



AGENDA

Tuesday, December 12, 2023: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Approve Appearance Commission Appointments

Two residents have applied for appointment to vacant seats on the Appearance Commission. The Commission requests that Council approve their appointments, along with re-appointing three existing members with expired terms.

1. Carol Haney, term to expire 12/31/26
2. Dallas Mosman, term to expire 12/31/26
3. Birtha Shaw, term to expire 12/31/26
4. Gigi Walter, term to expire 12/31/26
5. Cynthia Dowdy, term to expire 12/31/27

b. Approve Library Advisory Board Appointments

Two members of the Library Advisory Board have expiring terms and are interested in re-appointment.

1. Jackie Covington, term to expire 12/31/26
2. Elizabeth Strickland, term to expire 12/31/26

c. Approve Historic District Commission Appointment

Robert Anderson is interested in being re-appointed to the Historic District Commission, with a term to expire 3/10/27.

d. Approve Ordinances #3020 and #3021 Amending the FY 23-24 Budget to Order Two Fire Trucks

As discussed at the November 28th work session, staff recommends ordering a new fire engine and ladder truck, for an estimated total of \$2,577,365. These ordinances amend the FY 23-24 budget to transfer \$1,077,365 from fund balance, to be combined with the \$1,500,000 that was designated for this purchase at the November 14th meeting. Placing this order now will allow the Town to avoid an end-of-year price increase.

6. PUBLIC HEARINGS

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

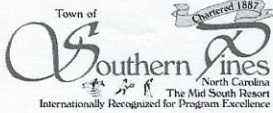
Mr. Bob Koontz of Koontz Jones Design, on behalf of Mill Creek Partners, LLC, has submitted a Special Use Permit amendment application pursuant to §2.21.12(A) of the Town of Southern Pines Unified Development Ordinance (UDO) to expand the authorized land uses in the General Business conditional zoning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

b. Z-04-23: Expansion of an existing GB-CD zoning district at Valley View Road and US Highway 1

Mr. Corey Longstreet of Windridge Gardens, LLC, and property owner has submitted a request to extend a prior General Business Conditional Zoning District (GB-CD; i.e., Z-07-01) to the remaining 1.07 acres of the existing 2.49-acre parcel, which was not included in the original approval and is zoned Residential Single-Family with 30,000 minimum lot size (i.e., RS-3).

7. ADJOURNMENT

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



DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Appearance Commission

NAME: Carol Haney TELEPHONE: 910-35-5013
ADDRESS: 166 Starland Lane, SP EMAIL: Carolhaney13@gmail.com

EDUCATIONAL BACKGROUND
BA Sociology

EMPLOYMENT
JOB TITLE: Broker Associate
EMPLOYER: Sandhill Realty

CIVIC AND PROFESSIONAL ACTIVITIES: Currently serving as Mayor of Southern Pines: Past Chair of KMCB:
Past Chair of AC: Past President Southern Pines Rotary Club: Past Assistant Governor - Rotary: Past Board
Member of local Board of Realtors

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: Former Board Member of Habitat for Humanity:
Former Board Member of Coalition for Human Care: Former Board Member of Weymouth: Member of BMPC

ANY ADDITIONAL INFORMATION AND COMMENTS: I have always loved what the AC stands for and for what
this group has done for our beautiful town - and I want to get back into the commission so I can continue giving
back to this amazing, unique and picturesque town.

DATE: Nov 11, 2023 SIGNATURE: CH Haney

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

admin@southernpines.net

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



DATA SHEET FOR APPOINTMENT TO COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Appearance Commission

NAME: Dallas Mosman TELEPHONE: 804-304-1690

ADDRESS: 710 S. Ridge St. Southern Pines, 28387 EMAIL: jdmosman@aol.com

EDUCATIONAL BACKGROUND

Rutgers Univ. School of Law, J.D., 1988 ; Colorado State Univ., M.U.A. 1981,

North Carolina State Univ., B.A. Psychology, 1972

EMPLOYMENT

JOB TITLE: artist -2001 to present

EMPLOYER: Self

CIVIC AND PROFESSIONAL ACTIVITIES: Moorestown Twp. NJ Environmental Advisory Committee,1990-93

Burlington County NJ Solid Waste Advisory Committee, 1975-78

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: _____

League of Women Voters, Moorestown NJ. Chapter, 1978-1993, Environmental Committee Chairman

Salisbury Garden Club, Midlothian VA, 2018-2023, Historian

ANY ADDITIONAL INFORMATION AND COMMENTS: I moved to Southern Pines from VA in Sept. 2023.

Visiting Southern Pines over the last 30 years, experiencing an authentic downtown, has always be a

delight. It would be an honor to contribute my time and energy to the vital work being done by the

Appearance Committee. November 20, 2023, Dallas Mosman

DATE: _____ SIGNATURE: _____

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

admin@southernpines.net

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



**ORDINANCE #3020
AMENDING THE 2023/2024 FISCAL YEAR BUDGET
FIRE VEHICLES**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of December, 2023 that the Operating Budget for the Fiscal Year 2023/2024 is hereby amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Transfer to – CP Fire Vehicles	10-670-5100	\$ 1,077,365	
General Fund	Fund Balance Appropriations	10-397-1000	\$ 1,077,365	

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

Elizabeth Robertson, Town Clerk



ORDINANCE #3021
AMENDING THE FIRE TRUCKS PURCHASE PROJECT BUDGET

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

Section 1: The Finance Officer is authorized to increase the prior established 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 project within the terms of the ordinance documents, the rules and regulations of the appropriate state laws and the budget contained herein.

Section 3: The following additional revenue is anticipated to be available;

Equipment/Trucks	<u>\$1,077,365</u>
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Total Additional Project Revenues:	<u>\$1,077,365</u>
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Section 4: The following additional amounts are appropriated for the project:

Transfer In – General Fund	<u>\$1,077,365</u>
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Total Additional Project Costs:	<u>\$1,077,365</u>
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Section 5: The Finance Officer will hereby maintain a separate fund for the future purchase of two fire trucks. The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to provide accounting to the agency required by the agreement and federal and state regulations.

Section 6: This ordinance became effective December 12th, 2023.

Adopted the 12th day of December 2023.

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

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-01-23: Special Use Permit to expand authorized land uses in Mill Creek Mixed-Use Development master plan; Petitioner: Mill Creek Partners, LLC by Koontz Jones Design, Agent

Date: December 12, 2023

I. SUMMARY OF APPLICATION REQUEST

Mr. Bob Koontz of Koontz Jones Design, on behalf of Mill Creek Partners, LLC, has submitted a Special Use Permit major 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 development. This amendment proposes adding land uses—in categories such as automobile services; heavy, durable, and other consumer goods sales or services; health and personal care and services; rentals and leasing of cars; health and human services, including outpatient clinics; social assistance, welfare, and charitable services; and other land uses—to the list of authorized uses in the GB-CD portion of the development. The amendment also proposed modifications to the Master Plan map to change “Shopping” and “Office/Condominium” sites within the GB-CD to “General Business.” Lastly, a Traffic Impact Analysis was required as part of this application, and has been submitted for the Town’s review.

II. TOWN COUNCIL REVIEW

On October 2, 2023, the applicant, Mr. Robert Koontz, requested an administrative continuance to address town staff items and issues that came up during Planning Board discussion (see Planning Board Review section below). This included a reduction in the number of authorized land uses, continued work on the Traffic Impact Analysis to address the Town Engineer’s comments (including pedestrian connectivity and multimodal trips), and reformatting the authorized use table for clarity of interpretation. On October 31, 2023, the applicant requested a second administrative continuance due to continued work on the Traffic Impact Analysis. Additional application materials were submitted on October 26, November 14, and November 15, 2023, and are included as attachments to this staff report.

III. PLANNING BOARD REVIEW

On September 21, 2023, four members of the Planning Board held a Preliminary Forum regarding SU-01-23 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by town staff regarding the project, the property owner and applicant, Mr. Bob Klug, addressed the Planning Board

and introduced Mr. Paul Saathoff of KoontzJones Design, representative for the applicant's authorized agent. Mr. Saathoff made a presentation to the Planning Board, providing additional details and justification for the proposed project. No other members of the public spoke.

After the board had finished asking questions of the applicant, town staff, and the property owner, the Planning Board closed the Preliminary Forum and held board discussion. The following list of issues presented at the forum relate to the application of the SUP criteria to amend development approval CU-02-98 and were adopted by unanimous vote to forward to Town Council for consideration during their review of the proposal:

1. Commercial property-related mini- or self-storage included as a proposed authorized use is not a by-right use in the conventional General Business district, per text amendment file OA-03-23 and Ordinance #2096, approved on August 8, 2023; therefore, should not be included in the Applicant's Appendix A.
2. The applicant has not responded to the Town Engineer's TIA comments and should address the Town Engineer's concerns adequately and timely to allow for the Town Engineer's response prior to the Town Council's evidentiary hearing.

In addition, the following concern was raised during the forum, but the Planning Board believed that it does not apply in determining whether the SUP criteria are satisfied:

1. The applicant should reformat Exhibit A to address potential land use interpretation issues addressed in the staff report.

IV. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant	Authorized Agent
Mill Creek Partners, LLC & Mill Creek Partners II, LLC P.O. Box 1511 Pinehurst, NC 28374	Koontz Jones Design C/O Robert Koontz 150 S. Page Street Southern Pines, NC 28387

B. Project History and Site Information

i. Location

The subject properties are located on Mill Creek Road, which is south of Airport Road about a quarter of a mile east of the traffic circle and is currently zoned GB-CD (General Business Conditional Zoning District). The site also has access off Central Drive/NC-22 between Warrior Woods Road and the roundabout. The properties in question are identified as PARIDs 20070989 and 20070990 and are owned by Mill Creek Partners, LLC, and Mill Creek Partners II, LLC. (See Figures 1 and 2). The surrounding properties include planned developments—such as Tyler's Ridge, Ace Hardware, and Caropines—residential zones, Sandhills Community College, and Moore County Airport.

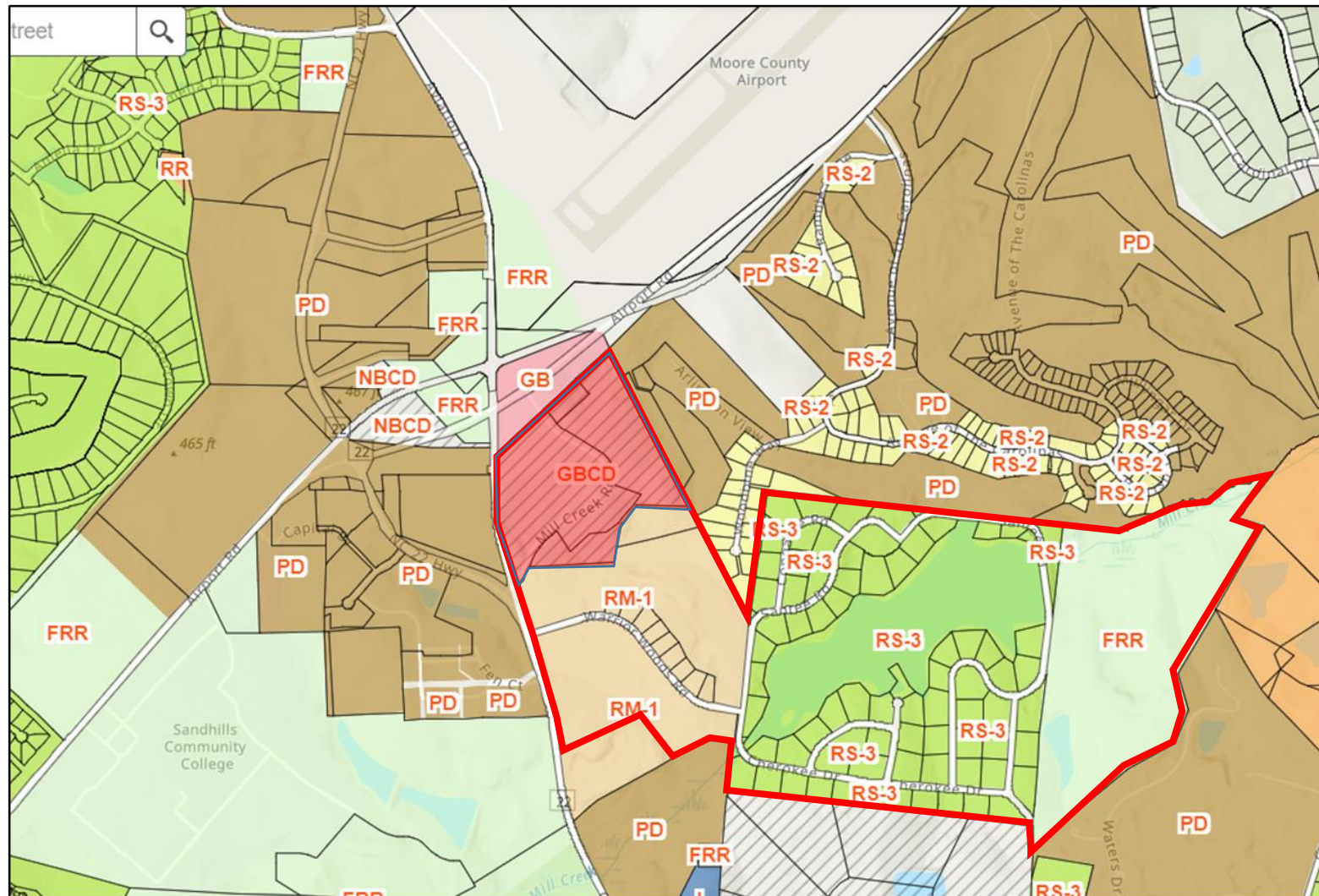
ii. **Zoning/Future Land Use Map Designation:**

The zoning of the parcels for the portion of the development being amended is GB-CD under permit CU-02-98 (see Figure 2). The subject parcel is designated as Commercial on the Future Land Use Map. Through UDO §2.8.5 Permit Choice, the applicant has elected to follow the 2016 Comprehensive Long-Range Plan rather than the recently adopted 2040 Comprehensive Plan.

Figure 1: Immediate Vicinity Map. Approximate amendment area boundary indicated by red line.



Figure 2: Zoning and Location Map. The whole Mill Creek Land Use Master Plan encompasses the area outlined in red. The major amendment to the Special Use Permit is for the area highlighted in red under current General Business Conditional Zoning District zoning.



V. STAFF REVIEW:

A. Application Review Dates:

- Special Use Permit SU-01-23 Application Submitted: **August 14, 2023**
 - Application Deemed Complete: **August 21, 2023**
 - Additional Materials Submitted: **October 26, 2023**
 - Additional Materials Submitted: **November 14, 2023**
 - Additional Materials Submitted: **November 15, 2023**
- TRC Staff Review: **August 22, 2023**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 14, 2023**
 - Mailed: **September 7, 2023**
 - Internet: **August 24, 2023**
 - Published: N/A for SUP
- Planning Board Preliminary Forum: **September 21, 2023**
- Notice of Town Council Public Hearing:
 - Posted On-site: **September 14, 2023**
 - Mailed: **September 7, 2023**
 - Internet: **September 22, 2023**
 - Published: Sent September 22, 2023 for publishing on **September 27** and **October 4, 2023**
- Town Council Regular Meeting: **Administratively continued the scheduled October 10, 2023 public hearing**
- Town Council Regular Meeting: **Administratively continued the scheduled November 14, 2023 public hearing**
- Town Council Public Hearing: **December 12, 2023**

B. Process of Review:

The Mill Creek Master Plan was approved in 1998 under Conditional Use Permit CU-02-98 and an amendment to such permit is required to follow the current Special Use Permit major amendment process. The procedures for review and approval of a Special Use Permit major amendment, per UDO §2.21, establish a process and standards to approve certain uses that, because of unique characteristics or potential impacts on adjacent land uses, are not permitted in zoning districts as a matter of right.

C. Standards for Review:

UDO standards for Special Use Permit Criteria, UDO §2.21.6 (A-F) apply to the review of this special use permit amendment.

D. Criteria for Review and Compliance with the UDO

i. Compliance with Special Use Permit Criteria – UDO §2.21.6 (A-F)

A Special Use is permitted only if the applicant demonstrates that:

- A. *The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*

The applicant's Justification document (Attachment 2) states that the intent of the major amendment is to clarify permissible uses within the General Business portion of the development. The applicant uses a similar format to UDO Exhibit 3-15 Table of Authorized Land Uses to create a list of permissible uses (i.e., "Exhibit A" in the Mill Creek Master Plan, Attachment 3). A comparison of land uses permitted in both the proposed major amendment and the UDO are shown in Table 1 of this staff report, which includes 34 fewer land uses than was presented to the Planning Board in August 2023.

Proposed expanded land uses that have supplemental land use regulations include hotels (including motel, tourist homes, or tourist courts), scientific research and development services, mobile food services, government-owned establishments (such as defense agencies and National Guard), and child daycare. An approval of this major amendment request would constitute entitlement for each of these land uses, essentially making them by-right uses within the GB-CD. As such, future development for any of these land uses (and all others in the Applicant's Exhibit A) would proceed to site plan review and architectural compliance review to check for compliance with any applicable supplemental use regulations rather than proceed through another quasi-judicial process before the Planning Board and Town Council.

Table 1. Comparison of Authorized Uses in UDO and Applicant's Exhibit A

<i>General Business Authorized Uses in Both UDO and Applicant's Exhibit A</i>	<i>General Business Authorized Uses in UDO, but Not Applicant's Exhibit A</i>
Hotel, motel, tourist home, or tourist court	Assisted-living board care and adult care group homes
Bicycle sales and repair	Nursing or convalescent home
Parts, accessories, or tires	Accessory dwelling
Gasoline service	Bed and Breakfast Home or Inn
Automotive repair and maintenance	Car dealer
Furniture or home furnishings	Bus, truck, mobile homes, or large vehicles sales or services
Electronics and appliances	Motorcycle, ATV sales or services
Computer and software	Boat or marine craft dealer
Clothing, jewelry, luggage, shoes, clocks, sewing	Hardware, home center
Sporting goods, toy and hobby, and musical instruments	Lawn and garden supplies
Books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc.	Department store, warehouse club, or superstore
Florist	Lumber yard and building materials
Art dealer, supplies, sales and service	Heating and plumbing equipment
Mail order or direct selling establishment	Camera and photographic supplies
Grocery store, supermarket, or bakery	Antique shop, flea market, thrift stores
Convenience store	Tobacco or tobacconist establishment

<i>General Business Authorized Uses in Both UDO and Applicant's Exhibit A</i>	<i>General Business Authorized Uses in UDO, but Not Applicant's Exhibit A</i>
Specialty food store	Credit and finance establishment
Fruit and vegetable store	Fund, trust, or other financial establishment
Beer, wine, and liquor store	Markets for farm produce or crafts
Pharmacy or drug store	Pawn shop
Cosmetic and beauty supplies and personal grooming products	Rental housing-related property management services
Optical and contact lenses	All rental and leasing land uses (LBCS 2330 series) EXCEPT car rentals and leasing
Bank, credit union, or savings institution	Veterinary services
Investment banking, securities, and brokerages	Facilities support services
Insurance-related establishment	Collection agency
Real estate services	Investigation and security services
Car rentals and leasing	Landscaping Services to Buildings and Dwellings
Legal professional services	Carpet and upholstery cleaning Services to Buildings and Dwellings
Accounting, tax, bookkeeping, payroll services	Packing, crating, and convention and trade show Services to Buildings and Dwellings
Architectural, engineering, surveying, and related services	Food service contractor
Graphic, industrial, interior design services	Vending machine operator
Consulting services (e.g., management, environmental technical)	Coin-operated laundromat
Scientific research and development services	Linen and uniform supply
Advertising, media, and photography services	Parking lot and parking garage
Office administrative services	Tattoo parlor
Employment agency	Adult establishment
Copy center, private mail center, other business support services	Adult cabaret
Travel Arrangement and reservation services	Animal boarding
Full-service restaurant	Pet cemetery
Cafeteria or limited service restaurant	Printing and related support activities for wood, paper, and printing products
Drive-through restaurants	Jewelry and silverware manufacturing
Snack or nonalcoholic bar	Dolls, toys, games, and musical instruments manufacturing
Bar or drinking place	Office supplies, inks, etc. Manufacturing
Mobile food services	Signs manufacturing
Caterer	Wholesale trade establishment
All personal care land uses (LBCS 2610 series)	Office and warehousing
Dry cleaning and laundry	Local transit systems—bus, special needs, and other motor vehicles
Photofinishing	Non-local and charter bus transportation
Massage therapist	Sightseeing transportation
Pet or pet supply store	Taxi and limo service transportation
Animal services	Towing and other road and ground services
Courier and messenger services	Postal services
Theater, dance, or music establishment	National post office
Agent for management services	Newspapers, books, periodicals, etc. Publishing
Independent artist, writer, or performer	Software publisher

<i>General Business Authorized Uses in Both UDO and Applicant's Exhibit A</i>	<i>General Business Authorized Uses in UDO, but Not Applicant's Exhibit A</i>
Games arcade establishment	All land uses in the motion pictures and sound recording category (LBCS 4220 series)
Miniature golf establishment	All tele-communications and broadcasting land uses (LBCS 4230 series)
Public or private fitness, recreational sports, gym, athletic club, multipurpose facility	All information services and data processing industries (LBCS 4240 series)
Bowling, billiards, pool	Electric service distribution lines and substations
Skating rink, roller skating	Natural gas utility service
Natural and other recreational park	Water utility service
Nursery or preschool	Solid waste collection utility service
Special needs education services school	Wastewater utility service
Legislative and executive public administration uses	Museum, historical or archaeological institution, zoo, botanical garden, or arboreta
Other government functions (LBCS 6300)	Amusement or theme park establishment
All public safety land uses (LBCS 6400 series)	All types of grade schools (LBCS 6120 series) EXCEPT special needs education services schools
All ambulatory or outpatient care services (LBCS 6510 series) EXCEPT blood or organ banking	All technical, trade, or other specialty schools (LBCS 6140 series)
Child daycare (LBCS 6562)	Judicial functions
Services for elderly and disabled	Blood or organ bank
Veterans affairs	Inpatient nursing and rehabilitative services (LBCS 6520)
Vocational rehabilitation	Hospital
Any associations, non-profit organizations, clubs (LBCS 6800 series)	Health care facility (LBCS 6540)
Building, developing, and general contracting for construction-related businesses	Child and youth services (LBCS 6561)
Temporary uses	Community food services
Major and minor subdivision	Emergency and relief services
Combination uses	Other family services (LBCS 6565)
	Homeless shelters
	Religious institutions (small or others)
	Funeral home and services
	All cemetery or cremation services (LBCS 6720 series)
	Carpentry, floor, and tile contractor
	Electrical contractor
	Glass and glazing contractor
	Masonry and drywall contractor
	Painting and wall covering contractor
	Plumbing, heating, and air conditioning contractor
	Roofing, siding, or sheet metal contractor
	Outdoor crop production
	All greenhouse crop production (LBCS 9140 series)
	Home occupations

B. The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;

The applicant states that they will adhere to the UDO General Business standards and other applicable zoning standards. Additionally, Figure 2 shows the Zoning and Location Map, which shows the subject properties surrounded by Planned Development districts. Two of these Planned Development Districts include Tyler's Ridge and Ace Hardware (see Figure 3), which include commercial land uses and buildings. Furthermore, the proposed amendments do not alter the Open Space surrounding the developable area, and this will maintain a reasonable buffer to adjoining residential developments to the east. Therefore, Planning staff believe that the proposed amendment conforms to the commercial neighborhood where it is located and will not injure the use and enjoyment of adjacent properties.

C. Adequate public facilities shall be provided as set forth herein;

The applicant states that water and sewer are readily available to the site, infrastructure has been installed in previous phases of development, and any further expansion will be borne at the cost of the developer. The Town's geographic information systems spatial data layers show both sewer gravity main and water main lines intersecting the properties. Furthermore, Mill Creek Road is a paved town road while Airport Road and Central Drive are both minor arterial roads owned and maintained by North Carolina Department of Transportation. Despite access to these facilities, the level of service at the intersections of Mill Creek Road and Highway 22/Central Drive as well as Airport Road have does not meet the Towns minimum standard of a LOS D or better during the buildout condition, according to the Traffic Impact Analysis.

The traffic leaving Mill Creek Road and Warrior Woods Road to go onto Highway 22/Central Drive and traffic exiting the GB-CD portion to go onto Airport Road have a LOS "E and F" , where a LOS "D" is considered the minimum for this type of public facility. The same conditions occur where motorists turn off Mill Creek Road onto Airport Road. The Traffic Impact Analysis preparer's suggested solutions to these low-rated intersections are traffic lights on Airport Road and Highway 22, which are NCDOT's jurisdiction and unlikely to be added these intersections. NCDOT has not responded to the Traffic Impact Analyses as of the writing of this staff report.

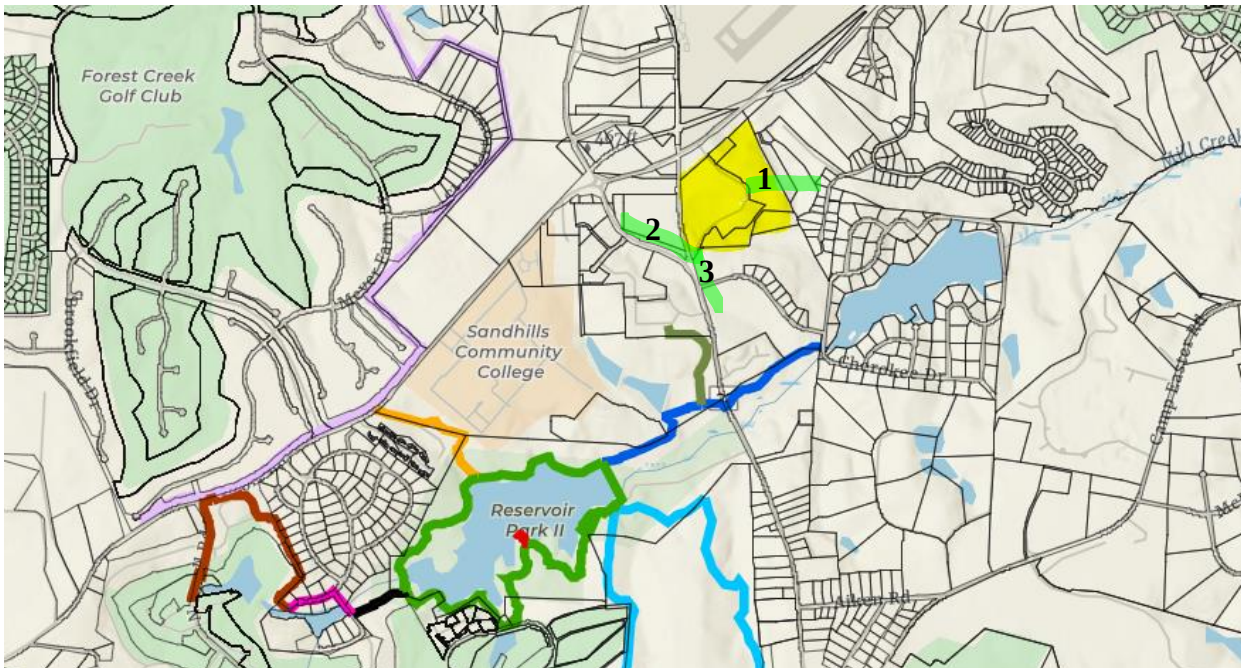
Therefore, a minimum effort to connect these failing facilities with the development has not been demonstrated. For instance, a multimodal connection to Caropines, Tyler's Ridge commercial development, and Tyler's Ridge apartments could reduce the

magnitude of inadequacy by providing an alternative transportation path—which in the case of Caropines is already being informally used (see Figures 3 and 4). Considering this information, Planning staff consider the properties to have inadequate public facilities.

Figure 3: Existing Informal Multimodal Connection Between Caropines and Mill Creek Highlighted in Lime Green. The sandy pathway shows frequent use of the path to get from Caropines to the Mill Creek development.



Figure 4: Existing Town Greenway and Trail Network (Multicolor Lines on the Map) with Subject Properties Highlighted in Yellow and Potential Multimodal Connections Highlighted in Lime Green. Potential connection #1 in the image below shows an existing informal connection used between the Caropines residential development and Mill Creek development. Potential connection #2 in the image shows a potential connection from Mill Creek development to Tyler’s Ridge commercial area. Lastly, potential connection #3 in the image shows a potential connection from Mill Creek development to Tyler’s Ridge Apartments and Warrior Woods.



- D. The proposed use shall not impede the orderly Development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;*

The application narrative states that the modifications are “in conformance with the surrounding development and zoning classifications.” No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood. No analysis on other potential positive or negative impacts to orderly development (such as sewer and water demand, noise generation, parking, etc.) have been provided by the applicant.

The 2016 Master Plan states in Section III. Planning Goals, that the development intends to “Provide for orderly and efficient circulation and access... as to allow for the efficient circulation and access of pedestrian and vehicular movement.” Figure 4 of this report shows the town’s existing greenway and trail network which shows pedestrian and bicycle connectivity adjacent to the Mill Creek development (e.g., Tyler’s Ridge Access Trail and Mill Creek Access Trail). Although a slope analysis was completed for the 1998 Conditional Use Permit, there were insufficient analyses conducted on pedestrian or bicycle access to the GB-CD and how the expansion of uses may impact pedestrian, bicycle, and other multi-modal movement around and through the zone. Planning staff believe that the development program and/or the Zoning section of the Mill Creek Master Plan should address multimodal movement and connectivity that contribute to orderly development and improvement of surrounding property.

- E. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;*

The Applicant Justification states that “future phases will conform to all development standards... and requirements of the Town. As a result, the use will not be detrimental...” A Traffic Impact Analysis (TIA) was submitted on September 1, 2023, to Planning staff and the Town Engineer. The Town Engineer, James Michel, sent comments on the TIA on September 12 and follow-up comments on September 19, 2023, to Travis Fluitt of the consulting firm Kimley-Horn & Associates, Inc. (see Attachments 4, 4a, 5, and 5a). On October 12, 2023, Mr. Fluitt responded to Town Engineer Michel’s comments. Town Engineer Michel responded to those comments on October 16, 2023. Mr. Fluitt sent a final draft to NCDOT on November 10, and the applicant sent the final draft to Town Engineer Michel on November 14, 2023. As of the writing of this

staff report, Mr. Fluitt and the Town Engineer Michel continue to discuss an appropriate way for the TIA to address inadequate levels of service at failing intersections. Therefore, at this time, Planning staff cannot determine compliance with this criterion.

As previously mentioned, Planning staff are particularly concerned about the Town Engineer's comment regarding the need for additional projections for pedestrian and multimodal trips, including consideration of the surrounding greenway/trail and sidewalk networks in the Tyler's Ridge, Caropines, and Warrior Woods developments. Any connections and/or improvements that could be made would improve public health, safety, comfort, and general welfare, considering several failing intersections and the positive impacts multimodal transportation options could have on traffic reduction at these failing intersections.

F. The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.

The applicant claims that the proposed uses and changes are consistent with the 2016 Comprehensive Long-Range Plan and the character of the surrounding neighborhood. However, Policy P-7 Streetscapes states that "when streets are developed as part of new developments, ensure that the streets are designed and constructed to support the needs of all users (e.g., cars, bicycles, pedestrians and, where applicable, truck traffic) in context with their location and function in the region, Town and neighborhood in which they are located..." Furthermore, UDO Section 4.12.2(A)(1)(f) states that a Traffic Impact Analysis should "ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided." However, neither of these policies have been sufficiently addressed in this application.

ii. Development Design and Other Standards from UDO Chapter 4

Any future development proposals that are on the Applicant's list of authorized GB-CD uses in "Exhibit A" of their application (see Attachment 4) will require Site Plan Review and approval by the Technical Review Committee as well as Architectural Compliance Review and approval by the Town Council, unless state statutes limit local design standards for structures built to residential building code.

E. General Staff Comments

- Approval of the request will result in the expansion of authorized land uses to a total of 87 land uses rather than the current 14 land uses, which do include several categories that are generalized such as "shopping centers"

and “entertainment facilities.” Each of these general categories could include many subcategories of land uses.

- A Traffic Impact Analysis was submitted on September 1, 2023, to Planning staff and the Town Engineer. The Town Engineer James Michel continues to be in conversation with Travis Fluitt of the consulting firm Kimley-Horn & Associates, Inc. (see Attachment 5 and 5a) regarding the adequacy of the analysis and proposed improvements. Of particular concern is the insufficient projections for pedestrian and multimodal trips and inadequate levels of service for several intersections between the Mill Creek development and Highway 22 and Airport Road.
- Staff believe that pedestrian and multimodal connections should be included between the Mill Creek development and Caropines where there is an existing informal path as well as with the Tyler’s Ridge commercial development where a sidewalk and crosswalk could safely be located. Furthermore, additional language to this effect should be included in the Mill Creek Master Plan (Attachment 3).
- No analysis has been completed on the potential impact of the significantly expanded permitted uses on property values within the neighborhood. No analysis on other potential positive or negative impacts to orderly development (such as sewer and water demand, noise generation, parking, etc.) has been provided by the applicant.
- Pursuant to UDO §2.27.7, in approving any Special Use Permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. As a preliminary forum to the evidentiary hearing, the Planning Board is solely allowed to provide a list of issues to the Town Council.

F. Outside Agency and Neighborhood Meeting Comments

Staff has provided information on the project to outside agencies and has received the following responses:

- A response from the Town’s Utilities Superintendent Ron Istre was received on August 25, 2023 stating that he had no comments.
- A response from the Town’s Town Engineer James Michel was received September 12 and October 16, 2023, and can be read in Attachment 5 and 5a of this staff report. Planning also consulted with Town Engineer Michel on November 27, 2023, in which the failing levels of service at several intersections were discussed as well as insufficient projections for pedestrian and multimodal trips. The TIA should consider the surrounding greenway and sidewalk networks in the Tyler’s Ridge, Caropines, and Warrior Woods areas and thoroughly analyze if connections can be made.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their August 22, 2023 meeting, with no major issues identified. Site plan review and approval will be required prior to issuance of any building permits for development, if approved.

Additionally, staff is unaware if the applicant conducted a voluntary neighborhood meeting to present the proposed amendments to the neighboring community and receive feedback.

G. Staff Recommendation

As of the date of completion of this staff report, planning staff recommend a continuance until (1) the TIA has been satisfactorily updated to address the Town Engineer's concerns so that Planning staff can reevaluate compliance with UDO §2.21.6 Special Use Permit Criteria C, D, E, and F; and (2) the Applicant's updated Master Plan has been satisfactorily amended to address the concerns identified in the Traffic Impact Analysis, including the potential for including multimodal connections between the Mill Creek development and the Caropines residential and Tyler's Ridge commercial developments to offset poor levels of service for vehicles. If future development occurs on the RM-1 portion of the Mill Creek development adjacent to Highway 22, then multimodal connections should be included at that time to extend from Mill Creek Road down to Warrior Woods Road and Fen Court.

VI. ATTACHMENTS

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

1. [Special Use Permit Application](#)
2. [Applicant's Special Use Permit Narrative and Justification](#)
3. Mill Creek Master Plan with Track Changes and Additional Exhibit A
4. [Mill Creek Traffic Impact Analysis Executive Summary dated September 1, 2023](#)
 - a. Mill Creek Traffic Impact Analysis: Bicycle and Pedestrian Connectivity
5. [Town Engineer Communication with Traffic Impact Analysis Preparer](#)
 - a. Additional Communication

Note that the following additional materials are available on the Town's Pending Applications website:

- Agent Authorization Form
- Deeds
- List of Adjoining Properties Provided by Applicant
- Mill Creek Traffic Impact Analysis dated September 1, 2023 (263 pages)

VII. TOWN COUNCIL ACTION

To either approve or deny a Special Use Permit application to amend an existing conditional use permit, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in §2.21.6(A-F) Criteria for a Special Use Permit. The Town Council may choose among the following motions or any alternative at their discretion.

Continuance	Motion to Approve, Approve with Conditions, or Deny
<u>I move to continue Special Use Permit SU-01-23 until (1) the TIA has been satisfactorily updated to address the Town Engineer's concerns so that Planning staff can reevaluate compliance with UDO §2.21.6 Special Use Permit Criteria C, D, E, and F; and (2) the Applicant's updated Master Plan has been satisfactorily amended to address the concerns identified in the Traffic Impact Analysis.</u>	<u>I move to¹:</u> Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23. -OR- Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23, with the following changes... <u>I move to²:</u> Approve Special Use Permit SU-01-23. -OR- Deny Special Use Permit SU-01-23. -OR- Approve Special Use Permit SU-01-23 with the following conditions (as recommended by Planning Staff)... 1. The Traffic Impact Analysis shall include projections for pedestrian and multimodal trips, including consideration of the surrounding greenway/trail and sidewalk networks in the Tyler's Ridge, Caropines, and Warrier Woods developments, per UDO §4.12.2(A)(1)(f) and Policy P-7 Streetscapes of the 2016 Comprehensive Plan. 2. The Mill Creek Master Plan shall include opportunities for pedestrian and multimodal connectivity with Tyler's Ridge Access Trail and Mill Creek Access Trail per CU-02-98 and UDO §2.21.6 Criteria C, D, E, and F.

¹ Staff has provided draft findings, included with this report as Attachment A. Town Council may adopt the Findings as drafted, or modify at their discretion.

² Next, the Town Council may vote on whether to approve, deny, or approve with conditions the proposed Special Use Permit. The Town Council may choose one of the following motions, or any alternative at their discretion. Pursuant to UDO §2.27.7, in approving any special use permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare.

ATTACHMENT “A”
Draft Town Council Findings of Fact
Special Use Permit Application SU-01-23

Finding of Fact #1

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

Finding of Fact #2

The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criteria A-F, in that:

1. **The proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;**

The applicant’s Justification document (Attachment 2) states that the intent of the major amendment is to clarify permissible uses within the General Business portion of the development. The applicant uses a similar format to UDO Exhibit 3-15 Table of Authorized Land Uses to create a list of permissible uses. Applicable supplemental use regulations will be reviewed during site plan review and architectural compliance review. Therefore, the application satisfies this criterion.

2. **The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and enjoyment of property in the immediate vicinity for the purposes already permitted;**

The applicant states that they will adhere to the UDO General Business standards and other applicable zoning standards. Additionally, the area surrounding the subject properties include Planned Development districts—such as Tyler’s Ridge and Ace Hardware— which include commercial land uses and buildings. Therefore, Town Council believe that the proposed amendment conforms to the commercial neighborhood where it is located.

3. **Adequate public facilities shall be provided as set forth herein;**

The applicant states that water and sewer are readily available to the site, infrastructure has been installed in previous phases of development, and any further expansion will be borne at the cost of the developer. The Town’s geographic information systems spatial data layers show both sewer gravity main and water main lines intersecting the properties (see Figure 4). Furthermore, Mill Creek Road is a paved town road while Airport Road and Central Drive are both minor arterial roads owned and maintained by North Carolina Department of Transportation. The applicant has agreed to a condition of approval that requires the inclusion of pedestrian connectivity with the Caropines residential development and the

Tyler's Ridge commercial³. Considering this information, the Town Council consider the properties to have adequate public facilities.

4. **The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district or substantially diminish or impair the property values within the neighborhood;**

The Master Plan states in Section III. Planning Goals, that the development intends to "Provide for orderly and efficient circulation and access... as to allow for the efficient circulation and access of pedestrian and vehicular movement." The application narrative states that the modifications are "in conformance with the surrounding development and zoning classifications." No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood nor on other potential positive or negative impacts to orderly development (such as trip generation, sewer and water demand, noise generation, parking, etc.) by the applicant.

The applicant has agreed to a condition of approval that requires the inclusion of pedestrian connectivity with the Caropines residential development and the Tyler's Ridge commercial³. The Town Council finds that with this condition of approval there was sufficient qualified evidence presented to show that the proposed uses will not impede orderly development and the improvement of the surrounding properties nor impair property values in the neighborhood, especially if pedestrian and multimodal connectivity is improved.

5. **The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare;**

The Applicant Justification states that "future phases will conform to all development standards... and requirements of the Town. As a result, the use will not be detrimental..." The traffic impact analysis entered into the record for SU-01-23 found that the proposed development will create a roadway safety issue, including multiple level of service issues at failing intersections. The applicant has agreed to a condition of approval that requires the inclusion of multimodal connectivity with the Caropines residential development and the Tyler's Ridge commercial³. Town Council finds that, there being no additional qualified evidence entered into the record of potential negative impacts resulting from the expansion of proposed permissible uses, there is no expected detrimental impact to the public health, safety, comfort or general welfare with the inclusion of multimodal connections with the Tyler's Ridge commercial development and Caropines residential development.

6. **The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use;**

Policy P-7 Streetscapes states that "when streets are developed as part of new developments, ensure that the streets are designed and constructed to support the needs of all users (e.g., cars, bicycles, pedestrians and, where applicable, truck traffic) in context with their location and function in the region, Town and neighborhood in which they are located..." Furthermore, UDO Section 4.12.2(A)(1)(f) states that a Traffic Impact Analysis

³ The applicant has not agreed to this condition as of the writing of this staff report and draft findings of fact.

should “ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided.” The applicant has agreed to a condition of approval that requires the inclusion of multimodal connectivity with the Caropines residential development and the Tyler’s Ridge commercial³. Therefore, the proposed expansion of permissible uses within the General Business Conditional Zoning District portion of the Mill Creek Master Plan is consistent with the future land use designation of Commercial as denoted in the 2016 Comprehensive Long-Range Plan’s (CLRP) Future Land Use Map.

Despite the large number of proposed uses, Town Council has determined that sufficient evidence was presented that the public interest and welfare, if any of the proposed individual uses were to be constructed, outweigh individual interests that are adversely affected by the establishment of the proposed use.

tracked changes

LAND USE MASTER PLAN

FOR

MILL CREEK

MIXED – USE DEVELOPMENT

SOUTHERN PINES, NORTH CAROLINA

prepared for
Pinehurst Area Realty

By
The Hayter Firm

March 23, 1998

Edited By Koontz Jones Design

August 14, 2023

I. INTRODUCTION

The purpose of this master plan is to provide a framework for the development of a mixed-use development on the 392 acre “Warrior woods – Mill Creek – Camp Easter” site. The site is located on the west side of NC 22 and is bordered by Airport Road to the north, The Carolina Golf Course to the east, and Hunter’s Glen to the south. The plan includes recommendations for developing comprehensive multi-use commercial, residential and recreational uses on this site. Recommendations on land use, facilities, circulation systems, and environmental management are provided in the plan. Illustrations, graphic images, and this text are intended to assist in understanding the intent of the plan.

The final site use plan culminates refinements to the program, input from the Pinehurst Area Realty in cooperation with the planning experience of The Hayter Firm. This plan is not a compendium on how to design, construct, and develop each component, facility, or area. It is however a plan to guide the development and realization of a significant community center to occur in northeast Southern Pines.

II. THE PLANNING PROCESS

Land Use Concepts

The consultants met with Pinehurst Area Realty during several programming sessions to determine the applicability and marketability of the land-use elements and generate a development program that would guide the upcoming planning process. Based on the refinement of the development program and an application of the site inventory and analysis, the consultants developed a land use diagram. Four categories of land use were identified: Single family Residential, Multi-Family Residential, Commercial, and Recreational. The land use relationships shown on that plan allowed the Pinehurst Area Realty (P.A.R.) to evaluate the benefits, advantages, and general effects of each proposed land use and its relationship to others uses on the site. Each of the four land use types used in this report were schematically tested to ensure that the locations shown were viable. However, detailed studies of each individual development sites should be undertaken in order to address issues specific to those land uses. Along with land use concepts were presented to P.A.R. and the concepts shown were reviewed with the consultants. Based on the review sessions, several program and site use priorities were revised and incorporated in the final plan.

Programming

Meetings, interviews, and written communication provided the needs, desires, and expectations of the plan. These elements were evaluated to determine their importance, requirements, and possible effects on the entire site. This process resulted in quantifying and qualifying the design elements, site uses and interrelationships. The refinement of this data and its application was presented to P.A.R. in draft form to elicit comment. The plan was revised based on the resulting comment and is presented in the following graphic documents. The following table contains the programming elements that will occur in the proposed development plan.

Development Program

ZONING CODE	LAND USE	GROSS FLOOR AREA	PARKING SPACES	PARKING RATIO	ACREAGE PROVIDED	COMMENTS
General Business – Commercial – Total Site Area : 37.16 ac						
	GB uses (Per Exhibit A)	210,556 sf		Per UDO Standards		
2.112	Grocery-Market	35,000-sf	175	1-per-200 sf	6.49-ac	
2.112	Minor-Shops (5 @ 2,500-sf)	12,500-sf	63	1-per-200 sf	2.25-ac	
3.230	Bank (outparcel)	3,000-sf (-96 ac-lot)	15	1-per-200 sf	1.45-ac	
8.120	Restaurant (outparcel)	3,000-sf (1.45 ac-lot)	30	1-per-100 sf	1.45-ac	
	Outparcels (2)				4.50-ac	
3.110 3.130	Professional Office Condos (4-units-per structure @ 800-1,800-per-unit)-8 structures	157,056-sf total	128	1-per-300 sf	4.8-ac	11 d.u./acre
Residential Site #1 – Total Site Area: 71.56 ac Total dwelling units permitted @ 2 du/ac = 143.12						
1.330	Multi-Family- Site #1 60 units (8 du / structure)	107,300 sf total	16	2/d.u.	6.94 ac	10 d.u. / acre
1.320	Multi-Family- Site #2 as per elder housing specs		?		4.19 ac	6 d.u. / acre
1.110	Single Family Detached 35 lots. 6 built	.76 ac average			20,000 sf min. – 2 d.u. / ac max	1.3 d.u. / acre
Residential Site #2 (Warrior Woods) Total Site Area: 144.95 ac Total dwelling units permitted @ 2 du/ac = 289.90						
	Single Family Detached 92 lots. 15 built/owned (56 existing, 77 proposed)	.85 ac average				Net gain 21 lots
Residential Site #3 (Camp Easter) Total Site Area: 72.05 Ac Total dwelling units permitted @ 2 du/ac = 144.10						
	Single Family Detached 23 lots	.73 ac average				
	Multi-Family #4 – 77du				12.86 ac	6 du / acre
	Multi-Family #5 – 25du				4.29 ac	6 du / acre
	Multi-Family #6 – 17du				2.91	6 du / acre
Totals	354 du total 577.12 d.u. permitted 223.12 d.u. balance					

Site Inventory Analysis

The consultants used their existing knowledge of the site and additional investigations as part of the site analysis. The land use plan will show schematic locations. However, these facilities

would require a greater level of study to determine their applicability and actual design. Investigations of the site's natural features such as topography, vegetation, soils, and climate were included in the analysis. Equally important to this plan was the study of man-made features. Those features were also analyzed, including utilities, roads, previous land uses, and visual features. The relationship of site uses, structures, and circulation were key in evaluating land uses for the site. The information provided guidance for development alternatives and the suitability of the site for the desired development goals.

Concept Development

Following the refinement of the development program and the site analysis contained in this report. The Hayter Firm developed alternative site use scenarios (concepts plans) for the site. These alternatives illustrated the program elements on the site and their relationship to one another. Site use compatibility, circulation, access and control, and visual image issues were depicted on three concept plans. Those three concepts were revised, reworked, and combined until a single plan was developed.

Site Accommodation Studies

The land use plan was verified by testing the physical requirements of each site use within the land use pattern (concept plan). The evaluation of the four programmed land use categories yielded nine focus sites. The study of the nine focus sites were based on each site's connection to surrounding areas and its contents effect on the site characteristics. By testing each site and its interrelationship with other adjacent land uses, the site use is visualized as an interlocking part of a large scheme. Equally important to this process is a better understanding of the design issues that will be necessary to develop more detailed plans for the sites. The study sketches are provided more to help the reader better visualize the site use and features. They are not explicit of the actual elements possible final design.

Final Plan

The final plan was formulated to illustrate and communicate the goals for the site as a comprehensive multi-use development that compliments and coexists with the existing Warrior Woods residential subdivision. The purpose of the land use plan is to depict the proposed uses of the entire site. The plan identifies uses or activities that are appropriate for the various site conditions defined during this study. These uses have been defined with regard to existing site assets and structures. In a general yet comprehensive nature this land use plan serves as a "road map" for future planning, programming, and budgeting. It is not a plan of implementation for any given area. Its greatest value is to assist in defining the future for the site's land uses.

III. THE PLANNING GOALS

- **Accommodate all requirements for site uses and facilities.**

A key challenge was to provide sufficient space for the designated program elements and the proper relationships between these activities. Along with the immediate needs the site should be able to satisfy future expansion requirements. The development program includes open space, roads, recreation facilities, high density residential and commercial development that all require independent attention and planning within the framework of a unified plan. This involves proper buffering between uses, access

control and a strong overall image consistent with the goals of Southern Pines planning department.

- **Provide for orderly and efficient circulation and access.**
The plan should locate all facilities and activities in such a way as to allow for the efficient circulation and access of pedestrian and vehicular movement. To meet the requirements for land use and facilities on the site while protecting the existing resources and the investment of the residents of Warrior Woods, the plan must provide for optimum and efficient use of the site.
- **Protect and enhance environmental conditions.**
The site is surrounded by a significant amount of residential, commercial, and institutional development. The protection of the natural features on the site including the watershed, vegetation and animal life must be a high priority for developing the site. The plan should attempt to site facilities and activities to best utilize the land with respect for the natural environment.
- **Develop a plan that is practical and able to be implemented.**
To be successful, the plan must include recommendations that are realistic and practical. Funding methods, as well as current budget concerns, must be considered in developing a plan that will be implemented. In addition, the plan should be flexible enough to allow for modifications when requirements, funding, or other factors change.

IV. EXISTING CONDITIONS

This section includes a summary of existing conditions including the existing Warrior Woods subdivision and Camp Easter tract. Information about the existing conditions is illustrated on the following maps.

Existing Natural Conditions

Project Area

The project area is located on the north side of Southern Pines, in southern Moore County, and is characterized by golf courses and residential developments sit in longleaf pines (*Pinus palustris*) forested uplands. Most uplands are either developed or subdivided and awaiting development. The lowlands in the area have either been impounded as lakes or are forested with a mixture of hardwoods and pines.

The project site has two perennial streams that traverse the site. Mill Creek, the largest, and a smaller tributary that feeds into it. Mill Creek has been impounded to form warrior Lake, which is located in the center of the Warrior Woods subdivision. The Mill Creek (Warrior Lake) corridor and the corridors of its tributaries should be taken into consideration for permanent open space and recreational uses.

A significant population of red-cockaded woodpeckers (RCW) occurs in this area. RCWs in Southern Pines and Pinehurst are a critical part of the Sandhills RCW population and are needed for the recovery of that population. Although no cavity trees

are mapped on this site, the site is considered to be within the foraging habitat of nearby RCW populations.

Soils and Hydrology

The topography of the property is typical of much of the Sandhills Region and consists of broad sandy ridgetops that slope into a small drainage system. The elevation generally ranges from 312 – 445 feet above sea level.

The soils on the uplands are Candor sand, Vacluse sandy loam, and Ailey loamy sand. Candor sand is found on the ridgetops and is characterized as deep, excessively drained sand. Ailey loamy sand and Vacluse sandy loam are found on the upper and middle slopes and are characterized as a well drained extremely acidic to strongly acidic soil, with low water capacity. The soil in and adjacent to the drainage system consists of Gilead loamy sand and Bibb fine sandy loam. Gilead sandy loam is characterized as moderately well drained with low permeability and moderate water capacity. Bibb soils are characterized as poorly drained, stratified loamy and sandy alluvial sediments. The productivity of these soils are lowest on the uplands and increase progressively downslope to the branches and stream bottoms.

For the purpose of this analysis site soils have been categorized by their series. The soil type generally responds to the topography. The upland flat areas are Ailey and Candor soils, the slopes have areas of Vacluse and Gilead soils and lowlands are generally comprised of Bibb soils. These soils are dominantly well drained on the higher plains and side slopes and somewhat poorly drained in the valleys. They have a sandy surface layer and are dominantly loamy to clay subsoil.

The development goals for the site are not limited by the soils with respect to any structural requirements, or vehicular systems. The protection of water quality in shallow water tables and the existing creek will also require good soil, horticultural impervious surface management practices.

Slope Analysis

Slopes have been divided into five categories: flat (0-2%), slight slope (2-5%), moderate slope (5-12%), steep slope (12-25%) and excessive slope (25% +). The slope analysis for the Mill Creek section of the site is shown on the following map.

Using slope can help attain the program goals by matching appropriate uses with suitable activities. Flat areas provide the maximum flexibility for the location of activities including buildings and parking facilities. In most cases flat areas are the most cost effective sites to build on. However steeper slopes add interest to the site and are ideal for delineating preservations areas.

Vehicular and pedestrian movement are the activities most affected by steep slopes. Vehicular movement is most suitable at grades less than 12%, and pedestrians can use slopes as high as 20%. But handicapped users require slopes that don't exceed 8%.

The site has an overall change in elevation in excess of 130 feet. There are points on site that exceed 445 feet elevation and areas where valley bottoms are below 315 feet in

elevation. The dramatic changes in elevation provide many opportunities for views and vistas across the site. The topography is very important to the fulfillment of the program goals. The land's character can provide a variety of site uses and experiences for the development and its users.

Vegetation

Existing vegetation falls into categories related to site uses and cultivation practices: pine woodlands, mixed pine/hardwood stands and wetland vegetation. Many of the existing vegetation characteristics are related to the site slopes, soils, and previous site uses and the natural course of events. Plants on the slopes leading to the creek are typical of Sandhill associations with pines on the upper slopes and hardwoods occurring closer to the water course.

A quality Longleaf Pine ecosystem is present on the site. Such an ecosystem can be an important part of the wildlife habitat and public recreation. Areas of the site with Longleaf Pine stands would require management of the existing ground cover and understory plants to maintain the ecosystem within the proposed development.

The existing vegetation is important to the site for buffering outside development and will also assist in fulfilling the buffering requirements of the development program and local code requirements.

Existing Regulatory Conditions

Roads

Two issues associated with the existing roadway configuration of this project were identified during the planning process: The realignment of NC 22 and the layout and quality of existing Warrior Woods roadways. The realignment of NC 22 required that the final plan anticipate the location of the proposed highway and its effect on the proposed entrances to the development. Ongoing coordination with county airport officials, engineering consultants, and Southern Pines Planning officials will be required in order to assure that access points recommended in this plan remain viable.

The second issue is the existing roadway system that serves the Warrior Woods subdivision. The existing roadway system on this site is comprised of asphalt pavement of varying quality. The existing roads of Warrior Woods and Camp Easter were not intended to provide a link between the individual sites. However, the improvements recommended in this plan will require a unified transition between the three existing tracts. The major roads including Warrior Woods Road, Santee Road, and Cherokee Road will require renovation that will improve both the quality and alignment of those roads.

Easements

Three easements affect this site and are associated with the Moore County Airport. Dixie Pipeline and roadway access to Fairway Drive. The Airport Hazard Overlay District and Airport Navigation Easement both limit the height and density and vegetative cover of a 200' wide area adjacent to airport land on the northern property line of the site. The requirements of which can be found in section 175 of the Southern Pines Unified Development Ordinance.

The Dixie Pipeline easement is used to maintain the existing natural gas line that runs from the northern property line of Warrior Woods to its southern boundary. The legal and dimensional requirements associated with the pipeline easement were not included in this level of the planning process, therefore, the layout of those lots transversed by the easement are subject to change based on more detailed information.

The access easement provided by the adjacent property owner to the southeast, maintains access from Cherokee Road to Fairway Drive. It should be noted that the existing width of this easement is in conflict with the required dimensions for public access.

Environmental Regulation

Three perennial streams traverse the site. Mill Creek and two small tributaries cross the site and feed Warrior Lake. These streams are a part of the Little River drainage basin which draws from the northern and eastern portion of Southern Pines. Mill Creek enters the site south of Hunter's Glen and flows northeast through the Warrior Woods and Camp Easter tracts. The two tributaries flow in a southeastern direction on the Mill Creek tract toward Warrior Lake. Visual inspection of the creek and its surroundings reveal a completely undisturbed channel surrounded with heavy vegetation. The stream channels appear to be free of any excessive siltation or major erosion problems. All drainage patterns and storm drainage systems for the development of the site will have a direct effect on the creek and require buffer areas to each side of the stream.

The entire site is located within a WS-III protected watershed. This delineation limits the density of residential development to 2 dwelling units per acre and commercial development to 70% built upon (not to exceed 5% of Southern Pines jurisdiction within the watershed). The exact requirements of the watershed overlay district can be found on page 103.10 of the Southern Pines UDO.

Zoning

The site falls within four zoning districts and the Highway Corridor Overlay District along NC 22. The Mill Creek tract is currently zoned for General Business, GB and medium density residential, RM – 1. The Warrior Woods tract is zoned low-density residential, RS-3 and the Camp Easter tract falls within a Public/Private Conservation District, PPC. Highway 22 has been designated as a Urban Transition Highway Corridor which activates a series of buffers and setbacks that affect the prorate adjacent to the highway.

In each case the individual zoning district requirements differ in density, lot dimension, and setback distances and permissible uses. It is therefore recommended that the site be developed in accordance with Article 12, Section 188 of the Southern Pines UDO. This would allow for the greatest variety of residential housing opportunities. Permissible uses for S.I.S. (Structurally Integrated Subdivision) and GB districts that could occur on this site are outlined in the following list:

GB – GENERAL BUSINESS

Refer to Exhibit A for permissible GB uses.

Hotels, Motels

- ~~———— Care facilities~~
- ~~———— Home occupations~~
- ~~———— Convenience Stores~~
- ~~———— Shopping Centers~~
- ~~———— Professional offices~~
- ~~———— Light Industry (w/conditional use permit)~~
- ~~———— Banks~~
- ~~———— Religious Facilities~~
- ~~———— Entertainment Facilities~~
- ~~———— Restaurants~~
- ~~———— Private Recreation Facilities~~
- ~~———— Major/Minor Subdivisions (w/conditional use permit)~~
- ~~———— Apartments accessory to commercial use (25 units or less)~~

RM-1 – MULTI-FAMILY RESIDENTIAL (10-12 du/acre)

Religious Facilities
Planned residential developments
Outdoor Recreation Facilities
Tourist Homes
B & B
All residential types
Major/minor subdivisions

The specific requirements for each district can be found in the Southern Pines UDO on pages 104-108.

EXHIBIT A**MILL CREEK - TABLE OF PERMISSABLE GB-CD USES**

LAND USE	LBCS CODE	DESCRIPTION	GB-CD
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels	
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers	
Hotel, motel, tourist home or tourist court	1330	Hotels that do not have gambling services; includes extended-stay hotels	X
GENERAL SALES OR SERVICES	2000	Comprises the vast majority of establishments associated with commercial land use	
Retail Sales or Service and Repair	2100	Establishments with displays of merchandise sold to the general public and other businesses, or after-sales services such as repair	
Automobile sales or service establishment	2110	Motor vehicle and parts dealers including repair and maintenance	
bicycle sales and repair	2113b	New or used bicycles sales or repair	X
parts, accessories, or tires	2115	Automotive parts and supply stores, automotive stereo stores, tire and tube shops	X
gasoline service	2116	Gas stations with or without convenience stores or food marts, includes truck stops	X
automotive repair and maintenance	2117	Repair garages, body and paint shops, oil change, car wash	X
Heavy consumer goods sales or service	2120	Heavy or durable goods sales or services	
furniture or home furnishings	2121	Furniture, flooring, bedding stores, window treatment	X
electronics and appliances	2125	Household-type appliances, tv's, stereos, including repair shops and cell phone stores	X
Durable consumer goods sales and service	2130	Wide range of product lines such as apparel, appliances, hardware, jewelry, etc.	
computer and software	2131	Computers and prepackaged software without other electronic equipment, including repair, support, and training	X
clothing, jewelry, luggage, shoes, clocks, sewing	2133	Including shoe repair and tailoring	X
sporting goods, toy and hobby, and musical instruments	2134		X
books, magazines, music, videos, CDs, stationery, greeting cards, seasonal decorations, school and office supplies, etc,	2135		X
Consumer goods, other	2140	Establishments that retail merchandise (except groceries or health items) not included in preceding codes	
florist	2141		X
art dealer, supplies, sales and service	2142	Including frame shops	X
mail order or direct selling establishment	2144	Retailing other than in stores	X
Grocery, food, beverage, dairy	2150	Retail food and beverage merchandise from fixed point-of-sale locations	
grocery store, supermarket, or bakery	2151	Included are meat and seafood markets and delicatessens	X
convenience store	2152	Excludes those with fuel pumps	X

specialty food store	2153	Retail specialty food items such as coffee and gourmet foods	X
fruit and vegetable store	2154		X
beer, wine, and liquor store	2155		X
Health and personal care	2160	Retail health and personal care merchandise from fixed point-of-sale locations	
pharmacy or drug store	2161	Primarily retail prescription or nonprescription drugs	X
cosmetic and beauty supplies and personal grooming products	2162	Primarily retail cosmetics, perfumes, toiletries,	X
optical and contact lenses	2163	Retail prescription or nonprescription eyeglasses	X
Finance and Insurance	2200	Use this category when difficult to differentiate an establishment into a subcategory	
Bank, credit union, or savings institution	2210	Central banking functions	X
Investment banking, securities, and brokerages	2230	Securities underwriting, brokering, exchange services, managing portfolios	X
Insurance-related establishment	2240	Insurance underwriting, selling insurance	X
Real Estate, and Rental and Leasing	2300	Rent or lease assets	
Real estate services	2310	Lease real estate (except buildings) such as manufactured home sites and vacant lots; includes real estate appraisers	X
Rental and leasing	2330	Rent tangible goods such as consumer goods and mechanical equipment to customers; excludes establishment primarily renting equipment with operators	
cars	2331	Lease passenger cars without drivers	X
Business, Professional, Scientific, and Technical	2400	Perform professional, scientific, and technical services	
Professional services	2410	Services provided depend on worker skills and knowledge rather than equipment	
legal services	2411	Title abstract, lawyers, notaries	X
accounting, tax, bookkeeping, payroll services	2412		X
architectural, engineering, surveying and related services	2413	Architectural, engineering, building inspection, surveying and mapping, and laboratory testing (except medical, veterinary, or auto emission)	X
graphic, industrial, interior design services	2414	Interior, industrial, and graphic design	X
consulting services (management, environmental technical)	2415	Advise and assist businesses on management, scientific, and technological issues	X
scientific research and development services	2416	Conduct research or analyze in the physical, engineering, cognitive, or life sciences	X
advertising, media, and photography services	2417	Advertising, public relations, media buying agencies, direct mail advertisers, market research, translation providers	X
Administrative services	2420	Typical office establishments in any business area. Use as a default category for most office buildings (nursing staffing)	
office administrative services	2421	Office administration such as billing, record keeping, personnel, organizational planning	X
employment agency	2423	Provide employee placement, temporary help	X
copy center, private mail center, other business support services	2424	Provide document preparation, telephone answering, telemarketing, court reporting, steno typing, FAX, etc.	X
Travel arrangement and reservation services	2430	Promote or sell travel, includes convention and visitors' bureaus	X
Food Services	2500	Prepare meals, snacks, and beverages	

Full-service restaurant	2510	Provide services to patrons who order and are served while seated or in combination with takeout	X
Cafeteria or limited service restaurant	2520	Provide services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered	X
drive-through restaurants	2521	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants	X
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	X
Bar or drinking place	2540	Bars, taverns, nightclubs, primarily serving alcoholic beverages; may provide limited food and entertainment	X
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	X
Caterer	2560	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.	X
Personal Services	2600	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.	
Personal care	2610	Hair, nail, and skin care and related personal care	
hair, nail, and cosmetic skin care	2611	Barber or beauty shop	X
dieting and weight reducing	2612		X
tanning salon	2614		X
electrolysis, ear piercing, and other personal care services	2616		X
Dry cleaning and laundry	2620		
dry cleaning and laundry	2622		X
Photofinishing	2630	Primarily engaged in developing film or making slides, etc	X
Special Services	2650		
massage therapist	2651		X
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking	
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	X
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)	
animal services	2721	grooming and training	X
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000		
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of Parcels and messages	X
Utilities and Utility Services	4300	Provide utility services such as electric power, gas, water and sewage removal	
ARTS, ENTERTAINMENT, AND RECREATION	5000		
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs	
Theater, dance or music establishment	5110	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment	X
Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.	X
Independent artist, writer, or performer	5160	Independent individuals engaged in art, productions	X

Amusement, Sports, or Recreation Establishment	5300	Operate facilities offering activities and provide services	
Games arcade establishment	5320	Operate arcades and parlors, except gambling, billiard, or pool	X
Miniature golf establishment	5340		X
Fitness, recreational sports, gym, athletic club, multipurpose facility	5370	Includes archery and shooting ranges, horseback riding, ball parks and courts, fitness clubs, and more	
public facilities	5371		X
private facilities	5372		X
Bowling, billiards, pool	5380		X
Skating rink, roller skating	5390		X
Natural and other Recreational Parks	5500	All parks without special economic functions	x
EDUCATION, PUBLIC ADMINISTRATION, HEALTH CARE, AND OTHER INSTITUTIONS	6000		
Educational Services	6100	Offer teaching and learning	
Nursery or preschool	6110		X
Grade school	6120	Comprises all public, private, and specialty schools between the preschool and university level	
special needs education services	6125	offer specialized services such as for the physically or mentally disabled	X
Public Administration	6200	All government functions, includes federal, state and local government agencies	
Legislative and executive functions	6210	Government and public administrative offices	X
Other Government Functions	6300	Use this category for government owned establishments not classified elsewhere such as defense and national guard establishments	X
Public Safety	6400	Government-owned establishments providing fire and rescue, police, and emergency response services	
Fire and rescue	6410		X
Police	6420	Includes combined police and fire departments	X
Emergency response	6430	Provide ground or air transportation for medical relief purposes	X
Health and Human Services	6500	Provide health care, social assistance, and associated services	
Ambulatory or outpatient care services	6510	Offer health care services directly to patients without providing inpatient services	
clinics and health spas (Ord. # 1601)	6511	Include physician offices, dentists, chiropractors, optometrists, licensed massage therapists, and other licensed or certified health care providers	X
family planning or outpatient care clinic	6512	Provide outpatient family planning services and outpatient care	X
medical or diagnostic laboratory	6513	Provide analytic or diagnostic services including medical imaging	X
Social assistance, welfare, and charitable services	6560	Provide social assistance directly to individuals, does not offer residential or accommodation services except for Homeless Shelters	
child daycare	6562	Provide care for infants and preschool children, offer pre-kindergarten education programs	X
services for elderly and disabled	6566	Does not include housing for the elderly	X
veterans affairs	6567		X
vocational rehabilitation	6568	Provide job counseling, job training, and other vocational services	X
Associations, Non-Profit Organizations, Clubs	6800	Includes grant making, civic, professional, and similar organizations	

Labor or political organization	6810	Labor unions, political groups, and political fund-raising groups	X
Business association or professional membership	6820	Promote the business interests of their members organization or of their profession	X
Civic, social, or fraternal organization	6830		X
CONSTRUCTION-RELATED BUSINESSES	7000	Build or demolish buildings, leveling, earthmoving, excavating, land drainage; should reflect the location of the establishment and not where it is performing its services	
Building, developing, and general contracting	7100	Custom builders, general contractors, developers, land Applicants, and construction management firms	X
Unclassifiable or No Fuction	9900		
Temporary Uses (Ord. # 1601)	9920	Temporary uses specifically authorized in applicable zoning districts by section 5.25 or 5.26	X
Subdivisions	9930		
major	9931		X
minor	9932		X
Combination Uses	9940		X

VII. FINAL LAND USE PLAN

Final Plan

The Land Use Master Plan for the Mill Creek Development is based on the planning goals stated in section III and described thereafter in this document. The development plan as described in this section consists of syntheses and recommendations for implementing the transformation of the land uses and facilities.

The Land Uses

The purpose of the Land Use Master Plan is to depict the proposed uses of the sites. The plan identifies uses or activities that are appropriate for the various conditions and the desired development of that land. The land uses shown on the final plan include all of the planning goals and development objectives, and the existing land forms (i.e. topography, soils, drainage, and vegetation patterns).

The proposed land uses of this site fall into four distinct yet inter-related categories that comprise the development goals and objectives. The Final Plan illustrates these major land uses.

Commercial Development Area

Approximately 37.16 acres of the site is to be used for commercial development. This area will include a variety of land uses that are outlined in the program table (page 3). The image and pattern of the development in this area should strive to create a more "traditional" community center than standard strip-commercial developments. This should be achieved by working with developers to create circulation patterns and building locations that reinforce more traditional community development patterns.

Multi-Family Residential Area

Approximately 35 ac of the site is to be used for multi-family residential development of varying density. This land use type occurs on six specific sites ranging from 2.56 ac to 12.86 ac. The program table includes the quantity of the proposed dwelling units that will occur on each of the six sites. The type of structures built on these sites will vary in order to achieve the desired density. Sites 1-3 should be considered higher density (10-12 du/ac), whereas sites 4-6 should be developed at a lower density (6-8 du/ac).

Single Family Residential Areas

Approximately 108.68 ac of the site will be used for single family residential development. The three areas where this development is to occur have 21 existing lots that are owned and/or built upon by individuals other than P.A.R. The Mill Creek tract has 33 lots with an average size of .76 ac each. The Warrior Woods tract should be replatted to reduce the size of the individual lot. The proposed number of lots would

increase from the 56 existing lots to 88 new lots with an average size of .85 ac each. The Camp Easter tract will have 24 lots with an average size of .73 ac.

Conservation & Recreation Area

Approximately 95 acres of the site has been used for open space. This allows for the protection of existing plant and animal communities on the site as well as satisfying the density requirements of the watershed. The majority of this open space is Warrior Lake with smaller areas designated on both the Mill Creek tract and Camp Easter tract.

A planned greenway trail will connect the three tracts together and continue to the Southern Pines greenway system that currently terminates at Reservoir Park to the southwest and connects to the adjacent greenway located on The Carolina property. The trail will connect the Camp Easter tract to the Mill Creek tract by using the existing right-of-way lot easements in the Warrior Woods subdivision. Thereafter, the trails will be located within the larger designated open space areas. Other recreational amenities such as tennis courts and swimming pools should be planned on a site-by-site basis and could occur in both the Mill Creek and Camp Easter designated recreation areas.

VIII. PHASING AND BUDGET

Phasing

The full implementation of this plan will require a significant investment of time and money to fulfill the program goals and objectives. The scope of this plan is too large to complete at one time, so a phasing timeline is required. Phasing the project will allow the existing infrastructure to be used while the remaining property continues to be developed.

The entire site was divided into four phases in order to extend the total project cost over a number of years. The phases are as follows and are shown on the following plan.

Phase I.	Warrior Woods – NW area
Phase II.	Mill Creek Residential tract
Phase III.	Remaining Warrior Woods tract
Phase IV.	Camp Easter tract

The Mill Creek Commercial tract to be developed not in conjunction with residential areas and will be dependent on negotiations with a third-party developer.

Budget

The following budget numbers are based on a level of detail and information customarily used for master plan projects. This plan also incorporates numbers generated from recent similar developments in the area. As detailed and specific as these numbers are they should be considered preliminary. Specific plans for each element would determine more accurate cost projections. It is recommended that the design for any given element or phase be completed prior to the budget period in which it will be included. This approach will yield better cost estimates and easier implementation.

The following estimates are all based on linear foot measurements and are turn-key (i.e. they include grading, storm drainage, erosion control, fire hydrants, valves and service taps as well as standard road section materials). A preliminary sanitary sewer routing plan is needed to attach any unit cost to the improvements of that system and is therefore not included in these estimates.

Streets (24' w/2" 1-2 asphalt + 8" abc base)	\$ 73.00/lf
Asphalt wedge curb (both sides included)	\$ 6.00/lf
18" Concrete curb & gutter (both sides included)	\$ 24.00/lf
Resurfacing (1" 1-2 asphalt)*	\$ 34.00/lf
*includes \$ for regrading where needed)	
Water services (6" pvc + fire hydrants/lf + service connections)	\$ 33.50/lf

Phasing Budget

Phase 1 – Mill Creek Residential tract

1. Roads – 4,500 lf @ \$97/lf	\$437,000.
2. Water Service – 3,400 lf @ \$33.50/lf	\$303,000.
3. Entrance Boulevard – 2,500 lf @ \$121/lf	<u>\$114,000.</u>
	\$854,000

Phase 2 – Warrior Woods tract

1. Roads (resurfaced) – 11,146 lf @ \$19/lf	\$212,000.
2. Roads (new) – 1,085 lf @ \$79/lf	<u>\$ 86,000.</u>
3. Water Service – pending ex. System inspection	N/A
	\$298,000

Phase 3 – Mill Creek Commercial tract

1. Roads – 2,055 lf @ \$97/lf	\$200,000.
2. Water Service – 3,400 lf @ \$33.50/lf	<u>\$ 69,000.</u>
	\$269,000

Phase 4 – Camp Easter tract

1. Roads – 5,055 lf @ \$97/lf	\$491,000.
2. Water Service – 5,055 lf @ \$33.50/lf	<u>\$170,000.</u>
	\$661,000

ESTIMATED TOTAL

Roads	\$1,540,000.
Water	<u>\$ 542,000.</u>
	\$2,082,000

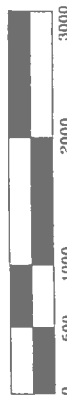
- All estimates include design and construction fees.

MILL CREEK LAND USE MASTER PLAN

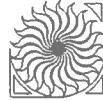
SOUTHERN PINES, NORTH CAROLINA

VICINITY MAP

CAMP EASTER TRACT



SCALE: 1" = 1000'-00"



THE
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FIRM

Landscape Architecture
Land Planning

17 Parker Lane

P.O. Box 5633

Pinebluff, NC 28774

Telephone 910-395-2232

Fax 910-395-5400

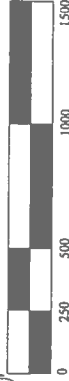
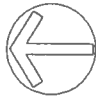
E-mail: info@hayterfirm.com



MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS



SCALE: 1" = 500'-00"



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P.O. Box 3083
Pinehurst, NC 28374

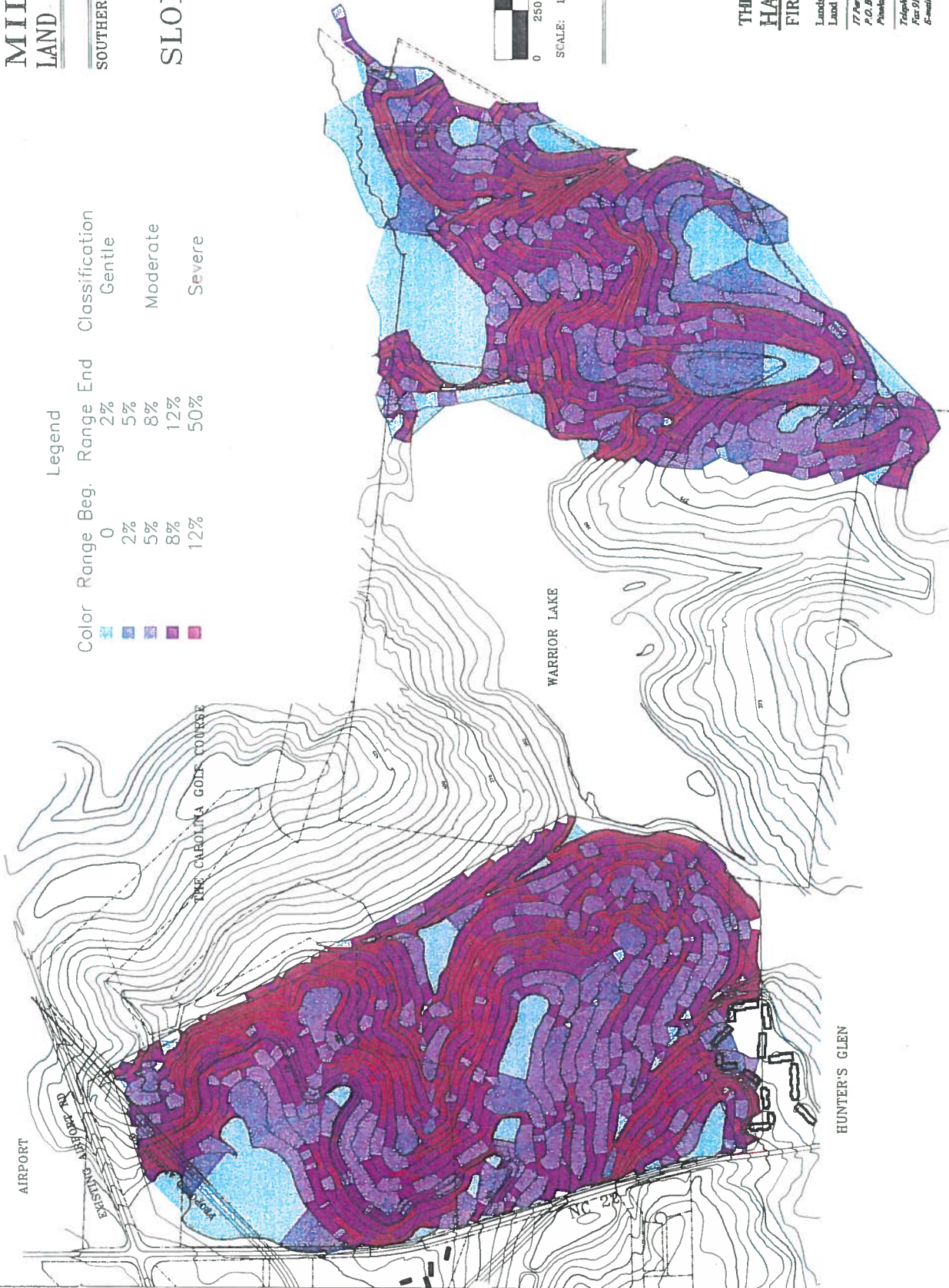
Telephone 910-295-2232
Fax 910-295-3420
E-mail thf@pinehurst.net

MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

SLOPE ANALYSIS

Legend		
Color	Range Beg.	Range End
Light Blue	0	2%
Medium Blue	2%	5%
Dark Blue	5%	8%
Purple	8%	12%
Dark Purple	12%	50%
		Classification
		Gentle
		Moderate
		Severe



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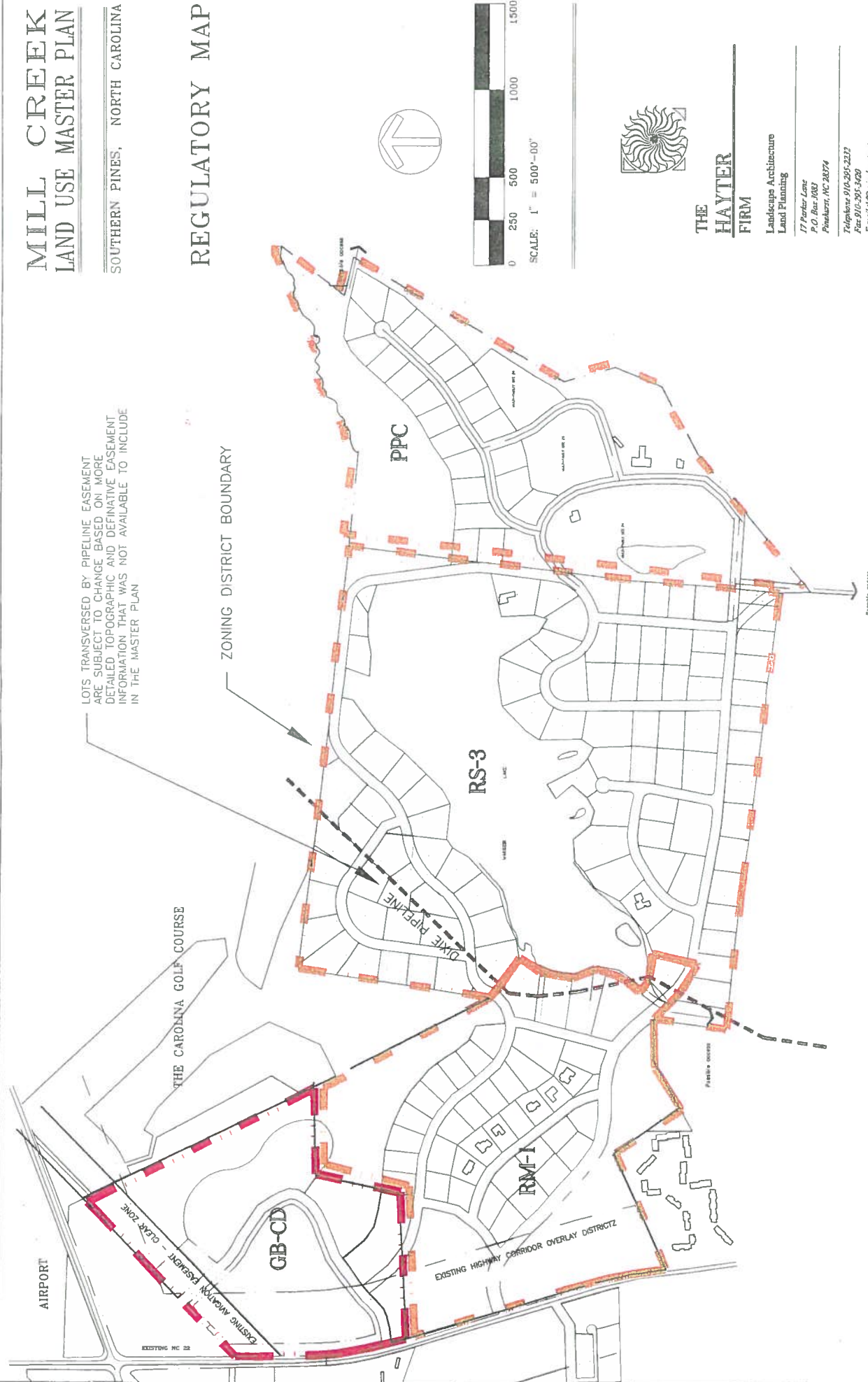
MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

REGULATORY MAP

LOTS TRANSVERSED BY PIPELINE EASEMENT
ARE SUBJECT TO CHANGE BASED ON MORE
DETAILED TOPOGRAPHIC AND DEFINITIVE EASEMENT
INFORMATION THAT WAS NOT AVAILABLE TO INCLUDE
IN THE MASTER PLAN

ZONING DISTRICT BOUNDARY



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MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

ILLUSTRATIVE PLAN

SCALE: 1" = 500'-00"
ISSUE DATE: APRIL 23, 1996



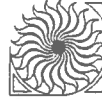
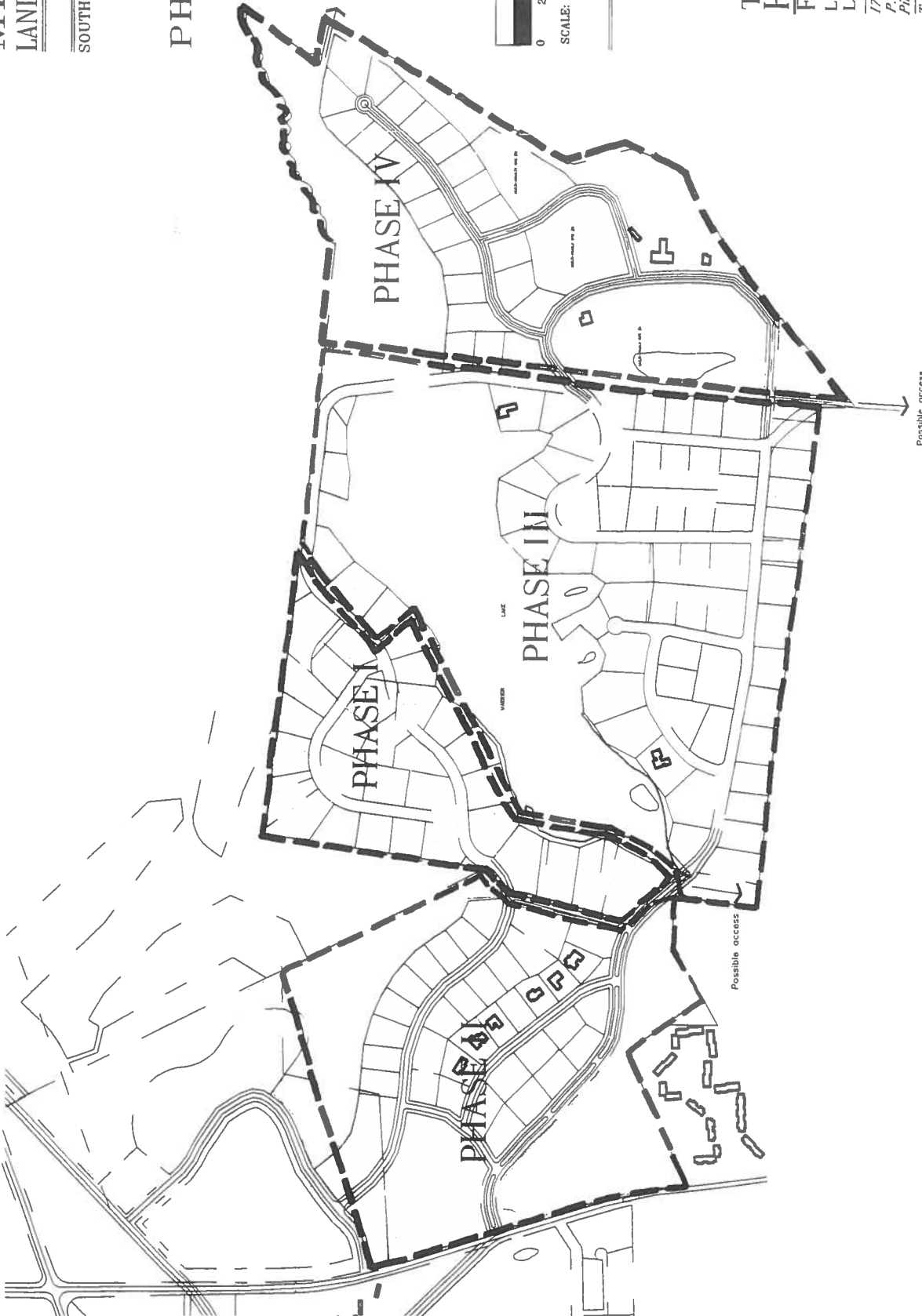
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MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

PHASING PLAN



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7.0 Bicycle and Pedestrian Connectivity

There are existing sidewalks and bike lanes along both sides of Mill Creek Road from NC 22 to Airport Road. However, there are no existing pedestrian or bicycle facilities on either NC 22 or Airport Road in the vicinity of Mill Creek Road. There are striped crosswalks at the existing driveways along Mill Creek Road, but most are very faded.

There appear to be unpaved connections from Mill Creek Road south to Warrior Woods Road and to the east towards the Caropines development. While it is possible that sidewalk or multi-use paths could be provided to these properties, full connections would require right-of-way or easements from those developments.

Per NCDOT guidelines, any sidewalk or multi-use path along NC 22 would need to be located at least 20 feet off the edge of travel way. Based on a preliminary review of existing topography, it is possible that a pedestrian connection could be made on the north/east side of NC 22 from Mill Creek Road to Olivetree Lane with a pedestrian crossing on the north leg of the intersection. However, there is a gap in the sidewalk on Olivetree Lane between NC 22 and Capital Road. A pedestrian connection along either side of NC 22 from Mill Creek Road south to Fen Court would be challenging due to existing topography, and a pedestrian crossing of NC 22 at Fen Court is not recommended due to the limited sight distance on northbound NC 22 that resulted in Fen Court being restricted to right-in/right-out only.

ITE Trip Generation rates indicate that approximately 7-8% of the site traffic could be pedestrian traffic. However, there are only approximately 30 homes in the Caropines or Warrior Woods neighborhoods located within ¼ mile (i.e. within typical walking distance) of the site. Even if sidewalk was provided, the walking distance to the Tyler's Ridge apartments is approximately ½ mile away, which is farther than most people will walk, especially to/from a grocery store. While pedestrian or bicycle connections to adjacent developments are encouraged and should be investigated at site plan review, it is unlikely that a significant percentage of site traffic will use these connections. Furthermore, these connections would not reduce the volume traffic going through the roundabout at Airport Road and NC 22 as traffic to/from Caropines, Warrior Woods, or Tyler's Ridge would not go through that intersection.

Based on this review, it is recommended that high visibility crosswalks be provided across all driveways on Mill Creek Road. It is also recommended that high visibility crosswalks be considered crossing Mill Creek Road at the driveways to development on the east side of Mill Creek Road to allow people to walk safely from one side of the development to the other.

From: [James Michel](#)
To: [Fluitt, Travis](#)
Cc: [Paul Saathoff](#); [Alaina Mallette](#); [Gunnels, Roberta](#)
Subject: RE: Mill Creek - TIA
Date: Monday, October 16, 2023 7:51:56 AM

Travis,

See below in red. Feel free to give me a call if you want to talk through anything before resubmitting.

Thanks

James Michel, PE, MBA

Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983



From: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Sent: Thursday, October 12, 2023 2:56 PM
To: James Michel <JMichel@southernpines.net>
Cc: Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>; Gunnels, Roberta <Roberta.Gunnels@kimley-horn.com>
Subject: RE: Mill Creek - TIA

James,

Realizing we never closed the loop on these. See responses below. Let me know if you still want changes made. Glad to discuss as always.

Thanks,

Travis Fluitt, P.E.

Kimley-Horn | 421 Fayetteville Street, Suite 600, Raleigh, NC 27601
Direct: 919-653-2948 | Mobile: 919-649-0759 | Main: 919-677-2000

From: James Michel <JMichel@southernpines.net>
Sent: Tuesday, September 12, 2023 10:51 AM
To: Fluitt, Travis <Travis.Fluitt@kimley-horn.com>
Cc: Paul Saathoff <psaathoff@koontzjones.com>; Alaina Mallette <amallette@southernpines.net>
Subject: FW: Mill Creek - TIA

Travis,

I have the following comments on the TIA as submitted.

1. Has this TIA been provided to NCDOT for comment?
 - We had not because we don't access any NCDOT roadways. Let us know ASAP if you would like us to do so. **Yes, the adjacent roads are NCDOT.**
2. Mill Creek is not posted legally. Council has not approved a reduced speed limit on this road so the actual speed limit is 35 MPH. I believe the 20 MPH is a holdover from when it was private.
 - We can change that, but it won't change the results of the analysis. Speed limits in Synchro are only for progression between coordinated traffic signals along a corridor. **I understand that the analysis will not be impacted, but I don't want to give the wrong impression.**
3. I can't follow the trip projections for the west side. The existing buildings doesn't need to show in the table as this traffic is accounted for in the traffic counts and I think is the source of my confusion. Please revised to show projections with just the proposed square footage.
 - We did it this way because 1) the west side is an expansion with the major trip generator (i.e. the grocery store) already in place and 2) the trip generation equations for shopping plaza have a high y-intercept. Therefore, generating the trips for the additional square footage only would significantly overestimate the trip generation. So we calculated trips for the additional development on the west side by taking the difference in trip generation between the existing square footage (approximately 67,000 SF) and the total proposed land uses (137,417 SF). We also did it this way to show that the total development on the west side (137,417 SF) plus the proposed development on the east side (73,139 SF) sum to 210,556 SF as proposed in the updated Land Use Master Plan. **This makes sense to me, I am ok with it as is.**
4. Is 150 ft of storage at the roundabout northbound slip lane adequate to address queuing issues? The detailed reports indicate a little over 300 feet of queuing.
 - I think there is some confusion due to the way SIDRA labels the approaches. The right-turn queues are projected to be less than 50' in either peak hour, and in the PM the through movement will block the right-turn lane unless you make it 800' long. I've marked up the attached SIDRA reports to help clarify. **I'll defer to NCDOT once they have reviewed.**
5. Provide additional projections for pedestrian and multimodal trips. The TIA needs to look at the surrounding greenway/sidewalk networks in the Tyler's Ridge, Caropines, and Warrior Woods areas and analyze if connections can be made. Given the several failing intersections, a reduction in traffic due to additional multi-modal options is a viable option to improve service levels.
 - Based on ITE, approximately 7-8% of the site trips could be pedestrian trips if there were connecting facilities. While I would love to be able to take that reduction, I don't see a safe way to get people over to Tyler's Ridge. Between the terrain on either side of NC 22 and the required separation from the road due to the lack of curb and gutter, a sidewalk or path would either be outside the ROW, not meet ADA standards, or would just not be constructible at all due to grades, guardrail, etc. Even if you could get a sidewalk down NC 22

to Fen Court, the sight distance for NB vehicles coming up over the hill is bad, which is why Fen Ct. is RIRO. Therefore, I would not put a ped crossing anywhere near there. The southern property is owned by the same group as the Mill Creek property, so I don't think it would be an issue to get a connection down to Fen Court. They could even follow the sewer easement down to Warrior Woods road. If a crossing is problematic at Fen Ct, then the report should detail the issues and explain why its not a good choice, and then provide the best alternate location for a cross. .

The western property is owned by Moore County/Airport so I wouldn't think getting an easement through here would be an issue either which could then provide a crossing over to Olivetree.

If these are problematic for various reasons, they issues should be detailed in the report and alternatives provided to achieve a similar goal, which could include new trails on the Tyler's Ridge property. The developer may not necessarily be responsible for these new trails, but the options should be provided and discussed as part of the SUP document.

I see that there is a golf cart path through Caropines and some potential goat paths that might be able to be paved to connect this site to Caropines; however, we don't see a realistic way to make that connection since most of it is on property controlled by others. So while it would be nice to make those connections and consider that our mitigation to address issues at the roundabout, they don't appear to be viable options. I think the signals being recommended at either end of Mill Creek Road will entice people to divert to Mill Creek away from the roundabout, but this will also be built in phases if things need to be checked as each development comes in.

Seems like an easy option to run a trail/path down the edge of the Mill Creek property to connect to a path already in use.

Let me know if you have any questions or want to jump on a call to discuss.

Thanks

James Michel, PE, MBA

Town Engineer/Asst. Public Works Director
801 SE Service Road
Southern Pines, NC 28387
(910)692-1983



From: Paul Saathoff <psaathoff@koontzjones.com>

Sent: Friday, September 1, 2023 2:25 PM

To: Alaina Mallette <amallette@southernpines.net>

Cc: James Michel <JMichel@southernpines.net>

Subject: Mill Creek - TIA

Hey Alaina —We just received the TIA form Kimley Horn. A PDF is attached. If you need anything else, please let me know.

Thanks,

Paul Saathoff

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET | SOUTHERN PINES, NC 28387 | W: www.koontzjones.com | P: 910.684.8487

Agenda Item

To: Town Council

Via: BJ Grieve, Planning Director

From: Alaina Mallette, Senior Planner

Subject: Z-04-23: Request to rezone 1.1 acres located on the west side of US Hwy 1 between Hyland Hills Road and Skyline Manor Road from Residential Single-Family (RS-3) to General Business Conditional Zoning District (GB-CD), i.e., Expansion of Approved GB-CD under File Z-07-01

Date: December 12, 2023

I. SUMMARY OF APPLICATION REQUEST

Mr. Corey Longstreet of Windridge Gardens, LLC, and property owner has submitted a request to extend a prior General Business Conditional Zoning District (GB-CD; i.e., Z-07-01) to the remaining 1.07 acres of the existing 2.49-acre parcel, which was not included in the original approval and is zoned Residential Single-Family with 30,000 minimum lot size (i.e., RS-3). The proposed use would be for lawn and garden supplies and the applicant volunteers the protection of existing trees on the property. The application illustrates walking paths through the tree canopy to display statuary and lawn ornaments in a similar fashion to the existing GB-CD-zoned portion of the property. The subject parcel is identified as PARID 20140484 and located in the Hyland Hills neighborhood on the east side of Valley View Road between U.S. Highway 1 and Skyline Manor Road.

II. PLANNING BOARD RECOMMENDATION

On November 16, 2023, the Town of Southern Pines Planning Board convened to hold a legislative public hearing regarding application Z-04-23. The public hearing was opened and concluded on the same day. Planning staff presented a brief description of the subject parcel, existing lot and adjacent land use, and compliance with rezoning criteria and conditional zoning standards, per UDO §2.17.9 and §2.17.11. Planning staff concluded by recommending approval of Z-04-23 with a list of proposed conditions.

Following staff's comments, Mr. Corey Longstreet responded to the Planning staff's presentation and included references to the UDO. He repeated his desire to keep the existing fencing rather than be required to screen according to outside storage and display standards in UDO §4.3.5, §5.12, and §5.13. An adjacent neighbor stated that her main concern is safety with increased business and the potential for increased crime in the absence of a fence. She stated that the rear fence should remain.

After closing the public hearing, a motion was made by Mr. John Earp and seconded by Mr. Andy Bleggi. The motion stated that after reviewing the proposed amendments to the Town of Southern Pines Zoning Map and after considering the criteria for approval of map amendments found in UDO §2.17.9, the proposed amendment is consistent with the

Comprehensive Long-Range Plan for the reasons set forth in Attachment 1 of the Planning Board’s Z-04-23 staff report as revised by the Planning Board and therefore, recommend approval of Z-04-23 with the following conditions amenable to the applicant:

- 1) The permitted use shall be restricted to low-volume lawn and garden supplies (i.e., LBSCS 2123), which may be stored and displayed outdoors using the existing fencing until changes are proposed to the fencing at which time the fencing shall be required to conform to the UDO standards at that time.
- 2) Required buffers—which have been administratively reduced by the Planning Director to 30’ for the highway, side, and rear yards of the portion of the property currently being rezoned—shall remain undisturbed (e.g., no tree removal nor site grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements;
- 3) Existing clearings for driveway, parking, and building shall be used to protect the longleaf pine forest; and
- 4) No manufacturing operation shall occur on site.

The signed Planning Board resolution can be found in Attachment 1 of this staff report. The motion carried by a vote of 6-1.

III. PROJECT INFORMATION

A. Physical Address

1650 Valley View Road
Southern Pines, NC 28387
Parcel ID: 20140484
(PIN 859300804296)

B. Property and

Business Owner/Applicant

Corey D. Longstreet
Windridge Gardens, LLC
Address same as physical

C. Existing Zoning

The subject property is currently zoned RS-3. The principal uses in the RS-3 zoning district include primarily low-density single-family residences. It is within the Extra-Territorial Jurisdiction, the Urban Transition Highway Corridor Overlay District, and the Watershed Protection Overlay District (specifically, the Protected Area that corresponds with the State’s high-quality water areas).

D. 2040 Comprehensive Plan Designation for General Framework, Conservation and Development, and Character Districts

General Framework

Generally, the parcel is located in an Area to Preserve, which is meant to safeguard rural and environmentally-sensitive lands; link residents with parks, recreation facilities, and nature; and protect open space, natural areas, and rural viewsheds in the community.

Conservation and Development/Character District

The proposed development is located in the Rural Living character district and conservation and development area, which the comprehensive plan states “are characterized by large lots, low-development intensities, and a high degree of separation between buildings.” Building types anticipated to be in a Rural Living Character District include institutional land uses like churches and schools. The

building placement and frontage are intended to prioritize preservation, separated uses with 1- to 2-story maximum building height.

Lots should generally be large with large front, rear, and side setbacks providing a high degree of separation between buildings on adjacent lots. Small nodes of commercial activity are considered appropriate, sporadically, if the design and character reinforce the surrounding rural landscape and are unique, but complementary to the town's culture, history, and traditions. Future development in rural living areas should be sensitive to existing natural resources including tree stands. Mass grading or tree clearing should be avoided in rural areas.

E. Prior Development Approval on Previously Rezoned Portion of the Property, Which Does Not Include the Portion of the Property in Question

Z-07-01 Corey Longstreet

In 2001, application of Z-07-01 rezoning from RS-2 to GB-CD included correspondence, surveys, and some images (see Attachment 4). The Town Council at the time approved the rezoning “based on the CU as stated,” according to the meeting minutes from February 2002. However, no ordinance nor additional information about approved conditions have been uncovered by the Planning Department.

Furthermore, the applicant stated to Planning staff that after the current GB-CD portion of the property was approved by the Town Council in 2002, the Planning Director at the time told the applicant that the lot did not meet minimum frontage requirements. So, the survey was modified to extend the proposed parcel from what was approved to the current northeastern property line. However, the extension of the parcel did not extend the zoning, which remained residential. According to UDO §3.4.3, each portion of a parcel more than 2 acres with split zoning that meets minimum lot size requirements must follow all standards for each respective zoning district. The current application is to extend the current land use into the portion of the parcel zoned residential.

Note that the zoning requirements have changed since 2002, so buffers and other standards are different than they were for the applicant’s rezoning application Z-07-01. Furthermore, a decision on the current application does not amend the prior development approval for the existing portion zoned GB-CD, which can continue to operate following the standards held to that portion of the property at the time it was approved and developed.

Figure 1: Vicinity Zoning Map (approximate boundaries of proposed map amendment are outlined in thick yellow lines).



Figure 2: Subject Property as of April 17, 2023, with Approximate Boundaries of Proposed Map Amendment.



IV. STAFF REVIEW

1. Application Review Dates

Application Submitted: **October 9, 2023**

Application Deemed Complete: **October 10, 2023**

Planning Board Public Hearing Notice:

Publication: Emailed to The Pilot on **October 27** for publication on **November 8 and 16, 2023**

Mail: **October 30, 2023**

Signage: **October 31, 2023**

Internet: **October 27, 2023**

Planning Board Agenda Meeting: **November 9, 2023**

Regular Meeting Regular Meeting: **November 16, 2023**

- The Planning Board held a public hearing for this request. The meeting provided an opportunity to hear comment from any member of the public on this legislative matter.

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

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

- The Town Council will hold a public hearing for this request. The meeting will provide an opportunity to hear comment from any member of the public on this legislative matter.
- Notices of the Town Council's public hearing were posted, mailed and published as required by the UDO.

2. Staff Consistency Evaluation Based on Criteria for the Rezoning of Subject Parcel for Zoning Map Amendment Review per UDO § 2.17.9

When reviewing an application for zoning, the Town Council shall consider and be guided by the following criteria, as set forth in UDO §2.17.9 and outlined below. Furthermore, additional standards are expected of a conditional zoning district—a reclassification of property subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties—such as the one being proposed by the applicant. Conditional zoning is voluntary.

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

Consistency with the 2040 Comprehensive Plan has been reviewed by looking at the description of the proposed use of a conditional zoning district on Page 2 of the application, which states “the proposed use... is as follows: to expand the natural sandy walking paths for the display and sales or statuary and lawn ornaments through the existing mature longleaf pine forest canopy...”, as well as the applicant's narrative and proposed site plan. This proposed conditional zoning district is consistent with the Plan's General Framework Map, the Conservation and Development Map, and the Character District Map. Therefore, the proposed new commercial conditional zoning district would be consistent with the Plan.

(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.*

Neighboring lands adjacent to and within a quarter-mile of the subject parcel are zoned RS-3; Residential Single-Family (RS-2 for minimum lot size of 20,000 square feet); Rural Residential; Facilities, Resources, and Recreation; Rural Estate, and Residential Multi-Family 1. The property is also within a quarter-mile of Moore County zoning, including Rural Equestrian and Residential and Agricultural districts. Considering this mix of rural land uses, the intended character of the Rural Living character district, and the proposed extension of the existing use, the proposed GB-CD conditional zoning would be substantially consistent with the surrounding area, thus having negligible adverse impacts on neighboring lands.

Figure 3: Subject Property as Seen on October 10, 2023 Site Visit



(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.*

RS-3 was primarily created for low-density single-family residences. The portion of the parcel in question (approximately 46,600 square feet) only has access through Windridge Gardens, which would create a significant access issue if subdivided and developed for residential use. Therefore, the residential portion of the subject parcel is not suitable as presently zoned.

However, the proposed rezoning request is consistent with rural living character district in that it prioritizes preservation, low-development intensity, and large buffers with adjacent residential parcels. Furthermore, small nodes of commercial activity are considered appropriate, if the design and character reinforce the surrounding rural landscape and are unique, but complementary to the town's culture, history, and traditions. The voluntary conditions on this GB-CD would make the proposed rezoning suitable to the area.

(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.*

No health, safety, or welfare concern has been identified based on the information that was provided in the application. Staff has not identified any concerns based on site visits and routine analysis of the subject parcel and surrounding area. However, it should be noted for the record that no detailed site assessment has been conducted nor is one required in order to request a rezoning. Lastly, there are no historic or archeological sites on the subject property to the applicant's and Planning staff's knowledge.

(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.*

See comments under “(A) Consistency.” The preservation of the existing longleaf tree canopy—as proposed by the applicant—is central to many public policies within the Town of Southern Pines.

(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 rezoning is for a portion of a 2.49-acre single lot that has 1.42 acres currently zoned GB-CD and 1.07 acres currently zoned RS-3. There has been a 3.4% population growth between 2020 and 2022, according to the 2040 Comprehensive Plan that cites the Triangle Business Journal (2023). The Town has also seen an increase in the number of proposed housing developments, which is a substantial change. Therefore, presumably, there is a larger demand for commercial goods, such as lawn and garden supplies.

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

In addition to this criterion, UDO §2.17.11(E) further states that in the course of evaluating the proposed use, the Town Council may request additional information deemed appropriate to provide a complete analysis of the proposal. Per UDO §2.17.11(B) and (F), any use permitted under conditional zoning must also conform to the regulations for the corresponding general zoning district, and no approval can be granted until it is determined that the proposed use will meet all standards and requirements applicable to the use. Regulations applicable to the General Business zoning district, as described in UDO §3.5.9, and proposed commercial use include:

- All Urban Transition HCO standards in UDO §3.6.5 and Exhibit 3-13, including required buffers and setbacks for the portion of the subject property in question (i.e., 50' landscape buffers, 75' building setback, and 50' parking setback).
- Outdoor storage, display, and operations shall comply with UDO §5.12 and §5.13.
 - UDO §5.12. Outside storage cannot be stored in the open or exposed view from adjacent sites, streets, or sidewalks; storage areas must be fully enclosed by a brick, masonry, wooden, or solid-face fence between 6' and 8' tall; required buffers shall be located between the fence and the property line adjacent to residential zones; and buffers that are required must be increased 20% (i.e., a total of 60' rather than the required 50' Urban Transition HCO buffers) between storage areas and property lines and comply with landscape screening standards.
 - The Planning Director has granted the applicant a 50% reduction in buffer requirements considering the applicant will leave the entire site undisturbed, visibility is naturally limited due to the topography, and screening from existing fencing will be maintained. Therefore, the applicant must maintain a minimum 30' undisturbed buffer. See Figure 4.
 - UDO §4.7 states that fences must comply with fencing requirements unless specifically approved as part of a Conditional Zoning. Therefore, the outside storage requirements may be modified to permit the use of existing fencing.
 - UDO §5.13. Outside Operations. Outdoor displays in GB zoning districts shall be limited to the displays within areas that are enclosed by walls or fences.
- All Watershed Protection Overlay District standards in UDO §3.6.8 and Exhibit 3-14.

Figure 4: Buffer Requirements for Outside Storage



- No commercial structures are proposed as part of the site plan. According to UDO §2.17.11(H), “Only those uses and structures indicated in the approved petition and Site Plan shall be allowed on the subject property.”
- Side and rear setbacks for accessory buildings and structures (excluding fences) that are $\leq 12'$ shall have a minimum setback of 5' and the setback is increased by 2' for every additional 1' in height of the structure.
- Furthermore, any commercial development is subject to UDO §4.3 Landscaping Code, §4.5 Off-Street Parking and Loading, §4.6 Sign Code, §4.7 Fences and Walls, §4.8 Lighting, §4.10 Development Design Standards, §4.11 Drainage, Erosions Control, Storm Water Management, §4.15 Utilities, and applicable standards in Chapter 5, such as accessory uses/structures and outdoor storage.

(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.

The rezoning request is for a conditional zoning district that is restricted to lawn and garden supplies. Therefore, the Planning Board may review and consider the applicant's representations, including the marked-up survey on Page 5 of Attachment 2.

3. Outside Agency Comments

A request for comments was emailed to agencies on October 27, 2023. Agencies notified include Town of Southern Pines Streets, Public Works, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), United States Fish and Wildlife Services (US FWS), the Moore County Airport, and the North Carolina Department of Transportation (NCDOT). No comments were received at the time of writing this staff report. If any

comments come in prior to the public hearing, they will be presented by Planning staff during the public hearing.

4. Staff Recommendation

Approval of a conditional zoning district approves a specific use with reasonable conditions that mitigate the negative impacts of the proposed development and ensure compatibility with the surrounding area. Only conditions approved by the Town Council and consented to by the petitioner in writing may be incorporated into the conditional zoning district. If the applicant ever wishes to change an approved condition, they must follow the same rezoning procedure required to amend the official zoning map unless considered a minor change per UDO §2.17.11(K).

Planning staff recommend that the hearing bodies approve the rezoning request for the RS-3 portion of Parcel ID 20140484 from RS-3 to General Business Conditional Zoning District with an extension and updated list of conditions on the district, if consented to by the applicant, as follows:

- **The permitted use shall be restricted to low-volume lawn and garden supplies (i.e., LBCS 2123), which may be stored and displayed outdoors using the existing fencing (see Attachment 3). When new fencing is proposed, the fencing may remain between the use and the 30' buffers and shall be required to conform with the UDO standards at that time;**
- **Required buffers, which have been administratively reduced by the Planning Director to 30' for the highway, side, and rear yards of the portion of the property currently being rezoned, shall remain undisturbed (e.g., no tree removal nor site grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements;**
- **Existing clearings for driveway, parking, and building shall be used to protect the longleaf pine forest; and**
- **No manufacturing operation shall occur on site.**

V. ATTACHMENTS

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

1. Signed Planning Board Resolution Adopting a Written Recommendation for the Zoning Map Amendment Application
2. Zoning Map Amendment Application, Narrative for Proposed Amendment, and Proposed Site Layout
3. Images of Existing Fencing
4. Z-07-01 Prior Development Approval for GB-CD

Additional documents related to this application including (but not limited to) property deeds, Authorization of Agent forms, email correspondence, meeting minutes and adjacent property notification records are on file in the Town of Southern Pines Planning Office and available for public inspections during normal business hours.

VI. TOWN COUNCIL ACTION:

A request for a zoning map amendment approval is a request for a rezoning. Per North Carolina General Statute 160D-601(a), before adopting the rezoning, the Town Council shall hold a legislative hearing. Per North Carolina General Statute 160D-605(a) the Town Council shall also approve a statement addressing consistency or inconsistency with the Comprehensive Plan. 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 rezoning and the criteria for consideration of zoning amendments, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation:

1. The proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Hyland Hills neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9 and standards in §2.17.11 for reasons set forth in the Planning Board's resolution. Therefore, the requested rezoning **from RS-3 to GB-CD is a reasonable request** for the reasons mentioned in the Planning Board's resolution and within this staff report for Z-04-23;

And, therefore, I move to:

1. Approve Z-04-23 as submitted and as set forth in attachments to staff report Z-04-23 with the following mutually agreed upon conditions
 - a. The permitted use shall be restricted to low-volume lawn and garden supplies (i.e., LBCS 2123), which may be stored and displayed outdoors using the existing fencing. When new fencing is proposed, the fencing may remain between the use and the 30' buffers and shall be required to conform with the UDO standards at that time;
 - b. Required buffers, which have been administratively reduced by the Planning Director to 30' for the highway, side, and rear yards of the portion of the property currently being rezoned, shall remain undisturbed (e.g., no tree removal nor site grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements;
 - c. Existing clearings for driveway, parking, and building shall be used to protect the longleaf pine forest; and
 - d. No manufacturing operation shall occur on site.

-OR-

2. Deny Z-04-23.



**PLANNING BOARD
RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION
FOR ZONING MAP AMENDMENT APPLICATION
FOR A CONDITIONAL ZONING DISTRICT
Z-04-23**

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

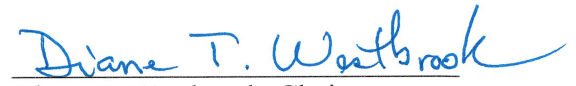
WHEREAS, Section 160D-604 of the North Carolina General Statutes specifies that the Planning Board shall, with any ordinance amendment or zoning map amendment, advise and comment on whether the proposed action is consistent with the adopted comprehensive plan and on other matters as deemed appropriate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

WHEREAS, the Planning Board has reviewed the proposed zoning map amendment—which includes the written staff report, application materials, documentation, and maps showing the proposed district boundaries—and has conducted a public hearing on November 16, 2023, to listen to public comments, ask questions of the Town’s planning staff, and consider zoning map amendment application Z-04-23.

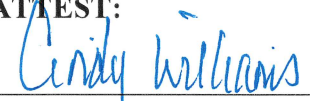
NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Hyland Hills neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9. The Planning Board recommends that the Town Council approve the zoning map amendment request for the subject property on the east side of Valley View Road between U.S. Highway 1 and Skyline Manor Road in the extraterritorial zoning jurisdiction of the Town of Southern Pines. The proposed zoning amendment is consistent with the Town of Southern Pines 2040 Comprehensive Plan considering that a lawn and garden supplies land use with undisturbed buffers and meandering paths directly relate to the intent of the Areas to Preserve in the General Framework Map. Furthermore, the proposed low-development intensity coupled with prioritized longleaf tree preservation through wide undisturbed buffers is consistent with the intent of the Rural Living Conservation and Development Map as well as the Character District Map. The proposed conditional zoning district is sensitive to existing natural resources, especially the longleaf pine tree stand. The proposed development will avoid mass grading and tree clearing in this rural part of the Extraterritorial Jurisdiction. The Planning Board recommends the Town Council adopt this zoning amendment for a conditional zoning district (i.e., Z-04-23) with the following conditions, if consented to by the applicant in writing prior to the Council’s approval.

- 1) The permitted use shall be restricted to low-volume lawn and garden supplies (i.e., LBCS 2123), which may be stored and displayed outdoors and shall be within a fully enclosed brick, masonry, wooden, or solid-face fence between 6' and 8' tall;
- 2) Required buffers—which have been administratively reduced by the Planning Director to 30' for the highway, side, and rear yards of the portion of the property currently being rezoned—shall remain undisturbed (e.g., no tree removal nor site grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements;
- 3) Existing clearings for driveway, parking, and building shall be used to protect the longleaf pine forest; and
- 4) No manufacturing operation shall occur on site.

ADOPTED this the 16th day of November, 2023.


Diane T. Westbrook, Chairwoman

ATTEST:


Cindy Williams
Secretary to the Planning Board



Zoning Map Amendment Application

Fee: \$1,500.00

Date Received: _____

Case No.: Z-____-____

Project Information: WINDRIDGE GARDENS, LLC
TRACT #1 GB-CD AND UNDEVELOPED AREA RS-3
Street Address: 1650 VALLEY VIEW ROAD

PIN: 859300804296 Parcel ID: 20140484

Site Size: 1.284 Zoning: RS-3

Applicant:

Name(s): CORBY D. LONGSTREET / OWNER

Longstreet Construction @ yahoo.com
Email: _____ Phone: 910-315-9855

Mailing Address: 1630 VALLEY VIEW ROAD SOUTHERN PINES, NC 28387

Authorized Agent, if different from Applicant:

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

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

Name(s): WINDRIDGE GARDENS, LLC

Email: WINDRIDGE GARDENS@yahoo.com Phone: 910-692-0855

Mailing Address: 1650 VALLEY VIEW ROAD SOUTHERN PINES, NC 28387

1/12/22

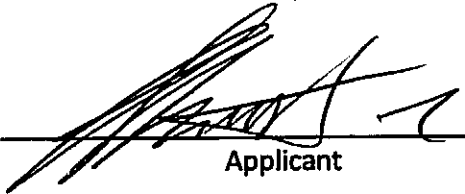
TO THE TOWN OF SOUTHERN PINES PLANNING BOARD AND TOWN COUNCIL:

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a zoning map amendment 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 NORTH side of US HWY 1 SOUTH BOUND (St./Ave.), between _____ (St./Ave.) and _____ (St./Ave.). The property has a frontage of 173.48 feet and a depth of 316.42-331.53 feet.

The zoning map amendment sought is based upon Section(s) 3.5.9 of the Town of Southern Pines Unified Development Ordinance. The proposed use of the property is as follows: TO EXPAND THE NATURAL SANDY WALKING PATHS FOR THE DISPLAY AND SALES OF STATUARY AND LAWN ORNAMENTS THROUGH THE EXISTING MATURE LONGLEAF PINE FOREST CANOPY, WHICH HAS BEEN A HUGE ASSET AND MADE OUR LOCATION A VERY SPECIAL PLACE TO VISIT FOR THE PAST 21+ YEARS.

Date: 10/9/2023


Applicant

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

1/12/22

Windridge Gardens

1650 Valley View Road
Southern Pines, NC 28387
(910) 692-0855

10/9/23

Mr. B.J. Grieve, Planning Director
Town of Southern Pines
801 SE Service Road
Southern pines, NC 28387

RE: Zoning Map Amendment Application

Mr. Grieves,

Thank you for meeting with me October 6, 2023 to discuss the rezoning of the "undeveloped area" of Tract #1, the location of our business is at the corner of US Highway 1 and Valley View Road adjacent to the Hyland Golf Club which is located within the ETJ of Southern Pines. We obtained the present GB-CD zoning on February 12, 2002 (Z-07-01) and the plat of Tract #1 was signed on 3/19/2002 and recorded on 3/21/2002 (Plat Cabinet 9, Slide 412) showing Tract #1 with two different zoning classifications GB-CD and RS-3.

The "undeveloped area" of Tract #1, zoned RS-3 is landlocked with no access allowed from US Highway 1 through the right-of-way, nor Valley View road. The "undeveloped area" is unusable and we cannot fully utilize that area of our property for our business. The Zoning Map Amendment Application attached is to incorporate the "undeveloped area" zoned RS-3 of our parcel to the GB-CD, so the entire Tract #1 will be zoned the same GB-CD.

After careful review of UDO 2.17.9 Criteria for Zoning Map Amendments, I believe that this application meets all criteria as follows;

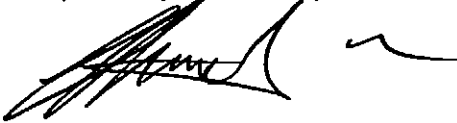
- A. The rezoning is consistent with the adopted Comprehensive Plan.
- B. There are no adverse impacts on neighboring lands
- C. The application to rezone the "undeveloped area" of tract #1 will be suitable with the GB-CD area of Tract #1. As reference above the present RS-3 zoning is not suitable as presently zoned.
- D. This application will not adversely affect the health, safety and welfare of the public.
- E. This application will be consistent with public policy by preserving environmental features which are consistent with the neighborhood, area and the GB-CD area of Tract #1.
- F. As referenced above the "undeveloped area" zoned RS-3 is unsuitable for use as zoned.
- G. As per UDO 3.6.5 "The visual quality of these sections depends on quality site planning, landscaping and preservation of natural features". We intend to utilize this

“undeveloped area” of our property for the display and sales of statuary and lawn ornaments along natural sandy paths winding through the existing longleaf pine forest canopy, as we have previously developed within the GB-CD area of Tract #1. We will not be cutting or clearing any trees in the process of raking back the pine straw to create the natural walking paths, thus leaving all trees with understory and natural buffers in place.

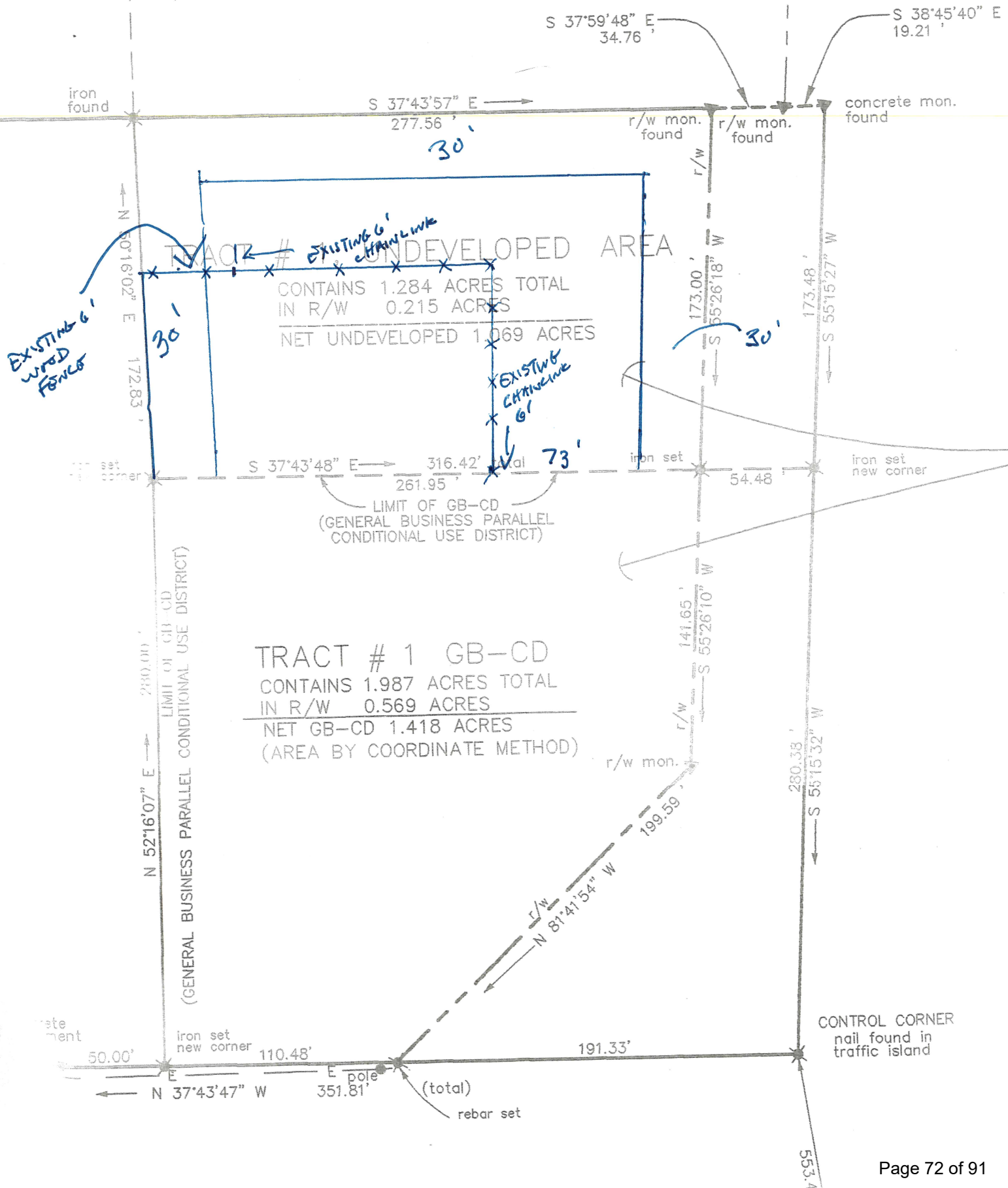
As we discussed at our meeting on the 6th, the rezoned “undeveloped area” will be utilized per the classification contained in the UDO as LBCS 2123 Lawn and Garden Supplies. A copy of the Tract #1 plat we reviewed, that was submitted for recording on 3/19/2002 is attached as a survey and a marked up copy of the plat is attached to be used as a site plan as we agreed at the meeting. During our meeting you said the Town of Southern Pines will notify the adjacent property owners within two hundred (200) feet of the outermost boundaries of the subject property. Therefore, I have not included the “List of Adjacent Property Owners” shown as “Required Application Materials”.

Please let me know if you need any further information at your earliest convenience.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Corey Longstreet', followed by a small flourish.

**Corey Longstreet
Windridge Gardens, LLC**



A photograph of a pine forest. In the foreground, there is a large pile of dry pine needles and branches. A chain-link fence runs across the middle ground, with a sign attached to it that reads "CE GARDENS" in reverse. The background is filled with tall, thin pine trees under a clear blue sky.

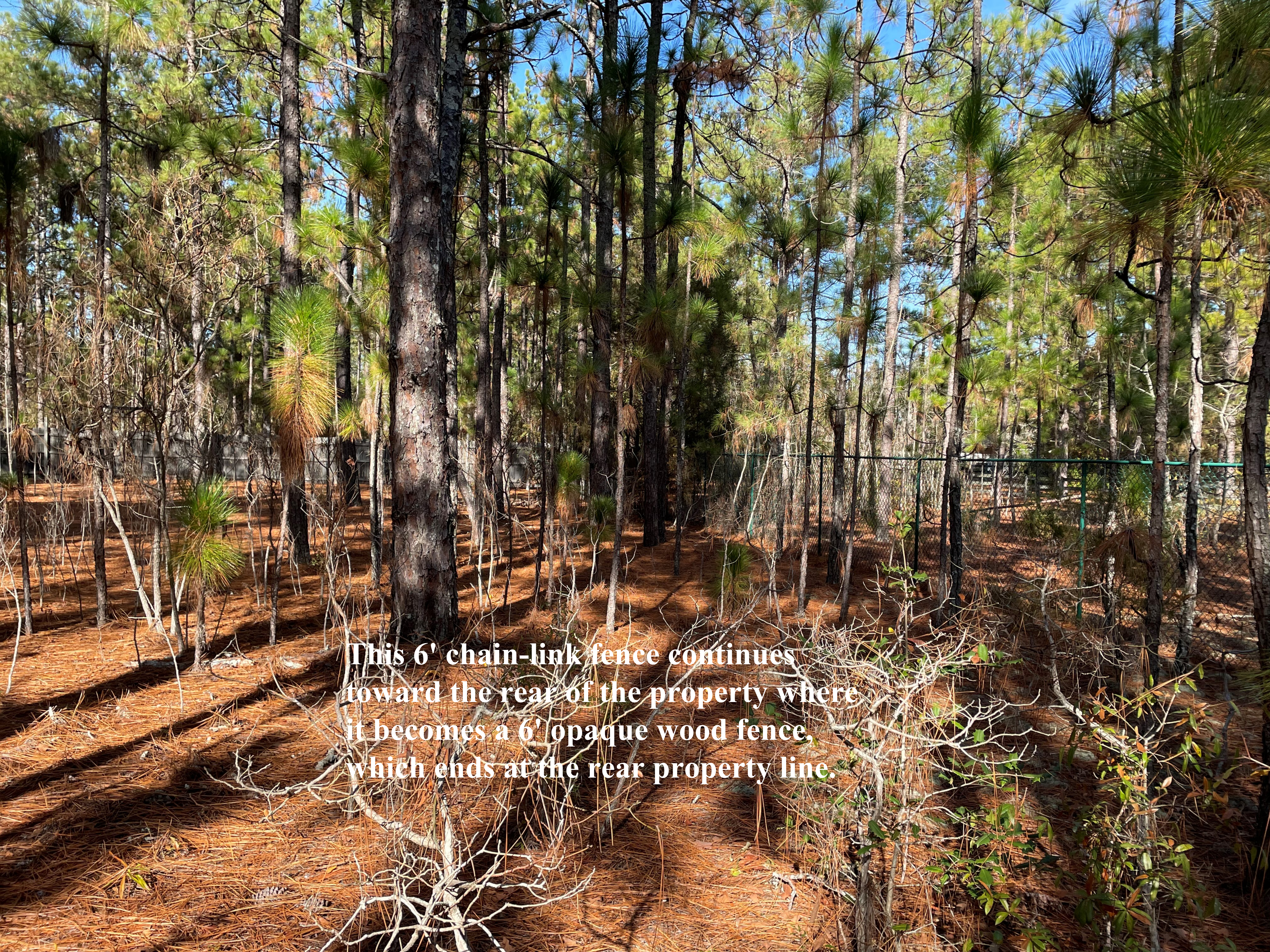
This 6' chain-link fence begins at the edge of the previously approved GB-CD. It is parallel to and about 73' from the front lot line.



The 6' chain-link fence (right) connects to another 6' chain-link fence (above) and runs parallel to and about 73' from the side lot line, which has a split-rail fence, as well.



**View through the 6' chain-link fence
towards PARID 00040864, i.e., 297 and
329 Brooks Lane.**

A photograph of a dense pine forest. The ground is covered in a thick layer of brown pine needles. Several tall, slender pine trees with green needles are visible. A chain-link fence runs horizontally across the middle of the image, partially obscured by the trees. The sky is visible through the canopy of the trees.

**This 6' chain-link fence continues
toward the rear of the property where
it becomes a 6' opaque wood fence,
which ends at the rear property line.**



The rear property line contains an existing 6' opaque wood fence, which extends into the previously approved GB-CD.

SOUTHERN PINES REZONING APPLICATIONCASE: Z - 07-01

DATE: _____

To the Planning Board and Town Council of Southern Pines, North Carolina:

I, the undersigned, do hereby make application to change the zoning map of the Town of Southern Pines as herein requested.

- The property is located on the NORTH side of SR 1857 (VALLEY VIEW ROAD) (St., Ave., Dr., Ct.) between US #1 (St., Ave., Dr., Ct.) and SR 1909 (SKYLARK MANOR ROAD) (St., Ave., Dr., Ct.). The address is 1630 VALLEY VIEW ROAD and is known as Lot Number(s) 1, Block Number(s) 1, of Moore County Tax Map Number 64 - 7 MCNEILL Township. It has a frontage of 301.81 feet and an average depth of 280.00 feet, containing 1.987 acres.
- It is desired and requested that the foregoing property be rezoned from RS-2 District to GB/PCU* District for the following purpose: LOW VOLUME DISPLAY/SALE OF GARDEN ART AND STATUARY.
- *GENERAL BUSINESS / PARALLEL CONDITIONAL USE
A metes and bounds description must be attached to this application.
- The following are all individuals, firms or corporations owning property adjacent to both sides and rear, and the property across the street from the property sought to be rezoned. (Use reverse side if needed).

Township <u>MCNEILL</u>	Tax Map Number	Block	Lot	Name	Address
	<u>76</u>	<u>1</u>	<u>19</u>	<u>NC VETERINARY RESEARCH FOUNDATION</u>	<u>6045 US 1 NORTH S. PINES, NC 28387</u>
	<u>78</u>	<u>97</u>	<u>423</u>	<u>NC STATE UNIVERSITY AT RALEIGH</u>	<u>PO BOX 5067</u> <u>RALEIGH, NC 27650-0000</u>
	<u>74B</u>	<u>1</u>	<u>2</u>	<u>A2 GOLF CLUB OF NC, LLC</u>	<u>4101 US HWY 1 NORTH</u> <u>SOUTHERN PINES, NC 28387</u>

I certify that all information furnished in this application is accurate to the best of my knowledge.

Petitioner's Name: COREY D. LONGSTREETPetitioner's Signature: [Signature]Mailing Address: 1630 VALLEY VIEW ROAD SO. PINES, NC 28387Phone Number: 910-692-0006

- Property Owner: COREY D. LONGSTREET
- Signature: [Signature]
- Mailing Address: 1630 VALLEY VIEW ROAD SO. PINES, NC 28387
- Phone Number: 910-692-0006

Property Owner's Signature Is Required Before Application is Accepted.

Note: If the request is made by a corporation, the names and addresses of all officers in the corporation must be provided. A request for a "Parallel Conditional Use District" must also be accompanied by a letter from the owner or an authorized officer of the corporation indicating their agreement to abide by the conditions of approval imposed by the Town Council.

The applicant or his representative is expected to attend all meetings to answer questions concerning the request. The absence of the applicant is sufficient grounds to warrant a deferral of action by the Planning Board and/or the Town Council.

Corey D. Longstreet
1630 Valley View Road
Southern Pines, NC 28387
(910) 692-0006 Tel.
(910) 692-0963 Fax.

November 28, 2001

Southern Pines Town Council
145 SE Broad Street
Southern Pines, NC 28387

RE: Z-07-01 General Business- parallel Conditional Use

Thank you for your perseverance in hearing my request after such a long evening at the last Council meeting. Since that meeting I have met with Mr. Bart Nuckols. Following his excellent advise, I am writing to clarify the intentions of my zoning request.

The purpose of the Southern Pines Unified Development Ordinance, pertaining to buffers, agrees with my philosophy and plans for the request/ project. The natural existing vegetation in buffer areas exceeds the requirements of the UDO and I would like to keep these areas undisturbed. Trees will not be cut nor will any grading work be performed inside buffer areas. Walks and paths shall run through buffers as allowed by the UDO. Driveway shall meet requirements. Existing vegetation shall be used to comply with all requirements and provide the same level of obscurity as a planted buffer. I intend to use plant materials and / or other landscape architectural elements to further augment and obscure view from other properties. As allowed by the UDO, I request the 50% reduction in buffers because of the existing healthy vegetation that is more than sufficient to meet the requirements of the Ordinance in part or in whole. The use of existing and proposed opaque fencing (as depicted on attached plan) and existing topographical features will further achieve the intent of the Ordinance and will compliment and enhance adjacent properties. Decorative aluminum fence will also be installed as shown on the attached plan and detail sheet.

I am working with Mr. Tommy Howe of Aurora Hills to develop a landscape plan for the building and retail display areas located outside of the buffers. No tree cutting or grading operations are planned for these areas. Landscape screening shall also be used in the retail areas as backdrops for the display of architectural and garden elements.

I will utilize existing clearings for the driveway, parking and building to maintain the existing longleaf pine forest. The proposed building shall meet the architectural requirements of the Town of Southern Pines. Trees will be removed only as necessary in strict accordance with UDO requirements and forest management guidelines. My intent is to preserve the natural beauty that is unique to Southern Pines.

A copy of the plan with proposed buffer areas shown is attached for your use. I will have a revised plan prepared for the December meeting. I invite any / all of the Council members to visit the site prior to the meeting. Please call me at 692-0855 to schedule this visit.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Corey D. Longstreet', written in a cursive style.

Corey D. Longstreet

N.C. GRID N

COREY D. LONGSTREET DEED BOOK 886, PAGE 43

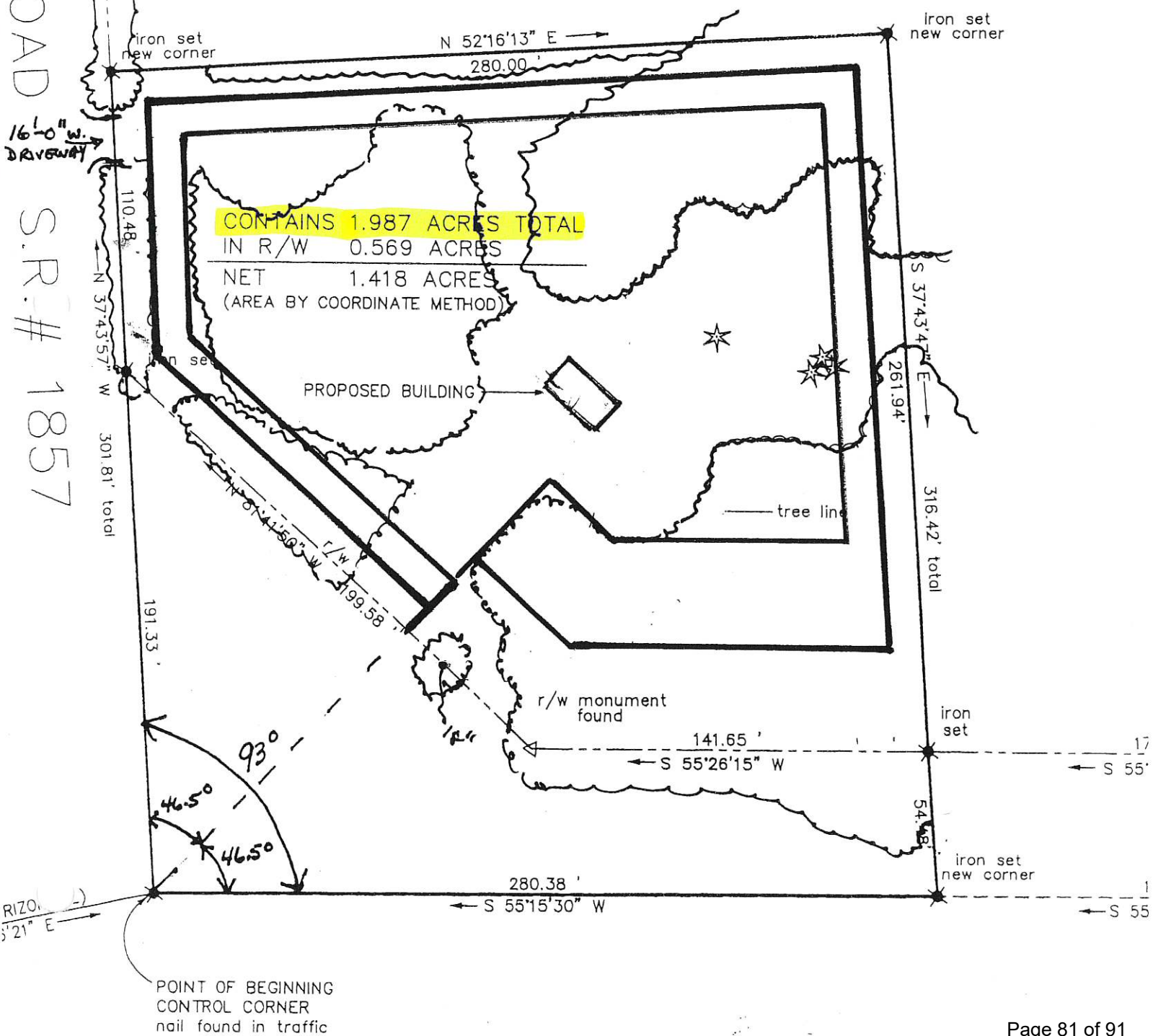
(REMAINING PORTION EXCEEDS TEN ACRES)

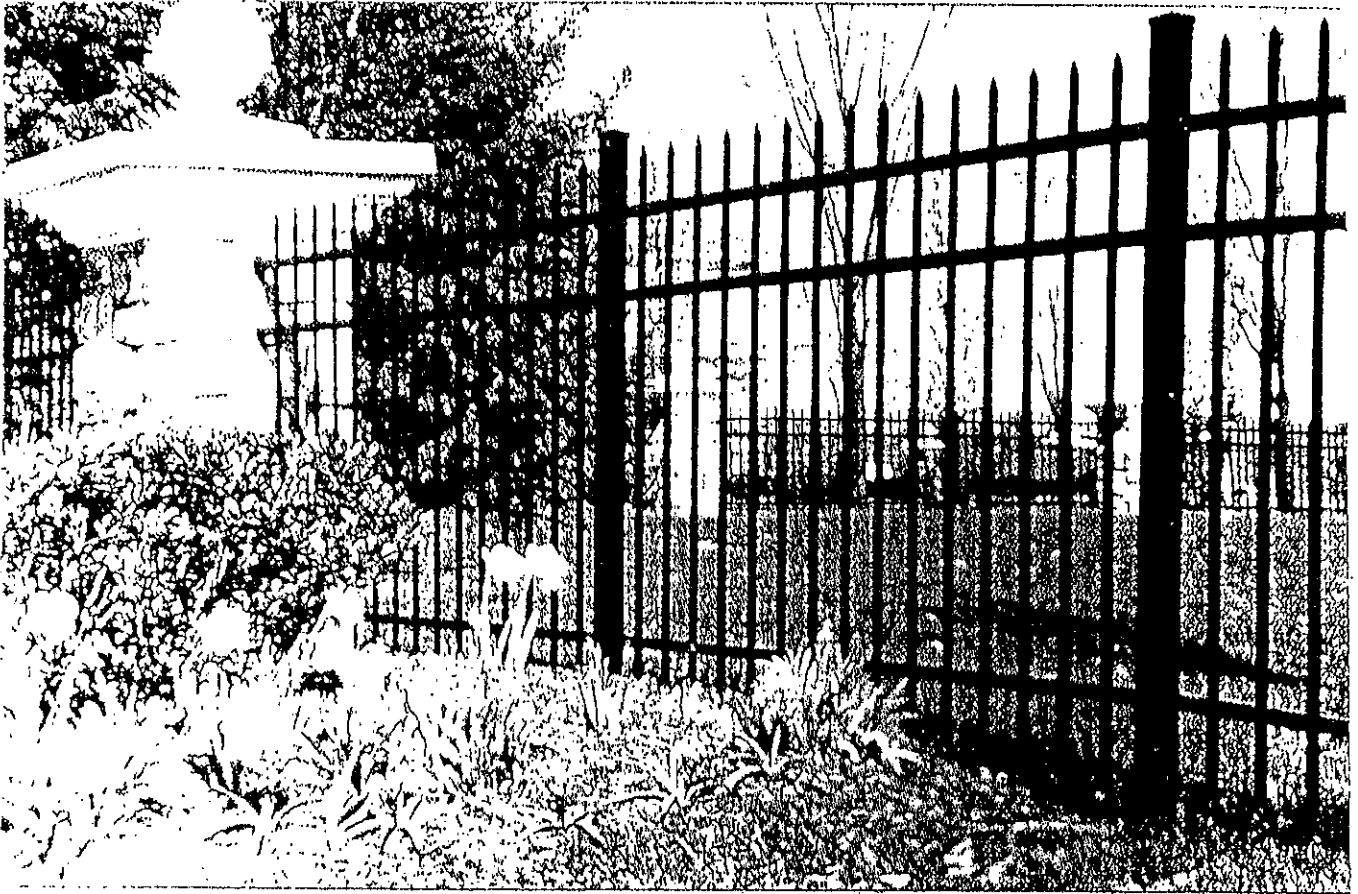
1" = 50'

-  = 12.5' PROPOSED BUFFER
-  = 25' BUFFER
-  = 37.5' PROPOSED BUFFER
-  = 75' BUFFER

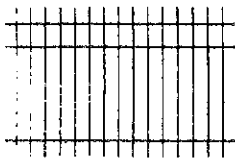
- = 6'-0" SOLID WOOD FENCE (EXISTING)
- = 6'-0" SOLID WOOD FENCE (PROPOSED)
- = 6'-0" DECORATIVE ALUMINUM FENCE (PROPOSED)

VIEW ROAD S.R.# 1857





1 MADRID



Avalon
Avalon
Madrid



February 5, 2002

RE: 1.98 Acres at the corner of U.S. 1 and Valley View Rd., Southern Pines, NC 28387

To Whom It May Concern:

I have inspected the above referenced property at the Request of Corey Longstreet.

It is my opinion the this property's highest and best use would be as commercial property due to its location and proximity to U.S. 1 and its proximity to existing commercial properties.

The property would not be very marketable as a residential property due to its close proximity to U.S. 1 highway.

Sincerely,

A handwritten signature in cursive script that reads 'Allen Davidson'.

Allen Davidson
Vice President

Corey D. Longstreet
1630 Valley View Road
Southern Pines, NC 28387
(910) 692-0006 Tel.
(910) 692-0963 Fax.

February 6, 2002

Southern Pines Town Council
145 SE Broad Street
Southern Pines, NC 28387

RE: Z-07-01 General Business- parallel Conditional Use

Dear Members of the Town Council,

I am writing this short letter in preparation of the February 12, 2002 meeting. Prior to exploring the use of my property as a venue for my proposed business, I undertook an exhaustive search of southern Moore County for a location that has the existing natural beauty to augment with gardens, paths, etc.. No such location can be found. After meeting with Bart Nuckols last September to discuss the possible use of my property, we agreed that the expensive parallel conditional use application was the appropriate way to protect and ensure the natural beauty of the area.

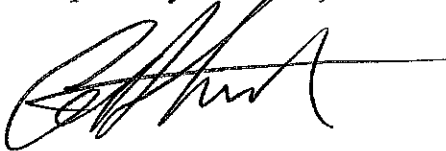
The application and presentation to the Planning Board at the October 2001 public meeting had no public opposition and was unanimously approved. The following month, November 2001 this application/ presentation was brought to the Town Council. I patiently waited for my chance to address the Council. Due to the lengthy hearing on the Humane Society and the change in the agenda of scheduled hearings, my application was heard last at about 12:40 AM., again with no opposition. Understandably my application was to be continued at the next meeting. Prior to the December meeting a letter of my intent with a plot plan was supplied for the Council's use. At the December 2001 meeting (again with no opposition), I was told if I were to push for an immediate decision that I would not like the outcome. Mr. McInerney instructed me that if I would wait until the next meeting and be patient, that I would be pleased with the outcome.

My intention remains to tastefully decorate and display statuary (no larger than ten feet tall), working fountains and architectural elements, along natural paths and gardens created to enhance the natural beauty of the Longleaf Pine forest. The proposed use will be attractive to visitors to and the residents of Southern Pines. I will comply with all regulations and am confident that the Planning and Inspections Department will scrutinize and approve my plans as set forth. I share the Council's concerns and disapproval of the statuary manufacturing/ retail entities located in Rockingham N.C. that have been in operation for the last 20- 30 years. I will not have any manufacturing operations nor will there be vast inventories stacked on pallets haphazardly scattered around the site encircled by chain link fencing.

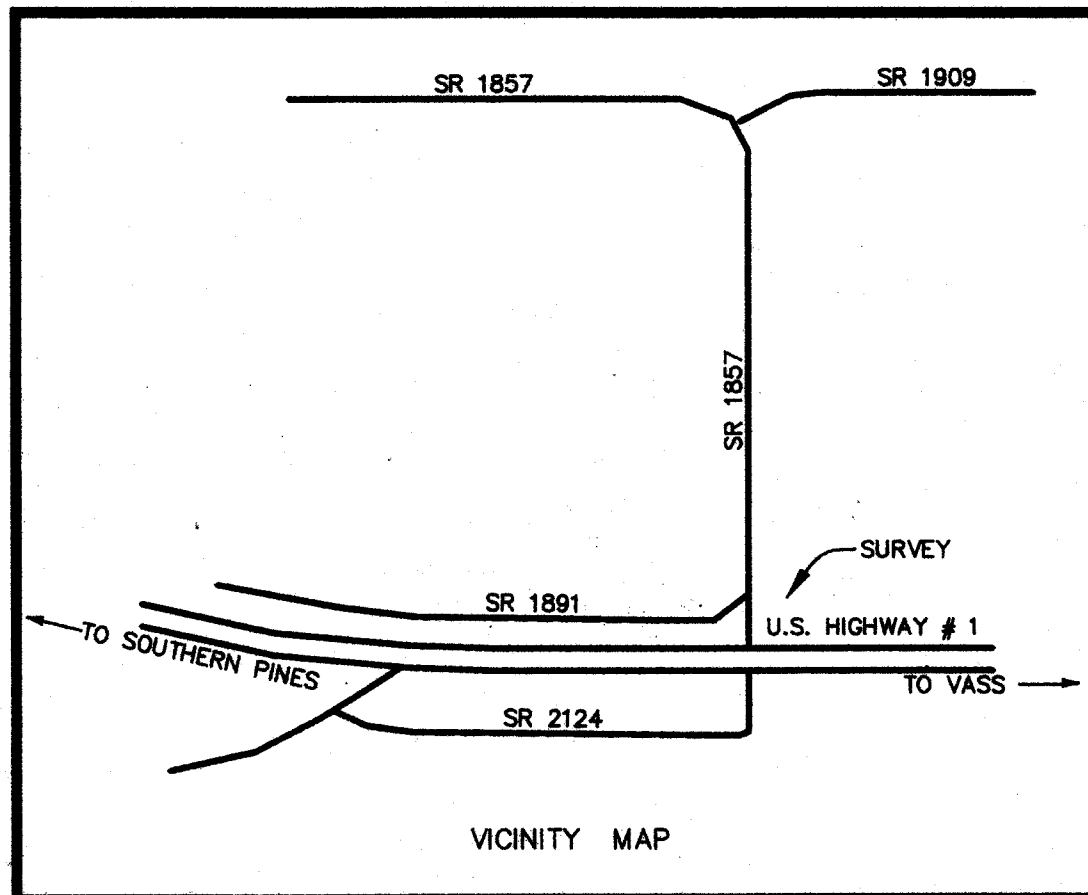
The present zoning allows for uses such as: neighborhood utility facility, 50' tall tower/ antennas, satellite dishes, bed and breakfast establishment and a church/ synagogue. These uses would be far more detrimental to the natural beauty and forest than my proposed use. In addition, I am constantly contacted by the timber companies to harvest the stand of trees which is another negative possible option. Please read the attached letter from my bank, in response to my inquiry of funding a residential project on the site as presently zoned.

The invitation to tour the proposed site remains open. I respectfully request that the Town Council give this proposal it's due consideration based on information submitted in the public hearings (no public opposition) and information submitted directly to the Council, and reward my patience with a positive outcome.

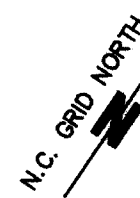
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Corey D. Longstreet', with a long horizontal flourish extending to the right.

Corey D. Longstreet



VALLEY VIEW ROAD S.R. # 1857



COREY D. LONGSTREET
DEED BOOK 886, PAGE 43
(REMAINING PORTION EXCEEDS TEN ACRES)

WILLIAM A. DELANEY &
BARBARA S. DELANEY
DEED BOOK 1049,
PAGE 389

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SOUTHERN PINES, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.

9/21/01
DATE

[Signature]
OWNER

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH CHAPTER 101 OF THE SOUTHERN PINES TOWN CODE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY SOUTHERN PINES PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

DATE

PLANNING DIRECTOR

STATE OF NORTH CAROLINA, COUNTY OF MOORE

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

DATE

REVIEW OFFICER

I, MITCHELL W. COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 886, PAGE 43) THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND DRAWN FROM DEEDS AS INDICATED; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 20 TH DAY OF SEPTEMBER, A.D., 2001

I, MITCHELL W. COLE CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.



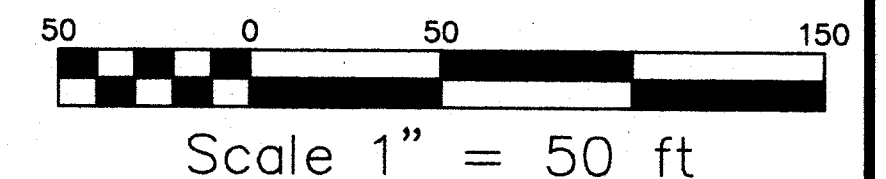
SEAL OR STAMP

N.C.G.S. STATION
"WSPER"

POINT OF BEGINNING
CONTROL CORNER
nail found in traffic
island

U.S.

HIGHWAY # 1
(RIGHT OF WAY VARIES)



NOTE :
1- BEING A PORTION OF THE COREY D. LONGSTREET PROPERTY DESCRIBED IN DEED BOOK 886, PAGE 43, MOORE COUNTY REGISTRY.

DATE :
SEPTEMBER 17, 2001

REVISIONS :

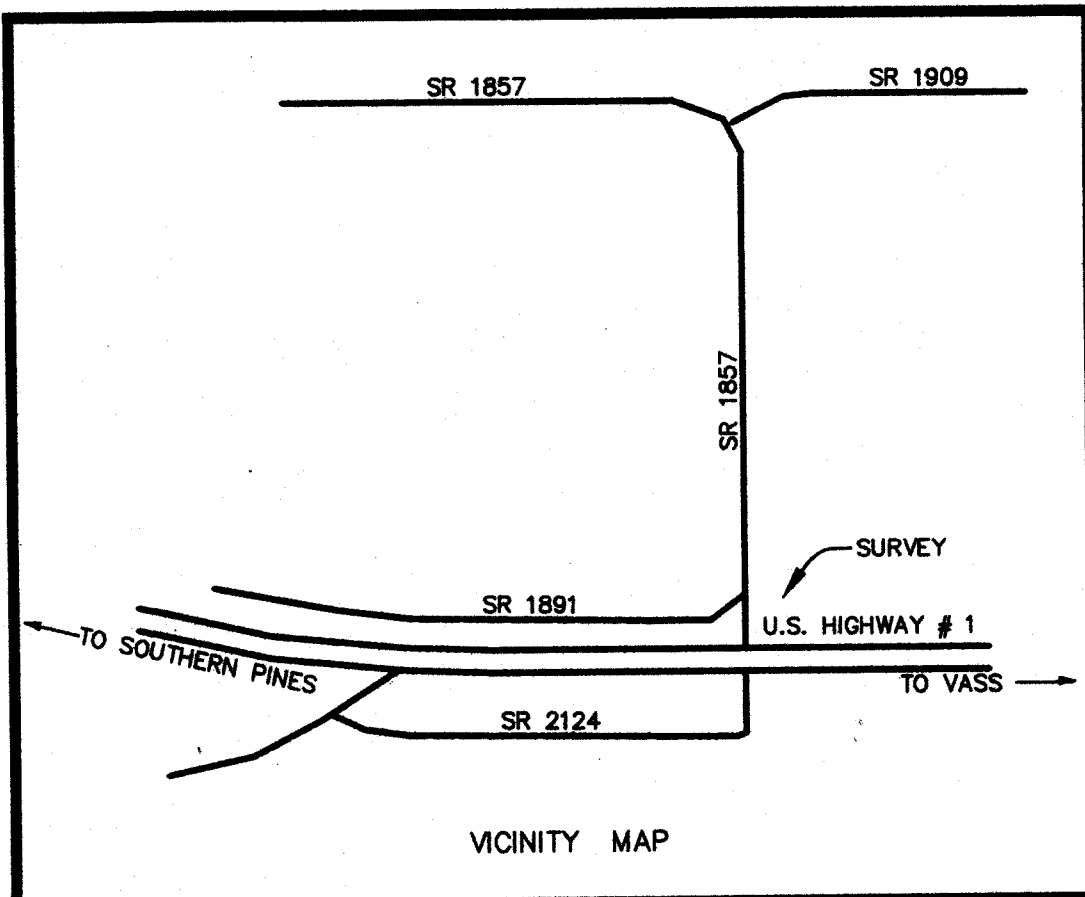
SURVEY FOR

COREY D. LONGSTREET

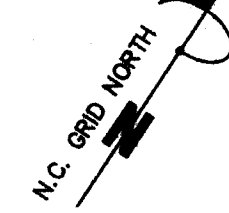
ADDRESS : 1630 VALLEY VIEW ROAD, SOUTHERN PINES, NORTH CAROLINA 28387
SURVEY : McNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA

COLE LAND SURVEYS, P.A.

483 WILMER ROAD
SNFORD, NORTH CAROLINA 27332
PHONE (919) 258-9340



VALLEY VIEW ROAD
S.R.# 1857



COREY D. LONGSTREET
DEED BOOK 886, PAGE 43
(REMAINING PORTION EXCEEDS TEN ACRES)

WILLIAM A. DELANEY &
BARBARA S. DELANEY
DEED BOOK 1049,
PAGE 389

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF THE TOWN OF SOUTHERN PINES, AND THAT I FREELY ADOPT THIS PLAN OF SUBDIVISION.

DATE _____ OWNER _____

CERTIFICATE OF APPROVAL

I HEREBY CERTIFY THAT THE MINOR SUBDIVISION SHOWN ON THIS PLAT DOES NOT INVOLVE THE CREATION OF NEW PUBLIC STREETS OR ANY CHANGE IN EXISTING PUBLIC STREETS, THAT THE SUBDIVISION SHOWN IS IN ALL RESPECTS IN COMPLIANCE WITH CHAPTER 101 OF THE SOUTHERN PINES TOWN CODE, AND THAT THEREFORE THIS PLAT HAS BEEN APPROVED BY SOUTHERN PINES PLANNING DIRECTOR, SUBJECT TO ITS BEING RECORDED IN THE MOORE COUNTY REGISTRY WITHIN SIXTY DAYS OF THE DATE BELOW.

DATE _____ PLANNING DIRECTOR _____

STATE OF NORTH CAROLINA, COUNTY OF MOORE

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

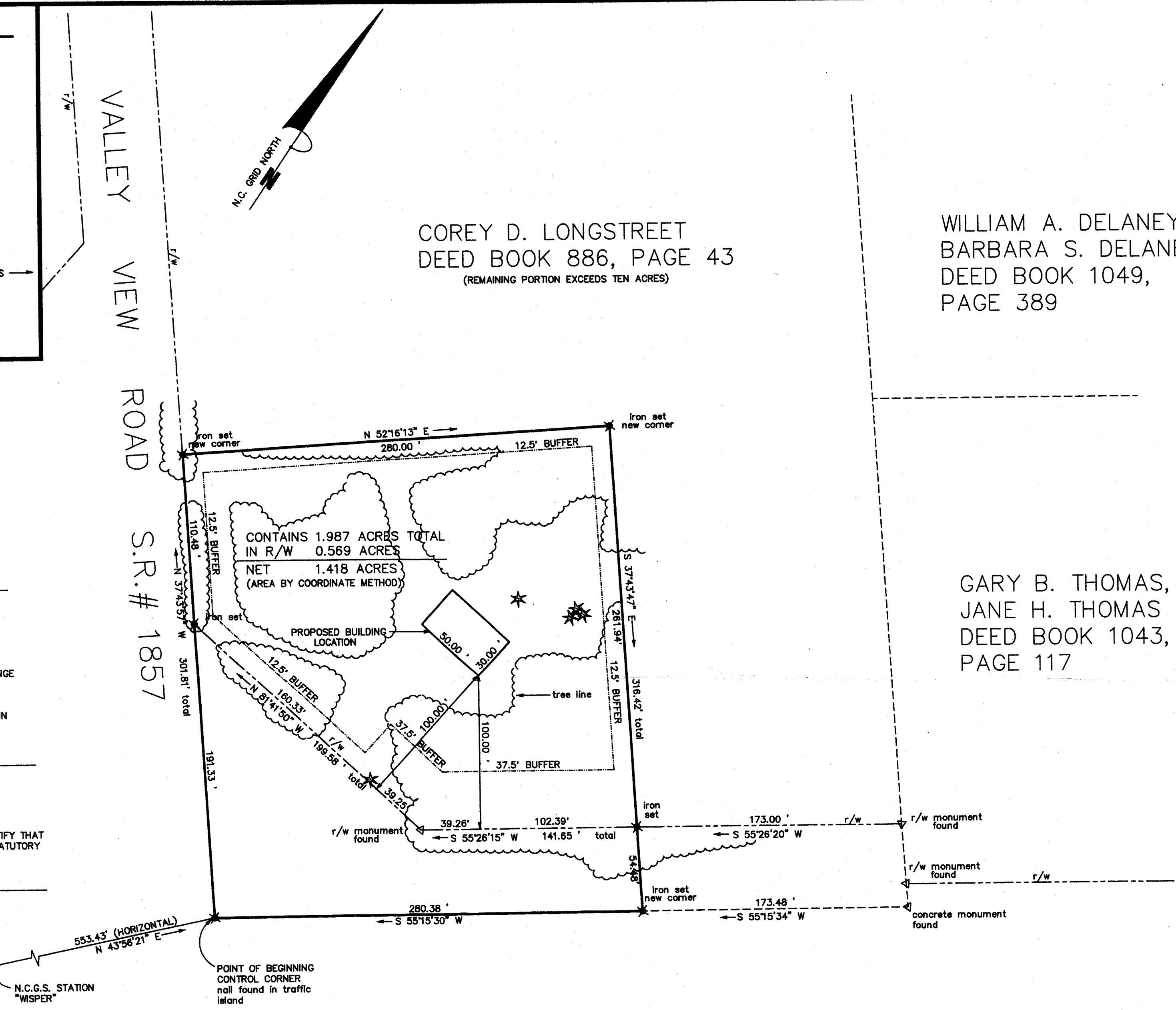
DATE _____ REVIEW OFFICER _____

I, MITCHELL W. COLE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 886, PAGE 43) THAT BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES AND DRAWN FROM DEEDS AS INDICATED; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED, WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 20 TH DAY OF SEPTEMBER, A.D., 2001

I, MITCHELL W. COLE CERTIFY THAT THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

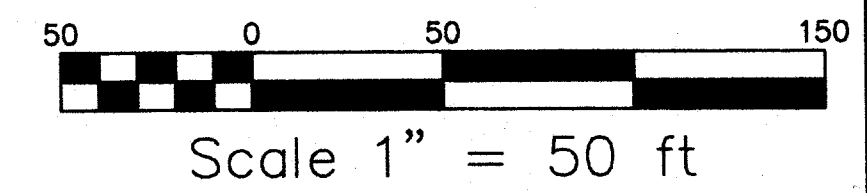


Mitchell W. Cole
SURVEYOR
REGISTRATION NUMBER L-2856



GARY B. THOMAS, SR. &
JANE H. THOMAS
DEED BOOK 1043,
PAGE 117

U.S. HIGHWAY # 1
(RIGHT OF WAY VARIES)



NOTE :
1- BEING A PORTION OF THE COREY D. LONGSTREET PROPERTY DESCRIBED IN DEED BOOK 886, PAGE 43, MOORE COUNTY REGISTRY.

DATE :
SEPTEMBER 17, 2001

REVISIONS :
DECEMBER 2, 2001

SURVEY FOR

COREY D. LONGSTREET

ADDRESS : 1630 VALLEY VIEW ROAD, SOUTHERN PINES, NORTH CAROLINA 28387
SURVEY : McNEILL TOWNSHIP, MOORE COUNTY, NORTH CAROLINA

COLE LAND SURVEYS, P.A.

483 WILMER ROAD
SNFORD, NORTH CAROLINA 27332
PHONE (919) 258-9340

MINUTES

Regular Meeting of the Town of Southern Pines Town Council February 12, 2002, 7:00 PM, Council Chambers

Present were: Mayor Frank Quis, Mayor Pro-Tem Michael Haney,
Councilmember John McInerney, Councilmember Marquita Daniels

Absent: Councilmember Elizabeth Rounds

Councilmember Daniels made a motion to add as Item 5 to the agenda, Moore County Transportation Plan Committee Appointments. Motion was seconded by Councilmember McInerney and carried unanimously.

1. Consent Agenda

- A. Adopt minutes of regular meeting of December 11, 2001, and Special Meeting of December 17, 2001, as written.
- B. Annexation – AX-01-02, McNeil, L.P.
 - Resolution Directing Clerk
 - Resolution calling Public Hearing
- C. Resolution Confirming Non-Inclusion of Street
 - Elm Circle
- D. Board Appointments
 - Appearance Commission – Martha Graham
 - Fireman's Relief Fund Board – Johnny Burns
- E. Longleaf Minor Modification
- F. G.S. 143-64.32 Resolution
- G. Certification of Firefighter Roster

Upon motion by Councilmember McInerney, seconded by Mayor Pro Tem Haney and carried unanimously, the Consent Agenda was adopted.

2. Referrals

A. Z-05-01 Pete Mace

Request to rezone 156.5 acres from RS-2 and RS-3 (Residential Single Family) to RE (Rural Estate). The property is located on the North side of Camp Easter Road/Aiken Road and East of NC Hwy.22.

Clyde Holt, Attorney for the petitioner faxed a request to defer the vote on this issue to a later date. Council decided to continue with the vote.

Mayor Pro Tem Haney made a motion to deny Z-05-01. Motion was seconded by Councilmember McInerney.

Councilmember Daniels stated she has been to the site – it's beautiful. The use is more properly RE – Councilmember Daniels doesn't want to see 150 houses in this area. She stated she would rather see 12-14 houses – this would keep the ambiance. She does not see this as urban area.

The vote was called as follows:

Daniels – No
McInerney – Aye
Haney – Aye
Quis – Aye

Motion carries.

B. Z-07-01 Corey Longstreet

Request to rezone 1.987 acres from RS-2 (Residential Single Family) to GB-CD (General Business-Parallel Conditional Use). The property is located at S.R. 1857 Valley View Road and Us Hwy #1.

Councilmember Daniels made a motion to adopt Z-07-01 based on the CU as stated. Motion was seconded by Councilmember McInerney.

Councilmember Daniels said she'd gone to the site. It's noisy with traffic and not a place for a house. This is probably a much better use than other things.

The Mayor inquired what the zoning is limited to. Mr. Nuckols replied statutory sales.

Mayor Pro Tem Haney asked if the property was sold, what will the use be? Mr. Nuckols responded the same.

The Mayor stated he wants to make sure the entry way to Southern Pines is protected.

Councilmember McInerney stated this is "worth a shot".

The motion was called as follows:

Daniels – Aye
McInerney – Aye
Haney – Aye
Quis – No

Motion carries.



ORDINANCE #3022
AMENDING THE ZONING MAP OF THE TOWN OF SOUTHERN PINES
Z-04-23

THAT WHEREAS, after notice duly given according to law, a public hearing was held before the Town of Southern Pines Town Council at its regular business meeting on December 12, 2023 at 6:00 PM for the purpose of considering and passing of an ordinance amending the Zoning Map of the Town of Southern Pines, North Carolina; and

WHEREAS, after the completion of said public hearing, and upon consideration of the reasonableness of the request, compliance with the criteria for a zoning map amendment found in UDO §2.17.9 and standards for conditional zoning found in UDO §2.17.11, as well as consistency with the adopted 2040 Comprehensive Plan, the Southern Pines Town Council approved petition Z-04-23 to amend the Zoning Map of the Town of Southern Pines;

NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town of Southern Pines Town Council, in regular session assembled on the 12th day of December, 2023:

Section 1. That the Zoning Map of the Town of Southern Pines on file in the office of the Town Clerk be amended to reflect that the parcel located in the Hyland Hills neighborhood on the east side of Valley View Road between U.S. Highway 1 and Skyline Manor Road be rezoned General Business Conditional Zoning District (GB-CD). The subject parcel is described as follows:

Tract #1, Undeveloped Area, with a net undeveloped area of approximately 1.069 acres as set forth on a map recorded in Plat Cabinet 9, Slide 412, Moore County Register of Deeds.

Section 2. That the above described property be developed as described and depicted in file #Z-04-23 and held to the following conditions accepted in writing by the Grantee listed on Deed Book 4435 Page 160:

- a. The permitted use shall be restricted to low-volume lawn and garden supplies (i.e., LBCS 2123), which may be stored and displayed outdoors using the existing fencing. When new fencing is proposed, the fencing may remain between the use and the 30' buffers and shall be required to conform with the UDO standards at that time;
- b. Required buffers, which have been administratively reduced by the Planning Director to 30' for the highway, side, and rear yards of the portion of the property currently being rezoned, shall remain undisturbed (e.g., no tree removal nor site grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements;
- c. Existing clearings for driveway, parking, and building shall be used to protect the longleaf pine forest; and
- d. No manufacturing operation shall occur on site.

Section 3. That this Ordinance shall be and shall remain in full force and effect from the date of its adoption until otherwise amended.

Adopted this 12th day of December, 2023.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on December 12, 2023 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk