from Street Centerline (B)	45 feet	

Minimum Exterior Side Setback from Right-of-Way (C)	15 feet	
Minimum Exterior Side Setback from centerline (D)	45 feet	
Minimum Interior Side Setback (E)	20 feet	
Minimum Rear Setback (F)	20 feet	
Minimum Lot Width (G)	No minimum	
Parking maximum	1 parking space for every three persons that the facilities are designed to accommodate when fully utilized	
Bicycle parking minimum	1 space per 3,000 square feet of floor area unless a central bicycle parking hub is provided elsewhere in the planned development	

Table 4. Summary of Recreation District Development Standards.

C. District Design Standards

The design of the recreation district is intended to mirror a similar aesthetic to the rest of the planned development area and West Southern Pines. In addition to standards shown in Table 4, the standards listed in Table 5 apply to development within the retail and office district. The rationale for standards is also described in Table 5.

<i>Element</i>	<i>Standard</i>	<i>Rationale</i>
Outdoor operations	Outdoor operations are limited to playgrounds, programming, events, outdoor courts for sports, skate parks, zoos, botanical gardens, arboreta, and other natural or recreational parks.	Outdoor operations should be strictly recreational according to the allowed uses within the district.
Front Yards (including Frontage, Pedestrian, and Side Yards)	- Playgrounds, outdoor recreational programming, basketball courts, skate parks, and other recreational uses permitted in the sub-district are allowed to occur in front yards and side yards. - Patio space (street-facing or interior lot-facing) is encouraged.	A coherent campus feel, and regular public use of outdoor spaces on campus.
Buildings	- One customer entry is required to face a main pedestrian zone. - Buildings segments must be taller than wide. - For new buildings, no single material can be more than 20% of the exterior finish, and one of the materials shall be brick. Cementitious horizontal	The public preferred maintaining existing feel of neighborhood and historical building facades.

	lap siding, textured concrete masonry, or wood are encouraged to be used for building accents. ● If the building is 2 stories or taller than 20 feet, then the second story has to be primarily constructed with glass (more than any other building material). ● At least 40% of the front building elevation must be windows and doors. ● Reflective glass is permitted as long as there is no glare visible from the right-of-way or adjacent land uses. ● Street- and resident-facing building elevations have to have a mansard or false mansard roofs or shingled or standing seam roofs. ● For existing buildings, the historical character of building facades shall be maintained.	
Off-Street Parking	● Maximum one parking space for every three persons that the facilities are designed to accommodate when fully utilized. ● Minimum space per 3,000 square feet of floor area unless a central bicycle parking hub is provided elsewhere in the planned development.	Avoid parking lots that are larger than necessary while still providing easy access for customers and pedestrians.

Table 5. Recreation Use Building Design Standards and Rationale.

SINGLE FAMILY RESIDENTIAL USE STANDARDS

A. Overview

The Single Family Residential use area will allow The Trust to address the lack of affordable housing in Moore County for its professionals and paraprofessionals. The Trust will build single family homes and accessory dwelling units on a parcel of land across from the campus of the WSP Center. The homes here are envisioned to be affordable housing units with a character similar to homes within the West Southern Pines community. Single-family, single-story homes are preferred for aging in place. However, townhomes and duplexes are also permitted in case the community would prefer a higher density of affordable housing in this sub-district.

B. District Development Standards

The district is designed to be consistent with community preferences stated throughout the public participation process. The development standards are summarized in Table 6 and the design standards for principal structures are summarized in Table 7 below and can be found in detail in Figure 1 and Table 3 within the CDP §4.2 Lot Development Standards, as well.

<i>Design Element</i>	<i>Principal Structure Standards</i>	<i>Illustration</i>
Maximum height	15 feet (one story)	

Maximum front setback from ROW/Build-to line (A)	35 feet	
Minimum front setback from centerline (B)	60 feet	
Minimum exterior side setback from right-of-way (C)	15 feet	
Minimum exterior side setback from centerline (D)	45 feet	
Minimum interior side setback (E)	10 feet	
Minimum rear setback (F)	30 feet	
Minimum lot width (G) * <i>*Not applicable to Townhouse Development</i>	45 feet	
Minimum lot size	5,000 square feet	
Parking maximum	One parking space per dwelling unit	

Table 6. Summary of Residential District Development Standards

C. District Design Standards

Flexibility is encouraged to maintain the affordability of the proposed dwelling units.

<i>Element</i>	<i>Standard</i>	<i>Rationale</i>
Off-Street Parking	One parking space per dwelling unit.	Provide enough parking for a single-family residence while providing sufficient green space and lower quantities of impervious surfaces
Lighting	Only luminaires with cutoffs less than 90 degrees are permitted in residential districts.	Lighting should not shine into residents' homes, but lighting is important for safety concerns.

Table 7. Residential District Building Design Standards and Rationale.

PROPOSED PHASE SCHEDULE

At the time of submittal of this conceptual development plan, the Southern Pines Land and Housing Trust foresees the following phasing schedule:

Phase 1: Restoring the outdoor recreation areas to full community use.

Phase 2: Rehabilitating the indoor recreation and event spaces.

Phase 3: Rehabilitating the office and retail structures for potential tenants. This includes upgrades/additions to the existing infrastructure, like parking, in order to support those uses.

Phase 4: Infrastructure development of the single-family housing component followed by construction of individual units.

V. CAR AND PEDESTRIAN ACCESS

INTRODUCTION

Planning for car and pedestrian access to the proposed uses, particularly the non-residential areas of the CDP was informed by design professionals and the West Southern Pines community. The proposed conceptual development plan does not require significant new public streets, street grids, or new transit corridors and so the Land and Housing Trust has focused on design elements that enhance or complement the uses proposed and their integration into the fabric of the neighborhood. The goal of this access section is to create safely walkable access to the site, efficiently accounting for all parking needs while creating a comfortable neighborhood business feel of street fronting uses, slower traffic speeds, with street trees and plantings. All of these goals seek to restore the historical mixed-use feel of West Southern Pines, which was referenced during the plan's public input process.

SIDEWALKS AND PEDESTRIAN ACCESS

Pedestrian access is critical to creating the feel of a neighborhood business areas and community recreation and gathering space on the campus of existing structures where these uses are proposed. Pedestrian access is also proposed to be created from the walking trails in the park area to both the internal pedestrian areas of the business and recreation uses, and to the housing zone of the CDP. All of these new walkways will connect into any existing neighborhood sidewalks.

STREETSCAPE AND TRAFFIC CALMING

The CDP proposes a center island in Carlisle planted with grass and street trees, to create traffic calming along the primarily retail oriented business portion of the redeveloped commercial portion of the CDP. Planting buffers are also proposed along with the installation of new sidewalks along the portions of West Indiana Ave and West New York Ave adjacent to the commercial areas of the CDP. To ensure these design goals, all onsite parking will be accessed off West Indiana Avenue or West New York Avenue.

PARKING

Because of the shift from entirely FRR zoning to a mixed use planned development, additional parking is needed to serve the non-residential portions of the site. Shared parking will be implemented wherever possible to reduce asphalt, impervious surface and runoff, and heat island effects. The CDP also aims to meet the parking needs of future tenants, visitors, and patrons, without encroaching on or reducing the recreational open space zone adjacent to West Indiana Ave and South Pine St. In order to meet these competing goals the CDP makes use of added onsite parking, on-street parallel parking, and angled parking directly off the street on South Carlisle, within the traffic-calming area created by the proposed enter island. See parking requirements within district standards in section IV above for more information.

SIGNAGE

Signage is important for the placemaking of this development plan as it will need to support a variety of uses, adequately advertise small business and events, and direct pedestrians. Therefore,

standards and expectations for five signage types are being proposed as part of the development plan: primary landmark signage, secondary landmark signage, pedestrian-scale signage, original art murals, and temporary signage. On-premise signage is permitted per UDO standards with the exception of the standards proposed in this plan, and digital electronic and video signage are prohibited.

Primary landmark signage will be allowed where South Carlisle intersects West Indiana and West New York Avenues. Secondary landmark signage will be allowed on South Carlisle Street and West Indiana avenue. Wayfinding and historical signage will be allowed throughout the nonresidential areas of the development. Murals are an art form that will be permitted throughout the planned development. Temporary banners advertising events will be allowed and will be encouraged on existing poles and light fixtures. The wayfinding signage should be at pedestrian-scale so that they can be easily read to direct people to different destinations within the non-residential areas of the development.

VI. UDO CRITERIA FOR ZONING MAP AMENDMENT AND CONCEPTUAL DEVELOPMENT PLAN

UDO §2.17.9 Criteria For Zoning Map Amendment

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

The CPD is inconsistent with the Future Land Use Map, but consistent with all other goals and objectives of the CLRP and of the West Southern Pines Overlay district. Therefore, on approval of the CDP the applicant requests that the Town of Southern Pines Town Council, per State Statute Chapter §160D 605 (“Governing board statement”) approve a brief statement, including clear indication in the minutes, describing both consistency and inconsistency between the CDP and CLRP. Approval of the CDP would have the effect of also amending the Future Land Use Map in the CLRP without the requirement for additional requests or applications for a plan amendment.

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 map promote missed use subject to a high degree of design control.

The CDP promotes mixed uses that are consistent with the uses and design of the neighboring lands, and which have been developed with feedback and input from the surrounding West Southern Pines community. The major concern from adjacent landowners is the density of the proposed housing component. The major concerns from the wider West Southern Pines community are the housing density, the creation of space that supports local business owners, space for historical remembrance, and the community’s ability to access and make use of the

recreation components. The CPD proposes residential development that is consistent with the surrounding housing and adjacent lands, and the re-purposing of former education facilities into commercial and recreational uses consistent with the community's desires. These new uses do not increase density of the existing non-residential spaces, are expected to significantly improve opportunities for social connection within the neighborhood, and are not expected to create significantly more traffic than the previous educational use.

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.

Through an iterative and lengthy public input process, the Land and Housing Trust heard several community-identified needs that the CDP is intended to address, including;

- The need for increased economic opportunity within the West Southern Pines neighborhood.
- The desire to see more spaces available for commercial activity and local business development and growth.
- The desire for the restoration of the public recreation amenities and event/gathering space on the former Southern Pines Primary School site.
- The need for more affordable housing options consistent with existing neighborhood development patterns.
- The desire for spaces that preserve and celebrate the history of West Southern Pines.
- The desire to preserve the existing site and school facility for its historical and cultural importance to the neighborhood.

If this CDP is not approved, the majority of the land may stay as Facilities, Resources, and Recreation and will not be able to meet the community's needs and desires around economic opportunity, retail and office space, public recreation and event space, preservation of the property, and celebration of the site and the neighborhood's history.

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.

In developing the CDP, the health and general welfare of the residents, business owners, patrons, and visitors were considered and the proposed design and development standards are intended to promote the health, safety, and welfare of stakeholders. The desires and needs of the West Southern Pines community were kept central throughout all planning processes and the CDP is also intended to support the preservation of West Southern Pines history, character and culture.

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 need for economic development and affordable housing are two catalysts for this CDP. As such, two major elements of this plan are new, affordable single family home development, and the repurposing of former education facilities as affordable office and retail space. Underlying these policy priorities, West Southern Pines is historically a mixed-use community with residential commercial and other uses coexisting throughout the neighborhood. This CDP proposes a planned development district that returns this historic character in accordance with the community's preferences. Community members provided many memories of the number of operating businesses within the neighborhood prior to the community's rezoning as almost entirely residential. As such, this CDP is also consistent with the intention of the UDO §3.6.4, West Southern Pines Overlay district.

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 closing of the former Southern Pines Primary School at this site creates a need to repurpose this nearly 14 acre, 60,000 square foot facility, sitting on 4 separate parcels, into a new use that benefits the community. A vacant property of this size can have detrimental effects on a neighborhood and similarly, the conversion of this much space within a neighborhood to a use not consistent with residents desires and needs can have a detrimental effect as well. The CDP and change in land use is driven by and consistent with the community's desires for the site and the neighborhood.

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

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.

See the District Map and the CDP Authorized Uses Table, and Prohibited Uses, and compare those to the Town's UDP §3.7 Use Matrix and Interpretation.

UDO §2.18.4(H) CONCEPTUAL DEVELOPMENT PLAN CRITERIA RESPONSES

1. *The proposed PD satisfies the criteria for a Zoning Map amendment established in this chapter.*

See comments in previous section

2. *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 CDP is consistent with the Town of Southern Pines' visions (1) to protect natural resources (through open space), (2) to provide housing that meets the diverse needs of residents, (3) to diversify economic development and employment opportunities, (4) to provide recreational opportunities that meet with diverse needs of residents, and (5) to support cultural and recreational tourism as an essential element of local character (museum and history spaces dedicated to West Southern Pines history and cultural arts).

The CDP is consistent with CLRP goals G-4, G-6 (cultural landscapes), G-10, G-11, G-14.

The CDP is consistent with CLRP policies P-2, P-3, P-6, P-7, P-9 (shared parking and access management), P-11, P-12, P-14, P-18, P-19, and P-20.

The CDP protects neighborhood integrity and vitality as well as facilitating compatible growth in West Southern Pines. The CDP also supports mixed use activity in the neighborhood.

As noted above in UDO 2.17.9 Criteria (A), the CDP is inconsistent with the Future Land Use Map.

3. *The proposed development is appropriate for the area of the Town in which it is located.*

The CDP does not add density to an existing campus of structures, proposes new development consistent with neighboring parcels and the West Southern Pines neighborhood in general, helps restore the historical mixed-use character of the neighborhood, and overall uses and design have been informed through public input and feedback. As such, the Southern Pines Land and Housing Trust believes the proposed plan to be appropriate for the area in which it is located.

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

The planned development has utilities readily available on surrounding streets, including W. New York Ave, S. Carlisle St, W. Indiana Ave, and W. Illinois Ave.

VII. ATTACHMENTS

1. Deeds for Subject Properties
2. Analysis of Neighborhood Meeting

Southern Pines Land & Housing Trust
 Neighborhood Meeting for Conceptual Development Plan Application
 Tuesday, August 29, 2023
 6:00 pm – 7:30 pm

Name	Email Address
Asya Walden	waldenworks21@gmail.com
Nora Bowman	nrbowman@aol.com
Tangela Lepchurch	tangelalepchurch@yahoo.com
Vana Barber	vanabarber0529@gmail.com
Matrice McLellan	m.mclellan101@gmail.com
Arthur Mason	arthurmasonsr@yahoo.com
Benita Lutz	lutzbenita@yahoo.com
Carolyn Chaves	1550 W. Penn Ave Southern Pines, NC 28387
Lisa Bailey	serene2575@gmail.com
Vincent Gordon	Qgordon90@gmail.com
Barbara Ross	cbarbarar@yahoo.com
Margaret McKayhan	mmckayhan@yahoo.com
Maria Lee Anderson	DMaria5028@gmail.com
Dot Brower	deb81leenbar@gmail.com
Anthony Baldwin	Emmastirston@gmail.com

6:00 pm – 7:30 pm

[illegible]

6:00 pm – 7:30 pm

[illegible]

Pros

Single story housing
for seniors?

vs.

Cons

multi level
homes -

Not exactly a pro or a con, but an overarching concern — since it doesn't seem to be adequately addressed in the draft, SP CLRP (even though it was raised at every meeting I attended). Is there an effective and strategic way to promote these housing options as a viable alternative to gentrification?

Pros

Artisans?
craft + history
docents / artist in residence?

offer space with commercial kitchen
for caterers and small
business food products

Cons

~~Need~~

Need instrument class

~~Trade Classes (omit)~~

Pros

Cons

Museum should also connect to other historically black communities involved in museum development. Create a "trail" of tourism from one museum to ~~another~~ other communities. Connect to colleges & universities for student projects.

Pros

opportunity
for growth



Cons

Short term
you don't always know
your tenants?

but how would
start-up
assistance work?

50501

partner w/ small
Business center at
Sandhills CC for
assistance to potential
business owners



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR CONCEPTUAL DEVELOPMENT PLAN APPLICATION
PD-04-23**

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

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

WHEREAS, the Planning Board conducted a public hearing on October 19, 2023 for consideration of a Planned Development - Conceptual Development Plan for the West Southern Pines Center for African American History, Cultural Arts, and Business and Residential Planned Development;

THEREFORE, BE IT RESOLVED that the Planning Board finds that the Conceptual Development Plan application PD-04-23 is **consistent** with the Town of Southern Pines 2040 Comprehensive Plan (“Comprehensive Plan”) considering that it complies with the General Framework Map, the Conservation and Development Map, and the Character District Map. The proposed Conceptual Development Plan has the potential to activate an envisioned Neighborhood Activity Center using a mix of land uses, mixing home types and housing income, and expanding an existing network of open space. The proposed housing component is consistent with the 2040 Comprehensive Plan Policy 7.5 Explore Opportunities to Promote More Local Workforce (Affordable) Housing in the Tri-Cities Area. Additionally, the proposed CDP effectively addresses the goal of protecting historic resources and expanding public art to enhance community character and several of its associated policies (e.g., Policy 10.1 Protect and Maintain Historic Structures and Policy 10.3 Honor Town History Using Signage, Monuments, or Plaques). The Conceptual Development Plan also addresses the goal of expanding local businesses and employment opportunities, especially in promoting micro-retail businesses in the West Southern Pines character district.

AND, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board finds—based on information presented by staff, the applicant, and other interested parties—that PD-04-23 **satisfies** the UDO criteria for a zoning map amendment. The current FRR zoning has been a barrier to development and activation of the site as a Neighborhood Activity Center. Therefore, the Planning Board believes that the proposed District Map is more suitable zoning than the present

zoning. Regarding adverse impacts on neighboring lands, the applicant stated the participants in their engagement activities were concerned about the density of housing. The applicant's proposed site plan illustrates the intention to create a cluster subdivision with usable open space (e.g., a shared pocket park), which is permitted under current RS-1 zoning. Furthermore, the minimum lot size in the residential district is 5,000 square feet (or .11 acres), which is consistent with the size of many parcels in the West Southern Pines neighborhood. Therefore, the Planning Board does not see a higher density of housing than what is currently permitted and existing in the surrounding neighborhood.

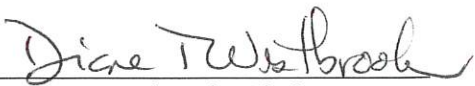
The proposed land uses will change the nature of traffic in the area. Regarding traffic, the applicant includes information about car and pedestrian access to the sites in Section V of the Conceptual Development Plan narrative. In this section, they propose traffic calming along South Carlisle Street such as a planted median as well as measures to protect pedestrians using a planting strip along sidewalks. New sidewalks are also being proposed along West Indiana and West New York Avenues. Therefore, the Planning Board finds that design elements included in the proposed Conceptual Development Plan may reduce the parking demand by creating opportunities for multimodal access throughout the Planned Development.

The Planning Board did not identify any threats to the health, safety, and welfare of the general public. The Conceptual Development Plan proposes protecting the historical buildings on the site and promoting the history of the area. The size of tract and the range of land uses all are appropriate for the location where they are proposed. The sites have access to public facilities, utilities, and services, and will have to extend a water line, a sewer line, and West Illinois Avenue.

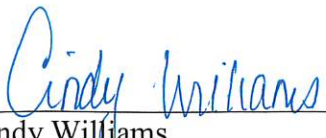
AND, THEREFORE, BE IT FURTHER RESOLVED that the Planning Board recommends to the Town Council approval of PD-04-23 with the following conditions:

1. That sewer and water extensions be made as shown in Figure 4 of the staff report—or as approved by the Town Engineer during the Preliminary Development Plan for this sub-district, and language to this effect be included in the CDP regulatory document;
2. That the extension of West Illinois Avenue be built to town standards for a local road, and language to this effect be included in the CDP regulatory document; and
3. That the proposed street improvements, such as planted medians and planting strips along South Carlisle Street, mentioned in the narrative be included in the CDP regulatory document, as well.

ADOPTED this the 19th day of October, 2023.


Diane T. Westbrook, Chairperson

ATTEST:


Cindy Williams
Secretary to the Planning Board

Agenda Item

To: Reagan Parsons, Town Manager
From: Alaina Mallette, Senior Planner
Subject: AR-09-23, Morganton Park South Phase 3 BJ's Wholesale and Starbucks
Date: November 14, 2023

I. SUMMARY OF APPLICATION REQUEST

The applicant, Mr. John Silverman of Midland Atlantic Properties, is requesting an Architectural Compliance Permit for Phase 3 of the Morganton Park South Planned Development. For reference, the Morganton Park South development has two relevant prior development approvals that entitles them to proceed to architectural compliance review: The Conceptual Development Plan (CDP) under file PD-08-21 and the Preliminary Development Plan (PDP, without preliminary plat) under file PD-03-23. The architectural review is for a 101,840-square foot wholesale retail building with an accessory fuel service station (with a kiosk) and a 2,500-square foot drive-through restaurant that are both being proposed on +/- 13.89 acres. The property will have access from the extension of Southern Road.

II. PROJECT INFORMATION

A. Property Owners

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

John Silverman
Midland Atlantic Properties
8044 Montgomery Road, Suite 370
Cincinnati, OH 45236

C. Authorized Agents

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

Figure 1. Proposed Site Layout Plan

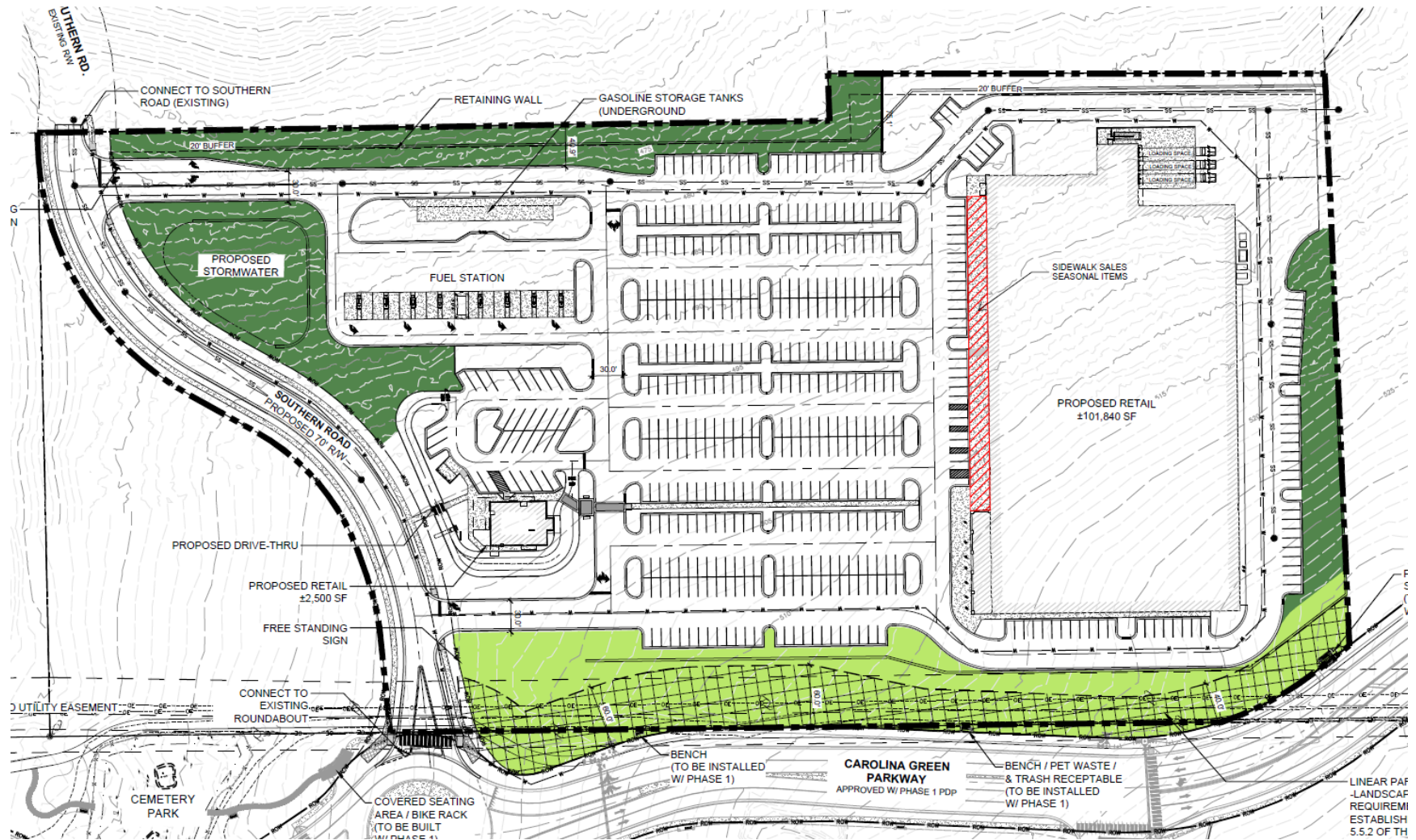


Figure 2. Zoning and Vicinity Map. The proposed buildings are within the Morganton Park South Planned Development district and the Morganton Road Overlay. The CDP designated the area as “Retail”.

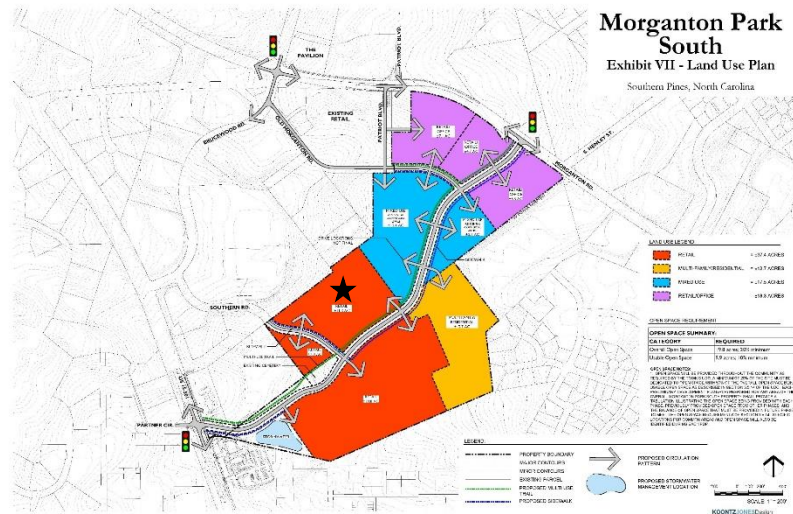
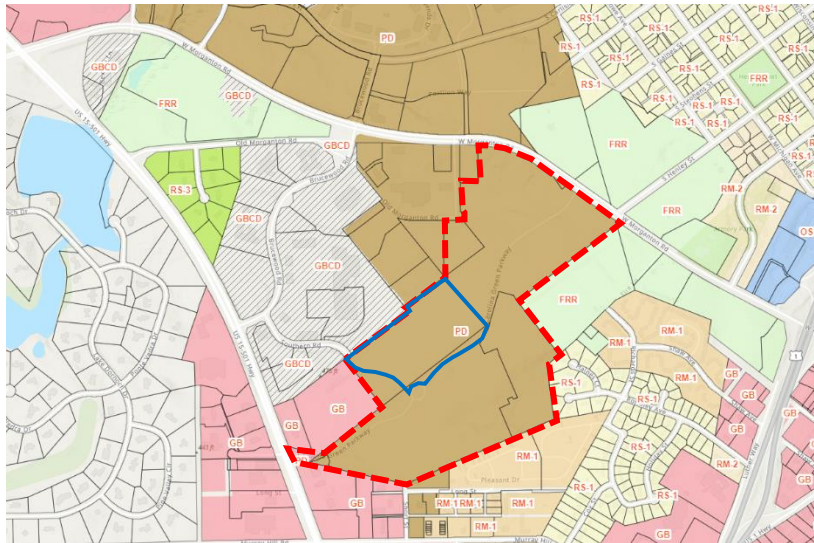
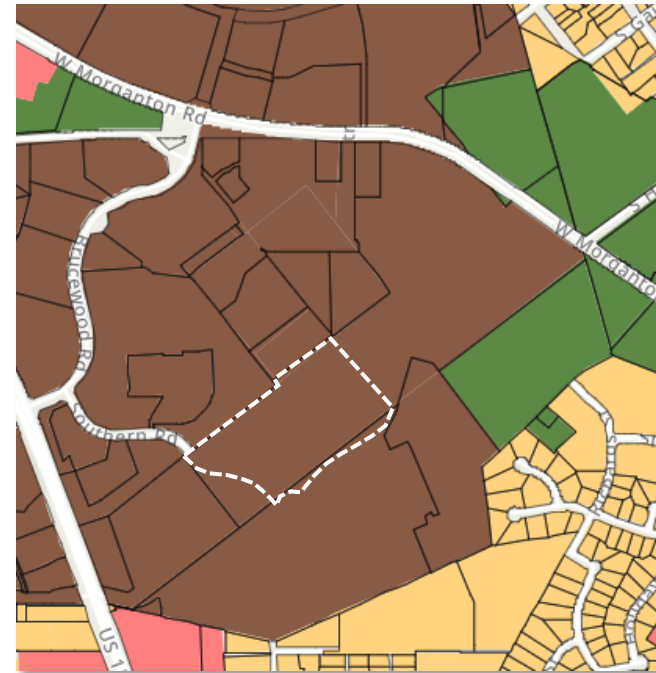


Figure 3. 2016 Comprehensive Long-Range Plan Designations. Future Land Use Map has the subject property designated as “Traditional Mixed Use” (i.e., brown areas) adjacent to other “Traditional Mixed Use” areas. Surrounding the Morganton Park South Planned Development are “Parks/Open Space” (i.e., green), “Residential (i.e., orange), and “Commercial” (i.e., pink).



III. STAFF REVIEW

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

2. **Application Review Dates**

Application Submitted: **October 2, 2023**

Additional Materials Submitted: **October 13 and 25, 2023**

Application Complete: **October 26, 2023**

Town Council Agenda Meeting: **November 8, 2023**

Town Council Regular Meeting: **November 14, 2023**

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

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**. See staff comments for each requirement below. A green check mark and red “x” have been included for quick reference on compliance.

Legend: ✓ = compliant ✗ = not compliant

BJ's Wholesale (Large-Scale Wholesale Retailer)

Starbuck's (Drive-Through Restaurant)

(A) For Buildings with ten thousand (10,000) square feet or more of Gross Floor Area or that do not comply with the commercial Building design standards in Section 4.10, the application is consistent with the applicable Comprehensive Plan goals and policies;

**Note that the initial development approval, i.e., PD-08-21, was approved under the 2016 Comprehensive Long-Range Plan. Therefore, Planning staff have reviewed the current application using the standards in place what the initial approval was given.*

✗ The proposed development is located in the Traditional Mixed Use future land use designation, which the 2016 Comprehensive Long-Range Plan states “applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines.” Big box retail is not a

✗ The proposed development is located in the Traditional Mixed Use future land use designation, which the 2016 Comprehensive Long-Range Plan states “applies to those larger, mostly undeveloped parcels well-suited to mixing residential and non-residential uses in a manner similar to that found in downtown Southern Pines.” Drive-through

non-residential use typically association with downtown Southern Pines.

- ✓ The 2016 Comprehensive Long-Range Plan further states, “No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating modes of travel beyond the automobile.” And, one of the referenced Southern Pines Background Planning Documents, titled “Morganton Road Area Development (1996, updated 2006)”, designated the area including the subject property for “large-scale retail” provided that aggregate total maximums are maintained.
- ✗ The “Morganton Road Area Development (1996, updated 2006)” further states that the area should include a modified grid road system with street-oriented development. The road network is not grid-like and the building is not street-oriented, rather parking-oriented.

restaurants are not a non-residential use typically association with downtown Southern Pines.

- ✓ The 2016 Comprehensive Long-Range Plan states, “No specific development intensity is implied by this designation. It simply indicates that such areas will be built to urban levels, will incorporate a variety of uses and will have a street network accommodating mode of travel beyond the automobile.”
- ✗ And, one of the referenced Southern Pines Background Planning Documents, titled “Morganton Road Area Development (1996, updated 2006)”, designated the area to include a modified grid road system with street-oriented development. A drive-through separates the building from the sidewalk and the main entry is facing the parking lot not the sidewalk.

(B) The application substantially conforms with the applicable Multi-Family or commercial design standards and other applicable provisions of the UDO; and

Site design standards from Chapter 4, including Landscaping Code and gas sales operations regulations, will be reviewed for compliance by the Technical Review Committee during Site Plan Review.

- ✗ 5.4 Gas Sales Operations. Fuel pump canopies have to be at least 80% brick with up to 20% accents (e.g., cementitious horizontal lap siding, concrete masonry, cast stone, and stucco). Each elevation of the fuel canopy has between 14% and 16% brick with the remaining material being metal paneling. Only the Town Council can permit alternative building materials per UDO §4.10.4(C). Note that fuel pumps

Site design standards from Chapter 4 and Chapter 5, including Landscaping Code and drive-through facilities regulations, will be reviewed for compliance by the Technical Review Committee during Site Plan Review.

- ✗ 4.10.4 Development Design Standards. **Of the 10 standards, 7 apply, and 4 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

can ONLY be between the principal building and the street is screening is provided.

- ✖ 4.10.4 Development Design Standards. **Of the 10 standards, 7 apply, and 4 deviations are being requested.** See staff comments in the following section for more details.
- ✖ 4.10.6 Large-Scale Retail Development. Note that one purpose of these regulations is to facilitate future redevelopment if such buildings are abandoned. **Of the 5 applicable design standards, the applicant only complies with 1, utility design.** The applicant is noncompliant for:
 - Entries, which should not be more than 150' apart between the front of the building and the pedestrian zone. Only one entry is proposed across 423'. The applicant states that faux entries will make the creation of entries easier in the event of future redevelopment.
 - Building materials, predominant wall materials must have the appearance of brick and cover at least 80% of the walls. No elevation has 80% brick or more. EIFS is the secondary building material and covers 34%, 16%, 19%, and 24% of the front/west, rear/east, right/south, and left/north elevations, respectively.
 - Building articulation, the front/west and right/south elevations must have projections of *at least* 12.7' and 7.8', respectively. However, each elevation includes depths of 3', which is less than 3% the length of each elevation. Note that compliance with this standard was a condition of approval of PD-03-23 (as described below).
 - Rooflines, approximately 2' of the rooftop mechanical equipment will be visible from Carolina Green Parkway, as seen in the sightline study in Attachment

5. All mechanical equipment must be completely concealed by parapets. Additionally, parapet height must be at least 3', but the applicant is proposing 2' on every elevation except for the entrance parapet, which is compliant.

(C) The application is consistent with applicable conditions of prior Development Approvals.

- ✗ **PD-08-21 Morganton Park South CDP.** The CDP states that “Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document.” The Town’s UDO requires building segmentation, architectural elements, and projections beyond what the applicant has proposed.
- ✗ **PD-03-23 Morganton Park South Phase 3 PDP.** Condition #10 if the written decision of the Town Council states “The Southern-Road facing and Carolina Green Parkway-Facing facades shall have articulation along each elevation to satisfy large-scale retail development standards of UDO §4.10.6.” The building articulation is not compliant in that wall plane projections for the west/front elevation (facing Southern Road) and the south/right elevation (facing Carolina Green Parkway) include depths of 3', which is less than 3% the length of each elevation. In other words, the front elevation’s projections should not be less than 12.7' and the right elevation’s projections should not be less than 7.8'.
- ✗ **PD-08-21 Morganton Park South CDP.** The CDP states that “Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document.” The proposed design is not compliant for at least 4 (potentially 5) of the applicable 7 architectural design standards.
- ✓ **PD-03-23 Morganton Park South Phase 3 PDP.** Generally compliant.

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

Staff has reviewed the project for compliance with UDO §4.10.4 *Building Design Requirements*, in detail. See staff comments for each requirement below. A green check mark and red “x” have been included for quick reference on compliance.

Legend: ✓ = compliant ✗ = not compliant

BJ's Wholesale (Large-Scale Wholesale Retailer)		Starbuck's (Drive-Through Restaurant)
(A) <i>UDO §4.10.4 (A), which states that the front of buildings shall face and have the primary customer entry facing the street. Corner lot buildings (i.e., BJ's Wholesale) shall face and have the primary customer entry facing the higher order street, facing the corner, or facing each street.</i>		
✖ Since the BJ's Wholesale building is on the corner of Southern Road and Carolina Green Parkway and the only customer entrance faces the lower order street, it is noncompliant. A deviation would need to be granted.		✖ The primary customer entry faces the interior lot line and parking lot, not Southern Road. A deviation would need to be granted.
(B) <i>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. Large-scale retail developments shall comply with Section 4.10.6.</i>		
✖ The front/west, rear/east, left/north, and right/south elevations have 1, 4, 3, and 2 segments, respectively, that are more than two times the building height, according to the applicant's calculations. A deviation would need to be granted.		✖ The front/west, left/north, and right/south elevations are more than two times the building height, according to the applicant's calculations. However, the left/north and front/west elevations have adequate change in building materials that were not accounted for in their segmentation calculations. Furthermore, the right/south elevation has a canopy that segments that elevation, as well.
(C) <i>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 20% of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows.</i>		
Principal Building	Fuel Canopy	✖ The rear/east (drive-through window and faces the BJ's Wholesale building) and left/north (main entry facing parking lot and fuel canopy) elevations have 78% and 57% brick,

✖ The front/west, rear/east, right/south, and left/north elevations have 54%, 77%, 74%, and 69% brick, respectively. The secondary material is EIFS, which covers 34%, 16%, 19%, and 24% of the front/west, rear/east, right/south, and left/north elevations, respectively.

✖ The front/west, rear/east, right/south, and left/north elevations have 16%, 16%, 14%, and 14% brick, respectively. The secondary material is metal, which covers 84%, 84%, 86%, and 86% of the front/west, rear/east, right/south, and left/north elevations, respectively.

respectively. The secondary building material on the each of these elevations is resawn wood.

(D) UDO §4.10.4 (D), which states that windows shall be glazed in non-reflective clear glass. The following standards apply in non-CB districts: windows and doors shall comprise at least 25% of street-facing building façades between the elevations of 2' and 10' above the grade of the building entry.

✖ Spandrel glass (i.e., back-painted glass), which is opaque and often reflective, is being proposed on all elevations.

✖ The front/west and right/south elevations are street-facing and have 31.7% and 9.9% windows and doors between 2' and 10', respectively. Therefore, the right/south elevation, which faces Carolina Green Parkway, is noncompliant as it does not have at least 25% of the elevation between 2' and 10' glazed.

✖ The front/west and right/south elevations are street-facing and have 21% and 2% windows and doors between 2' and 10', respectively. Therefore, both street-facing elevations, which face Carolina Green Parkway and Southern Road, are noncompliant as they do not have at least 25% of the elevation between 2' and 10' glazed.

(E) UDO §4.10.4 (E), which states that (1) awnings are encouraged and may encroach up to 6' into any street side setback within non-CB districts, (2) the minimum clearance between the lowest point of an awning and sidewalk shall be 8', and (3) awnings shall be canvas or material of similar appearance and flexibility, or metal. Street facing awnings shall not be taller than 6' unless specifically approved by the Town Council.

Not applicable

✓ Generally compliant

(F) UDO §4.10.4 (F), which states galleries and arcades are encouraged and may encroach up to 6' into any street side setback but may not encroach into public right-of-way. The minimum clearance for arcades and galleries shall be 12' between the sidewalk and the ceiling of the gallery or arcade.

Not applicable, **but are encouraged.**

Not applicable

(G) 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'. For buildings that are wider than 100', changes in rooflines shall be used to avoid uninterrupted planes of longer than 200'. 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.

✓ Generally compliant

✗ The sightline study was conducted for the large wholesale building, and did not include the Starbuck's drive-through restaurant. Therefore, Planning staff cannot determine compliance with the standard for roofing material visible from a public street. Planning staff believe that Starbuck's flat roof will be visible from Carolina Green Parkway, but have no way to confirm without a sightline study or updated post-construction contours on the site plan.

(H) 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.

✓ Generally compliant, considering the proposed Enviro screen rooftop screen

✓ Generally compliant, considering the proposed Enviro screen rooftop screen

(I) 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.

✓ Generally compliant

Not applicable

Compliance will be determined during sign permit review for UDO §4.10.4 (J), *which states signage shall comply with the standards in section 4.6 and any applicable zoning district standards.*

5. Staff Comments and Recommendation

Staff recommend either denial or a continuance of AR-09-23 due to the magnitude of noncompliance, the breach of PD-03-23 written decision condition # 10, and the inconsistency with the character of the Town of Southern Pines. The applicants, at a minimum, should comply with building articulation requirements, as it was a condition of approval of PD-03-23. If the Town Council entertains a motion to approve or approve with conditions, the Planning staff recommend the following conditions, at a minimum.

- **Condition 1.** The loading docks, outside storage and operation areas, dumpsters, HVAC units (including the large-scale wholesale retailer HVAC unit visible from Carolina Green Parkway), and fuel pumps shall be screened in accordance with UDO §4.3.5 Landscape Screens;
- **Condition 2.** The proposed Envisor rooftop screening shall be used on both the large-scale retail development and the drive-through restaurant.

III. ATTACHMENTS PROVIDED BY THE APPLICANT

1. Application
2. Applicant Narrative (Including Additional Narrative Provided via Email) and Calculations
3. Exterior Building Renderings and Elevations
4. Building Materials List
5. Site Layout and Sightline Studies
6. [Prior Development Approval Documentation](#) (linked to 10/03/23 meeting attachment)

IV. 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 other relevant sections of the UDO (e.g., UDO §4.10.6), 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-09-23;
2. Approve AR-09-23 with the following conditions and/or deviations:
_____;
3. Deny AR-09-23.



Architectural Compliance Permit Application

Date Received: 10/2/23 Fee Paid: \$300 Case No.: AR- 09 - 23

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES:

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

Project Information:

Project Name: Morganton Park South - Phase 3

Street Address: TBD Southern Road, Southern Pines, NC 28387

PIN: 857100681141 Parcel ID: 98000749 Zoning: PD with approved CDP

Type of building (retail, office, etc.): Retail Total square footage: 104,340 SF

Applicant:

Name: Midland Atlantic Properties

Email: jsilverman@midlandatlantic.com Phone: (513) 792-5000

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

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

Midland Atlantic Properties

Date: OCTOBER 2, 2023

Applicant

John I. Silverman
Managing Principal

TITLE COMMITMENT – OWNERSHIP EXCERPT

American Land Title Association

Commitment for Title Insurance
2021 v. 01.00 (07-01-2021)



File No.: 2308-2290

Date Issued: October 4, 2023

4. The Title is, at the Commitment Date, vested in:

As to Parcel 1:

Morganton Road Enterprises LLC (78% undivided interest), pursuant to Deeds recorded in Book 3897, Page 486, and Book 3956, Pages 216 and 219;

Thomas Van Camp, Trustee of the Ashley Ann Reader Irrevocable Trust under Agreement dated December 2, 1996 (10 .88% undivided interest), pursuant to Deeds recorded in Book 1460, Page 330, Book 1466, Page 236, Book 1589, Page 74, Book 1700, Page 40, and Book 2530, Page 433;

Robert W. Van Camp and Julie M. Van Camp Trustees of the Robert W. Van Camp and Julie M. Van Camp Living Trust Agreement under Agreement dated December 22, 1998 (7.12% undivided interest), pursuant to Deeds recorded in Book 4997, Page 55, and Book 5288, Page 32; and

WSF Land Holding Company (4% undivided interest), pursuant to Deed recorded in Book 4512, Page 63

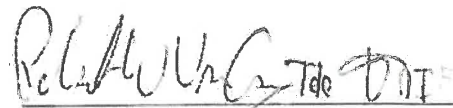
APPOINTMENT OF AGENT

The undersigned owner(s), **ROBERT W. VAN CAMP AND JULIE M. VAN CAMP, TRUSTEES OF THE ROBERT W. AND JULIE M. VAN CAMP LIVING TRUST UNDER AGREEMENT DATED DECEMBER 22, 1998**, hereby appoint(s) **ROBERT KOONTZ OF KOONTZ JONES DESIGN** 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:

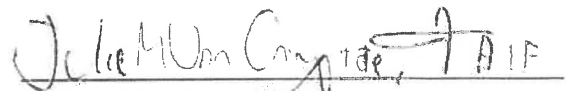
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of an **Architectural Compliance 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 12TH day of October, 2023.



Robert W. Van Camp, Trustee
Property Owner



Julie M. Van Camp, Trustee
Property Owner



Robert Koontz,
Agent

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), **THOMAS M. VAN CAMP, TRUSTEE OF THE ASHLEY ANN READER IRREVOCABLE TRUST, UNDER AGREEMENT DATED DECEMBER 2, 1996**, hereby appoint(s) **ROBERT KOONTZ OF KOONTZ JONES DESIGN** 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 12TH day of October, 2023.



Thomas M. Van Camp, Trustee
Property Owner



Robert Koontz
Agent

1/12/22

APPOINTMENT OF AGENT

Robert Koontz of
Koontz Jones Design

The undersigned owner(s), Morganton Road Enterprises, LLC, 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 28 day of September, 2023.

Morganton Road Enterprises, LLC

By: _____

Managing Member
Property Owner Thomas Van Camp

Property Owner

Robert Koontz
Agent Robert Koontz

APPOINTMENT OF AGENT

The undersigned owner(s), **WSF LAND HOLDING COMPANY**, hereby appoint(s) **ROBERT KOONTZ OF KOONTZ JONES DESIGN** 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 11 day of October, 2023.

Property Owner

WSF LAND HOLDING COMPANY
a North Carolina non-profit corporation

By: Sheila Virgil

Printed Name: Sheila Virgil

Title: Vice President - Development & Donor Services

Robert Koontz
Robert Koontz
Agent

1/12/22

WRITTEN NARRATIVE

Morganton Park South – Phase 3 is a two (2) building integrated retail shopping center which is intended to be an extension of Phase 1 located on the south side of Carolina Green Parkway – i.e. the Target-anchored shopping center.

As shown on the Preliminary Development Plan approved by Town Council on September 26, 2023 (attached hereto), Phase 3 includes (a) the extension of Southern Road from its existing terminus to the new roundabout at Carolina Green Parkway, (b) a 101,840 SF Wholesale Club building, (c) a Fuel Facility and (d) a 2,500 SF Restaurant with drive-thru and a covered patio. Landscaping and site signage will comply with the underlying Concept Development Plan and the buildings will connect to the public sidewalk and the “linear park” along the Parkway which includes additional landscaping, a multi-modal path, shade structures, benches, and pet stations. An internal sidewalk will link the two building areas with a seating patio and brick paver crosswalk at the connection node.

The architectural character of Phase 3 will complement the character of Phase 1 through the use of common architectural forms, materials and streetscape elements: wide front sidewalks with brick paver accents, sidewalk trees, decorative streetlights and regulatory signage. The buildings will strive for compliance with UDO Sections 4.10.4 as outlined below. Further: (a) the Wholesale Club is classified as “large scale retail” and will comply with UDO Section 4.10.6 as outlined below, (b) the Fuel Facility will comply with UDO Section 5.4, and (c) the Restaurant with drive-thru will comply with UDO Section 5.8.

Compliance with UDO Section 4.10.4 – Building Design Requirements

(A) Building Orientation and Entries

- (1) The front of buildings shall face and have the primary customer entry facing that street. Corner Lot buildings shall face and have the primary customer entry facing the higher order street, facing the corner or facing each street. Buildings that extend the full depth of a block may be required to have entries on each street frontage. **The front of the Wholesale Club building and the primary customer entrance will face Southern Road. The front of the Restaurant and primary customer entrance will face north toward the adjacent parking area; however, the covered patio and secondary entrance will face Southern Road and create a vibrant inviting pedestrian connection to the public sidewalk along Southern Road. This orientation further provides the optimal and safest circulation path for the drive-thru.**
- (2) Maximum spacing or distance between customer entries shall not exceed the standards established in Exhibit 4-15. **We comply.**

ARCHITECTURAL COMPLIANCE APPLICATION

October 2, 2023

Morganton Park South – Phase 3
Town of Southern Pines, NC

(B) **Building Dimensions**

- (1) In the CB and DTO districts, buildings or building segments shall be taller than wide. N/A
- (2) In other districts, the width of buildings or building segments shall not be more than twice the building height. See Attachment 1 – “Building Segment Width to Height Ratio Analysis”. Where building segments exceed the desired 2:1 ratio at the Wholesale Club, streetscape elements and landscaping will be provided on the West Elevation (facing Southern Road) and the linear park landscaping will screen these segments on the South Elevation.
- (3) Building segments may be created through a combination of vertical features such as changes in material, building offsets, courtyards, changes in rooflines or architectural features that create the appearance of building segments. Building Segments are created for the Wholesale Club with projected building offsets, changes in roofline heights, and changes in materials. The scale of the Restaurant is broken into building segments with the projection for the drive-thru window, changes of materials and the covered patio.
- (4) Large scale retail structures shall comply with Section 4.10.6. See following section “Compliance with UDO Section 4.10.6”.

(C) **Building Materials**

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 they cover no more than twenty (20) percent of the exterior walls, exclusive of doors and windows. Wood and metal may be used as trim around doors and windows. The Permit Issuing Authority may approve:

- (1) The use of alternative building materials that establish an equivalent appearance and have equal or greater durability.
- (2) Alternative materials satisfying minimum building code standards on walls that are screened and not visible from any public street, walkway or residential zoning district.
- (3) Alternative materials satisfying minimum building code standards for structures located within a planned golf course Development that are compatible with the Development and the proposed location within the Development.

The predominant building material will be brick to match the primary brick used within Phase 1. See Attachment 2 – “Building Material Analysis”.

(D) **Windows**

- (1) Windows shall be glazed in non-reflective, clear glass. **We comply, except the glazing in some of the projected features of the Wholesale Club shall be non-reflective spandrel glass.**
- (2) The following standards apply in the CB district:
 - (a) On the ground Floor a minimum of seventy (70) percent of the street-facing building facades between the elevations of two (2) and ten (10) feet above the sidewalk must be comprised of windows with at least eighty (80) percent transparency or doors. In the DTO district, this minimum window requirement is forty (40) percent. **N/A**
 - (b) On upper Floors a minimum of thirty (30) percent of the street-facing walls of all structures, including parking garages, above the first Floor shall be comprised of clear, windows with at least sixty (60) percent transparency or other openings for parking structures approved by the Planning Director. Opening shall be horizontally aligned with openings on adjacent buildings, vertically aligned, or proportionate with openings on the ground Floor of the building. **N/A**
 - (c) Window height shall be at least one and one-half (1.5) times the width. **N/A**
- (3) In other zoning districts, windows and doors shall comprise at least twenty-five (25) percent of street-facing building facades between the elevations of two (2) and ten (10) feet above the grade of the building entry. **Given the nature of the Wholesale Club use, windows and doors are planned primarily for the main entrance and at some of the projected features facing Southern Road. The Restaurant will meet the 25% criteria at the main entrance on the North Elevation and very nearly meet (21%) this criteria at the West Elevation facing Southern Road. See Attachment 2 – “Building Material Analysis”.**

(E) **Awnings**

- (1) Awnings are encouraged and may encroach over the sidewalk within the CB district and may encroach up to six (6) feet into any street side setback in other districts. **Awnings are not planned for the Wholesale Club building and would not be in character for the architecture of this building. The Restaurant will have a metal “blade” awning at the front entry which is a continuation of the covered patio. It will not encroach into any street setback.**
- (2) The minimum clearance between the lowest point of any awning and sidewalk shall be eight (8) feet. **The covered patio at the Restaurant will comply.**

- (3) Awnings shall be canvas or material of similar appearance and flexibility unless otherwise approved by the Town Council. See note regarding the Restaurant awning in (E) (1) above. Street facing awnings shall not be taller than six (6) feet unless specifically approved by the Town Council. We comply.

(F) **Galleries and Arcades**

- (1) 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 Wholesale Club entrance “breezeway” will have the character of an arcade with repetitive columns and openings.
- (2) The minimum clearance for arcades and galleries shall be twelve (12) feet between the sidewalk and the ceiling of the gallery or arcade. We comply.

(G) **Roofs**

- (1) In the CB district horizontal parapets with cornices shall be required along Broad Street. Parapets, gable or hip roofs may be used along other streets in the CB district. Parapet height should vary between adjacent buildings. N/A
- (2) In other districts, buildings may use parapets with cornices, gable or hip roofs. Changes in parapet height or design, gables or other changes in the roofline as viewed from any public street shall be required for any building that is wider than one hundred (100) feet. For buildings that are wider than one hundred (100) feet, changes in rooflines shall be used to avoid uninterrupted planes of longer than two hundred (200) feet. The roofline of the Wholesale Club will be broken by the front entry feature and changes in parapet heights at each projected feature which are spaced no greater than 100 feet apart. (This requirement is not applicable to the Restaurant.)
- (3) Shingles or standing seam, non-reflective metal shall be used on all roofs visible from public streets. Brightly colored roofs, such as intense blues, reds or oranges are prohibited. All roofs are planned to be flat and will not be visible from the public streets.

(H) **Mechanical Equipment**

Mechanical equipment shall be screened from the street and shall not be located between the street and the building. Any roof-mounted mechanical equipment shall be screened from view from the street by the building parapet or by screening system. See Attachment 4 – “Rooftop Screening System”. Any ground-mounted mechanical equipment shall be screened and will not be located between any building and a public street.

(I) **Loading Zones and Garage Bays**

Garage doors and loading bays shall face an interior Lot line alley or service drive and shall not face a street or residential district unless buffered or screened in accordance with sections 4.3.4 and 4.3.5. The loading area for the Wholesale Club is located on the north side of the building which faces the rear service area of the Kohl's/Hobby Lobby Center and will not be visible to the public streets.

(J) **Signage**

Signage shall comply with the standards in section 4.6 and any applicable zoning district standards. All site signage shall comply with the underlying CDP and all building signage shall comply with UDO Section 4.6 unless otherwise requested during review of a Unified Signage Plan for Phase 3.

Compliance with UDO Section 4.10.6 – Large Scale Retail Development*

***Note:** Applies to the Wholesale Club building only.

(C) **Design Requirements**

In addition to complying with the use, site and Building design standards of this UDO, the following provisions shall apply:

- (1) **Utility Design.** 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.

Utility services are designed such that they can be tapped at the rear service drive of the building to accommodate subdivision of the space in the future.

- (2) **Entries.** Building facades shall be designed with entries that are no further than one hundred fifty (150) feet apart. Building entries should be clearly defined, visible entries providing access from the front of the Building to the pedestrian zone, and featuring no less than three of the following:

- (a) Canopies or porticos;
- (b) Awnings;
- (c) Overhangs;
- (d) Recesses/projections;
- (e) Arcades;

- (f) Raised corniced parapets over the door;
- (g) Peaked roof forms or arches;
- (h) Outdoor patios; or
- (i) Display windows.

For security and point-of-sale configuration, the Wholesale Club will have only one (1) main entrance. The building is designed with projected features that can serve as additional entry points (no further than 150 feet apart) if subdivision of the space is required in the future. The projected features (i) help to clearly define these entry points, (ii) provide access from the building to the front sidewalk/pedestrian zone, (iii) and incorporate recesses/projections, raised corniced parapets and windows.

- (3) **Building Materials.** Predominant wall materials shall have the appearance of brick. Predominant wall materials shall cover at least eighty (80) percent of walls, exclusive of windows and doors. Stucco, stone and cementitious lap siding may be used as accent materials. Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited.

The predominant building material will be brick to match the primary brick used within Phase 1. See Attachment 2 – “Building Material Analysis”.

- (4) **Building Articulation.** Front and street-facing side facades greater than one hundred (100) feet in length, measured horizontally, shall:
 - (a) Incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade. See Attachment 3 – “Building Articulation Analysis”. The Wholesale Club entrance feature projects 19’ from the main face of the building; each projected feature projects 3’.
 - (b) Have a change in at least three of the following elements every one hundred (100) feet along all walls facing a public street or internal street: color change; texture change; material change; or architectural feature, such as an offset, projection, columns, canopies, arcades, or reveal with at least twelve (12) inches in depth. We comply.
- (5) **Rooflines.**
 - (a) Rooflines shall be varied in height, or at least every one hundred (100) feet along any side of a Building façade facing a street. Hips, gables or changes in parapet elevation shall be used to provide relief in height. We comply.



- (b) Gable and hip roofs are allowed; parapets shall be used to conceal flat roofs and rooftop mechanical equipment from public view. **We comply.**
- (c) The parapet design shall be a minimum of three (3) feet in height and shall incorporate a three-dimensional cornice treatment. **We comply.**

Subject: RE: AR-09-23 - Completeness Review #2: Incomplete

Alaina,

Good afternoon. Thank you for sending your Completeness Review comments below. Please see our response below in **red** and the attached information referenced in our comments. I hope you will agree that we are now **complete**.

Given our experience last submittal, could you please confirm receipt?

Happy to discuss or provide any further information as you work through your full review. Thank you.

-Bill

William M. Mees, Jr. | Director of Development

MIDLAND ATLANTIC PROPERTIES

Office: 513.792.5000 | Mobile: 513.608.2629

wmees@midlandatlantic.com | www.midlandatlantic.com

8044 Montgomery Road, Suite 370, Cincinnati, OH 45236

From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, October 23, 2023 3:43 PM

To: William Mees <wmees@midlandatlantic.com>

Cc: Cindy Williams <CWilliams@southernpines.net>; Bob koontz <bkoontz@koontzjones.com>; BJ Grieve <BJGrieve@southernpines.net>; thomasv@vancamplaw.com

Subject: AR-09-23 - Completeness Review #2: Incomplete

Good afternoon, Mr. Mees,

On October 16, 2023, the Planning Department received your updated materials for Architectural Compliance Permit application AR-09-23 for a portion of PARID 98000749 to develop a wholesale retailer with a fuel station as well as a drive-through restaurant. We appreciate your grace in working with us through the email issues, and understand that you attempted to submit on the October 13, 2023 deadline. Upon reviewing all the information submitted on October 2 and 13, 2023, for architectural compliance review—and in accordance with the Town of Southern Pines UDO §2.6 Completeness Review, §2.26 Architectural Compliance Permit, and page A-23 of UDO Appendix A—the application AR-09-23 for Morganton Park South Phase 3 is still deemed **incomplete** for review.

In your October 13th emailed submittal, there was insufficient and incomplete information submitted. At your earliest convenience, please provide the following information to be deemed complete. In order to be on the Town Council's November 2023 agendas, I will need all of the following missing information by **October 25, 2023, at 5:00 p.m.** If I do not receive all the missing

information below by this deadline, the application may be considered for the December 2023 Town Council meetings if we receive all of the missing information by **November 17, 2023, at 5:00 p.m.**

1. Regarding previous incompleteness comment #4 and now that it is clear that “M” stands for metal on the BJ’s building, there are several modifications that need to happen to the application:
 - a. Include “metal coping” on the Exterior Material Legend of the updated BJ’s elevations sheet, AND clarify what type of metal it is (e.g., standing seam, copper, aluminum, steel, etc.). **M-1 has been clarified as metal coping and M-2 has been clarified as a metal canopy at the loading dock doors on the Exterior Material Legend of the Wholesale Club Elevations – REV2. Please see attached. The metal will be pre-finished aluminum.**
 - b. Include the metal coping accents in the material calculations for Attachment 2 “Building Materials Analysis”. **Attachment 2 has been updated. Please see attached.**
 - c. Note that “Materials with the appearance of concrete block, smooth concrete, corrugated or standing seam metal are prohibited” by UDO §4.10.6(C)(3). **The metal will not be corrugated or standing seam. It will be a typical break metal coping as generally depicted on the attached “11. M-1 Metal Coping” cut sheet.**
2. Regarding previous incompleteness comment #10, if there will be no “future cooler” at Starbucks, then it needs to be removed from the final elevations and building shell plan. **The future cooler and notes have been removed from the Restaurant elevations and shell plan. Please see attached.**
3. Regarding previous incompleteness comment #10, if sidewalk sales for seasonal items at BJs will be permitted, then that area needs to be included in the site plan or somewhere on the elevations sheet. **The Site Plan has been updated to indicate the area where BJ’s would like to be able to have sidewalk sales of season items (e.g. flowers). Please see attached.**
 - a. Note that the Morganton Park South CDP allows for temporary uses for temporary “plant operations.” All other items not permitted in CDP Section 5.5.9 are only permitted in the General Business district, per UDO §5.13.3

Planning noticed that Robert Koontz of KoontzJones Design was assigned as the authorized agent and he signed those forms, but you are listed as the applicant on the application form. **Should Planning’s correspondence be directed to Mr. Koontz, to you, or to both of you?** **It would be great if you could send correspondence to me, John Silverman and Bob Koontz. Thanks!**

Until such time as our office has a complete application, we will take no further action on the Morganton Park South Phase 3 (i.e., BJ’s Wholesale Club and Starbucks) Architectural Compliance Permit application. Planning Director, the property owner (listed on the application), and Mr. Koontz have been copied here for their reference and record. If you wish to discuss this application further prior to your submittal, I can be reached at the number in my signature or my work cell at 910-690-7904.

Sincerely,
Alaina

Alaina Mallette, MSc

E-MAIL 2

Resending Friday e-mail with the following attachments:

- Attachment 1 – Building Segment Analysis – REV
- Attachment 2 – Building Material %'s – REV
- Attachment 3 – Building Articulation - REV

William M. Mees, Jr. | MIDLAND ATLANTIC PROPERTIES

Office: 513.792.5000 | Mobile: 513.608.2629

From: William Mees <wmees@midlandatlantic.com>

Sent: Sunday, October 15, 2023 10:08 AM

To: Alaina Mallette <amallette@southernpines.net>

Cc: plan@southernpines.net; BJ Grieve <BJGrieve@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>; William Mees <wmees@midlandatlantic.com>

Subject: FW: AR-09-23 - Completeness Review: Applicant Response (Email 1)

E-MAIL 1

Resending Friday e-mail with the following attachments:

- Appointment of Agent forms
- Deeds
- Title Commitment Excerpt

William M. Mees, Jr. | MIDLAND ATLANTIC PROPERTIES

Office: 513.792.5000 | Mobile: 513.608.2629

From: William Mees <wmees@midlandatlantic.com>

Sent: Friday, October 13, 2023 4:26 PM

To: Alaina Mallette <amallette@southernpines.net>; plan@southernpines.net

Cc: BJ Grieve <BJGrieve@southernpines.net>; Cindy Williams <CWilliams@southernpines.net>; John Silverman <jsilverman@midlandatlantic.com>; Tom Van Camp (thomasv@vancamplaw.com) <thomasv@vancamplaw.com>; Dave Crisafulli <dave@275broad.com>; Bob koontz <bkoontz@koontzjones.com>; 'Tim Carpenter' <tim@lkcengineering.com>; William Mees <wmees@midlandatlantic.com>

Subject: AR-09-23 - Completeness Review: Applicant Response (Email 1)

Alaina,

Thank you for sending your Completeness Review comments. Please see our response below in red and the attached information referenced in our comments. I hope you will agree that we are now **complete**.

There are a couple of larger files attached, so if you would be so kind as to let me know you received this, I will sleep better this weekend!

Happy to discuss or provide any further information as you work through your full review. Thank you.

-Bill

William M. Mees, Jr. | MIDLAND ATLANTIC PROPERTIES

Office: 513.792.5000 | Mobile: 513.608.2629

From: Alaina Mallette <amallette@southernpines.net>

Sent: Monday, October 9, 2023 2:38 PM

To: jsilverman@midlandatlantic.com

Cc: BJ Grieve <BJGrieve@southernpines.net>; Tom VanCamp <thomasv@vancamplaw.com>

Subject: AR-09-23 Morganton Park South Phase 3 (BJ's and Starbucks) Completeness Review

Good morning, Mr. Silverman,

On October 2, 2023, the Planning Department received your application for an Architectural Compliance Permit for a portion of PARID 98000749 to develop a wholesale retailer with fuel station as well as a drive-through restaurant. Upon reviewing the information submitted for architectural compliance review—and in accordance with the Town of Southern Pines UDO §2.6 Completeness Review, §2.26 Architectural Compliance Permit, and page A-23 of UDO Appendix A—the application AR-09-23 for Morganton Park South Phase 3 is deemed **incomplete** for review. Please note that review for completeness of application forms is solely for the purpose of determining whether preliminary information required for submission with the application is sufficient to allow further processing, and shall not constitute a decision as to whether application complies with the relevant provisions of the UDO. Additional information and/or clarification may be required following an in-depth review of the application materials.

At your earliest convenience, please provide the following information to be deemed complete. In order to be on the Town Council's November 2023 agendas, I will need all of the following missing information by October 13, 2023, at 5:00 p.m. If I do not receive all the missing information below by this deadline, the application will be considered for the December 2023 Town Council meetings if we receive all of the missing information by November 17, 2023, at 5:00 p.m.

1. Proof of ownership (e.g., deed); **Please note, there are multiple deeds covering the undivided interests of four (4) entities. I have compiled into one document – see attached Deeds. For clarity, I am also providing an excerpt from our Title Commitment to illustrate the ownership.**
2. Agent authorization form signed by all property owners (see attached); **See attached forms signed by all four (4) property owner entities.**
3. For the fuel station, separate out building material calculations for the fuel canopy and the kiosk (i.e., fuel canopy calculations excluding the kiosk). For the fuel canopy, include fuel canopy columns in the building material calculations, as they are a relevant building material for the fuel canopy and required to check for compliance with UDO §5.3.2, §5.4, and

§4.10.4(C). Compliance for the kiosk will be checked against UDO §5.3.2 and §5.4; See “Attachment 2 – Building Material Analysis - REV” which has been updated to separate out calculations for the fuel canopy and the kiosk. The fuel kiosk and canopy will have a similar appearance to the nearby approved Lowes Foods fuel center.

4. Clarify what the building materials listed as “M” and “P-1” are meant to represent on the BJ Wholesale building and fuel canopy elevation sheets and attachment of material samples; “M-1” is the metal coping at the parapet (Pac-Clad Colonial Red); “M-2” is the metal canopy at the loading dock (Pac-Clad Bone White); P-1 is paint color (Benjamin Moore Red Brick).
5. Locations of the spandrel glass on the wholesale retail building to determine magnitude of non-compliance with UDO §4.10.4(D)(1); Spandrel glass is noted as “SG-1” on the elevations. All other glass will be clear.
6. It appears that the glazing on window and doors is calculated for the entirety of each elevation; however, a glazing calculation between 2’ and 10’ should be provided for the west and south (i.e., street-facing) elevations of the wholesale retail building to check for compliance with UDO §4.10.4(D)(3); See “Attachment 2 – Building Material Analysis - REV” which has been updated to add this calculation.
7. Provide an aerial rendering/illustration of the BJ’s wholesale retail building articulation (i.e., recesses and projections) to check for compliance with UDO §4.10.6(C)(4) and include the depth measurements and locations of the recesses and projections, which are required to be at least 3% the length of the west and south elevations; We are working on an 3D-style rendering. We were not aware it was required for this submission, but were planning to have ready for presentation on 11/08. We have asked the architect to accelerate this item and will provide to you as soon as available (~ 7-10 days). In the meantime, the articulation can be analyzed with the information on the Wholesale Club Elevations ... there is a Partial Floor Plan below each elevation with dimensions that show the width and depth of each projection and offset. Building Length 423’ X 3% = 12’-8”. Our main building entrance will comply with the criteria. The repetitive projected features are 3’ deep and will not comply with this criteria. It does not make sense for these to be 12’-8” deep to create an aesthetically pleasing articulation ... we respectfully request a deviation for this item. We do comply with the 20% of length requirement – see “Attachment 3 – Building Articulation Analysis – REV”.
8. Provide a profile view of the cornice treatment on the wholesale building’s parapets to check for compliance with UDO §4.10.6(C)(5)(c); A profile has been added to the revised Wholesale Club Elevations – see attached. Also, the side wall/parapets of the projected features will “return” back to the main façade for 3-dimensional cornice treatment.
9. Provide an updated site layout (i.e., Sheet L-1.1) that includes final, post-grading contour lines for the site and surrounding area and/or a viewshed rendering/illustration showing the view of the buildings from Carolina Green Parkway so staff can determine compliance with UDO §4.10.4(G)(3); See attached Sightline Studies of the Wholesale Club building from various points along Carolina Green Parkway and Southern Road. Roof top mechanical equipment will predominantly be screened by the building parapet. In instances where it is close, equipment will be screened with the louvered “Envisor” system (cut sheet previously provided) in a similar manner to the nearby approved Lowes Foods roof top screening.
10. Clarification about whether or not there will be outdoor displays of products or simply outdoor storage (e.g., “future cooler” shown on Starbuck’s plan and anywhere around BJ’s Wholesale or BJ’s fuel kiosk or fuel canopy) to check for compliance with UDO §5.12 and

§5.4(E); Starbucks will not have a “future cooler” or any outdoors displays of products or outdoor storage. BJ’s will not have any outdoor storage at the main building or the fuel center. They would like the right to have sidewalk sales of seasonal items such as flowers.

11. Confirmation that a landscape screen will be provided between the fuel pumps and the proposed extension of Southern Road to check for compliance with UDO §5.4.2; **Correct. A landscape screen will be provided per Section 4.3.5 Landscape Screens.**
12. Clarification about where the mechanical equipment for each use (i.e., wholesale retail building, fuel station kiosk—if applicable, and Starbuck’s) will be located to check for compliance with UDO §4.10.4(H); and **All mechanical equipment will be roof-mounted and shall be screened from view from the streets. See Sightline Studies and comments above in #9.**
13. Confirmation that a sign application for the unified sign plan mentioned in the narrative will be submitted separately. **Correct. We intend to submit a separate Unified Sign Plan application as we did for Phase I.**

*Please note that a certification by a registered engineer ensuring the prevention of petroleum and petroleum-related product runoff into the municipal drainage system will be required during site plan review. **We will provide at Site Plan Review.** The following fuel station-related standards will also be required and reviewed during site plan review along with other provisions of the UDO: the location (if any) of air compressors, greasing/lubricating equipment, or similar equipment; and storage of garbage and refuse. **We will be prepared to discuss at Site Plan Review.***

Planning staff have taken an initial look at the submittal to check for compliance, and we have identified the following areas of non-compliance. Note than deeper review of currently submitted and future materials may change this compliance evaluation. Where you believe the proposed design does not comply with one of the Town’s standards, please state a request for deviation from the design standard. You can do so by replying to this email and responding with your deviation requests for each numbered item for each land use below. If you believe your proposed designs comply with any item below, please provide supporting data and information.

	BJ’s Whole Sale Club	BJ’s Fuel Canopy	Starbucks
1	Regarding UDO §4.10.4(B) (2) building dimensions, there are segments that are more than 2 times the width of the segment. An additional Projected Feature has been added to the West Elevation (facing Southern Road) and the Projected Features on the South Elevation (facing Carolina Green Parkway) have been shifted slightly to	Regarding UDO §5.4(A) gas sales operations and §4.10.4(C) building materials, brick is not covering at least 80% of any elevations excluding windows and doors (i.e., alternative building materials cover more than 20% of each building elevation). However, new calculations exclusively for the fuel canopy excluding the kiosk need to be submitted to determine compliance.	Regarding UDO §4.10.4(A) building orientation and entries, the primary customer entrance faces north towards the parking lot, not west towards Southern Road. The primary customer entrance orientation works best for the drive-thru circulation, access to parking, pedestrian safety and presentation of the covered porch to the sidewalk along Southern Road. This is the orientation that was

	address this issue. See attached revised Wholesale Club Elevations - REV and Attachment 1 – Building Segment Analysis – REV. The West Elevation is now compliant. The South Elevation is VERY close: 2.14 to 1. If a deviation request is necessary for the South Elevation, we so request.	New calculations have been provided. We request a deviation where the 80% brick criteria is not met for the kiosk. (The kiosk and canopy will be very similar to the nearby approved Lowes Foods fuel kiosk/canopy.)	approved in the PDP process.
2	Regarding UDO §4.10.4(B) (4) building dimensions, the large-scale retail building does not comply with §4.10.6. If “building dimensions” refers to the building segments, please see response to #1 above.	*Regarding UDO §5.4.2(A) fuel sales at this location, fuel pumps are only permitted between the primary retail building and Southern Road if properly screened per Section 4.3.5 Landscape Screens. No landscape screening information was provided as part of the application. We will provide a landscape screen per Section 4.3.5 Landscape Screens.	Regarding UDO §4.10.4(B) building dimensions, the west, south, and north elevations—according to your Attachment 1—have segments that are more than 2 times the width of the segment. Agreed – although the ratio is not far off at 2.2 to 1 and this is a very small building. If a deviation request is necessary, we so request.
3	Regarding UDO §4.10.4(C) building materials and §4.10.6(C)(3) large-scale retail building materials, brick is not covering at least 80% of any elevations excluding windows and doors (i.e., alternative building materials cover more than 20% of each building elevation). We request a deviation where the 80% brick criteria is not met.		Regarding UDO §4.10.4(C) building materials, brick is not covering at least 80% of the north and east elevations excluding windows and doors (i.e., alternative building materials cover more than 20% of each building elevation). We request a deviation where the 80% brick criteria is not met.
4	Regarding, UDO §4.10.4(D)(1), windows,		Regarding UDO §4.10.4(D)(3) windows, the south elevation

	some windows will be opaque spandrel glass. Due to the operations of the Wholesale Club and for security, windows (except at entry points) are not practical. We are proposing spandrel glass (non-reflective) to give the appearance of windows. If spandrel glass is not favored, we can have clear glass with a film on the back side.		(i.e., street-facing elevations) will have approximately 2% glass between 2' to 10'. We request a deviation for minimum percent of glass on the South Elevation (... although we were not considering this elevation to be "street-facing" since it is pretty far from Carolina Green Parkway and has the linear park and Site Drive #1 in between).
5	Regarding UDO §4.10.4(D) (3) windows, the west and south elevations (i.e., street-facing elevations) will have 9% and 4% glass (although the calculations appear to be for the whole elevation not just 2' to 10'), respectively. The calculations have been added to "Attachment 2 – Building Material Analysis - REV", but will not comply. We request a deviation.		Regarding UDO §4.10.4(G)(3) roofs, the roofing visible from the Carolina Green Parkway will not be shingles or standing seam, non-reflective metal. The roof is flat and will not be visible from Carolina Green Parkway.
6	Regarding UDO §4.10.4(G) (3) roofs, the roofing visible from the Carolina Green Parkway will not be shingles or standing seam, non-reflective metal. The roof is flat and will not be visible from Southern Road or Carolina Green Parkway.		Regarding UDO §4.10.4(G)(3) mechanical equipment, staff cannot determine compliance as the location was not provided. All mechanical equipment is clustered in the center of the roof plan and shown on the elevations provided. If the parapet does not sufficiently screen from the streets, it will be screened with the louvered "Envisor" system (cut sheet previously provided) in a similar manner to the nearby approved Lowes Foods roof top screening.

7	Regarding UDO §4.10.4(G) (3) mechanical equipment, staff cannot determine compliance as the location was not provided. Please see attached Sightline Studies regarding screening of roof top equipment.		
8	Regarding UDO §4.10.6(C) (2) large-scale retail entries, only one functional entry is being proposed along 423' of façade (noting that there are “faux” entries being proposed) rather than the required 1 entry per at least every 150'. For security and theft control, there will be only one main entry. The “faux” entries will facilitate subdivision in the future if necessary. We request a deviation for this item.		
9	*Regarding UDO §4.10.6(C)(4)(a) large-scale retail building articulation, projects and recesses having a depth of at least 3% of the length of the west and south elevations. Building Length 423' X 3% = 12'-8". Our main building entrance will comply with the criteria. The repetitive projected features are 3' deep and will not comply with this criteria. We request a deviation for this item. We comply with the 20% of length requirement – see		

	attached "Attachment 3 – Building Articulation Analysis – REV".		
10	Regarding UDO §4.10.6(C) (5)(b) large-scale retail building rooflines, an "Envisor" screen is being used rather than the required parapet to conceal mechanical equipment on a flat roof. Please see attached Sightline Studies regarding screening of roof top equipment. Roof top mechanical equipment will predominantly be screened by the building parapet. In instances where it is close, it will be screened with the louvered "Envisor" system (cut sheet previously provided) in a similar manner to the nearby approved Lowes Foods roof top screening. If a deviation request is necessary for this item, we so request.		
11	Regarding UDO §4.10.6(C) (5)(c) large-scale retail building rooflines, the proposed parapet height is 2' while the minimum permitted is 3'. We request a deviation for this item.		

* Potential deviation depending on missing information, considering that compliance could not be determined

Please note that Planning is aware that the Morganton Park South CDP Vision states "Architectural themes, landscaping and design elements common to Southern Pines will be utilized as described in the Town of Southern Pines UDO or in this CDP document." Planning staff are available to discuss architectural themes and design elements common in Southern Pines that may assist in informing

ATTACHMENT 1

SECTION 4.10.4 (B) (2): BUILDING SEGMENT WIDTH TO HEIGHT ANALYSIS

Note: Segments are listed left to right on the Elevations.

	Building Segments		Ratio		
	Width (ft)	Height (ft)	Width	to	Height
<u>Wholesale Club Building</u>					
West Elevation (Front - Facing Southern Road)					
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	56.75	29.00	1.96	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	56.75	29.00	1.96	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	56.75	29.00	1.96	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	56.75	29.00	1.96	to	1
Entry Feature	100.00	41.25	2.42	to	1
	423.00				
East Elevation (Rear)					
Main Brick Segment	28.00	29.00	0.97	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	79.50	29.00	2.74	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	62.00	29.00	2.14	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	62.00	29.00	2.14	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	63.67	29.00	2.20	to	1
South Elevation (Side - Facing Carolina Green Parkway)					
Projected Feature at Entry Corner	20.83	31.00	0.67	to	1
Main Brick Segment	62.00	29.00	2.14	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	62.00	29.00	2.14	to	1
Projected Feature	24.00	31.00	0.77	to	1
Main Brick Segment	62.00	29.00	2.14	to	1
End Pilaster	4.00	31.00	0.13	to	1
	258.83				
North Elevation (Side - Facing rear of Kohl's/Hobby Lobby)					
End Pilaster	4.00	31.00	0.13	to	1
Main Brick Segment	88.50	29.00	3.05	to	1
Projected Feature at Loading Dock	40.00	31.00	1.29	to	1
Main Brick Segment	83.50	29.00	2.88	to	1
Projected Feature at Front Corner	24.00	31.00	0.77	to	1
	240.00				
<u>Fuel Facility</u>					
West Elevation	8.50	9.33	0.91	to	1
East Elevation	8.50	9.33	0.91	to	1
South Elevation	20.50	9.33	2.20	to	1
North Elevation	20.50	9.33	2.20	to	1
<u>Restaurant</u>					
West Elevation	42.60	18.00	2.37	to	1
East Elevation					
Main Wall (Left)	13.77	18.00	0.77	to	1
Offset Feature for Drive Thru	12.77	18.00	0.71	to	1
Main Wall (Right)	16.08	18.00	0.89	to	1
South Elevation	55.00	18.00	3.06	to	1
North Elevation	55.00	18.00	3.06	to	1

ATTACHMENT 2

SECTION 4.10.4 (C) & 4.10.6 (C) (3): BUILDING MATERIALS ANALYSIS

	<u>Façade Area</u>	<u>% of Façade</u>
<u>Wholesale Club Building</u>		
West Elevation (Front - Facing Southern Road)		
Brick	6,320 SF	48%
Stone	760 SF	6%
EIFS	4,426 SF	34%
Glass*	1,248 SF	10%
Doors	120 SF	1%
Metal Coping (M-1)	228 SF	2%
	13,102 SF	
Percent of Brick excluding glass & doors		54%
*Glass between 2' & 10' AFF	1,072 SF	
East Elevation (Rear)		
Brick	9,452 SF	72%
Stone	480 SF	4%
EIFS	2,052 SF	16%
Glass	320 SF	2%
Doors	595 SF	5%
Metal Coping (M-1)	230 SF	2%
Metal Canopy (M-2)	44 SF	0%
	13,173 SF	
Percent of Brick excluding glass & doors		77%
South Elevation (Side - Facing Carolina Green Parkway)		
Brick	5,380 SF	71%
Stone	336 SF	4%
EIFS	1,437 SF	19%
Glass*	288 SF	4%
Doors	24 SF	0%
Metal Coping (M-1)	129 SF	2%
	7,594 SF	
Percent of Brick excluding glass & doors		74%
*Glass between 2' & 10' AFF	205 SF	

Wholesale Club Building (Continued)

North Elevation (Side - Facing rear of Kohl's/Hobby Lobby Center)

Brick	4,801 SF	63%
Stone	208 SF	3%
EIFS	1,815 SF	24%
Glass	591 SF	8%
Doors	64 SF	1%
Metal Coping (M-1)	131 SF	2%
	7,610 SF	

Percent of Brick excluding glass & doors		69%
--	--	-----

Building Average:	68%
-------------------	-----

Fuel Facility Kiosk Building

North Elevation

<i>Brick</i>	41 SF	51%
<i>Architectural Composite Metal (ACM) Panel</i>	19 SF	24%
<i>Glass</i>	20 SF	24%
<i>Doors</i>	0 SF	0%
	80 SF	

Percent of Brick excluding glass & doors

68%

South Elevation

<i>Brick</i>	61 SF	76%
<i>Architectural Composite Metal (ACM) Panel</i>	19 SF	24%
<i>Glass</i>	0 SF	0%
<i>Doors</i>	0 SF	0%
	80 SF	

Percent of Brick excluding glass & doors

76%

West Elevation (Front - Facing Southern Road)

<i>Brick</i>	97 SF	48%
<i>Architectural Composite Metal (ACM) Panel</i>	54 SF	27%
<i>Glass</i>	9 SF	4%
<i>Doors</i>	42 SF	21%
	202 SF	

Percent of Brick excluding glass & doors

64%

East Elevation (Front - Wholesale Club)

<i>Brick</i>	139 SF	69%
<i>Architectural Composite Metal (ACM) Panel</i>	54 SF	27%
<i>Glass</i>	9 SF	4%
<i>Doors</i>	0 SF	0%
	202 SF	

Percent of Brick excluding glass & doors

72%

Building Average: 70%

Fuel Facility Canopy

North Elevation

<i>Brick</i>	112 SF	14%
<i>Architectural Composite Metal (ACM) Panel</i>	664 SF	86%
	776 SF	

<i>Percent of Brick excluding glass & doors</i>	14%
---	-----

South Elevation

<i>Brick</i>	112 SF	14%
<i>Architectural Composite Metal (ACM) Panel</i>	664 SF	86%
	776 SF	

<i>Percent of Brick excluding glass & doors</i>	14%
---	-----

West Elevation (Front - Facing Southern Road)

<i>Brick</i>	14 SF	16%
<i>Architectural Composite Metal (ACM) Panel</i>	72 SF	84%
	86 SF	

<i>Percent of Brick excluding glass & doors</i>	16%
---	-----

East Elevation (Front - Wholesale Club)

<i>Brick</i>	14 SF	16%
<i>Architectural Composite Metal (ACM) Panel</i>	72 SF	84%
	86 SF	

<i>Percent of Brick excluding glass & doors</i>	16%
---	-----

Building Average:	15%
-------------------	-----

Restaurant Building

North Elevation (Entrance)

<i>Brick</i>	465 SF	42%
<i>Resawn Wood</i>	242 SF	22%
<i>Metal</i>	103 SF	9%
<i>Storefront Glass & Doors</i>	300 SF	27%
	1,110 SF	

Percent of Brick excluding glass & doors

57%

South Elevation

<i>Brick</i>	947 SF	85%
<i>Resawn Wood</i>	90 SF	8%
<i>Metal</i>	32 SF	3%
<i>Glass (Drive-Thru)</i>	18 SF	2%
<i>H.M. Door</i>	24 SF	2%
	1,110 SF	

Percent of Brick excluding glass & doors

89%

West Elevation (Front - Facing Southern Road)

<i>Brick</i>	552 SF	72%
<i>Resawn Wood</i>	0 SF	0%
<i>Metal</i>	55 SF	7%
<i>Storefront Glass & Doors</i>	160 SF	21%
	767 SF	

Percent of Brick excluding glass & doors

91%

East Elevation (Drive-Thru)

<i>Brick</i>	538 SF	70%
<i>Resawn Wood</i>	133 SF	17%
<i>Metal</i>	19 SF	2%
<i>Glass (Drive-Thru)</i>	77 SF	10%
	767 SF	

Percent of Brick excluding glass & doors

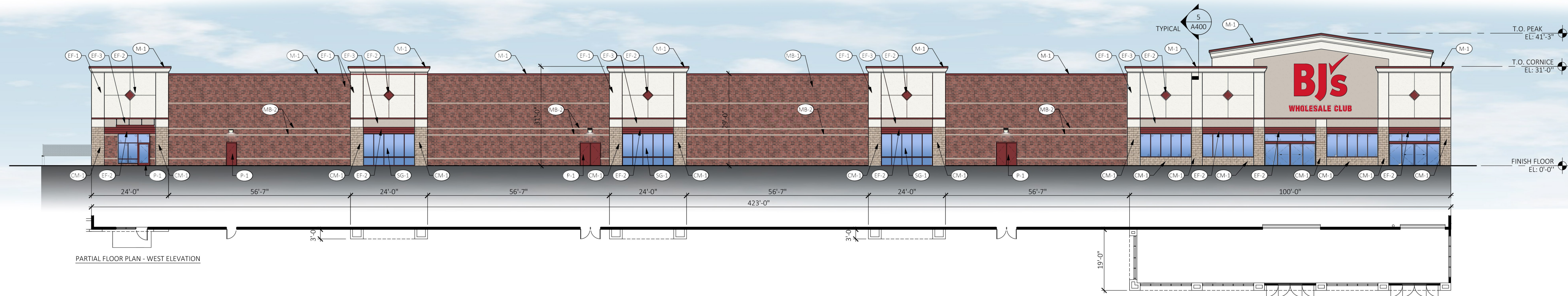
78%

Building Average: 79%

ATTACHMENT 3

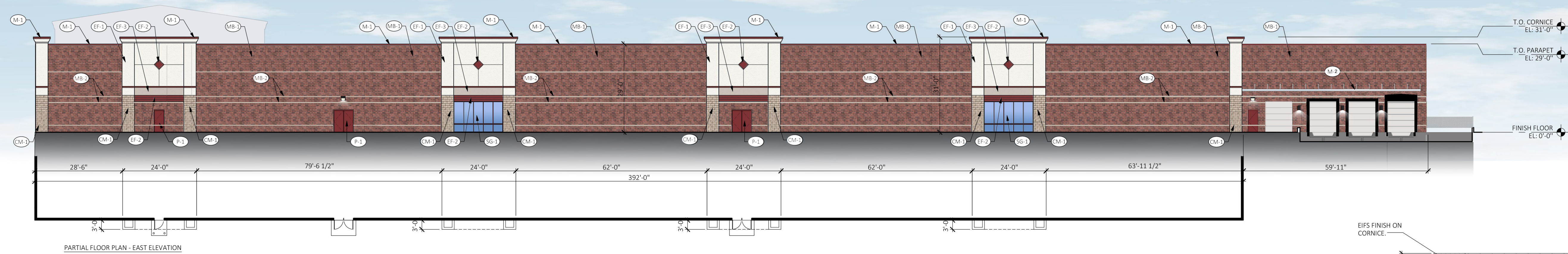
SECTION 4.10.6 (C) (4) (a): BUILDING ARTICULATION ANALYSIS

	Length of Building Façade (feet)	Total Length of Offsets (feet)	% of Articulation per Façade
<u>Wholesale Club Building</u>			
West Elevation (Front - Facing Southern Road)	423.67	196	46%
East Elevation (Rear)	391.17	96.00	25%
South Elevation (Side - Facing Carolina Green Parkway)	258.67	68.83	27%
North Elevation (Side - Facing rear of Kohl's/Hobby Lobby Center)	240.17	65.33	27%



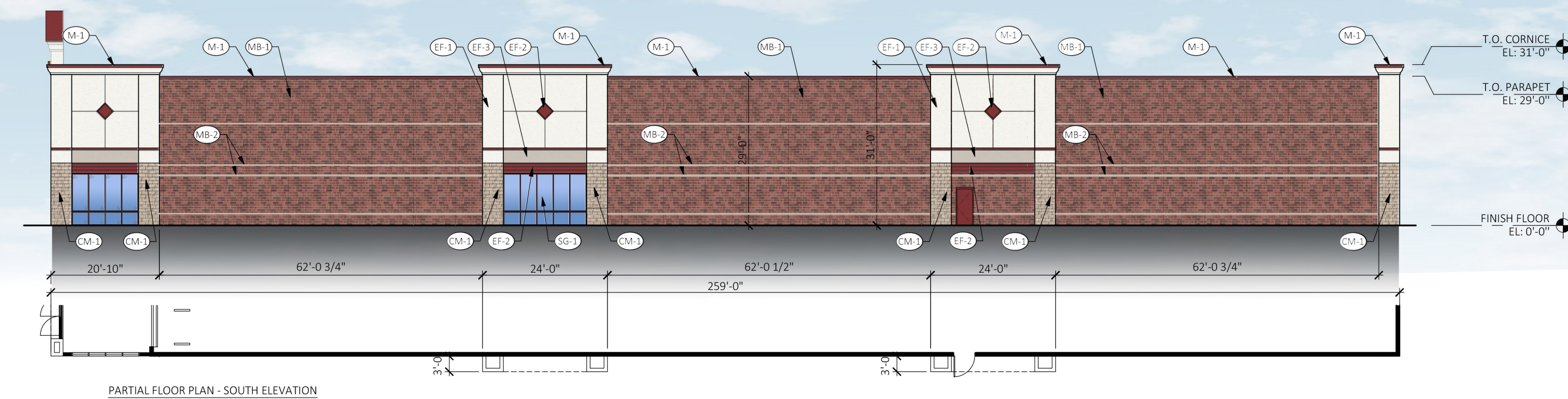
1
A400
SCALE: 1/8" = 1'-0"

WEST ELEVATION



2
A400
SCALE: 1/8" = 1'-0"

EAST ELEVATION



3
A400
SCALE: 1/8" = 1'-0"

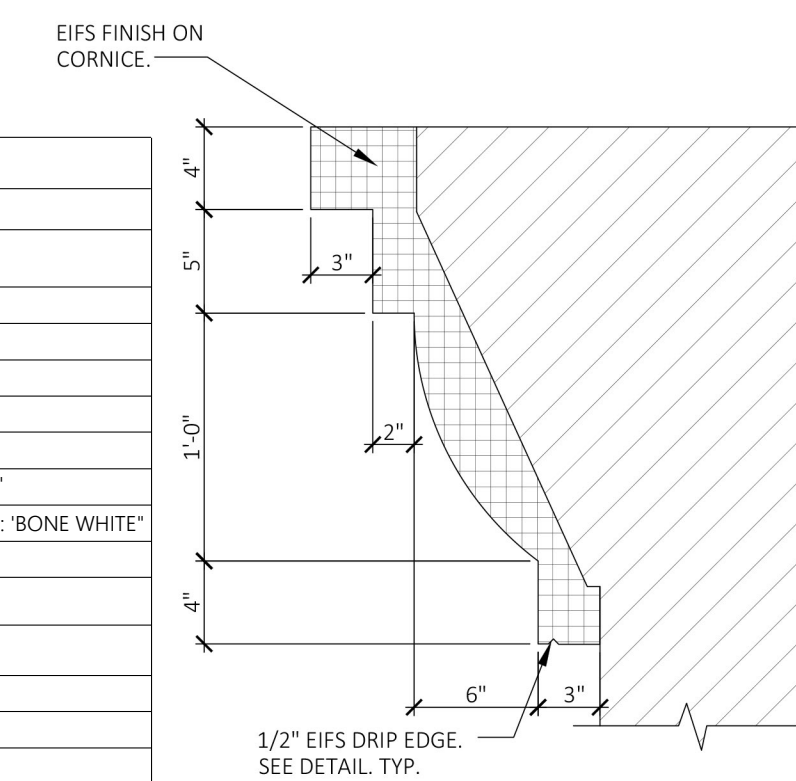
SOUTH ELEVATION



4
A400
SCALE: 1/8" = 1'-0"

NORTH ELEVATION

EXTERIOR MATERIAL LEGEND	
NO	DESCRIPTION
CM-1	ROCKCAST - READING ROCK, CHISELED FACE, COLOR: BUR RIDGE.
EF-1	EIFS COLOR TO MATCH DRYVIT #310 'CHINA WHITE'
EF-2	EIFS COLOR TO MATCH BENJAMIN MOORE #2005-10 'RED ROCK'
EF-3	EIFS COLOR TO MATCH DRYVIT #104 'DOVER SKY'
M-1	ALUMINUM METAL PARAPET COPING - PREFINISHED COLOR: "COLONIAL RED"
M-2	ALUMINUM METAL CANOPY AT LOADING DOCK DOORS-PREFINISHED COLOR: "BONE WHITE"
MB-1	SUMMITVILLE THIN BRICK - "HANOVER" 01034
MB-2	SUMMITVILLE THIN BRICK - "SAVANNAH"
P-1	BENJAMIN MOORE #2005-10 'RED ROCK' PAINT
SG-1	SPANDREL GLASS



5
A400
SCALE: NO SCALE

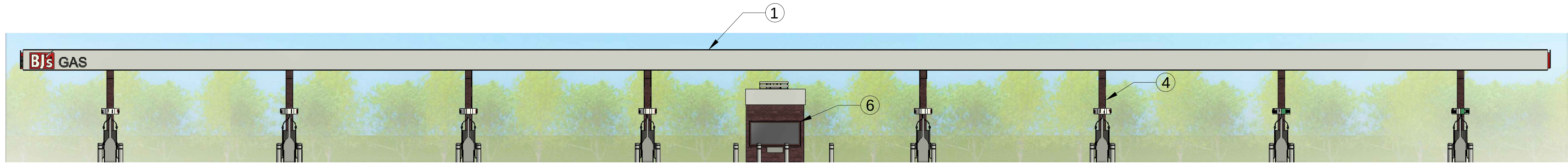
TYPICAL
CORNICE PROFILE



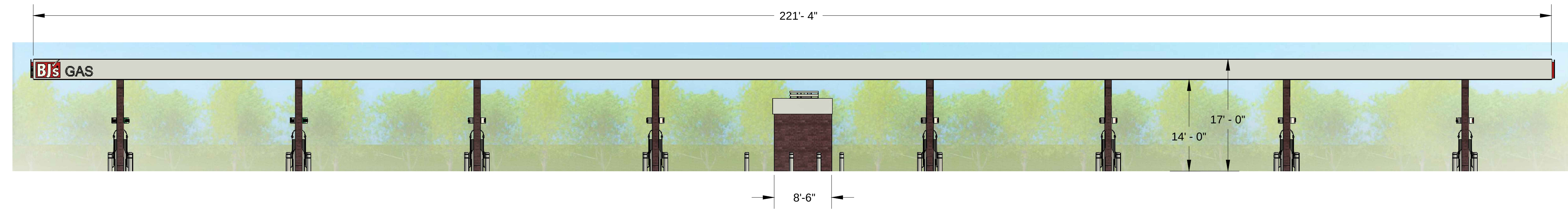
SOUTHERN PINES, NC
10/13/2023

CASCO

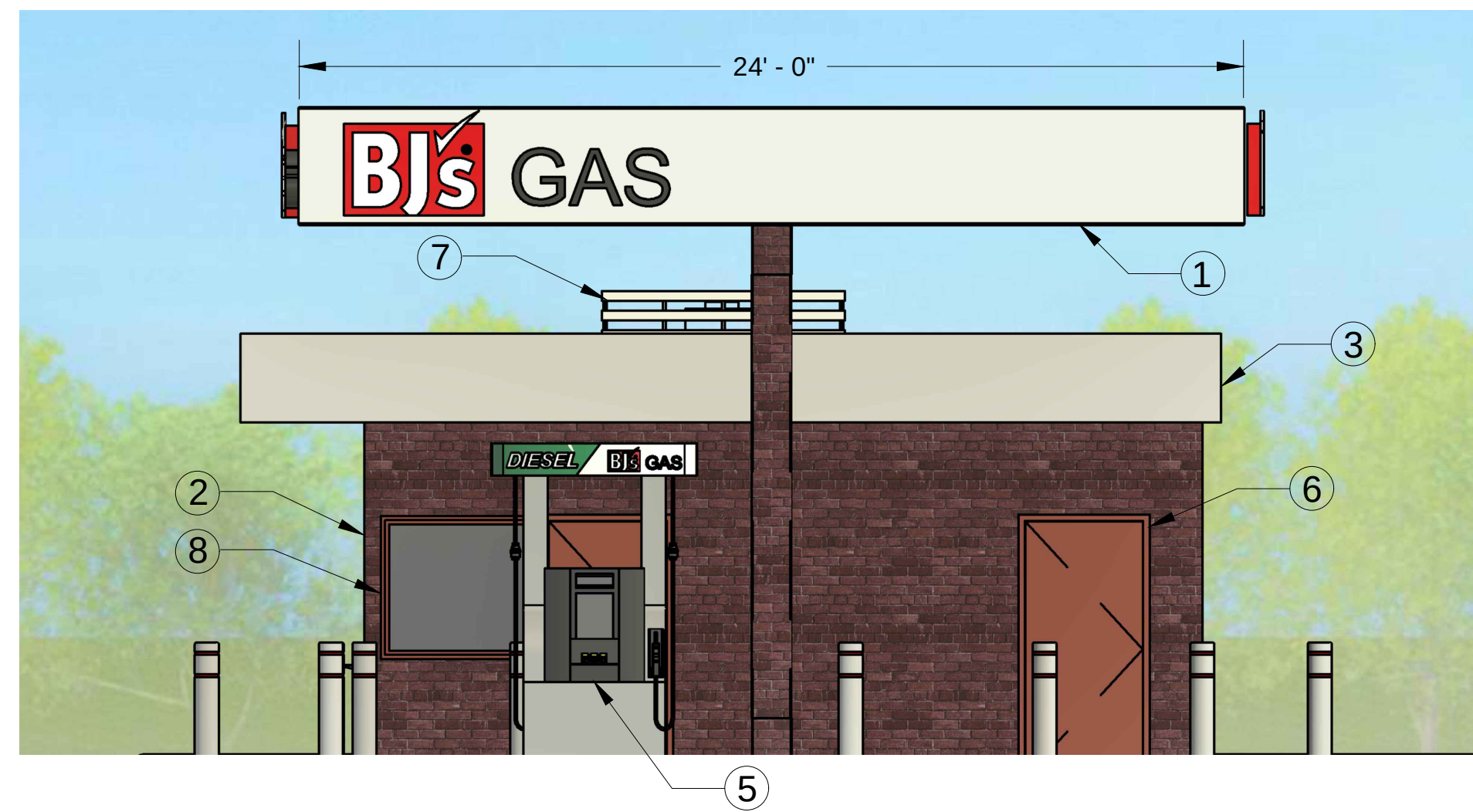
PROPOSED FUELING FACILITY
SOUTHERN PINES, NC



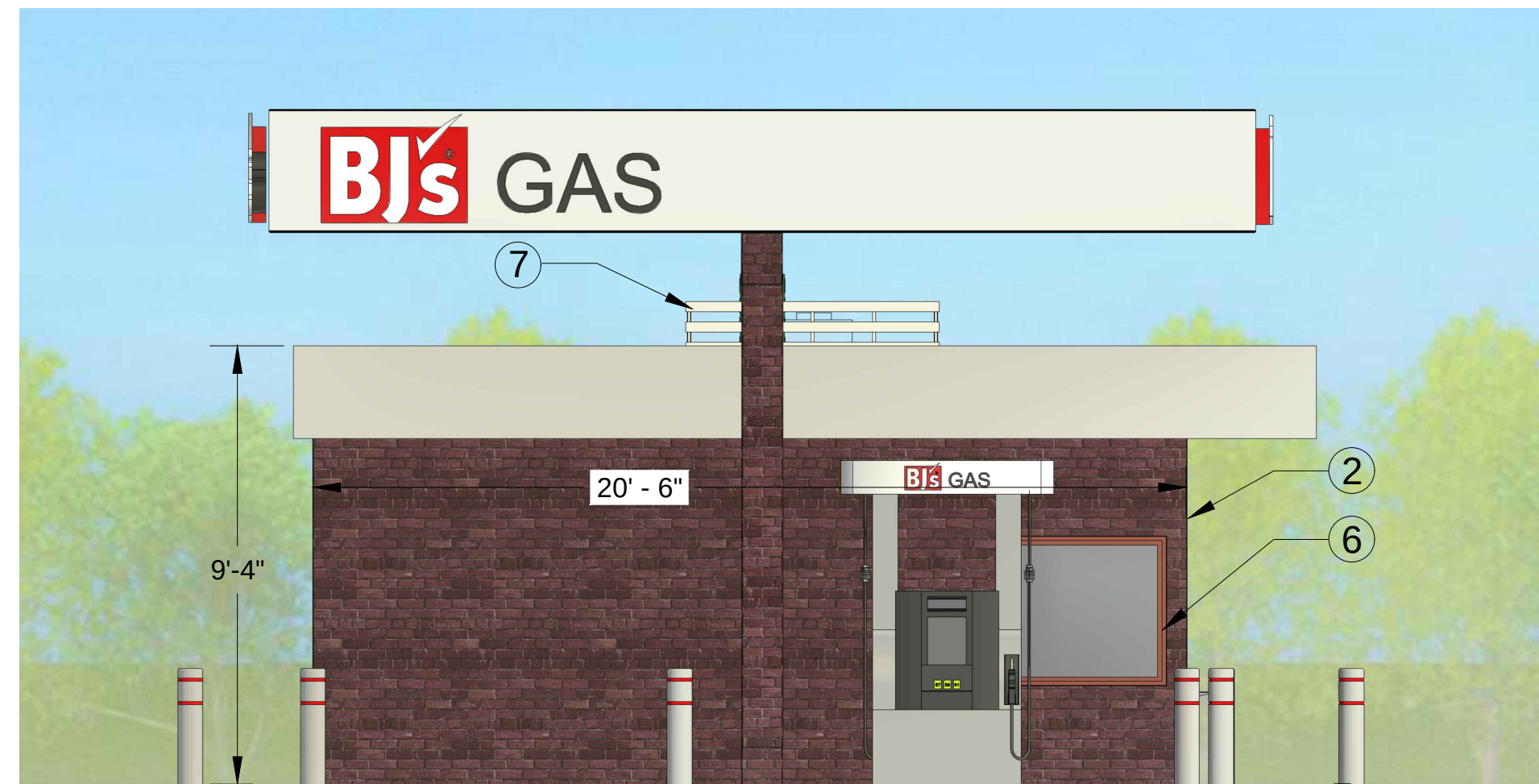
1 NORTH ELEVATION



2 SOUTH ELEVATION



3 WEST ELEVATION



4 EAST ELEVATION

LEGEND	
1	- CANOPY FASCIA - ALUMINUM COMPOSITE MATERIAL (ACM) - PAINTED "REPOSE GRAY" - SHERWIN WILLIAMS - SW 7015 FLAT FINISH
2	- KIOSK EXTERIOR - THIN BRICK - SUMMITVILLE 01034 HANOVER - TO MATCH CLUB
3	- KIOSK FASCIA - ALUMINUM COMPOSITE MATERIAL (ACM) - PAINTED "REPOSE GRAY" - SHERWIN WILLIAMS - SW 7015 FLAT FINISH
4	- CANOPY COLUMN - THIN BRICK - SUMMITVILLE 01034 HANOVER - TO MATCH CLUB
5	- DISPENSERS (8 TOTAL)
6	- KIOSK DOOR, DOOR FRAMES AND WINDOW FRAMES - P-1 PAINT TO MATCH BENJAMIN MOORE #2005-10 "RED ROCK" TO MATCH CLUB
7	- KIOSK MECHANICAL SCREENING - METAL SLAT - PAINTED "REPOSE GRAY" - SHERWIN WILLIAMS - SW 7015 FLAT FINISH

BJ's GAS LOGO SIGN LOCATIONS ARE PRELIMINARY. ACTUAL SIGN LOCATIONS ARE TO BE DETERMINED AND PERMITTED WITH THE AHJ.







Main Entrance Elevation



Patio Elevation



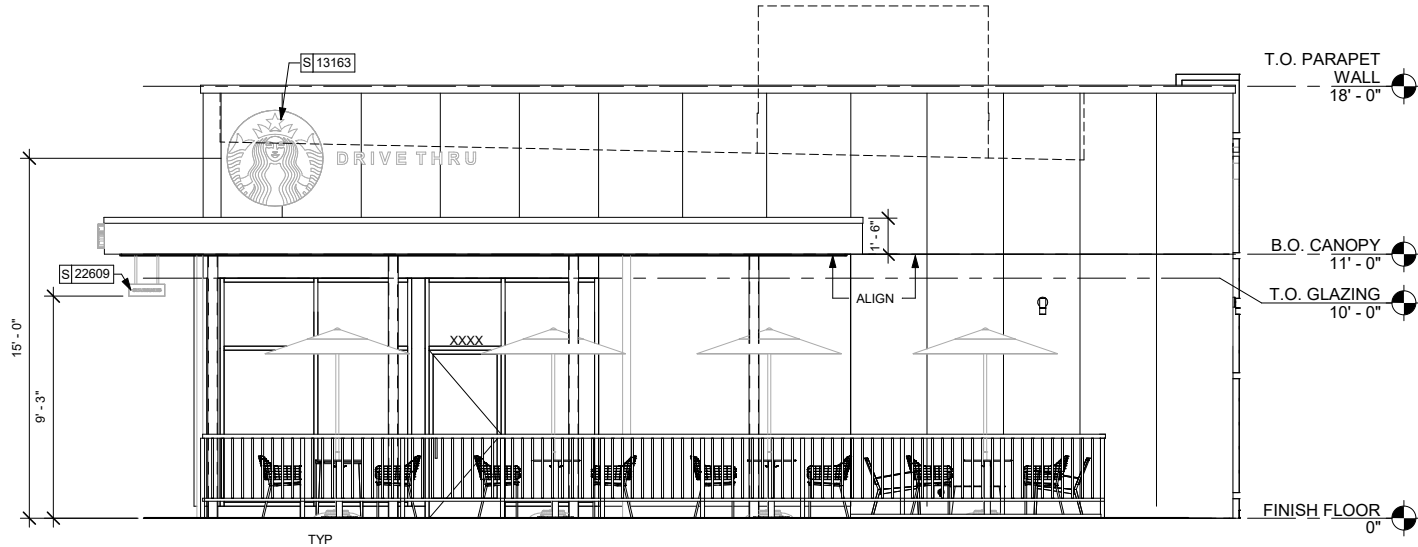
Back Elevation



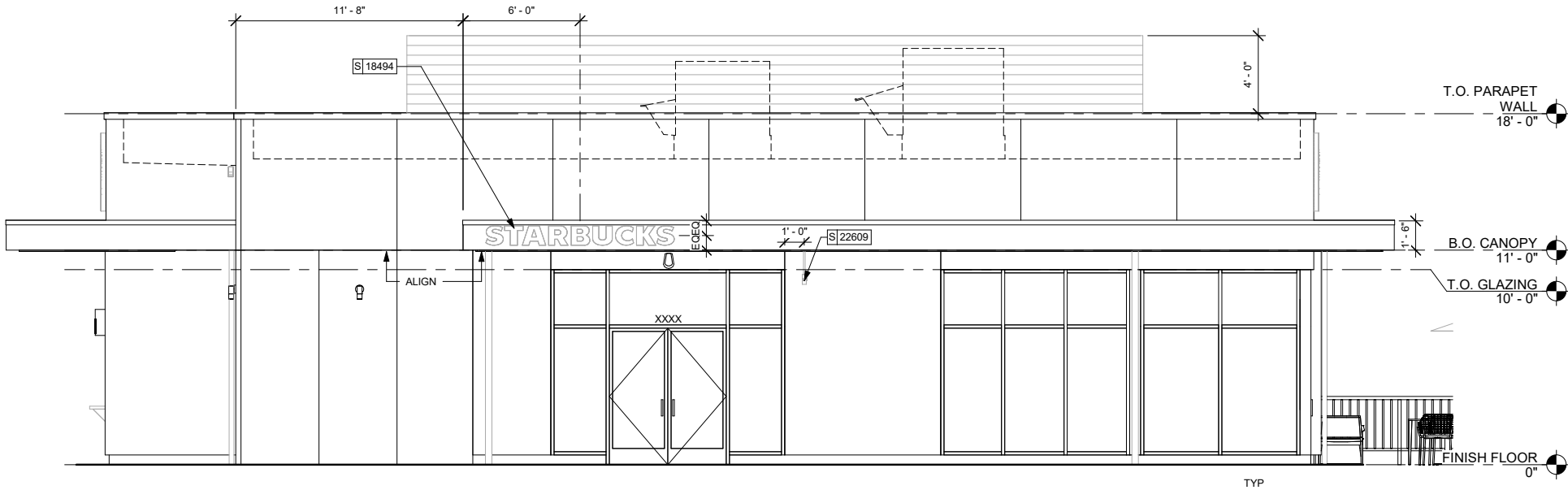
Drive Thru Elevation

EXTERIOR SIGNAGE SCHEDULE - "S"					
DESIGN ID	COUNT	DESCRIPTION	FURN. BY	INST. BY	COMMENTS
SIGNAGE - DISK					
13163	2	SIGN - DISK SF ILLUMINATED FLUSH MOUNTED EVOLVED - 48IN 1220MM	SB	SB	**
SIGNAGE - DRIVE THRU					
x1600	2	6" PIN MOUNTED DRIVE-THRU SIGN LETTERS	SB	SB	**
SIGNAGE - WORDMARK					
18494	1	SIGN - WORDMARK STARBUCKS FLUSH MOUNTED - 12IN 305MM	SB	SB	WHITE LETTERS**
22609	1	SIGN - WORDMARK BLADE SUSPENDED - HORIZONTAL - 18X6IN 455X150MM	SB	SB	**

**ELECTRICAL CONDUIT, JBOX AND WALL BLOCKING SHALL BE INSTALLED BY LL. COORDINATE LOCATION OF JBOX WITH STARBUCKS SIGNAGE VENDOR. SIGNAGE SHOWN FOR REFERENCE ONLY. SIGNAGE SHALL BE FURNISHED AND INSTALLED BY STARBUCKS SIGNAGE VENDOR.



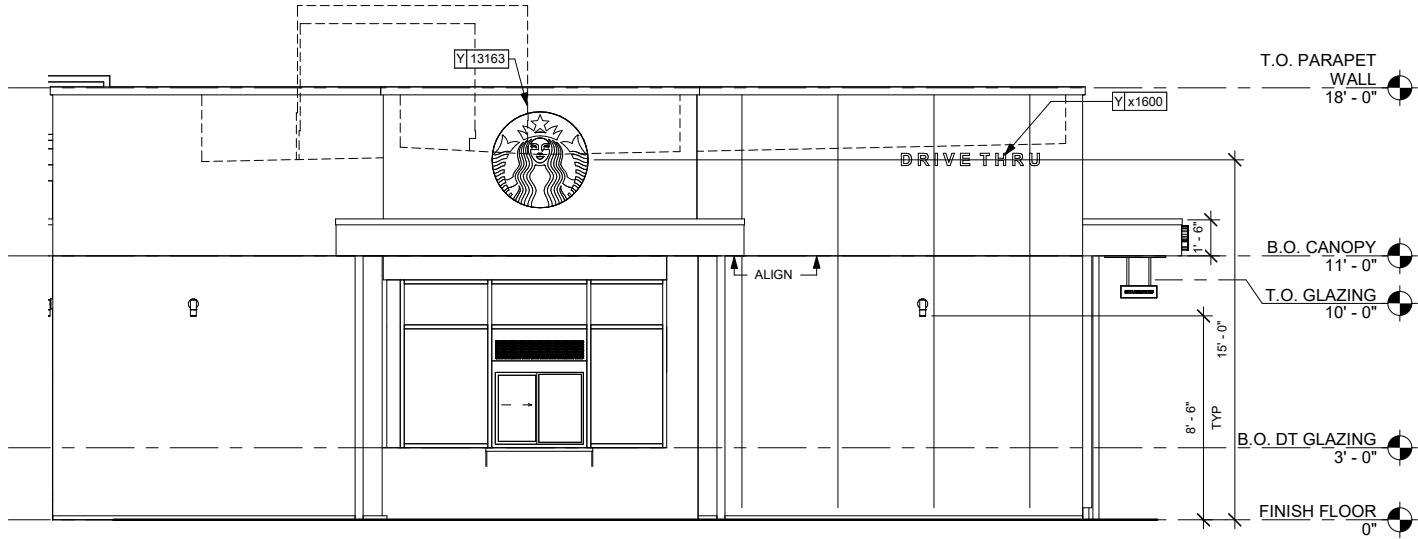
2 PATIO ENTRY
Scale: 1/4" = 1'-0"



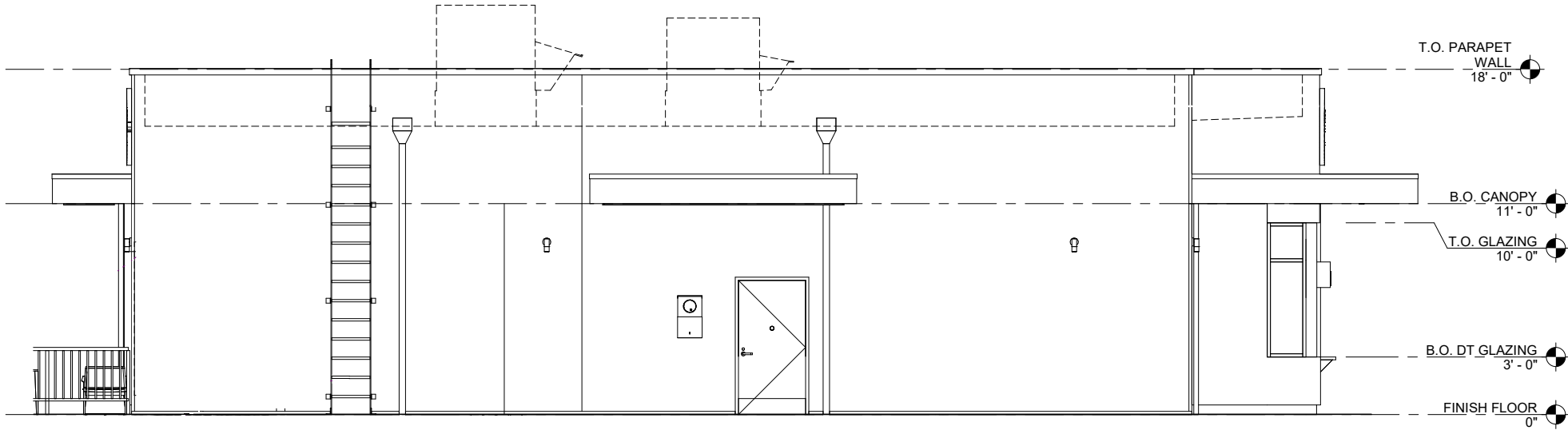
1 MAIN ENTRY
Scale: 1/4" = 1'-0"

EXTERIOR SIGNAGE SCHEDULE - "S"					
DESIGN ID	COUNT	DESCRIPTION	FURN. BY	INST. BY	COMMENTS
SIGNAGE - DISK					
13163	2	SIGN - DISK SF ILLUMINATED FLUSH MOUNTED EVOLVED - 48IN 1220MM	SB	SB	**
SIGNAGE - DRIVE THRU					
x1600	2	6" PIN MOUNTED DRIVE-THRU SIGN LETTERS	SB	SB	**
SIGNAGE - WORDMARK					
18494	1	SIGN - WORDMARK STARBUCKS FLUSH MOUNTED - 12IN 305MM	SB	SB	WHITE LETTERS**
22609	1	SIGN - WORDMARK BLADE SUSPENDED - HORIZONTAL - 18X6IN 455X150MM	SB	SB	**

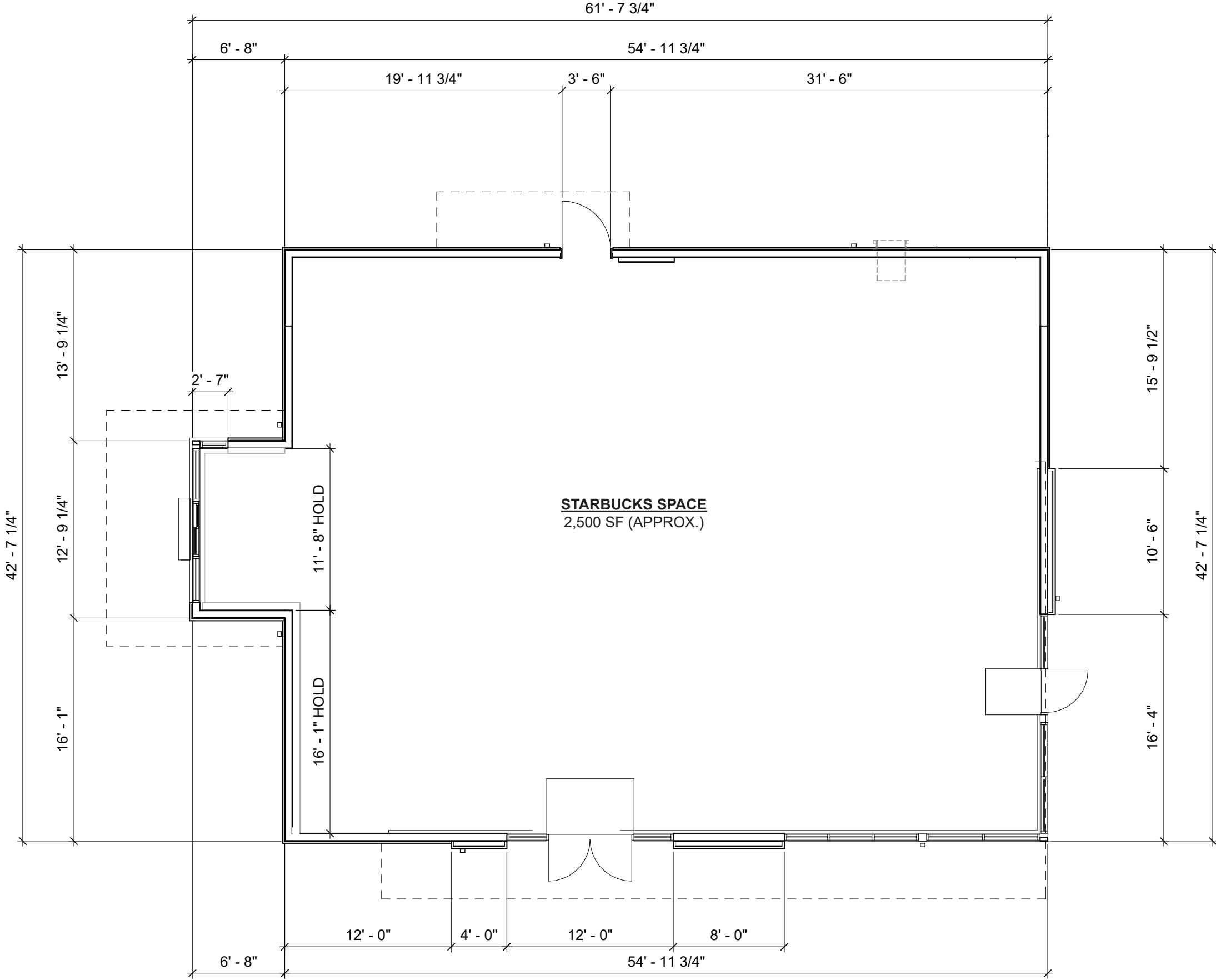
**ELECTRICAL CONDUIT, JBOX AND WALL BLOCKING SHALL BE INSTALLED BY LL. COORDINATE LOCATION OF JBOX WITH STARBUCKS SIGNAGE VENDOR. SIGNAGE SHOWN FOR REFERENCE ONLY. SIGNAGE SHALL BE FURNISHED AND INSTALLED BY STARBUCKS SIGNAGE VENDOR.



2 DRIVE THRU
Scale: 1/4" = 1'-0"



1 REAR SERVICE
Scale: 1/4" = 1'-0"



BUILDING MATERIAL SAMPLES

Wholesale Club – Main Building



MB-1: Summitville - 01034 Hanover



MB- 2: Summitville – 26 Savannah



CM-1: RockCost “Bur Ridge”



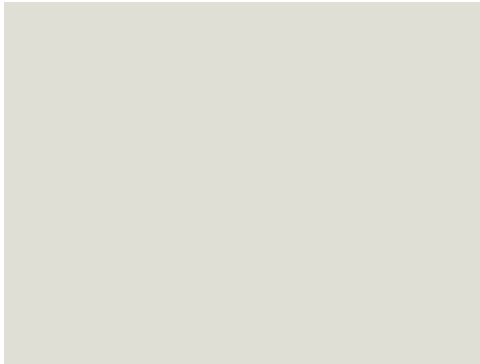
P-1: Benjamin Moore #2005-10 “Red Brick”

ARCHITECTURAL COMPLIANCE APPLICATION

October 2, 2023

Morganton Park South – Phase 3
Town of Southern Pines, NC

Wholesale Club – Main Building (Continued)



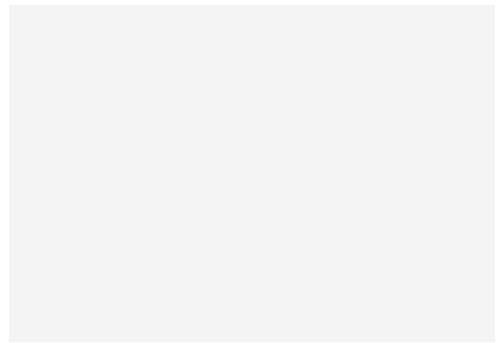
EF-1: Dryvit #310 "China White"



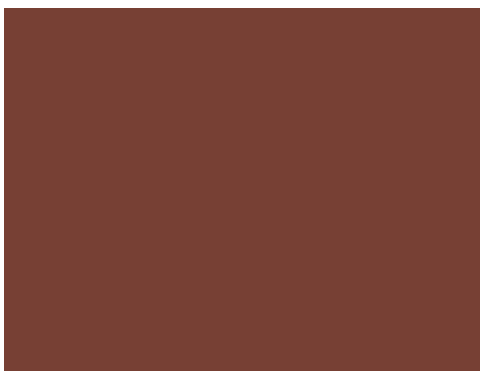
EIFS 3: Dryvit #104 "Dover Sky"



M-1: Pac-Clad "Colonial Red"



M-2: Pac-Clad "Bone White"



EF-2: Benjamin Moore #2005-10 "Red Rock"

ARCHITECTURAL COMPLIANCE APPLICATION

October 2, 2023

Morganton Park South – Phase 3
Town of Southern Pines, NC

Wholesale Club – Fuel Facility



Brick (2): Summitville - 01034 Hanover



ACM (1 & 3): SW 7015 - Flat "Repose Gray"



Paint (6): Benjamin Moore #2005-10 "Red Rock"

Restaurant with Drive-Thru



BRK-1: Summitville - 01034 Hanover



WD-1: ReSawn Timber Co. – RAILAY 1C



MTL-1: RAL #7013 Brown Grey



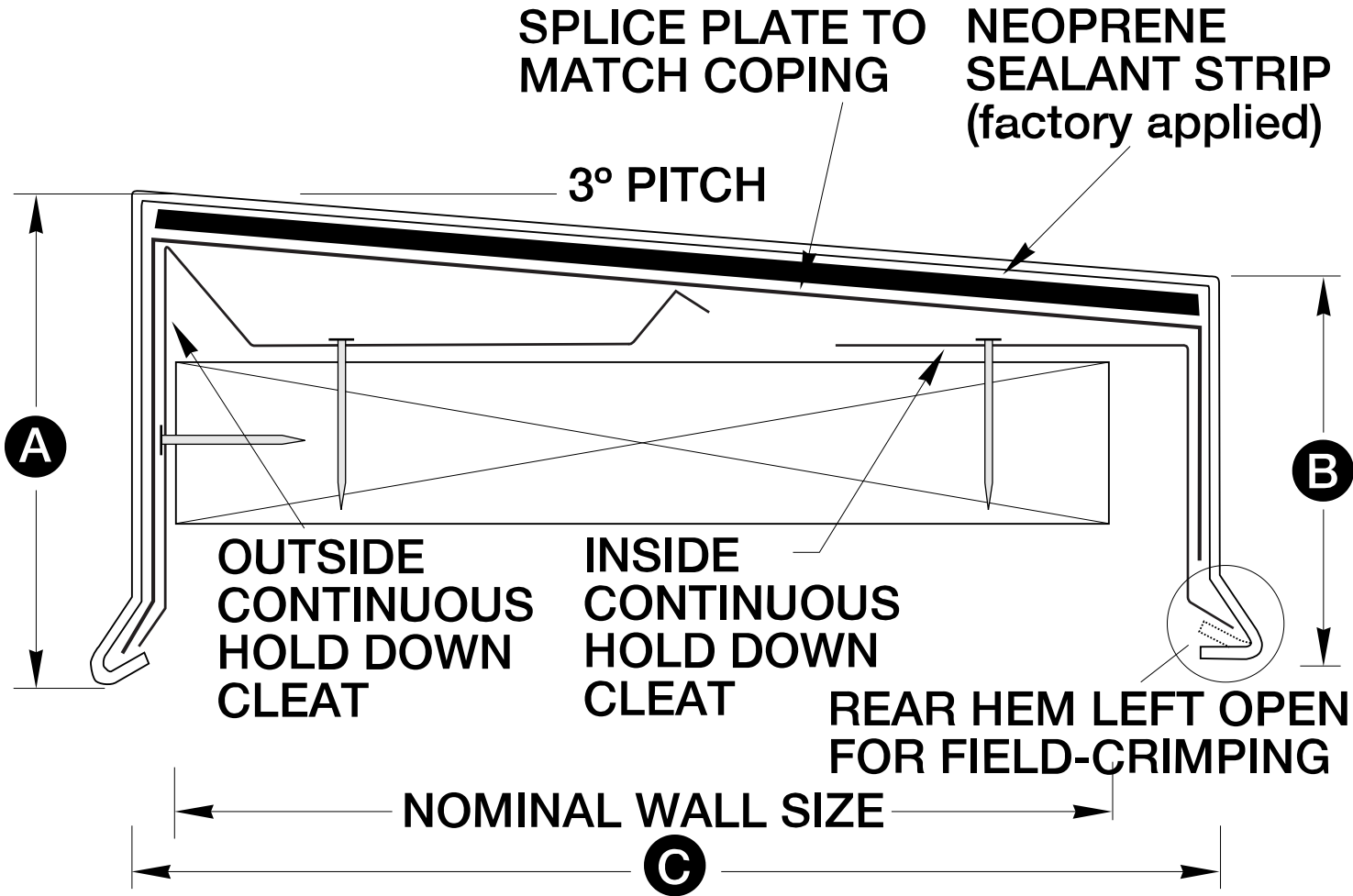
PAC-Continuous Cleat Coping

Coping Systems



Features

- ✓ Elimination of field-crimping for certain products
- ✓ Wide variety of colors and finishes
- ✓ Compliant with most relevant building codes
- ✓ Superior, efficient design for ease of installation
- ✓ Custom fabricated to specific job requirements to ensure superior fit
- ✓ Reusable and recyclable material
- ✓ 20-year, 120-mph warranty for PAC-Continuous Cleat coping systems
- ✓ Extensively tested for reliable, long-term performance
- ✓ Convenient 12' lengths
- ✓ Custom and radius capabilities available





REGIONAL GROCERY CHAIN

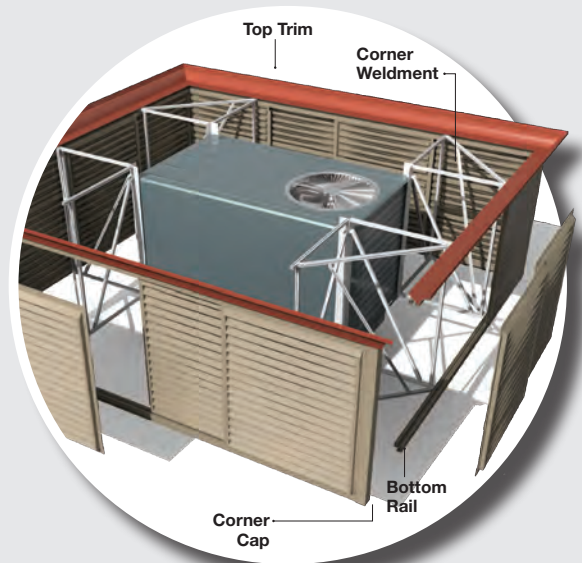
- 52"/35" Stacked Louver & 52" Louver
- Color: Ranchero Red

envisor[®]
SCREENING SYSTEMS

Innovative Rooftop Screens

Attractive, code-compliant and long lasting, Envvisor equipment screens offer affordable, elegant, customized screening solutions that blend into the overall design, all with no rooftop penetration. Our patented roof screen system provides practical solutions for municipal screening requirements of HVAC units, chillers, air handlers, power exhausts, roof stacks and communication equipment. You name it, we can screen it!

- **Zero Rooftop Penetration**
- **ABS or Metal**
- **Sliding Panels for Easy Service Access**



U.S. Patent No. 5,664,384
U.S. Patent No. 7,000,362
U.S. Patent No. 7,707,798

CityScapes[®]
ARCHITECTURAL INNOVATIONS



COMMERCIAL OFFICE SPACE

- 52" Horizontal Louver panel with Lineal Band style top trim
- Color: Almond

**THE LEADING ROOF
SCREEN CHOICE OF
ARCHITECTS, BUILDING
OWNERS AND
CONTRACTORS FOR
MORE THAN 20 YEARS.**



CHURCH OFFICE

- 52" Horizontal Louver panel with Cove top trim
- Color: Custom color match



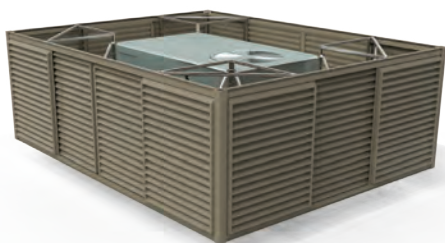
NATIONAL RETAILER

- 70" Horizontal Louver panel with 2 Step top trim
- Color: Alabaster

DESIGN OPTIONS

Envisor screens are the perfect alternative to parapet walls and they satisfy even the strictest screening code requirements. Both styles feature our patented attachment method, which secures our screens directly to the equipment with no rooftop penetration. Post mounted options are also available. Screen heights are available to shield virtually anything you desire. Envisor systems can be stacked up to three panels high to enclose tall RTUs.

VERTICAL



(Available in Metal or Acrylicap® ABS)

CANTED



(Available in Acrylicap® ABS only)

POST MOUNT



(Available in Metal or Acrylicap® ABS)

PANEL STYLES

Panels are available in ten standard styles, allowing you to match or coordinate with the building design. The panels are constructed of thermoformed, high-impact ABS with a co-extruded UV protective layer on both sides or choose one of our metal series options in a variety of thicknesses and finishes. The panels are held firmly in place using a rust-free, double tracked aluminum rail system. This enables the panels to slide side-to-side for easy access to the unit during servicing and maintenance.

ACRYLICAP® ABS SERIES PANELS



LOUVER HORIZONTAL



RIB HORIZONTAL



BRICK



FLAT PAN



FOREST



BATTEN VERTICAL



7.2 RIB HORIZONTAL



RIB VERTICAL

METAL SERIES PANELS



7.2 RIB
HORIZONTAL SOLID



7.2 RIB
VERTICAL SOLID



NEW!
4.0 CORRUGATED
HORIZONTAL SOLID



NEW!
4.0 CORRUGATED
VERTICAL SOLID



7.2 RIB
HORIZONTAL PERFORATED



7.2 RIB
VERTICAL PERFORATED



PAN SOLID

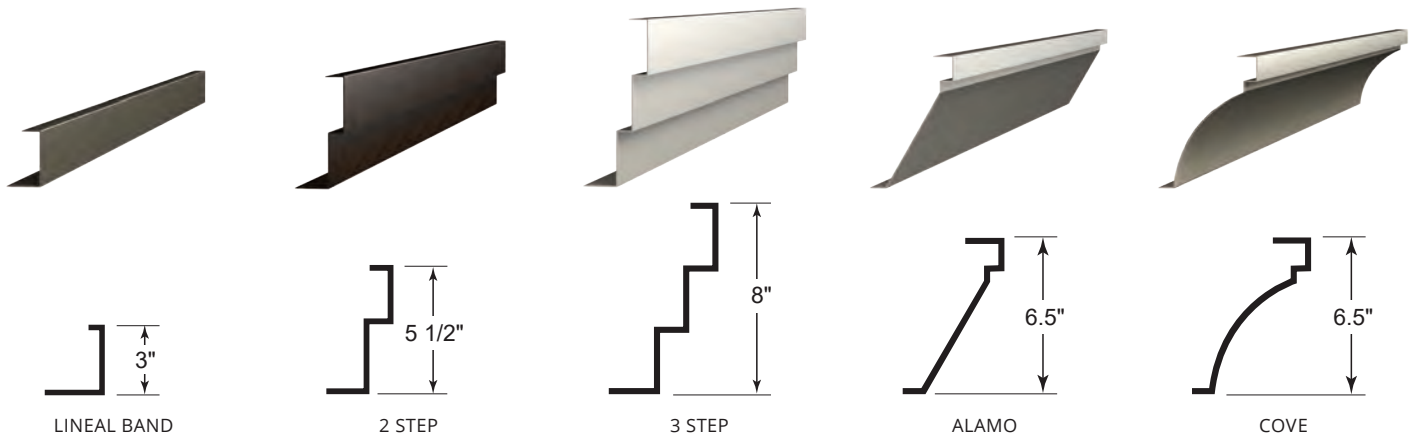


PAN PERFORATED

Don't see a panel that fits your project?
Tell us and we'll make one that you design. (Mold fee may apply)

TOP TRIM STYLES

OPTIONAL — Decorative top trim options offer the flexibility to further customize the elegant appearance of the screens by picking up building design elements and incorporating those details into the screen. Although optional, they offer one more way to make screens part of the design, not part of the problem. *Prices vary by style.*



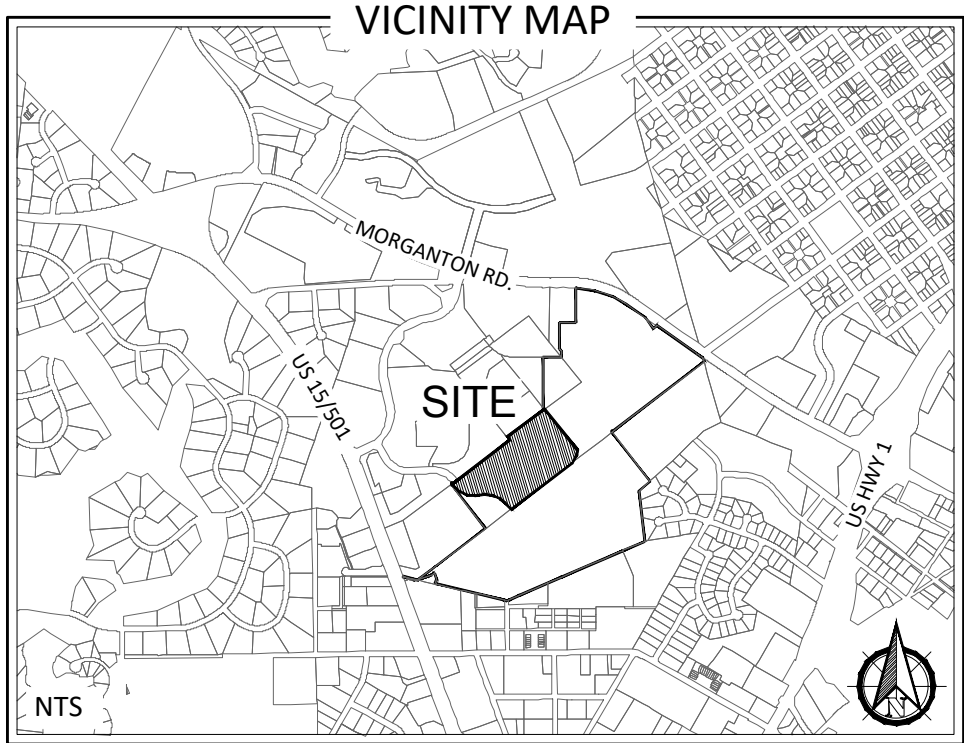
COLORS

Our designer colors complement most architectural applications, but don't let standard colors limit your creativity. We have the ability to match any cross-referenced color specifications. Send us samples to match. We've even matched a color to a rock! Colors are approximations. Please call for actual samples.



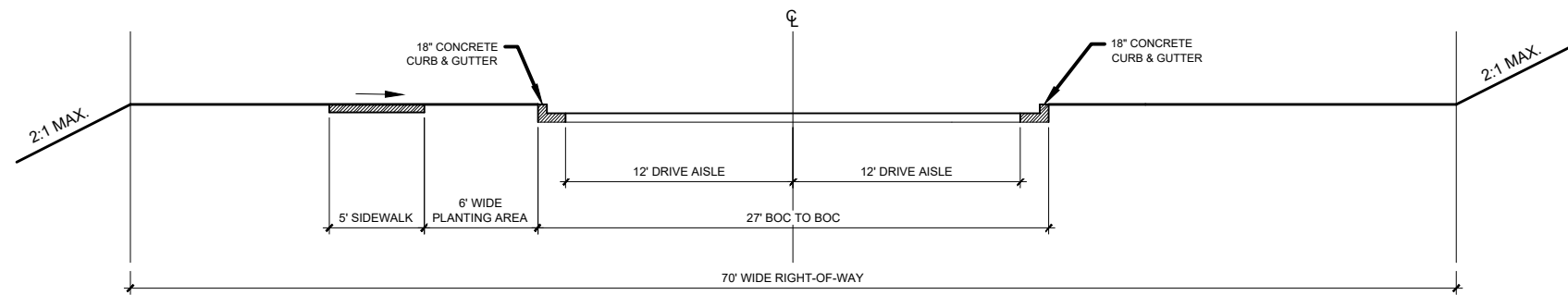
Need a custom color? Provide a Sherwin Williams or PMS code and we can color match.

***Speak to a project manager about our Envisor accessories,
including lighting kits and more.***



- 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 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

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

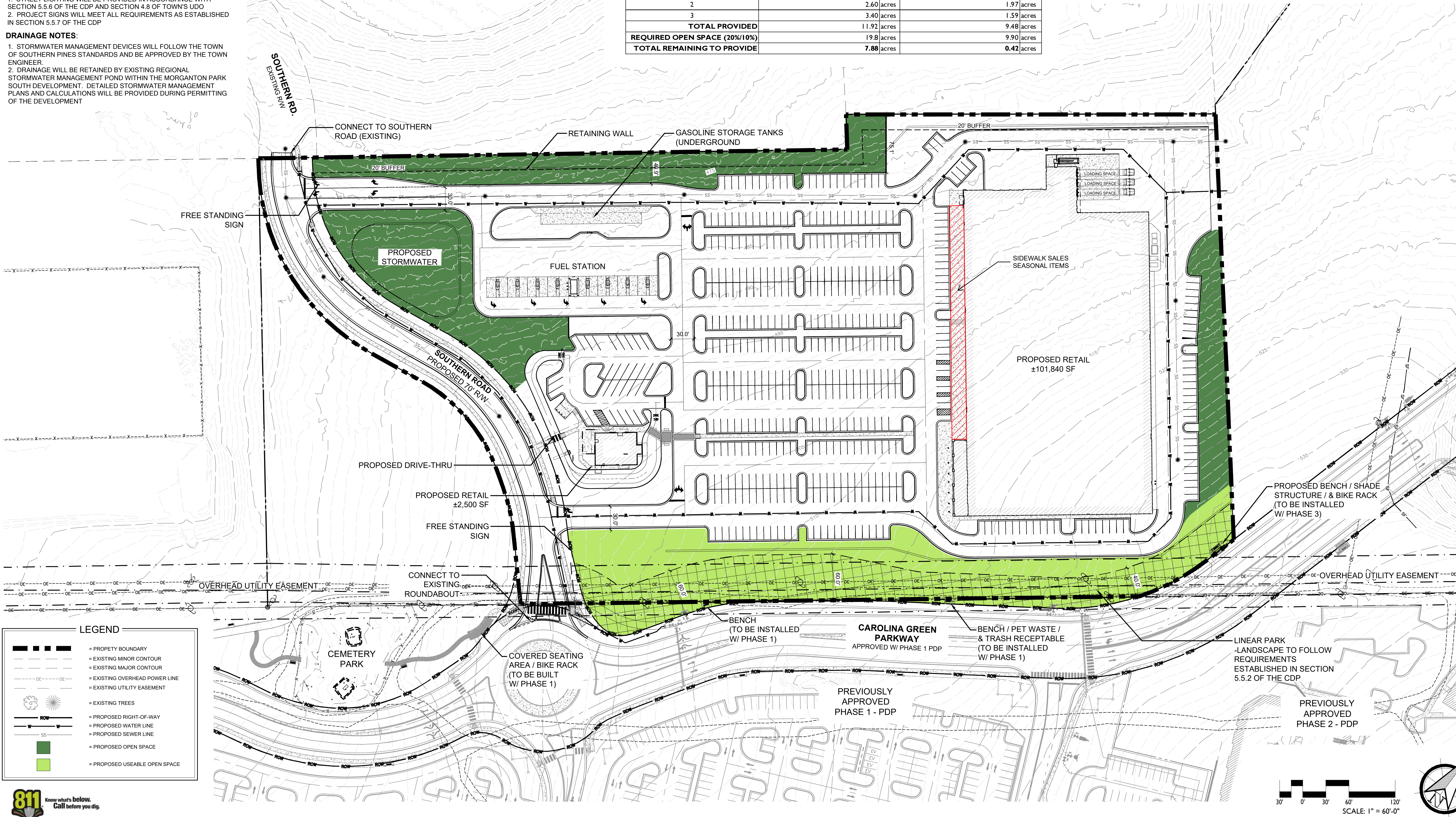
APPLICANT:
MIDLAND ATLANTIC PROPERTIES - JOHN SILVERMAN
8044 MONTGOMERY ROAD, SUITE 370
CINCINNATI, OH 45236

TOTAL ACREAGE (PHASE 3): ±14.79 AC

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

TOTAL RETAIL: ±104,340 SF + FUEL STATION

PROVIDED PARKING: 490 SPACES (1 SPACE / 213 SF)

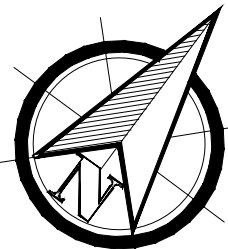
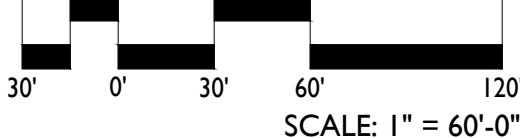


PRELIMINARY PLANS - NOT RELEASED FOR CONSTRUCTION (FOR REVIEW ONLY)

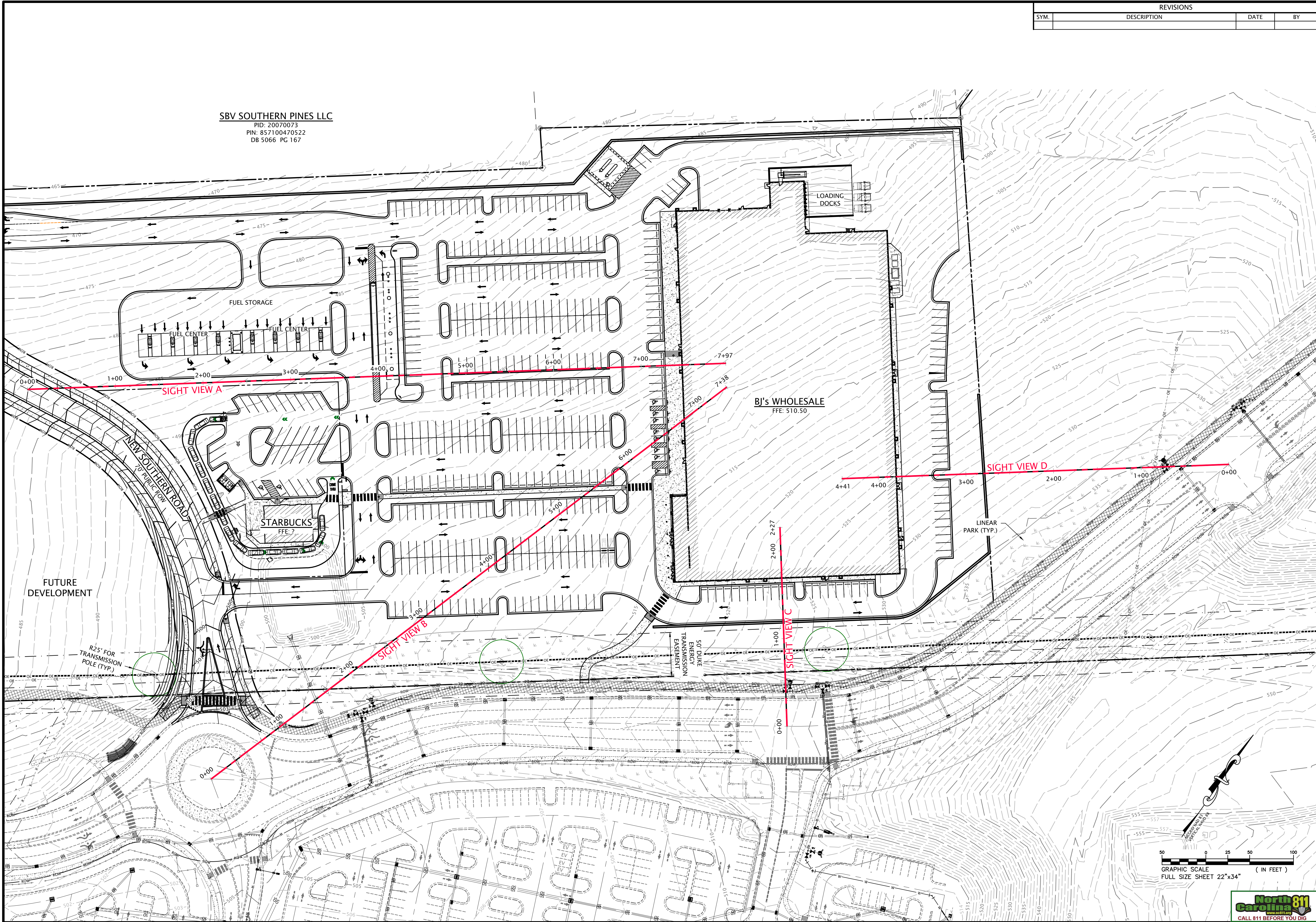
REVISIONS:
1 - 2023.09.20 SITE PLAN REVISION

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

DATE: 10-25-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 60'-0"
PROJECT #: KID23040
SHEET NUMBER:
L-1.1



File: C:\Users\DJM\AppData\Local\Temp\Arch\Bldg_11984\MPS PHASE 2 C-01 (A) SITE VIEW.dwg, By: DJM, Plotted: Fri Oct 13, 2023 at 3:00pm



SBV SOUTHERN PINES LLC
PID: 20070073
PIN: 857100470522
DB 5066 PG 167

BJ's WHOLESALE
FFE: 510.50

STARBUCKS
FFE: 7

LOADING DOCKS

SIGHT VIEW D

SIGHT VIEW A

SIGHT VIEW B

SIGHT VIEW C

GRAPHIC SCALE
FULL SIZE SHEET 22"x34"
(IN FEET)

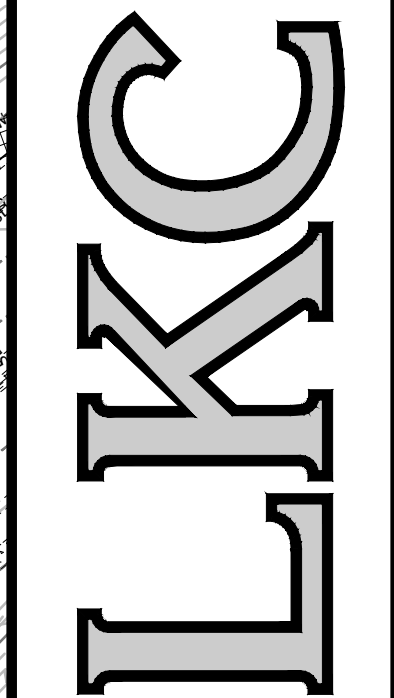


REVISIONS			
SYM.	DESCRIPTION	DATE	BY

PRELIMINARY
NOT FOR
CONSTRUCTION

LKC Engineering, pllc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying



BJ's OVERALL SITE VIEW

MORGANTON PARK SOUTH
PHASE 2
Southern Pines, North Carolina

DATE: OCT., 2023
DESIGNED: FDW
DRAWN: FDW
CHECKED: TAC
NO.
C-01

File: L:\MAP23.0 Pine Ridge Retail Center Phase 2\800 Drawings\811 Design Drawings\02 Civil - See Views\MP5 PHASE 2 C-02 SITE VIEW PROFILE.dwg, By: CH, Plotted: Fri Oct 13, 2023 at 3:01 pm

REVISIONS			
SYM.	DESCRIPTION	DATE	BY

PRELIMINARY
NOT FOR
CONSTRUCTION

LKC Engineering, plc
140 Aqua Shed Court
Aberdeen, NC 28315
O: 910.420.1437
F: 910.637.0096
lkceengineering.com
License No. P-1095

Engineering
Landscape Architecture
Surveying

LKC

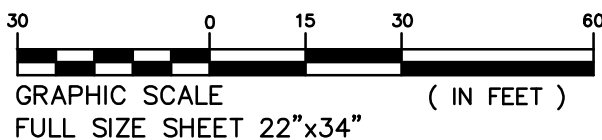
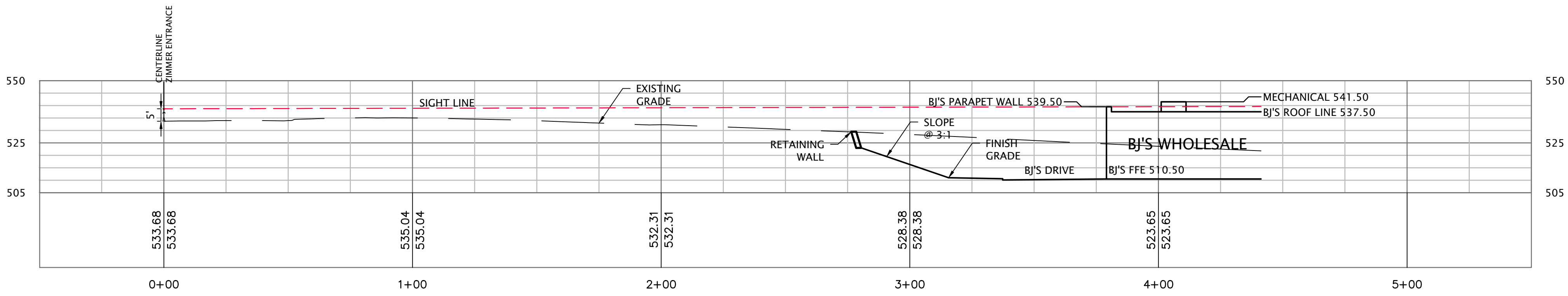
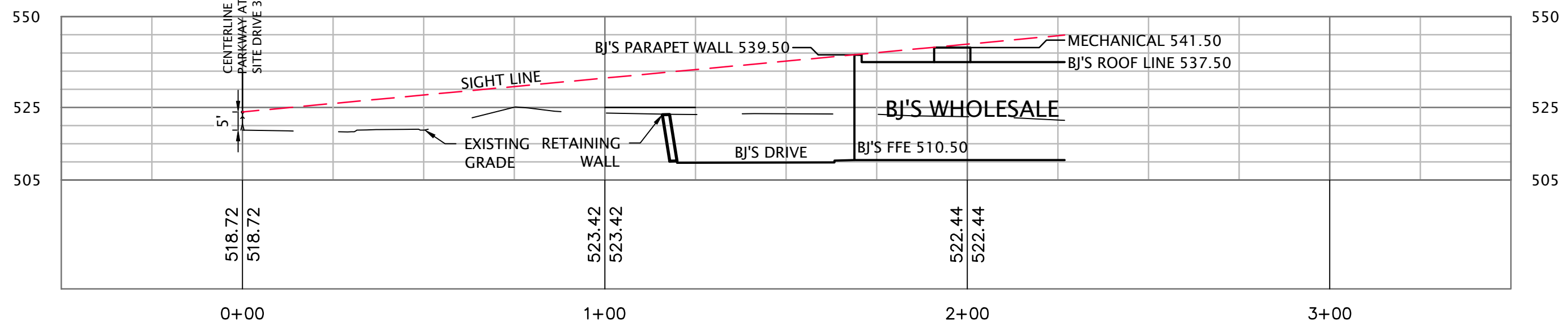
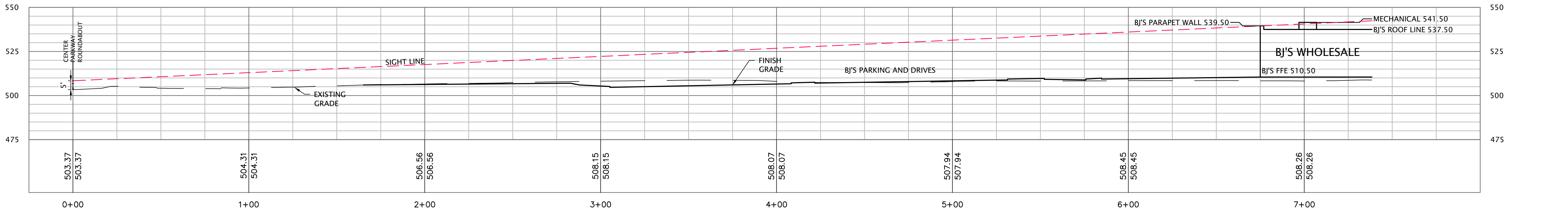
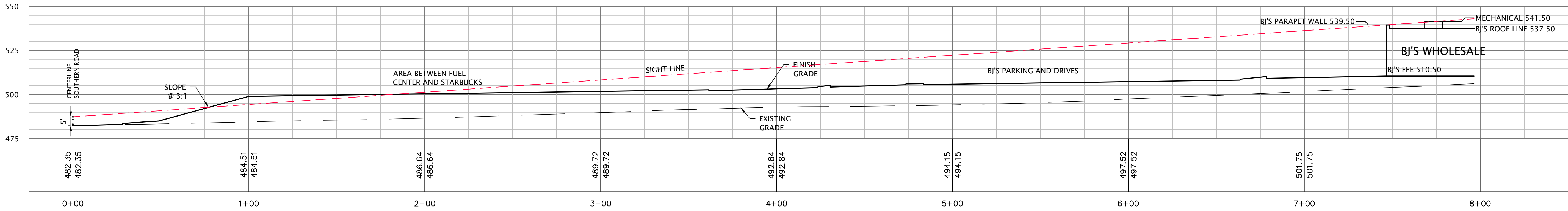
BJ's SITE VIEW PROFILES

MORGANTON PARK SOUTH
PHASE 2

Southern Pines, North Carolina

DATE: OCT., 2023
DESIGNED: FDW
DRAWN: FDW
CHECKED: TAC
NO.

C-02





**ORDINANCE #3013
ESTABLISHING A CAPITAL PROJECT FUND
FOR THE FUTURE PURCHASE OF FIRE TRUCKS**

BE IT ORDAINED AND ESTABLISHED, 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 adopted:

Section 1: The project authorized is to establish a fund for the purpose of funding the purchase of two fire trucks.

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

Section 3: The following amount is appropriated for the project:

Equipment/Trucks	<u>\$1,500,000</u>
------------------	--------------------

Total Project Appropriation	<u>\$1,500,000</u>
-----------------------------	--------------------

Section 4: The following revenue is anticipated to be available to complete this project:

Transfer In – General Fund	<u>\$1,500,000</u>
----------------------------	--------------------

Total Project Revenues	<u>\$1,500,000</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 November 14, 2023.

Adopted this the 14th day of Noveber 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 14, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

MEMO

To: Reagan Parsons, Town Manager
From: Jessica Roth, Assistant Town Manager
Date: November 3, 2023
Re: Budget Amendment for Playground Resurfacing

The FY 23-24 budget included \$294,351 to resurface the playgrounds at Downtown Park and Pool Park. The Town executed a contract for this amount to include the demolition and resurfacing. When the contractor began demolishing the previous surface at Pool Park, it was determined that the underlying base surface was insufficient. This required the contractor to provide additional labor and materials in order to prepare a base surface to industry standards. The same condition was found at Downtown Park.

The additional scope of work for both playgrounds totaled \$33,488, approximately 11%. Staff recommends amending the FY 23-24 budget to transfer this amount from fund balance to the recreation improvements capital project fund.

Work on both of these projects began in October. Pool Park was finished and re-opened in late October. At the time this memo was drafted, the contractor's work on Downtown Park was also finished, but the surface was still curing. We anticipate re-opening that playground to the public on November 6, 2023.



Pool Park new surface



Downtown Park new surface



ORDINANCE #3014
TO AMEND THE 2023-2024 FISCAL YEAR BUDGET

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 14th day of November, 2023 that the Operating Budget for the Fiscal Year 2023/2024 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Recreation Improvements	10-670-5800	\$ 33,488.00	
General Fund	Fund Balance Appropriations	10-397-1000	\$ 33,488.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 14, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



**ORDINANCE #3015
TO AMEND THE RECREATION IMPROVEMENTS
PROJECT FUND BUDGET**

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

Section 1: The project authorized is for the purpose of various recreation & park improvements.

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

Section 3: The following additional amount is appropriated for the project:

Construction	<u>\$ 33,488</u>
Total Additional Project Appropriation	<u>\$ 33,488</u>

Section 4: The following additional revenue is anticipated to be available for this project:

Transfer In General Fund	<u>\$ 33,488</u>
Total Additional Project Revenues	<u>\$ 33,488</u>

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

Section 6: This amended ordinance becomes effective November 14, 2023.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of November 14, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

MEMO

To: Reagan Parsons, Town Manager
From: Jessica Roth, Assistant Town Manager
Date: October 17, 2023
Re: Bee City USA application

The Appearance Commission recommends that the Town apply for the Bee City USA program. This voluntary initiative provides a framework for communities to work together to conserve native pollinators by increasing the abundance of native plants, providing nest sites, and reducing the use of pesticides. This is a program similar to Tree City USA that includes some commitments to demonstrate the Town's active participation. These commitments include:

1. Establish a standing Bee City USA committee to advocate for pollinators. The Appearance Commission requests to be the committee designated with this responsibility.
2. Create and enhance pollinator habitats on public lands by increasing the abundance of native plants and providing nest sites (and advocate for the same on private lands).
3. Reduce the use of pesticides.
4. Incorporate pollinator-conscious practices into the Town's policies and plans.
5. Host or co-host at least one pollinator awareness event each year.
6. Publicly acknowledge Bee City USA affiliation with at least one sign and an online presence.
7. Pay an initial application fee and annual renewal fee. The fee is based on the Town's population and will be \$200 each year.
8. Annually apply for renewal and report on the previous year's activities.

The Appearance Commission has funds for the \$200 application fee in their current budget. They have discussed the program and requirements with Town staff and we support the application and ongoing commitments. Staff finds this application and ongoing participation helps to advance policy 4.9 of the 2040 Comprehensive Plan: "Protect natural areas and environmental assets throughout the community."

The Town Council must adopt a resolution of support to accompany the application. More details on the program are available at <https://beecityusa.org/>. Upon approval, the Town will join 196 other Bee City USA affiliates around the country. Southern Pines will be the first affiliate in Moore County.



**RESOLUTION #1076
SUPPORTING THE TOWN'S APPLICATION TO BE DESIGNATED
A BEE CITY USA® AFFILIATE**

WHEREAS, the mission of BEE CITY USA is to galvanize communities to sustain pollinators, responsible for the reproduction of almost 90% of the world's flowering plant species, by providing them with healthy habitat, rich in a variety of native plants and free to nearly free of pesticides; and

WHEREAS, thanks to the more than 3,600 species of native bees in the United States, along with introduced honey bees, we have very diverse dietary choices rich in fruits, nuts, and vegetables; and

WHEREAS, bees and other pollinators have experienced population declines due to a combination of habitat loss, poor nutrition, pesticides (including insecticides, fungicides, and herbicides), parasites, diseases, and climate change; and

WHEREAS, pollinator-friendly communities can benefit local and regional economies through healthier ecosystems, increased vegetable and fruit crop yields, and increased demand for pollinator-friendly plant materials from local growers; and

WHEREAS, an ideal pollinator-friendly habitat is: (A) comprised of mostly native wildflowers, grasses, vines, shrubs, and trees blooming in succession throughout the growing season to provide diverse and abundant nectar and pollen, since many wild pollinators prefer or depend on the native plants with which they co-adapted; (B) is free to nearly free of pesticides, as many pesticides can harm pollinators and/or their habitat; (C) comprises undisturbed spaces (leaf and brush piles, unmown fields or field margins, fallen trees and other dead wood) for nesting and overwintering; and (D) provides connectivity between habitat areas to support pollinator movement and resilience; and

WHEREAS, Integrated Pest Management (IPM) is a long-term approach to maintaining healthy landscapes and facilities that minimizes risks to people and the environment by: identifying and removing the causes of pest problems rather than only attacking the symptoms (the pests); employing pests' natural enemies along with cultural, mechanical, and physical controls when prevention is not enough; and using pesticides only when no other method is feasible or effective; and

WHEREAS, supporting pollinators fosters broad-based community engagement in environmental awareness and sustainability; and

WHEREAS, Southern Pines should be certified a *BEE CITY USA* community because the continued commitment to improving and preserving the land and ecosystem for this generation and generations to come; and

NOW, THEREFORE, in order to enhance understanding among local government staff and the public about the vital role that pollinators play and what each of us can do to sustain them, the Southern Pines Town Council chooses to support and encourage healthy pollinator habitat creation and enhancement, resolving as follows:

1. The Town of Southern Pines is hereby designated as the BEE CITY USA sponsor.
2. The Southern Pines Appearance Commission is designated as the BEE CITY USA Liaison.
3. Facilitation of Southern Pines' BEE CITY USA program is assigned to the Southern Pines Appearance Committee.
4. The Southern Pines Appearance Committee is authorized to and shall:
 - a. **Celebration:** Host at least one educational event or pollinator habitat planting or restoration each year to showcase Southern Pines' commitment to raising awareness of pollinator conservation and expanding pollinator health and habitat.
 - b. **Publicity & Information:** Install and maintain at least one authorized BEE CITY USA street sign in a prominent location, and create and maintain a webpage on the Southern Pines website which includes, at minimum a copy of this resolution and links to the national BEE CITY USA website; contact information for the BEE CITY USA Liaison and Committee; reports of the pollinator-friendly activities the community has accomplished the previous year(s); and recommended native plant species list and integrated pest management plan.
 - c. **Habitat:** Develop and implement a program to create or expand pollinator-friendly habitats on public and private land, which includes, but is not limited to: identifying and inventorying Southern Pines real property that can be enhanced with pollinator-friendly plantings; creating a recommended locally native plant list to include wildflowers, grasses, vines, shrubs, and trees and a list of local suppliers for those species; and, tracking (by square footage and/or acreage) annual area of pollinator habitat created or enhanced.
 - d. **Pollinator-Friendly Pest Management:** Create and adopt an integrated pest management (IPM) plan designed to prevent pest problems, reduce pesticide use, and expand the use of non-chemical pest management methods.
 - e. **Policy & Plans:** Establish, through the Town, a policy in the Southern Pines Appearance Commission's work program to acknowledge and commit to the BEE CITY USA designation and review the program and other relevant documents to consider improvements to pest management policies and practices as they relate to pollinator conservation, identify appropriate locations for pollinator-friendly plantings, and consider other appropriate measures.
 - f. **Renewal:** After completing the first calendar year as a BEE CITY USA affiliate, each February, apply for renewal of Southern Pines' BEE CITY USA designation following the format provided by BEE CITY USA, including a report of the previous year's BEE CITY USA activities, and paying the renewal fee based on Southern Pines' population.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of November 14, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

MEMORANDUM

TO: Town Council
Reagan Parsons, Town Manager

FROM: Tess Brubaker – Speis, Finance Director

DATE: October 17, 2023

SUBJECT: Capital Asset Threshold

The Town last reviewed and raised the capital asset listing for financial and insurance records on April 30th, 2013. At that time the limit was raised from \$5,000 to \$10,000. The Government Finance Officers Association recommends a minimum capitalization threshold of \$5,000 with at least a two-year useful life.

In the recent inflationary environment and the ten-year span since this has been considered there has been discussion of raising the Town's threshold to \$20,000 with at least a two-year useful life. If raised, it will remain the responsibility of Department Heads to track items that fall below the new limit.

Please consider approval of the capital asset threshold, increasing it from \$10,000 to \$20,000 effective for the fiscal year 2023-2024.



RESOLUTION #1077
TO MODIFY THE TOWN'S THRESHOLDS FOR CAPITAL ASSETS AND
SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS
("SBITAS")

WHEREAS, the Town of Southern Pines owns and maintains control over a variety of capital assets. The Town currently defines capital assets as those that have a useful life beyond a single reporting period and exceed a monetary threshold of \$10,000; and

WHEREAS, the Town's capitalization threshold was last modified in 2013. Capitalizing an asset is primarily a financial reporting matter to guide what assets are reported on the Town's financial statements. Continuing to maintain a threshold at \$10,000 is not efficient and can over-burden the anticipated information needs for users of the Town's external financial reports. The Government Finance Officers Association (GFOA) acknowledges that maintaining an artificially low capitalization threshold leads to reporting data on numerous smaller items, which can be costly and difficult to maintain and operate; and

WHEREAS, in accordance with GASB Statement No. 96 and the Town's Resolution #1048 adopted on June 13, 2023, the Town currently uses the same monetary threshold to determine whether a Subscription-Based Information Technology Arrangements (SBITAs,) is material to the Town's financial statements.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, North Carolina in regular session assembled this 14th day of November, 2023, that:

1. The Town's threshold for defining capital assets is modified as follows:
 - a. A capital asset, also known as a fixed asset, is a long-term tangible or intangible asset that the Town acquires or constructs and then uses in its operations. Capital assets have a useful life of at least two years or more.
 - b. The monetary threshold for defining capital assets is \$20,000 or more. Items that are below this amount are reported as an "expense" or "expenditure" in the period in which they were acquired.
 - c. Direct costs represent expenditures that can be uniquely and directly linked to a specific capital project or asset, such as materials, labor, equipment, and other resources. These costs are incurred for the sole purpose of initiating, developing, constructing, acquiring, or enhancing a particular project or asset.
 - d. Indirect costs are typically administrative, overhead, or operational expenses that the Town may incur to purchase or construct a capital asset. Indirect costs are excluded from the capitalization threshold so the Town's financial statements represent the clear and accurate costs for each capital project and asset.
2. For purposes of reporting in compliance with GASB Statement No. 96, the Town of Southern Pines will exclude those SBITA assets which are clearly immaterial to the financial statements based on a materiality threshold. If the SBITA asset is used alone and not in combination with a tangible capital asset, the materiality threshold equals \$20,000.00.
 - a. If the SBITA asset is equal to or less than \$19,999.99, it is deemed immaterial and does not have to be accounted for using criteria in GASB Statement No. 96.
 - b. If the SBITA asset is equal to or greater than \$20,000.00, the SBITA asset must be accounted for using criteria in GASB Statement No. 96.
 - c. All other definitions and criteria set in Resolution #1048 and adopted by the Town Council on June 13, 2023 remain in effect and are not modified.
3. The Town Council reserves the right to adjust these thresholds from time to time as may be needed or recommended for audit purposes.
4. This Resolution is effective retroactively to July 1, 2023.

I certify that this resolution was adopted by the Town Council of the Town of Southern Pines at its meeting of November 14, 2023 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, October 3, 2023: 6:00 PM

Town Council Agenda Meeting

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

1. CALL TO ORDER

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

2. TOWN MANAGER'S COMMENTS

Asst. Town Manager/Fire Chief Mike Cameron reviewed the agenda.

Item 5b - the applicant has requested an administrative continuance and has met all the requirements, so this item will be removed from the agenda tonight.

3. ACTION ITEMS

a. PD-03-23: Written Decision for Morganton Park South Phase 3 PDP

Staff has prepared a draft Written Decision for application PD-03-23, Morganton Park South Phase 3 PDP, for the Town Council's review and approval.

Mayor Haney opened the discussion.

Councilmember Clement moved to accept the written decision of PD-03-23: Morganton Park South Phase 3 PDP, Councilmember Pate seconded; the vote was unanimous.
Motion passed.

4. REVIEW PROPOSED ACTION ITEMS FOR OCTOBER 10TH AGENDA

a. AR-07-23: Tiara Properties, LLC

A request by Seven Lakes Engineering Services, on behalf of Tiara Properties, LLC, for an Architectural Compliance Permit for a 7,200 square foot office building located on the east side of the intersection of SE Service Road and West Wisconsin Avenue.

Mayor Haney introduced the item.

Senior Planner Alaina Mallette presented the application and staff report.

The applicants do have representatives present.

Councilmember Petersen questioned the reason behind the request for the deviation. Senior Planner Mallette explained that the request was due to the elevation changes of the property.

Councilmember Petersen questioned the timing of the information provided by the applicant and Senior Planner Mallette confirmed that it had only been received that afternoon but that she would review it and provide an updated staff report at the Business Meeting.

Councilmember Pate asked Senior Planner Mallette if this was a reasonable request given the lack of time until the next meeting and Senior Planner Mallette agreed that it was not ideal circumstances. Mayor Haney and Councilmember Petersen both expressed displeasure at the lateness of the submittal and the resulting strain it places on planning department staff.

Senior Planner Mallette appreciated the concern and advised the Council that she didn't foresee

any issues with reviewing the reports on time due to the nature of the project.

Planning Director Grieve advised that the Council did not receive staff reports prior to today due to an error when uploading the packet and that, due to the lateness of the submitted reports from the applicant, were not prepared to give any recommendation at that time.

Mayor Haney advised that she had not been able to view the staff reports due to the various issues and recommended continuing the item discussion and asked for the pleasure of the Council.

Councilmember Clement expressed an interest in hearing from the applicant since they were present at the meeting in an effort to give the Council more information when they do receive the final staff report. All of the councilmembers concur.

Enrique Ortega of Ortega Design and Sean Rodriguez of Seven Lakes Engineering addressed the Council and apologized for any delays and expressed their gratitude for the planning staff's efforts to accommodate them. Mr. Ortega proceeded to present a series of slides to the Council while orally describing the project and its details, including the request for deviation which is for the shed roof only as the rest of the project meets the Town's standards.

Councilmember Clement asked about the equation used for determining the percentage of materials used on the exterior of the building. Senior Planner Mallette concurred and will work with the applicant to correct the numbers before the business meeting.

Discussion ensued.

Councilmember Petersen expressed her displeasure at the amount of work left to do on the report before the next meeting and feels a continuance is needed if the next deadline is not met.

The applicant inquired as to the Council's feeling about the requested deviation. Councilmember Pate stated that, with the information he has at this time, he doesn't see an issue with granting the request. Councilmember Clement concurs, adding that her opinion was contingent upon staff's approval. Mayor Pro Tem voiced his agreement with Councilmember Clement.

Councilmember Pate requested the applicants return for the business meeting.

5. REVIEW PUBLIC HEARING APPLICATIONS FOR OCTOBER 10TH AGENDA

a. OA-04-23: Text Amendments to the Unified Development Ordinance (UDO)

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments related to deleting an incomplete sentence in the FRR zoning classification, code compliance provisions, and platting certification requirements.

Mayor Haney introduced the item.

Planning Director Grieve presented the proposed amendments to the Council.

Discussion ensued.

b. SU-01-23: Expansion of authorized land uses in 1998 Mill Creek Mixed-Use Development Master Plan.

Mr. Bob Koontz of Koontz Jones Design, on behalf of Mill Creek Partners, LLC, has submitted a Special Use Permit amendment application pursuant to §2.21.12(A) of the Town of Southern Pines Unified Development Ordinance (UDO) to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development.

Item removed by applicant request.

6. REVIEW PROPOSED CONSENT AGENDA FOR OCTOBER 10TH AGENDA

a. Authorize Relief from §50.035 of the Town Code of Ordinances

Ryan Paschal is requesting relief from §50.035 of the Town Code of Ordinances requiring any new

house, lot, or subdivision to connect to the Town's water system if it is within 300 feet (plus 100 feet multiplied by the number of additional dwellings) of an existing [water] distribution pipe.

Town Engineer James Michel presented the item to the Council. Town ordinance requires that for the construction of buildings within 300 feet of a water line you have to connect to said line. Upon review, the town staff doesn't feel that it is necessary in this instance, given the 2 inch existing pipe being inadequate to provide for future expansion or fire protection.

Ryan Pasco of Southern Pines is the applicant and present.

Councilmember Petersen questioned what would happen in the event of a fire and Fire Chief Cameron advised that this property is located in an area that is without hydrants and that the fire department is familiar with the area, so water would be hauled in tankers to the site should a fire occur. Fire Chief Cameron added that the fire department recommends at least a 6 inch water line if it is to be used to help with fire prevention.

Town Engineer Michel added that there is a fire hydrant located 400 feet away from the property on May Street to which Chief Cameron agreed and stated that the fire department does not have any objections to granting relief.

Discussion ensued.

Councilmember Clement questioned the intention of the ordinance. Town Engineer Michel advised that the ordinance was there for fire protection and to promote smart growth in the town, but given where this area is located, the probability for expansive growth is low.

Mr. Pasco does need to attend the business meeting unless he wants to.

b. Approve Solid Waste Contract with Meridian Waste

This contract is for garbage and recycling collection and disposal, effective July 1, 2024. The final contract document is being reviewed by attorneys and will be available prior to the October 10th business meeting.

Councilmember Petersen asked if the July 1 date was a hard commitment

Asst. Town Manager/Fire Chief received the contract back from the vendor with the requested changes and Town Attorney Mac McCarley is currently reviewing them. The tentative goal is to give the contract to the Council next week.

c. Approve Meeting Minutes

Staff has prepared the following meeting minutes for approval:

- August 1, 2023 Agenda Meeting
- August 8, 2023 Business Meeting
- August 22, 2023 Work Session
- September 5, 2023 Agenda Meeting
- September 12, 2023 Business Meeting
- September 26, 2023 Work Session

Not all councilmembers have has a chance to read through the minutes but will by the next meeting and will report any changes then.

7. ADJOURNMENT

Upon motion by Councilmember Pate, seconded by Mayor Pro Tem Murphy and carried unanimously, Council adjourned at 6:49 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk

DRAFT



MINUTES

Tuesday, October 10, 2023: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

4. PRESENTATION

a. Recognize 2040 Comprehensive Plan Citizen Advisory Committee

The Citizen Advisory Committee was created to act as a sounding board with whom the consultants and staff could collaborate while working on the town's new comprehensive plan. Southern Pines would like to recognize these individuals for their time and advocacy of the 2040 Comprehensive Plan process and final document.

Planning Director B.J. Grieve reviewed the work that the Committee had done and thanked them for their involvement. He also thanked Planning & Community Development Specialist, Rachel Mann, for her work managing the plan.

Ms. Mann thanked the CAC for their passion and working to make Southern Pines the best it can be.

Ms. Mann and Mr. Grieve presented members in attendance with a certificate and copy of the newly adopted CLRP.

5. PUBLIC COMMENTS

Hugh Miner, 90 Paddock Lane, spoke on behalf of the proposed Knoll Rd. Multi-Modal Project. He presented the Council with a copy of a survey in which Longleaf residents participated.

Scott Weaver, 776 S. Ridge Street, thanked the Town Council and staff for all their work and time in attending community meetings. He referred to an article published by The Sway on September 27th and was concerned about the depiction of the bar, outdoor lights, speakers, and similar amenities.

6. PUBLIC HEARINGS

a. OA-04-23: Text Amendments to the Unified Development Ordinance (UDO)

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments related to deleting an incomplete sentence in the FRR zoning classification, code compliance provisions, and platting certification requirements.

Councilmember Pate moved to open the hearing, seconded by Mayor Pro-Tem Murphy; the vote was unanimous.

Planning Director B.J. Grieve reviewed the various amendments. There were no members of the public who spoke for this hearing.

Councilmember Pate moved to close the hearing, seconded by Councilmember Petersen; the vote was unanimous.

Councilmember Pate motioned that the proposed amendment is consistent with the Town's Comprehensive Plan. Councilmember Petersen seconded and the vote was unanimous.

Councilmember Pate motioned to approve the application for OA-04-23, as attached to the staff report. Councilmember Petersen seconded and the vote was unanimous.

7. ACTION ITEMS

a. AR-07-23: Tiara Office Park

A request by Seven Lakes Engineering Services, on behalf of Tiara Properties, LLC, for an Architectural Compliance Permit for a 7,200 square foot office building located on the east side of the intersection of SE Service Road and West Wisconsin Avenue. The packet for this item has been updated since the October 3, 2023, agenda meeting.

Planning Director Grieve reviewed the updated application. He said that staff recommends approval with three conditions.

Councilmember Petersen inquired about the concern from Town Engineer James Michel that the renderings and elevations had been signed by an engineer and not an architect. Mr. Grieve clarified that the type of renderings and drawings that are required for an architectural review do not need to be prepared by a licensed architect.

Sean Rodriguez of Seven Lakes Engineering and Rick Artega of Artega Design reviewed the updated drawings and discussed some questions about building materials. Mr. Artega was unable to bring physical material samples to the meeting.

Councilmember Clement motioned to approve the application with the deviations and conditions presented in the staff report, clarifying that the applicant needs to submit the requested materials to staff. Councilmember Pate seconded the motion. The vote was 4-1, with Councilmember Petersen opposed.

8. CONSENT AGENDA

Councilmember Clement motioned to approve the consent agenda, seconded by Councilmember Pate; the vote was unanimous in favor.

a. Authorize Relief from §50.035 of the Town Code of Ordinances

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

b. Authorize the Town Manager to Execute a Solid Waste Contract with Meridian Waste

This is a five-year contract for garbage and recycling collection and disposal.

c. Approve Meeting Minutes

Staff has prepared the following meeting minutes for approval:

- August 1, 2023 Agenda Meeting
- August 8, 2023 Business Meeting
- August 22, 2023 Work Session
- September 5, 2023 Agenda Meeting
- September 12, 2023 Business Meeting
- September 26, 2023 Work Session

d. Approve a Memorandum of Understanding (MOU) for Participation in the Sandhills Metropolitan

Planning Organization (SMPO)

The Town has been asked to approve a document outlining the formation and operational structure of a Metropolitan Planning Organization consisting of Southern Pines, Village of Pinehurst, Town of Aberdeen, Village of Whispering Pines, Town of Pinebluff, Village of Foxfire, Town of Taylortown, portions of unincorporated Moore County and the North Carolina Department of Transportation in cooperation with the United States Department of Transportation.

9. ADJOURNMENT

Upon motion by Councilmember Clement, seconded by Councilmember Pate and carried unanimously, Council adjourned at 6:53 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, October 24, 2023: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

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

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Mayor Haney encouraged everyone to vote during the upcoming election.

a. Agenda Meeting Note

The Town Council agenda meeting for November has been moved to Wednesday, November 8 due to Election Day. This meeting will take place at 6pm in the Haney Community Room of the Police Station.

Town Manager Parsons reminded everyone of the schedule change for the November agenda meeting.

3. ACTION ITEMS

a. AIA Grant Project Ordinances

The Town has received \$400,000 in ARPA grant funds from the NC Department of Environmental Quality to complete an asset inventory and assessment for the Town's water and wastewater systems. These ordinances establish the capital project and appropriate the funds for the necessary engineering and administrative services work.

Mayor Haney opened the discussion about the item.

Town Manager Parsons gave a brief explanation of Ordinance #3011 - FY22 Water Asset Inventory and Assessment Grant and #3012 - FY22 Wastewater Asset Inventory and Assessment Grant and their purpose, which is to allow the Town to accept the grant funds.

Councilmember Pate moved to adopt Ordinance #3011 - FY22 Water Asset Inventory and Assessment Grant and Ordinance #3012 - FY22 Wastewater Asset Inventory and Assessment Grant, seconded by Councilmember Petersen; the vote was unanimous.

4. COUNCIL UPDATES AND DISCUSSION

Town Engineer Michel advised the Council that staff have received reports of a company, once called 'Open Fiber' and now called 'Ripple Fiber', sending people out into the local neighborhoods handing out information packets regarding underground wiring. Citizens are under the impression that this company already has the Town's approval to place those wires underground and that is not the case. The town staff are still reviewing the permits submitted and no approvals have been given.

Town Manager Parsons added that there is another company, 'Brightspeed' that has appealed to the Board of Adjustment over the denial to wrap and bury their telephone lines underground.

Mayor Haney welcomed a new staff member, Gerald Ostlund, who was hired as the town's new Communication Specialist. Welcome Gerald!

a. Discuss 2040 Comprehensive Plan implementation priorities

The goals and policies found in Chapters 5 and 6 of the recently adopted Comprehensive Plan include various projects and initiatives to implement the plan. Planning staff would like to discuss plan implementation with the Town Council and get feedback on priorities for the coming year.

Planning Director Grieve introduced the item and presented a PowerPoint presentation.

Councilmember Clement questioned the project order. Should the downtown area be first since it has a historic district overlay? What does the consultant consider 'downtown'?

Councilmember Petersen asked for the name of the consultants: Inspire Placemaking Collective LLC.

Discussion ensued.

Councilmember Petersen will support the consultant's proposal.

Planning Director Grieve will take the Council's questions and concerns to the consultant and return to the council with additional information.

Councilmember Petersen would welcome an architect's assistance when reviewing architectural plans.

Town Manager Parsons commented that once the architectural codes are updated, that will determine how the plans are reviewed and whether it looks more like a checklist or whether there is a lot of subjectivity to it.

Town Manager Parsons reminded the Council that per North Carolina statute there are items that must be handled with a quasi-judicial hearing and staff is working to get those items placed with another public body, such as the Board of Adjustment or the Planning Board.

Councilmember Pate asked that the Council be updated as to what types of decisions are being transferred from the Council so that they can ensure that none of the substantive decisions are moved.

Mayor Pro Tem Murphy questioned to what extent would the character districts be autonomous with regard to ordinances and other decisions, because there are unique characteristics in some of the communities that should not be adversely affected by a decision made for an adjoining district.

Planning Director Grieve shared that the current plan was to handle the character districts as they would a zoning district with an overlay construct, so that decisions would affect those with the same characteristics.

Mayor Pro Tem Murphy also cautions against moves that would inflate or deflate the property values of individual areas indiscriminately.

Town Attorney McCarley added that the intention is to present the Council with a choice to take some of the things that the public expects the Council to be responsible for and put those into conditional zoning decisions so that the Council can converse with the applicants in a more open setting and not restricted by the parameters of a quasi-judicial hearing. The decisions left in as a part of quasi-judicial hearings will be in a checklist format where the ruling is contingent upon meeting a certain number of standards which will remain fairly objective.

Mayor Haney commented that she believes this process will help clarify for the citizens what the Council is allowed and not allowed to do.

Councilmember Petersen asked for attention to be given to the traffic pattern through West Southern Pines. Town Manager Parsons responded that this is not an issue for the Planning Department to address but more Council driven and added that much of that discussion was centered around the DFI project which has currently been tabled.

Councilmember Pate asked the Planning Department to assure that the applicant and the Council are aware of the timing of the applications in relation to the new codes being introduced and which occurred first.

The benefits and issues of Accessory Commercial Units, the addition of requiring commercial developments to include sidewalks and the US1 triangle were topics discussed.

Councilmember Petersen would like to see the council address water control requirements. Discussion ensued.

b. Traffic Impact Analysis Review Fees

Staff has initiated the process to amend the UDO to account for the third-party reviews of traffic impact analysis (TIA). The Planning Board reviewed the amendment on October 19 and it will be forwarded to Council for consideration on November 14. Staff is seeking direction from Council on the preferred fee option so that a revision to the fee schedule can also be presented to Council at the November meeting.

Town Engineer/Public Works Director James Michel informed the Council about the status of the project. The Planning Board, after discussion, agreed with the concept of having a third party engineer but they felt, with a four to five vote, that it should be a cost covered by the town and not the developer. When asked his opinion, Mr. Michel feels a conservative estimate of the yearly cost would be \$30,000 - \$35,000 and asked if the Council for direction on continuing with the project. Councilmember Pate questioned the scope of work given to the traffic engineer we would be contracting with and would that skew the results. Councilmember Pate shared that he hadn't yet seen a negative TIA review and questioned the objectiveness of the studies.

Discussion ensued.

Councilmember Pate asked Town Attorney McCarley if the use of a third party to review the TIA's could perhaps in certain instances open the town up to litigation? Town Attorney McCarley feels that in a quasi-judicial setting the use could make the town more vulnerable, but with the current projects being worked upon, future decisions should be made in a legislative environment, which would allow the Council more options.

Discussion ensued.

Councilmember Petersen voiced her support for the town to fund a third party review of TIA reports, whether the findings are used by the Council or one of our other boards.

The Council agreed to table the topic until January once the UDO amendments had been presented and voted on.

5. COUNCIL ROUNDTABLE DISCUSSION

Councilmember Clement stated that she has received complaints about traffic down Ashe Street. Citizens have stated that they want to request a stop sign at the intersection of Ashe St. & New York Ave. and at the intersection of Ashe St. and Indiana Ave. Councilmember Clement requests accident reports from those areas.

Councilmember Pate added that perhaps the end parking spot could be removed from those intersections to increase the line of site.

Councilmember Clement feels that people are having a hard time seeing the stop signs on Ashe St. at Indiana and asks that staff look into moving the signs closer to the intersection. A four-way stop would be an option if moving the stop signs doesn't improve the issue.

Councilmember Clement added that the Morganton extension at Country Club still continues to be an issue with large trucks continuing to use the road.

Councilmember Pate asked that the December 5, 2023, Town Council Agenda meeting be moved from the Haney Room at the Police Station to the Douglas Community Center. Councilmember Pate feels that a larger crowd than usual will attend due to it being Mayor Haney and Mayor Pro Tem Murphy's last meeting as well as the new members being installed. Staff will check on the availability of the Douglas Community Center..

6. CLOSED SESSION

Town Manager Parsons asked that '& subsection (a)(3)' to the closed session heading.

Councilmember Pate moved to enter into closed session as authorized in N.C.G.S. §143-318.11(a)(6)

and (a)(3), seconded by Councilmember Clement; the vote was unanimous.
Council entered closed session at 4:43 pm.

Council returned to open session at 6:01 pm.

Councilmember Clement had excused herself from the meeting at 5:03 pm.

a. Closed session as authorized in N.C.G.S. §143-318.11(a)(6)

Council will conduct the Town Manager's annual review.

Mayor Haney made a motion to increase Town Manager Parsons' base salary by 5% retroactive to July when other employees received increases, in addition to a one-time bonus of \$1900 in recognition of 19 years with the Town, seconded by Councilmember Petersen; the vote was unanimous.

7. ADJOURNMENT

Council adjourned at 6:03 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk