



AGENDA

Thursday, December 21, 2023: 6:00 PM

Planning Board

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

2. APPROVAL OF MINUTES

3. PRELIMINARY FORUMS

a. SU-02-23 Special Use Permit for a Major Subdivision; 730 S. Bennett Street

b. PD-05-23 Planned Development - Preliminary Development Plan for Phase 10 of the Morganton Park North Planned Development

4. PUBLIC HEARING

a. OA-06-23 Proposed Text Amendments to the Unified Development Ordinance

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) to implement the new 2040 Comprehensive Plan and is requesting Planning Board review and recommendation per UDO §2.17.3 and §2.17.7. The proposed amendments cover three topics.

5. UNFINISHED BUSINESS

6. NEW BUSINESS

7. PUBLIC COMMENTS

8. ADJOURNMENT

Agenda Item

To: Planning Board

From: Alaina Mallette, Senior Planner

Subject: SU-02-23: Special Use Permit for a Major Subdivision of 13 Townhomes with Common Area Adjacent to Existing On-Site Uses at 730 S. Bennett St.; Petitioner: PTAH, LLC by Crawford Design Company, Agent

Date: December 21, 2023

I. SUMMARY OF APPLICATION REQUEST

Mr. Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, has submitted a Special Use Permit and Major Subdivision application pursuant to §2.20 Major Subdivision and §2.21 Special Use Permit of the Town of Southern Pines Unified Development Ordinance (UDO) to subdivide the parent tract into 13 townhomes with a homeowners association. The parent tract contains two existing buildings: a 1,700-square foot warehouse that is a non-conforming land use and a 1,160-square foot mixed-use building. The subject property is located on S. Bennett Street between Bradford Village Court and W. Morganton Road. Per the Moore County tax records, the property is identified as PARID 00033063 and is owned by PTAH, LLC.

II. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant	Authorized Agent
Andy Bleggi	Kevin S. Lindsay, PE
PTAH, LLC	Crawford Design Company
730 South Bennett Street	230 West Pennsylvania Avenue
Southern Pines, NC 28387	Southern Pines, NC 28387

B. Project History and Site Information

i. Location, Zoning, Comprehensive Plan Designations

The subject property is located on S. Bennett Street between Bradford Village Court and W. Morganton Road and is currently zoned Central Business (CB). The site is also located in both the Downtown Transition Overlay (DTO) and the Watershed Protection Overlay (WPO) districts. The General Framework Map and Conservation and Development Maps each categorize the site as an Area to Strengthen and Mixed-Use Area—respectively—within the Downtown Activity Center, which is intended to promote mixed uses and walkable developments that provide in-town living. Furthermore, the tract is in the Downtown Adjacent Neighborhood character district.

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

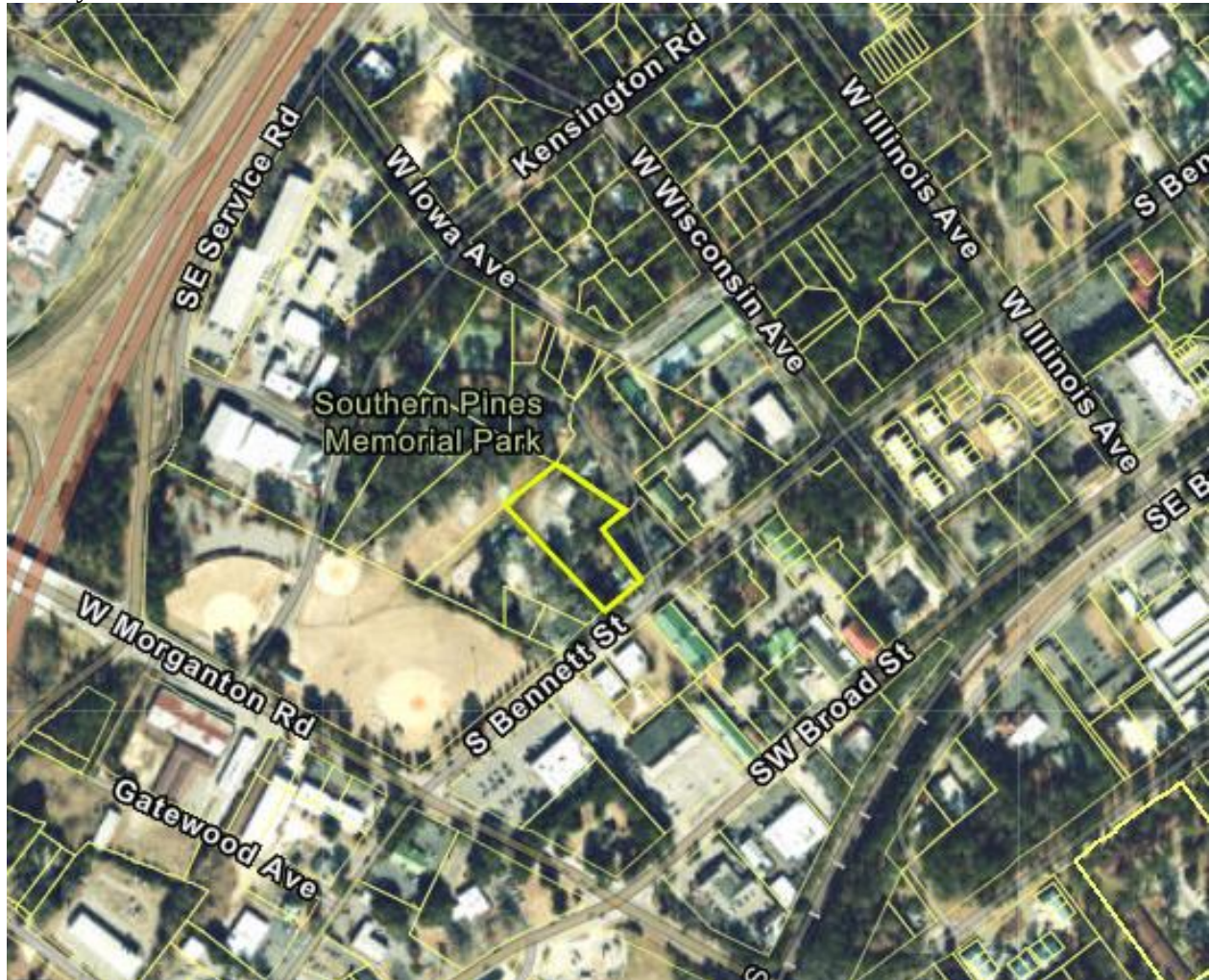
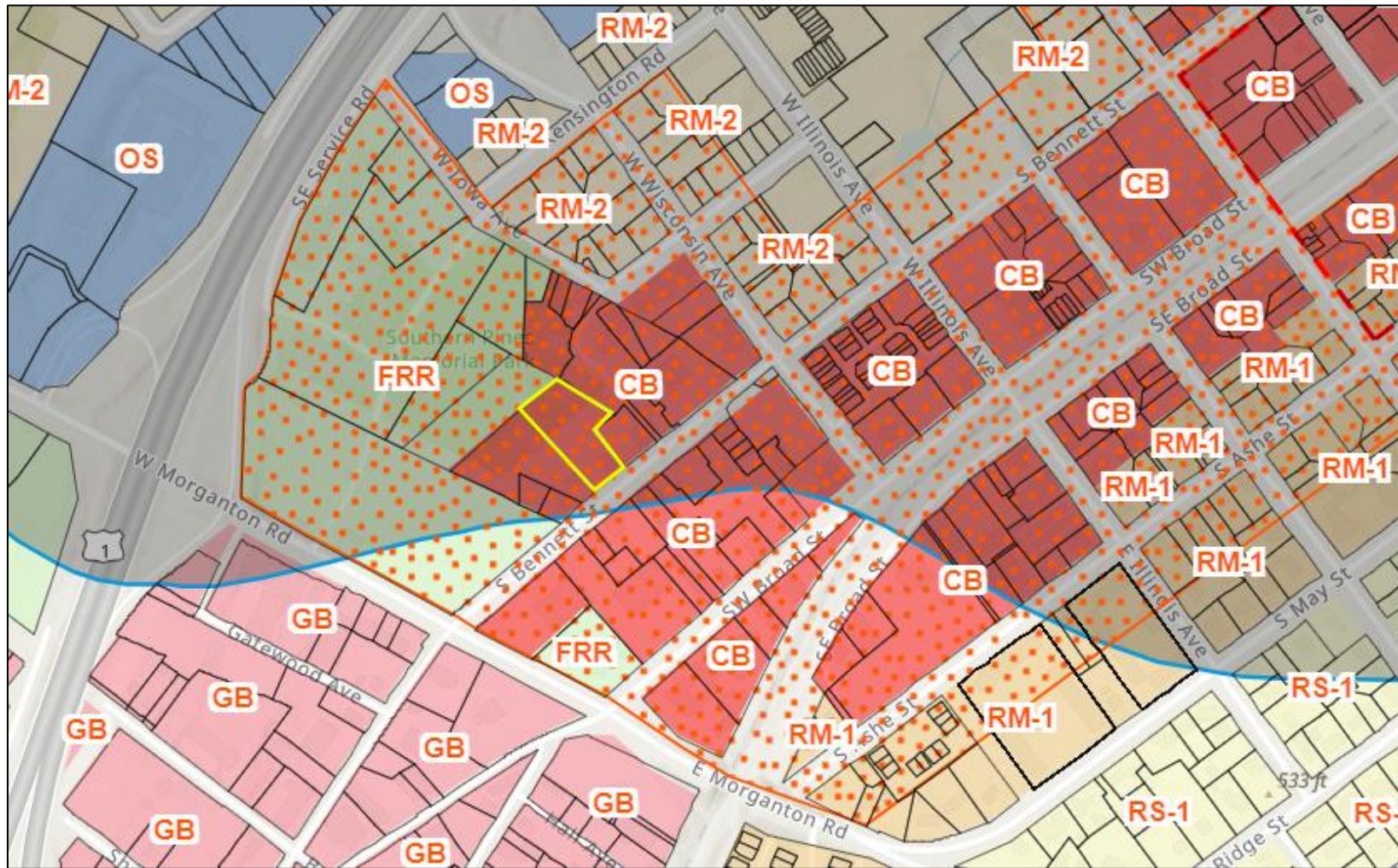


Figure 2: Zoning and Location Map. The parent tract is the area outlined in yellow. The spotted layer delineates the Downtown Transition Overlay district and the gray shading represents the High-Quality (Protected) Waters of the Watershed Protection Overlay district.



III. STAFF REVIEW

A. Application Review Dates

- Special Use Permit SU-01-23 Application Submitted: **November 13, 2023**
- Application Deemed Incomplete: **November 20, 2023**
- Application Deemed Complete: **November 22, 2023**
 - Additional Materials Submitted: **December 8, 2023**
- TRC Staff Review: **November 28** and **December 5, 2023**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **December 1, 2023**
 - Mailed: **December 1, 2023**
 - Internet: **November 30, 2023**
 - Published: N/A for SUP
- Planning Board Preliminary Forum: **December 21, 2023**

B. Process of Review

Per UDO §2.19 General Subdivision Regulations, §2.20 Major Subdivision, and §3.7.1(F)(2) Townhouses in Authorized Use Table, the procedures for review and approval of a major subdivision requires a concurrent Special Use Permit. These sections of the UDO establish a process and standards to plat and approve townhomes.

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.

D. Criteria for Review and Compliance with the UDO

- i. Compliance with UDO §2.21.6 Special Use Permit Criteria.** 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 application is compliant with all regulations of the CB and DTO district standards. The applicant has submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant will be able to develop up to 70% of the parent tract. Many UDO standards will be reviewed during site plan review to check for compliance, including—but not limited to—§4.3 Landscaping Code and §4.8 Lighting Code.

The applicant does request a deviation to allow 6' chain-link fencing in the Common Area behind the town homes. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. Only Town Council can permit a deviation from fencing standards.

- 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 parent tract is in the Downtown Adjacent Neighborhood character district, promotes mixed uses and walkable developments that provide in-town living. Therefore, Planning staff believe that the townhomes are an appropriate residential building type for the character of the Downtown Adjacent Neighborhood.

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

The Town's geographic information systems spatial data layers show both sewer gravity main and water main lines along S. Bennett Street in front of the parent tract. Furthermore, the applicant intends to extend water and sewer lines into the townhomes along the private drive. In the applicant's narrative, additional power, trash, natural gas, and cable/internet services are listed. Considering this information, Planning staff consider the properties to have adequate public facilities.

- 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;*

No analysis has been submitted on the potential impact of the expanded permitted uses on property values within the neighborhood. However, the applicant did state that "13 townhomes are estimated to produce around 146 trips per day. The Southern Pines UDO requires a traffic design analysis (TDA) for over 200 trips. Therefore, neither a TIA or DIA are required." The applicant included a sidewalk adjacent to S. Bennett Street, which will improve connectivity with the downtown area as well as pedestrian connections to Bradford Village and Memorial Park. Based on a routine site visit and review of the application, Planning staff did not identify any indication that the proposed major subdivision will impede orderly development.

- 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;*

Based on a routine site visit and review of the application, Planning staff did not identify any indication that the proposed major subdivision will be detrimental to or endanger the public health, safety, comfort or general welfare.

- 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 addition of townhomes will increase housing options in an area relatively housing scarce. Planning staff find that additional housing in the downtown adjacent neighborhood, in effect, assists the town in implementing the goal to “Expand Housing Options to Help Maintain Affordability in a Way that Protects Neighborhood Character.” There are other townhome developments in the downtown adjacent neighborhood. Therefore, Planning staff believe that the public interest and welfare, if constructed, outweigh individual interests that are adversely affected by the establishment of the proposed use.

ii. Compliance with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. A major subdivision is permitted only if the applicant demonstrates that:

1. *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*

Planning agrees with the applicant’s narrative that the proposed townhomes will provide additional housing diversity in the area, and for reasons mentioned previously the proposed subdivision is consistent with the General Framework Map and Conservation and Development Maps, which each categorize the site as an Area to Strengthen and Mixed-Use Area within the Downtown Activity Center. The Public Works Department has plans to extend curb, gutter, and sidewalk down S. Bennett Street and the applicant will be adding curb and gutter throughout the site including sidewalk in the right-of-way. Therefore, the mix of uses, additional housing, and sidewalk are consistent with the 2040 Comprehensive Plan as well as street plans.

2. *The proposed Subdivision complies with the UDO and applicable state and federal regulations;*

The application is compliant with all regulations of the CB and DTO district standards. The applicant has submitted a concurrent application for a Watershed Protection Permit for 5/70 allocation credits. If approved, the applicant will be able to develop up to 70% of the parent tract. Many UDO standards will be reviewed during site plan review to check for compliance, including—but not limited to—§4.3 Landscaping Code and §4.8 Lighting Code.

The applicant does request a deviation to allow 6’ chain-link fencing in the Common Area behind the town homes. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3’. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. Only Town Council can permit a deviation from fencing standards.

3. *The proposed Subdivision, including its Lot sizes, density, access, and circulation, is Compatible with the existing and/or permissible zoning and future land use of adjacent property;*

It should be noted that the current draft of the preliminary plat does not show the existing buildings with existing uses on conveyable lots, rather they are being shown as part of the townhome Common Area. The applicants have been informed that these lots, if not owned by the homeowners association, will need to be located on their own conveyable lots. The applicant stated in a phone call on December 11, 2023, that he would discuss this issue with the property owner and bring their comments to the Planning Board's preliminary hearing.

The Technical Review Committee did state a preference for the private drive to connect to Bradford Village, but the applicant states that the adjacent property owner is not interested in a connection and that the applicant prefers a pedestrian connection, solely. The applicant added a comment on the preliminary plat that states, "Lot purchasers will be adjacent to a town park, which holds events, programming, and the like, that may create more noise than is typically expected in a residential neighborhood." The Planning Department requested this note considering that future homeowners should be aware of the higher ambient noise levels associated with public parks. Lastly, the lot sizes, density, access, and circulation is compatible with the zoning and adjacent properties.

4. *The proposed Subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*

A drainage impact analysis was submitted with the application, in which the applicant states "the 10-year storm runoff leaving the site shall be reduced from a current flow of 4.2 cubic feet per second to 3.3 cubic feet per second." Essentially, the proposed stormwater facility on-site will reduce runoff onto adjacent properties during heavy rain events despite having more impervious surface. No detrimental impact on safety or viability of the permitted uses on adjacent properties have been identified based on a routine site visit and desktop review of the site.

5. *The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.*

The applicant states that no public sewer mains aside from private sewer main connections to the townhomes will be required. The applicant is proposing a new fire hydrant, and water main along the proposed private drive. All the proposed extensions are efficient and adequate to serve normal and emergency demands.

E. General Staff Comments

- Approval of the request will result in the creation of 13 townhomes each on their own individual lots. The townhomes will include Common Area (see Attachments 4) that will be owned and managed by a homeowners association. This Area will be called out in a subsequent draft prior to Town Council's evidentiary hearing. The two existing buildings with existing uses will likely need to be located on additional separate lots unless the property owner intends to allow the townhome residents to partially own each building.
- The applicant does request a deviation for 6' chain-link fencing in the Common Area behind the town homes. According to UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. Only Town Council can permit a deviation from fencing standards.
- No analysis has been completed on the potential impact of the expanded permitted uses on property values within the neighborhood.
- 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 Dagoberto Juarez Pozos, District Engineer from NC Department of Transportation, was received on December 4, 2023 stating that he had no comments.
- A response from the Regional Land Use Advisory Commission's Chairman Jeff Sanborn and Executive Director Vagn K. Hansen II stated that the site was designated by the Commission as "Important to Protect... due to its location within a designated High Quality Waters drainage area."
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their September 19, 2023 meeting, with no major issues identified except for the need for 5/70 watershed allocation credits. The Technical Review Committee also reviewed the application at its November 28 and December 5, 2023, meetings. A list of Technical Review Committee comments were provided to the applicant on December 1 and 4, 2023, and which were addressed in the applicant's December 8, 2023, additional materials submittal (see attachments). Further 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.

IV. ATTACHMENTS:

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

1. Special Use Permit, Preliminary Plat, and Watershed Protection Permit Applications and Narratives
2. Preliminary Plat
3. Drainage Impact Analysis (Reduced)
4. Homeowners Association Drafted Covenants, Restrictions, and By-Laws

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
- Additional Pages from the Drainage Impact Analysis

V. PLANNING BOARD ACTION:

Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the deciding board.

Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.

I move to adopt the following for transmission to the Town Council as a result of the December 21, 2023 Preliminary Forum on application SU-02-23:

The information presented at the forum indicated that the following issues be considered in applying the criteria for a SUP and Preliminary Plat to application SU-02-23:

1. Approval of the request will result in the creation of 13 townhomes each on their own individual lots. The townhomes will include Common Area (see Attachment 4) that will be owned and managed by a homeowners association. The two existing buildings with existing uses will need to be subdivided, as well, into two additional lots from the parent track unless the property owner intends to allow the townhome residents to partially own each building.
2. The applicant does request a deviation for 6' chain-link fencing in the Common Area behind the town homes. According to

UDO §3.5.8(C)(3), chain-link fencing in the CB cannot be over 3'. However, UDO §4.7(D) allows for deviation requests from fencing requirements during a special use permit review process. Only Town Council can permit a deviation from fencing standards.

3.

In addition, the following concerns were raised during the forum, but do not seem to apply in determining whether the SUP and Preliminary Plat criteria are satisfied:

1.



Special Use Permit Application

Fee: \$ _____

Date Paid: _____

Case No.: SU-____-____

Project Information:

Street Address: 730 South Bennett Street, Southern Pines, NC 28387

PIN: 857112979270

Parcel ID: 00033063

Site Size: 1.19 acres

Zoning: CB-DTO

Applicant:

Name(s): PTAH LLC

Email: andybleggi@gmail.com

Phone: 910-639-1985

Mailing Address: 730 South Bennett Street, Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): Kevin S. Lindsay, PE

Email: kevinlindsay@crawforddsn.com

Phone: 910-920-7661

Mailing Address: 230 West Pennsylvania Ave., Suite C, Southern Amazing

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

Name(s): Same as Applicant

Email: _____

Phone: _____

Mailing Address: _____

Description of Project:

730 South Bennett is an existing commercial property. The front, on Bennett, includes a commercial building currently being used for hair and nail salons downstairs and office space upstairs. The back (north west) portion of the lot includes a storage building and gravel parking area. The current entrance to the lot to serve the existing commercial and back storage buildings is gravel. The proposed project is to subdivide the lot to create 13 townhomes while preserving the existing commercial and storage buildings and construct a paved entrance and more formal parking areas. The lot is owned by PTAH LLC.

The current entrance on Bennett will continue to be used. An infiltration basin will be used to treat runoff and to keep the runoff from the 10-year post development storm below current runoff rates. A 5/70 allocation will be required.

Traffic: The ITE Daily Trips for low rise multi-family is 7.32. For the planned 13 units, the total number of trips per day would therefore be 95 trips. Since this is below 200, as per the UDO, a TDA or TIA is not required. Further since this is downtown, adjacent to a town park and within easy walking distance to shops, restaurants, entertainment, and many places of work, the number would likely be even lower. Therefore, an exemption to the TIA/TDA Town Engineer's Report is requested.

4. Since the Town of Southern Pines seeks to maintain existing street trees, the applicant will attempt to maintain as many of the existing trees along Bennett as possible. For fire access one existing pine on Bennett will have to be removed.

Utility Providers (note: project is located in Downtown Southern Pines on Bennett between Morganton and Bradford Village Drive)

1. Power: Duke Electric
2. Water: Town of Southern Pines
3. Sewer: Town of Southern Pines
4. Trash: Town of Southern Pines
5. Natural Gas: Piedmont Natural Gas
6. Cable and Internet: Spectrum Cable

Special Use Permit Criteria:

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

Townhomes are allowed in this zoning district. All regulations shall be followed.

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 the property in the immediate vicinity for the purposes already permitted.

There are several nearby townhome projects and numerous businesses in the area that will benefit from additional foot traffic from the townhomes. The proposed townhomes shall be smaller than nearby townhome projects, which should make them more affordable in the current high cost and interest rate environment.

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

Public roads, water and sewer, and power are available to the site. Residents of the townhomes will be able to walk to the adjacent Town Park and enjoy a short walking distance to numerous public facilities in the area.

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.

Besides the adjacent public park, the area has a numerous retail and eating establishments that will benefit from additional foot traffic of these homes.

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.

There will be no adverse impacts to adjacent properties from this development.

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.

Numerous local businesses will benefit from additional foot traffic. This portion of downtown does not have the same residential development as other areas, so the added foot traffic will be of significant benefit that far outweighs any adverse impacts.



Major Subdivision Preliminary Plat Application

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

Subdivision Name: Townhomes 730 S. Bennett Street Address: 730 S. Bennett

PIN: 857112979270 Parcel ID: 00033063 Zoning District: CB-DTO

Project acreage in: Lots 0.38 + Roads 0 + Open Space 0 + Common Area 0

+ Other (describe) 0.81 Commercial = Total Project Acreage 1.19 acres

Number of Lots: 13 Minimum Lot Size: 1,275 sf Setbacks: F = 15', S=5', R = 10'

Highway Corridor Overlay: Yes/No N If yes, Urban Village _____ Urban Transition _____ Rural Hwy _____

Watershed: Yes/No Y If yes, LR #2: X LR Vass: _____ Nicks Creek: _____ HQW: Yes/No Y

Does the site contain a Special Flood Hazard Area: Yes/No N Does the site contain wetlands: Yes/No N

Applicant:

Name: PTAH LLC

Phone: 910-639-1985 Email: andybleggi@gmail.com

Mailing Address: 730 South Bennett Street, Southern Pines, NC 28387

Contact Person, if different from Applicant:

Name: Kevin S. Lindsay, PE

Phone: 910-920-7661 Email: kevinlindsay@crawforddsn.com

Mailing Address: 230 West Pennsylvania Ave., Suite C, Southern Amazing

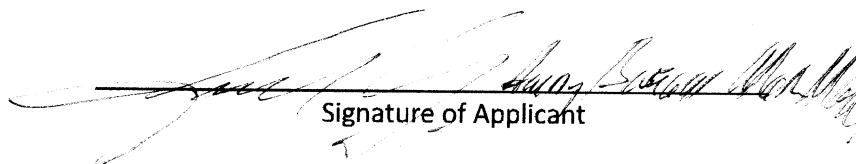
Legal Property Owner(s), if different from Applicant:

Name(s): Same as Applicant

Phone: _____ Email: _____

Mailing Address: _____

Date: 11-10-2023


Signature of Applicant

Criteria for Preliminary Plat:

1. The application is consistent with the approved Sketch Plat, if applicable.

NA. Owner met with and received comments on a sketch plan, but no formal approval was requested or provided.

2. The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alley, parks playgrounds, and public utility facilities.

In the 2040 Comprehensive Plan, 730 S Bennett is listed as an area to enhance and this project replaces a gravel parking area with town-homes and vehicle use areas that will meet Town UDO requirements. The plan also shows this site as being adjacent to the mixed-use area between Bennett and Ash, adjacent to a Community Activity Center, and adjacent to a Growth Priority Area. The proposed townhomes are smaller in size than nearby townhomes and will provide additional housing diversity to the area.

3. The proposed subdivision complies with the UDO and the applicable state and federal regulations.

The proposed plan will meet all UDO requirements.

4. The proposed subdivision, including lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property.

Town-homes are a "by right" use in the Central Business, Downtown Overlay (CB-DTO) zoning.

5. The proposed subdivision will not have detrimental impacts on the safety or viability of permitted used on adjacent properties.

No adjacent properties will be impacted by the development. No new driveway will be installed and the 95 additional trips per day generated will not a significant impact on Bennett or surrounding streets. Residents will be able to walk or bike to the nearby parks and shops to reduce traffic.

6. The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension of utilities to serve future development.

The existing utilities in the area are adequate to serve this development. No public sewer mains will be required (private sewer mains will be constructed on site). 1 new fire hydrant will be installed for fire safety and a new water main will be installed for the townhomes.

Exhibit A. Southern Pines Preliminary Comments on SU-02-03, 730 South Bennett Townhomes.

Please see responses in blue.

1. The driveway must be built to road standards, and it will have to be named prior to final plat approval. It must be a private road and cannot be an easement. Please add a note to the preliminary plat that addresses these standards, which can be found in UDO Sec. 4.11.3 Access to Lots (see comment 2i in the list below).
Driveway will be built to TOSP Residential Private Alley standards in Exhibit 4.19 to include 20 width and be able to support TOSP Fire truck.
2. Bennet Street will have curb and gutter within the next few years, so sidewalks along the ROW should be included for pedestrian connectivity in the near future (see comment 1a in the list below).
Sidewalk shall be added along Bennett to TOSP standards.
3. You stated that you were going to add a parking chart. I noticed on Sheet 2.0 with the impervious area calculations, you included duplicated parking count tables. Make sure to include whether any parking spaces will be in garages (e.g., will there be 1-stall or 2-stall garages in each structure)? If there are 1-stall garages and 1 space in driveways, then there would be a total of 44 spaces where only 35 are required (removing the 2 required for warehousing; see comment in next list). Is there a reason for parking beyond the minimum?
Sidewalk chart with clarifying notes added to plans. Extra spaces provided based on experience of other nearby business users parking in existing parking spaces.
4. Fire would like to see the turnaround fire truck symbol if not on the preliminary plat then on the site plans to confirm that there is sufficient space for their vehicles to maneuver (see comment 2g in the list below). However, I would suggest adding it now to make sure that what you've designed will be sufficient for emergency access, which directly related to several SUP/Preliminary Plat criteria.
Turn around graphics added.
5. At the pre-application for this on September 19, 2023, Engineering stated that the dumpster should be moved and an access to Bradford Ct should be added in its place. Was this considered? If not, please consider. If so, why was it decided against?
In previous discussion, the adjacent owner was not interested in a connection. We would prefer to have a pedestrian connection to Bradford Court—as already shown for the park. We do not think traffic going between Bradford Court to and from this development would be beneficial to either.
6. Regarding the proximity of the townhomes to Memorial Park, the preliminary plat should include a statement that lot purchasers will be adjacent to a town park, which holds events, programming, and the like, that may create more noise than is typically expected in a residential neighborhood—or something to that effect.
Note added to plans.
7. This particular property is located in the secondary fire district. There are construction requirements that require setbacks of 30 feet of open space on all sides (Appendix-D). If they can't meet this requirement, there are fire rating and fire sprinkler requirements that may apply. The main issue is that wood frame construction is not allowed (160D-1128). We have made exceptions for townhomes in the past constructed with 2 hour rated exterior walls utilizing fire treated framing, noncombustible exterior walls along with fire sprinklers.
Noted.

In addition to these comments from the TRC, I have compared the application/narrative to the criteria and here is a list of some of my comments. My analysis is at the level of a normal site plan review, as an FYI for you. So, some things may be able to wait until site plan (e.g., wheel stops).

1. Not compliant with UDO:

- a. §2.21.6C, §2.20.4G3, §2.20.4G5, §3.5.8D5, §3.6.3D6, §3.6.3A4, §4.10.3B, and Exhibit 4-16. The town is expanding curb and gutter systems down Bennett St within the next few years, so development must be consistent with those street improvement plans. Therefore, a public sidewalk must be included in the front of the site. Discuss location with Town Engineer. Furthermore, the private drive being built to local street standards requires at least 5' sidewalks on side of the street for the residential portion of the site and both sides for the mixed-use portion. Lastly, 5' pedestrian connections must connect those sidewalks to the buildings on site. Only Town Council can waive the requirement for on-site pedestrian connections (see §4.10.3B3). If you want to request this deviation, let me know.

We agree with installing 5' sidewalk on Bennett. We request an exception on providing sidewalks on the Private Alley and internal to the lot. We do not feel that it is needed and will increase impervious area without significant benefit.

- b. Exhibit 3-15. LBCS 2321 prohibits mini-warehouses in the CB/DTO district. Therefore, the warehouse building in the rear cannot be located on this site.

The building is an existing structure owned by PTAH LLC and will continue in its current use as a support building for their real estate management company.

- c. §4.5.7D. Barrier curbs are required adjacent to sidewalks to protect pedestrians from vehicle overhang.

Wheel stops have been added to drawing.

- d. §3.5.8C3 and §4.7D. The fence must be at least 2.5' from the interior side lot line. Also, note that chain-link fencing in CB can only be 3' tall max, but §4.7 allows for deviation from fencing standards for SUP. Only Town Council can permit a deviation from fencing standards (i.e., 3' to 6' height and location). If you want to request these deviations, let me know.

Request exception for 6' fence on back sides of town homes. Not requested for back of lot adjoining park.

2. Include additional information to determine compliance with UDO:

- a. §2.21.6D. No study about orderly development or impact of development on property values was conducted. This is something that we point out in all staff reports, and just wanted you to be aware. *Noted*

- b. §3.5.8C4, §3.5.8C5, §4.3.5, §5.12, and §5.13. Clarify if there will be any outdoor storage, operations/display for the mixed-use building.

No outdoor storage

- c. §4.3.3B and §4.3.3C. The ~123 LF of frontage requires 4 trees, but a calculation should be added to the plat/site plan that subtracts the driveway and traffic visibility triangles. I think that will probably get you close to the 2 trees that you are preserving, but include those calculations so we can verify compliance. Include the traffic visibility triangles on the plat/site plan, as well—this will help me check compliance with §4.7F, too.

We will address on site plans. Utility poles appear to be only things that may be in site triangle.

- d. §4.3.5. Landscape screening is required for dumpster, any outside display/storage (if applicable), and HVAC units. I notice a HVAC unit on Google Streetview for the existing commercial building facing the interior lot line. That and any HVAC units for the townhomes must be shown on the plat/site plan with proper screening. The wall

surrounding the dumpster is most likely compliant, but just add a callout stating the material and height. *We will address on site plans.*

- e. §4.3.7A and §4.3.7B. Add a note regarding replanting of cleared areas.
We will address on site plans.
 - f. §4.3.13. For existing vegetation credits to be used for the street tree and any screening requirements, the plat/site plan must include the listen elements in letter C. Furthermore, notes about tree protection fencing, grading, etc. from letters A, B, D, and E should be incorporated into the plat for clarity.
Would prefer to address on site plan. Let me know if we need to add to Plat.
 - g. §4.5.7C. For Fire's turnaround area, include measurements of the vehicle maneuvering area.
Added to Plans
 - h. §4.8.3A. Will there be an on-site lighting? If so, a plan is required as a part of this application.
We will address on site plans.
 - i. §4.11.3. For our access to lots provisions, the townhomes lots may be served by a "Private Ingress/Egress/Access Easement" that is maintained by the "home owners association" and shall be clearly designated on the plat and in restrictive HOA documents. Please provide Covenants and Restrictions for this application addressing that, at a minimum. *Updated C&R provided, will continue to work on addressing all issues during site plan process*
3. Miscellaneous comments
- a. In the impervious surface calculation sheet, you are missing the southern-most parking spot. *Map and calculations updated—did not change percentage. Will also be updated with site plan.*

From: [Alaina Mallette](#)
To: [BJ Grieve](#); kevinlindsay@crowforddsn.com
Subject: RE: SU-02-23 Questions for TRC Next Week - heads up
Date: Monday, December 11, 2023 11:54:00 AM
Attachments: [image004.png](#)

Thank you, BJ. That was the information I discussed with Kevin, and I hope your addition removes any confusion there could have been.

From: BJ Grieve <BJGrieve@southernpines.net>
Sent: Monday, December 11, 2023 11:51 AM
To: Alaina Mallette <amallette@southernpines.net>; kevinlindsay@crowforddsn.com
Subject: RE: SU-02-23 Questions for TRC Next Week - heads up

Thanks Alaina!

Minor detail **edited in** below, if I understand the summary of the conversation?

BJ Grieve, AICP[®], CFM[®], CZO
Planning Director
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



Please note that I will be out of the office the weeks of December 18th and December 25th.

From: Alaina Mallette <amallette@southernpines.net>
Sent: Monday, December 11, 2023 11:45 AM
To: kevinlindsay@crowforddsn.com
Cc: BJ Grieve <BJGrieve@southernpines.net>
Subject: RE: SU-02-23 Questions for TRC Next Week - heads up

Hi Kevin,

Thanks for taking my call this morning. As we discussed, it wasn't readily clear in the application how the existing buildings and their associated parking would be platted. In other words, the request is for 13 townhomes, which are shown platted; however, there needs to be area designated "common area" as described in Section 5 of the Covenants and Restrictions submitted AND the warehouse and mixed-use building each need to be on separate lots. So, the parent tract actually becomes 15 **lots, 13 of which are** townhome **lots and 2 of which are standard lots with existing uses on them** with common area owned and managed by the townhome owners' HOA.

You said that you would work out the details with Andy and in the meantime I will bring up the issue in my staff report. Feel free to send me the updated preliminary plat once you have it available.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: Alaina Mallette
Sent: Monday, December 11, 2023 8:44 AM
To: 'kevinlindsay@crawforddsn.com' <kevinlindsay@crawforddsn.com>
Subject: RE: SU-02-23 Questions for TRC Next Week - heads up

Good morning, Kevin,

I hope you had a good weekend. There were a lot of festivities going on around the area.

I received 5 attachments. I'll review and try and give you a call today to discuss.

Best,
Alaina

Alaina Mallette, MSc
Senior Planner
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387
Office: (910) 692-4003
<http://www.southernpines.net/>



From: kevinlindsay@crawforddsn.com <kevinlindsay@crawforddsn.com>
Sent: Friday, December 8, 2023 3:42 PM



Watershed Protection Permit Application

Date Received: _____

Case No.: WP-_____-____

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

Project Information:

Project Name: 730 S. Bennett Townhomes Zoning District: CB-DTO Total Property Acreage: 1.19 ac
PIN: 857112979270 Parcel ID: 00033063 Watershed: WSIIP, Little River Intake 2
Type of Development: 13 Townhome units Total Built-Up Area*: 0.23 acres
% of Total Property Acreage Proposed to be Built-Up Area*: 19% .52 ac BUA Exist
44% ex. BUA .75 ac BUA Post Cx.
63% BUA Post Cx.

Applicant:

Name(s): PTAH LLC Email: andybleggi@gmail.com
Mailing Address: 730 South Bennett Street, Southern Pines, NC 28387 Phone: 910-639-1985

Authorized Agent, if different from Applicant:

Name(s): Kevin S. Lindsay, PE
Email: kevinlindsay@crawforddsn.com Phone: 910-920-7661
Mailing Address: 230 West Pennsylvania Ave

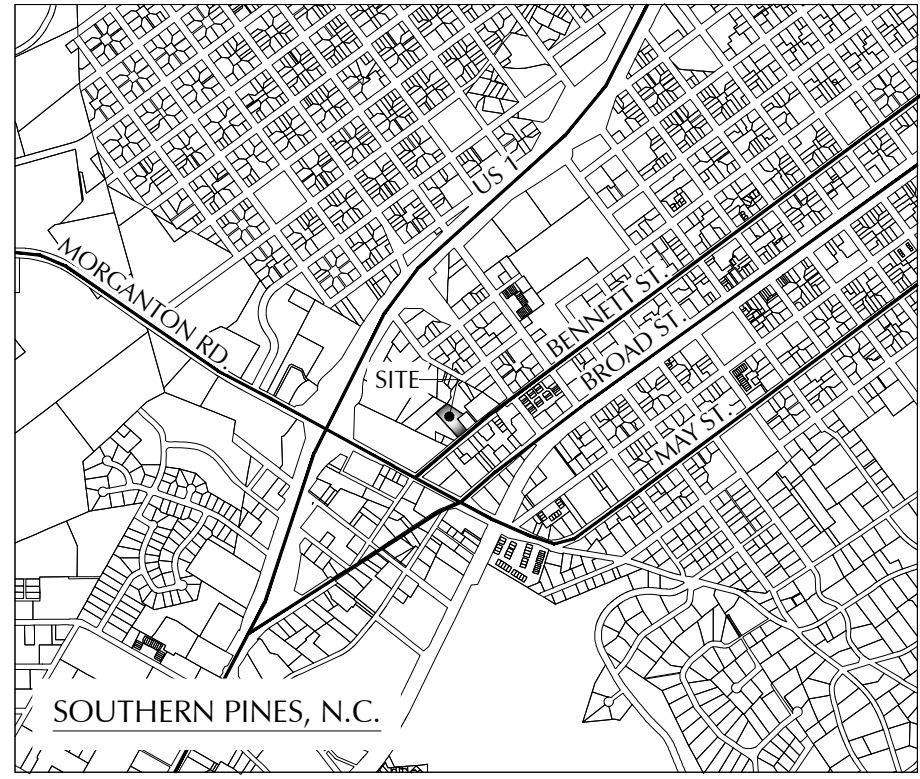
Legal Property Owner(s), if different from Applicant: NA

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

Signature of Applicant

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

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



VICINITY MAP (1"=2000')

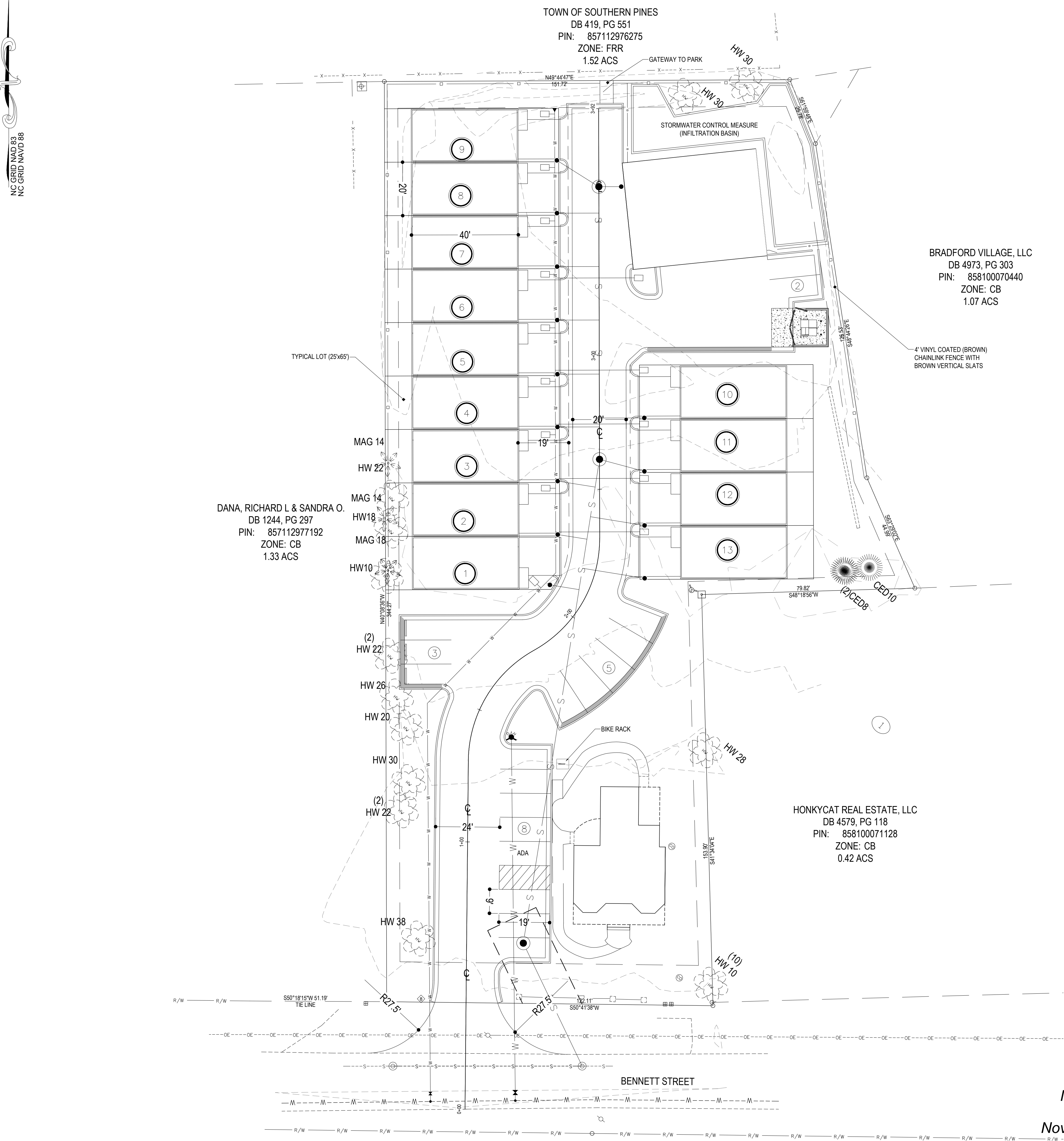
PLAT NOTES

PROPERTY ADDRESS:
730 S. BENNETT
SOUTHERN PINES, NC 28387

OWNER ADDRESS:
PTAH, LLC
Andy Bleggi - Manager
730 S. Bennett
Southern Pines, NC 28387
andybleggi@gmail.com
910-639-1985

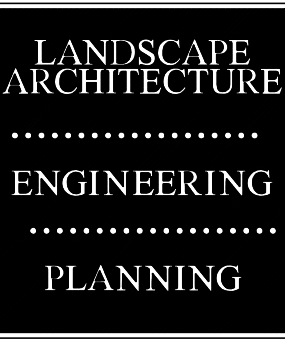
1. SIZE: 51,624 SF, 1.19 ACRES
2. CURRENT ZONING: CB-DTO
3. OPEN SPACE: NA (ONLY 13 UNITS)
4. THERE ARE NO FLOOD PLAINS OR FLOOD WAYS.
5. THERE ARE NO WETLANDS.
6. LOT IS IN WS WATERSHED, LR #2, AND HQW.
7. LOT REQUIRES A 5/70 ALLOCATION.
8. EXISTING IMPERVIOUS: 22,631 SF (43.8%)
9. PROPOSED IMPERVIOUS: 32,555 SF (63%)
10. AN INFILTRATION BASIN SHALL BE USED TO KEEP RUNOFF FOR THE 10 YEAR STORM BELOW CURRENT RATE.
11. 13 TOWN HOMES ARE ESTIMATED TO PRODUCE AROUND 146 TRIPS PER DAY. THE SOUTHERN PINES UDO REQUIRES A TRAFFIC DESIGN ANALYSIS (TDA) FOR OVER 200 TRIPS. THEREFORE NEITHER A TIA OR DIA ARE REQUIRED.
12. APPLICANT WILL ATTEMPT TO PRESERVE SEVERAL EXISTING TREES ON SITE.

- S — 8" PRIVATE SEWER MAIN
— W — 2" PUBLIC WATER MAIN
— SEWER SERVICE
— WATER SERVICE
■ INFILTRATION STORMWATER CONTROL MEASURE (SCM)



MAJOR SUBDIVISION
FOR
PTAH, LLC

McNeill Township, Moore County,
North Carolina
November 15, 2023 SCALE 1" = 20'



Landscape Architecture " Fayetteville, NC
Civil Engineering " Southern Pines, NC
230C W. Pennsylvania Ave. " Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

PRELIMINARY

0	mm-dd-yy	Description

PTAH, LLC
TOWNHOMES
730 S. BENNETT

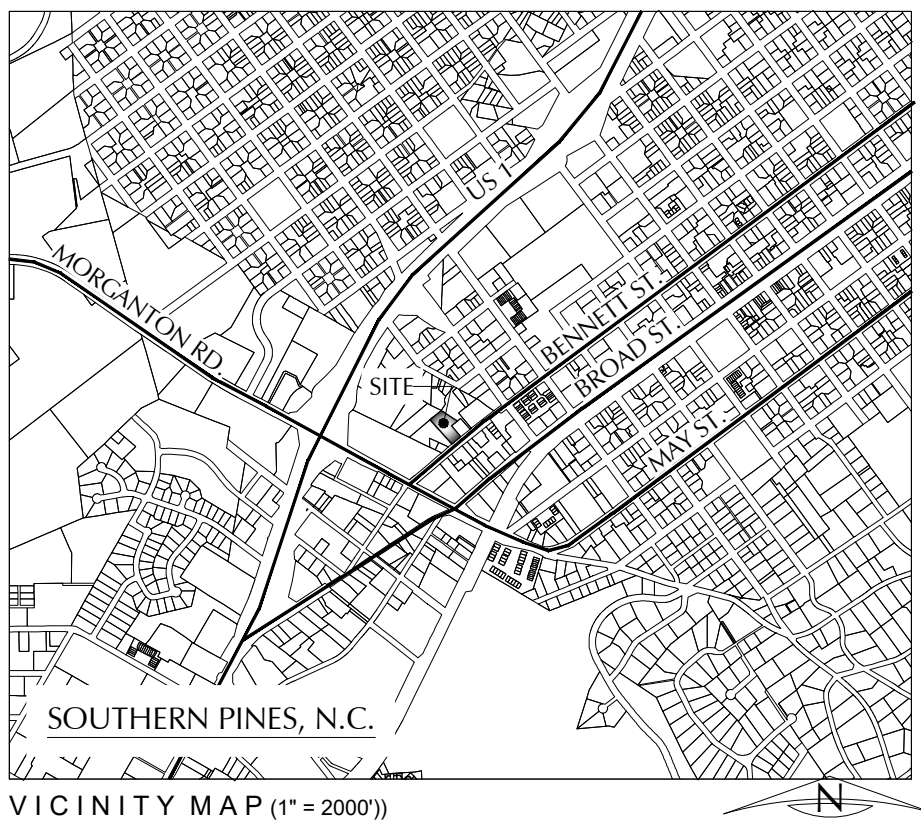
PRELIMINARY PLAT

Project Manager: KSL
CAD Technician: RFN/GER
Reviewed / Approved By:
Project Number: 22028

Full Scale: Horiz.: 1" = 20'
Half Scale: Horiz.: 1" = 40'

MM/DD/YYYY

P1.0



EXISTING CONDITIONS SURVEY NOTES

1. THE PURPOSE OF THE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. THOUGH THIS PLAN IS AN ACTUAL FIELD SURVEY IT IS NOT AND SHOULD NOT BE CONSIDERED A RECORDABLE DOCUMENT.
2. LOCATIONS OF EXISTING UTILITY LINES HAVE BEEN TAKEN FROM UTILITY RECORDS SUPPLEMENTED BY FIELD INSPECTIONS AND SHOULD INDICATE IN GENERAL THE TYPE OF UNDERGROUND FACILITIES NOW IN SERVICE. HOWEVER, LOCATIONS SHOWN ARE NOT GUARANTEED AND ANY FURTHER DEVELOPERS OR CONTRACTORS SHOULD NOT ONLY MAKE SUBSURFACE INVESTIGATIONS BUT SHOULD ALSO ALLOW FOR CONTINGENCIES WHICH MIGHT ARISE BY REASON OF ENCOUNTERING UNRECORDED LINES OR LINES BEING IN DIFFERENT LOCATIONS THAN INDICATED ON THIS PLAT.
3. THE VERTICAL DATUM FOR THIS SURVEY IS NAD83 AND NAVD88

PARCEL / TAX IDENTIFICATION NUMBER(S):
• 7777-77-7777

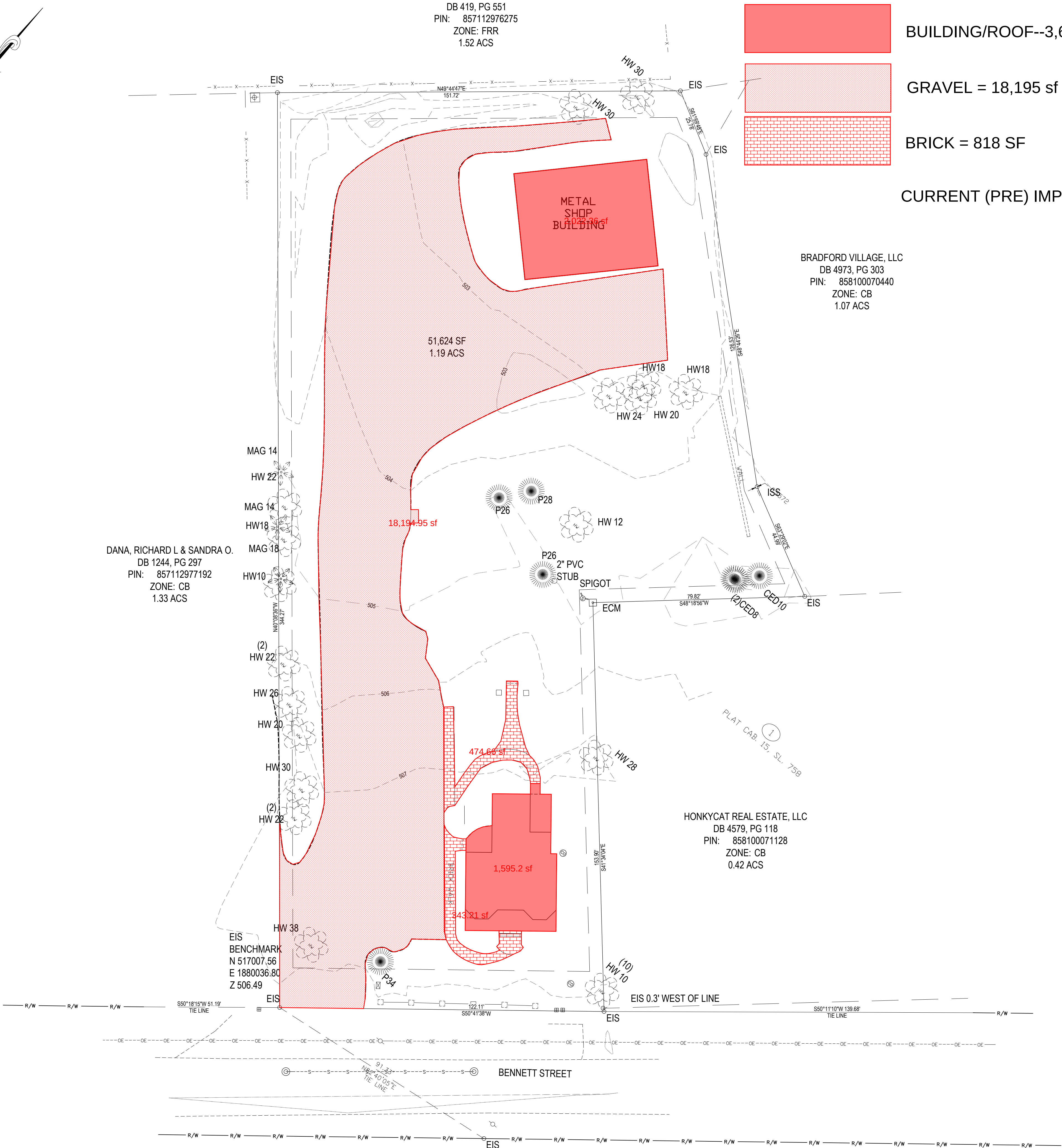
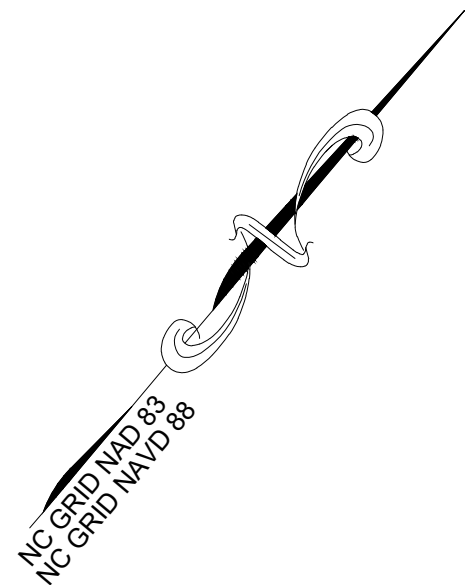
DEED / PLAT BOOK(S) & PAGE(S):
• DB 7777 PG 777
• PB 7777 PG 777

OTHER INFORMATION:
• N/A

ADDITIONAL NOTES

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON [SHEET C#.# (OR) TITLE PAGE] SHALL APPLY TO THIS PLAN
2. EXISTING IMPERVIOUS SERVICE:
GRAVEL 18,207.52 18,320.45
BUILDINGS 3,519.67
PAVERS 807.88
TOTAL EX. 22,535.07 22,648
51,624 = 44%

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	BUILDING/ROOF--3,618 SF
	GRAVEL = 18,195 sf
	BRICK = 818 SF

CURRENT (PRE) IMP. AREA = 22,631

BRADFORD VILLAGE, LLC
DB 4973, PG 303
PIN: 858100070440
ZONE: CB
1.07 ACS

DANA, RICHARD L & SANDRA O.
DB 1244, PG 297
PIN: 857112977192
ZONE: CB
1.33 ACS

HONKYCAT REAL ESTATE, LLC
DB 4579, PG 118
PIN: 858100071128
ZONE: CB
0.42 ACS



Landscape Architecture " Fayetteville, NC
Civil Engineering " Southern Pines, NC
230C W. Pennsylvania Ave., Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

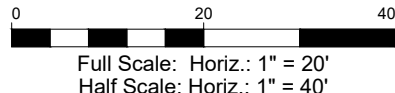
SURVEYING
SUB-CONSULTANT NAME
Address
City, State, Zip
Ph: (23) 456-7890

0	mm-dd-yy	Description

PTAH, LLC
TOWNHOMES
730 S. BENNETT

EXISTING CONDITIONS SURVEY

Project Manager: KSL
CAD Technician: RFN/GER
Reviewed / Approved By:
Project Number: 22028



MM/DD/YYYY

C1.0



1. INSTALL HEAVY DUTY ASPHALT (SEE CDC DETAIL 1.1908)
2. INSTALL LIGHT DUTY ASPHALT (SEE CDC DETAIL 1.1910)
3. INSTALL 24" CURB AND GUTTER (SEE CDC DETAIL R11)
4. ADA RAMP (SEE CDC DETAIL R-16, R-104)
5. ADA RAMP (SEE CDC DETAIL 1.1602)
6. DUMPSITE ENCLOSURE SEE ARCHITECTURAL PLAN
7. 5' WIDE SIDEWALK SEE CDC DETAIL R13
8. CONCRETE WHEELSTOP SEE CDC DETAIL 1.1217
9. INSTALL PAVEMENT MARKING (SEE TSP DETAIL R19)
10. INSTALL STOP SIGN (SEE CDC DETAIL 1.2704)
11. INSTALL 8.67' x 8.16' TRANSFORMER PAD
12. SPILL-OFF CURB SEE TSP DETAIL R-11 (SHADED)
13. BICYCLE RACK (2 BICYCLES) (SEE CDC DETAIL 1.1262)
14. INSTALL (4) 24" DIA PRE-CAST CONCRETE DECORATIVE BOLLARD
(SEE CDC DETAIL 1.1002)
15. THREE-RAIL ALUMINUM PICKET FENCE (BOLLARD) (3.5' TALL)
SEE ARCHITECTURAL PLAN DETAIL 5.A0.

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON COVER SHEET SHALL APPLY TO THIS PLAN
2. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE USED BY THE GENERAL CONTRACTOR WITH THE SURVEYOR OF RECORD PRIOR TO BEGINNING CONSTRUCTION
3. BENCHMARK IS A CONCRETE MONUMENT LOCATED S CORNER OF PROJECT SITE, WITH COORDINATES N 517007.56, E 188003.86 AND HAVING AN ELEVATION OF 506.49.
4. ALL HVAC UNITS ARE ROOFTOP.
5. ZONE: CB (DTO)
 - MINIMUM FRONT SETBACK: 15 FEET
 - MINIMUM SIDE SETBACK: 5 FEET
 - MINIMUM REAR SETBACK: 10 FEET
6. AREA = 51,624 SF (1.19 ACS)
7. EXISTING IMPERVIOUS AREA (IA)
 - GRAVEL = 18,195 SF
 - BUILDING = 3,618 SF
 - BRICK/PAVEMENT = 818 SF
 - TOTAL EXISTING IA = 22,631 SF (43%)
8. POST CONSTRUCTION IMPERVIOUS AREA (IA)
 - GRAVEL = 0 SF
 - BUILDING = 14,018 SF
 - BRICK/PAVEMENT = 18,537 SF
 - TOTAL POST CONSTRUCTION IA = 32,555 SF (63%)



Parking Count				
	LBS Code	QTY	Req. (1/unit)	Required
	2421 Prof. Services	930	1/	400 2.33
	2611 Per. Grooming	1,470	1/	200 7.35
	Warehouse*	1 700	1/	5 000 2 000
Townhome				
	Total			
	LBS Code	QTY	Req. (1/unit)	Required
Automobile:	2421 Prof. Services	930	1/	400 2.33
ADA	2611 Per. Grooming	1,470	1/	200 7.35
	Warehouse*	1,700	1/	5,000 2,000
Bicycle:	Townhomes**	13	2/	13 26.00
*Warehouse:	Totals	4,100		44.00
**Townhome:	Automobile:			Provided 44.00
	ADA	1		Provided 1
	Bicycle:	1		Provided 1
*Warehouse, min of 1 per employee x 2 employees				
**Townhome parking 2 per unit--1 garage + 1 driveway				

LANDSCAPE
ARCHITECTURE
.....
ENGINEERING
.....
PLANNING

Landscape Architecture " Fayetteville, NC
Civil Engineering " Southern Pines, NC

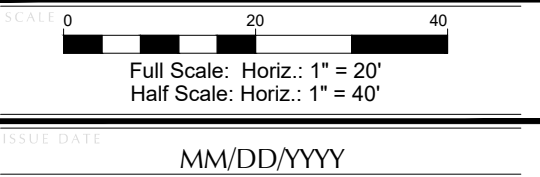
300 W. Pennsylvania Ave. " Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

0	---	mm-dd-yy	Description

PTAH, LLC
TOWNHOMES
730 S. BENNETT

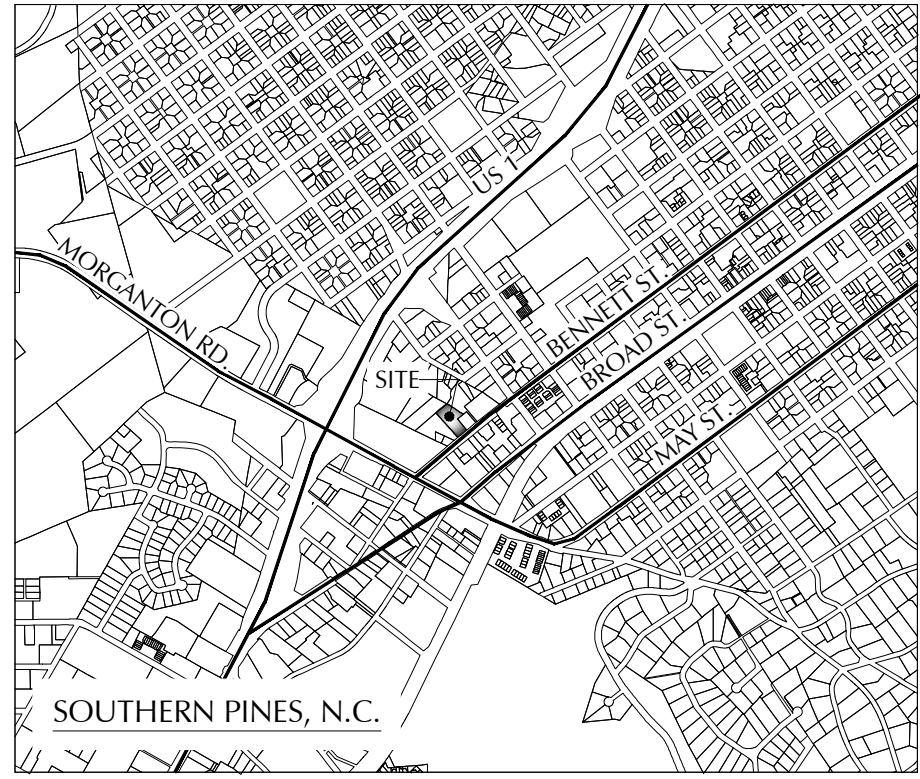
SITE LAYOUT PLAN

Project Manager:	KSL
CAD Technician:	RFN/GER
Reviewed / Approved By:	
Project Number:	22028

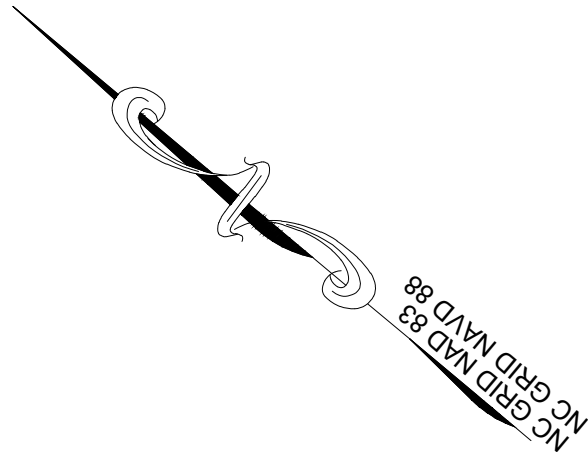


C2.0

S:\Bleggi, Andy\22028 Townhomes 730 South Bennett Street\CAD\22028 DWG\Plan Set\Current Plan Set\22028a_P1.0 Preliminary Plat.dwg, PRELIM PLAT, Dec. 08, 2023 -- 8:46:16 AM



VICINITY MAP (1"=2000')



PLAT NOTES

PROPERTY ADDRESS:
730 S. BENNETT
SOUTHERN PINES, NC 28387

OWNER ADDRESS:
PTAH, LLC
Andy Bleggi - Manager
730 S. Bennett
Southern Pines, NC 28387
andybleggi@gmail.com
910-639-1985

1. SIZE: 51,624 SF, 1.19 ACRES
2. CURRENT ZONING: CB-DTO
3. OPEN SPACE: NA (ONLY 13 UNITS)
4. THERE ARE NO FLOOD PLAINS OR FLOOD WAYS.
5. THERE ARE NO WETLANDS.
6. LOT IS IN WS WATERSHED, LR #2, AND HQW.
7. LOT REQUIRES A 5/70 ALLOCATION.
8. EXISTING IMPERVIOUS: 22,631 SF (43.8%)
9. PROPOSED IMPERVIOUS: 32,727 SF (63%)
10. AN INFILTRATION BASIN SHALL BE USED TO KEEP RUNOFF FOR THE 10 YEAR STORM BELOW CURRENT RATE.
11. 13 TOWN HOMES ARE ESTIMATED TO PRODUCE AROUND 146 TRIPS PER DAY. THE SOUTHERN PINES UDO REQUIRES A TRAFFIC DESIGN ANALYSIS (TDA) FOR OVER 200 TRIPS. THEREFORE NEITHER A TIA OR DIA ARE REQUIRED. APPLICANT WILL ATTEMPT TO PRESERVE SEVERAL EXISTING TREES ON SITE.
12. LOT PURCHASERS WILL BE ADJACENT TO A TOWN PARK, WHICH HOLDS EVENTS, PROGRAMMING, AND THE LIKE, THAT MAY CREATE MORE NOISE THAN IS TYPICALLY EXPECTED IN A RESIDENTIAL NEIGHBORHOOD.

— S —	8" PRIVATE SEWER MAIN
— W —	2" PUBLIC WATER MAIN
— — —	SEWER SERVICE
— — —	WATER SERVICE
■	INFILTRATION STORMWATER CONTROL MEASURE (SCM)

Parking Count				
LBS Code	QTY	Req. (1/unit)	Required	
2421 Prof. Services	930	1/	400	2.33
2611 Per. Grooming	1,470	1/	200	7.35
Storage for PTAH LLC	1,700	1/	5,000	2.00
Townhomes**	13	2/	13	26.00
Totals	4,100			37.7
Automobile:			Provided	44.00
ADA	1		Provided	1
Bicycle:	1		Provided	1

**Townhome parking 2 per unit--1 garage + 1 driveway

SAND AND SEA PROPERTIES LLC
DB 5396 DP 163
PIN: 857100978489
ZONE: CB DTO
0.66 ACRES

EXISTING 1,700 SF WAREHOUSE BLDG TO REMAIN

PEDESTRIAN ACCESS GATE TO BRADFORD VILLAGE

BRADFORD VILLAGE, LLC
DB 4973, PG 303
PIN: 858100070440
ZONE: CB
1.07 ACS

TOWN OF SOUTHERN PINES
DB 419, PG 551
PIN: 857112976275
ZONE: FRR
1.52 ACS

DANA, RICHARD L & SANDRA O.
DB 1244, PG 297
PIN: 857112977192
ZONE: CB
1.33 ACS

DANA, RICHARD L & SANDRA O.
DB 1383, PG 149
PIN: 857112969917
ZONE: CB
0.17 ACS

HONKYCAT REAL ESTATE, LLC
DB 4579, PG 118
PIN: 858100071128
ZONE: CB
0.42 ACS

INTEGRATED PROPERTY MANAGEMENT, LLC.
DB 4448, PG 295
PIN: 85858109073025
ZONE: CB
0.38 ACS

685 BENNETT ST., LLC.
DB 3910, PG 284
PIN: 858109064938
ZONE: CB
1.41 ACS

INTEGRATED PROPERTY MANAGEMENT, LLC.
DB 4448, PG 295
PIN: 85858109062906
ZONE: CB
0.27 ACS

FOWLER, H. MCLEOD
FOWLER, JANET G..
DB 2736, PG 28
PIN: 858109061829
ZONE: CB
0.52 ACS

MAJOR SUBDIVISION
FOR
PTAH, LLC

McNeill Township, Moore County,
North Carolina
November 15, 2023 SCALE 1" = 20'



Landscape Architecture " Fayetteville, NC
Civil Engineering " Southern Pines, NC
230C W. Pennsylvania Ave. " Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

PRELIMINARY

0	mm-dd-yy	Description

PTAH, LLC
TOWNHOMES
730 S. BENNETT

PRELIMINARY PLAT

Project Manager: KSL
CAD Technician: RFN/GER
Reviewed / Approved By:
Project Number: 22028

Full Scale: Horiz.: 1" = 20'
Half Scale: Horiz.: 1" = 40'
MM/DD/YYYY

P1.0

DRAINAGE IMPACT ANALYSIS CHECKLIST

PROJECT NAME: 730 S. Bennett Townhomes	
Developer: PTAH LLC	Engineer: Kevin S. Lindsay, PE
Point of Contact: Andy, Bleggi	Firm: Crawford Design Company
Address: 730 South Bennett Street Southern Pines, NC 28387	Address: 230 W. Pennsylvania Ave. Southern Pines, NC 28387
Phone: 910-639-1985	Phone: 910-920-7661
Email: andybleggi@gmail.com	Email: kevinlindsay@crawforddsn.com

The purpose of this checklist is to expedite and facilitate the review process. This checklist gives the minimum requirements needed for initiation of drainage review by the Southern Pines Town Council. All items shall be checked as included or marked N/A. The omission of required items may be cause for rejection of the submittal without review.

I. General Requirements

- ☒ Bound drainage impact analysis containing three (3) distinct and designated parts (Project Summary, Analysis, and Calculations). one (1) as per Town
- ☒ Each submittal shall contain a minimum of ~~two (2)~~ complete copies.
- ☒ Pre and Post development output for each storm event as well as supporting calculations shall be separated with dividers bound in the report.
- ☒ Cover sheet for the drainage impact analysis shall be signed and sealed by the Engineer of Record as shown above.
- ☒ All maps, drawings, or calculations shall be bound and made a part of the impact analysis. Maps and drawings shall be 11 by 17 in fold outs only.
- ☒ The drainage impact analysis shall be based on the 10 year storm and checked for the 100 year storm for new developments.

II. Drawings / Maps

- ☒ A legible copy of the most recent soil survey map with the proposed location clearly identified.
- ☒ A watershed map reflecting the following minimum information:
 - i. Overall watershed boundaries delineated using LIDAR two-foot interval contours approved by CPPJ Engineer.
 - ii. Two (2) foot topographic site contours within the boundary of the development delineated using actual onsite topographic surveys.
 - iii. Delineated drainage areas including offsite watershed areas with acreage shown.
 - iv. Each basin shall be annotated with its slope, travel length to the entry point and/or exit point of the development, and curve number or runoff coefficient.
 - v. Composite curve numbers or runoff coefficients shall be clearly designated on the pre-development drainage map and calculations supporting each composite number shall be included in the drainage analysis.
 - vi. Existing land use and vegetative cover for all drainage areas.
 - vii. The location, description, and elevation of all permanent and temporary benchmarks used for the analysis and to be used for the development construction.

- viii. Overall view of drainage and ultimate drainage disposal map including the limits of the watershed downstream of development to the point where said development is less than ten (10) percent of the entire watershed.
- ix. 100-year flood zones and base flood elevations, if applicable, including all regulatory floodways and coastal high hazard areas.
- x. Identification of all existing drainage features whether natural or man-made.
- xi. The pre-development map shall be produced at a scale which legibly shows all pertinent existing drainage information on sheets no larger than 11 by 17 in.
- xii. At a minimum, the pre-development drainage map shall include a north arrow, vicinity map, and a title block with the name of the development. The name of the development shall match the name shown on this form.

☒ A development drainage layout with the following minimum information:

- i. Existing and proposed development contours at two (2) foot intervals. One (1) foot contours may be required by the Town engineer where additional information is needed to define topographic features of a site.
- ii. Various drainage areas based on conceptual design and proposed layout of development.
- iii. Offsite drainage areas shown at entry points to the development with calculated ten (10) year peak discharge rates.
- iv. Clear delineation of each drainage basin both on and off site. Each basin shall be uniquely identified. No two drainage areas regardless of pre or post condition shall have the same identifier.
- v. Existing and proposed drainage patterns, slope, and travel length with estimated ten (10) year peak discharge rates based upon existing and future land use and zoning of the offsite drainage areas. Future conditions will be based on the current land use and zoning maps.
- vi. Each basin shall be annotated with its drainage area, hydraulic length, hydraulic slope, and curve number or runoff coefficient.
- vii. Composite curve numbers or runoff coefficients shall be clearly designated on the post-development drainage map and calculations supporting each composite number shall be included in the drainage analysis.
- viii. Existing and proposed drainage and maintenance easements.
- ix. Delineated flood zones, regulatory floodways, coastal high hazard areas, and the highest recorded inundation, where available.
- x. Existing and proposed ditches, culverts, or other hydraulic features or structures.
- xi. The location of the outfall of the entire drainage area shall be identified to include location, total acreage, and peak discharge for the design storm. If more than one outfall exists for the development, each outfall shall be identified separately.
- xii. The post-development map shall be produced at a scale which legibly shows all pertinent drainage information.
- xiii. At a minimum the post-development drainage map shall include a north arrow, vicinity map, and a title block with the name of the development.

III. Detention Facilities

- ☒ Typical Sections for each detention facility in the development shall be shown.
- ☒ Stage vs. Storage and Stage vs. Discharge information shall be provided for each detention facility.
- ☒ The development inflow hydrographs for the 10-year and 100-year frequencies and all parameters and assumptions utilized to develop the hydrographs shall be reported.
- ☒ The routing calculations and outflow hydrographs for the 10-year and 100-year frequencies shall be reported.
- ☒ The peak water elevation in the detention facility for the 10-year design storm shall be noted.
- ☒ Freeboard amount between overtopping elevation and peak water elevation for the design storm shall be noted.

- ☒ The performance of the detention facility in a 100 year storm shall be investigated and reported in the drainage analysis.
- ☒ The combination of existing/relocated outfalls with proposed detention facilities is permitted, however the performance of this system shall be sufficiently detailed to ensure staging in the facility does not increase the upstream water surface elevation.
- ☒ When roadside ditches in a subdivision are designed to meet the detention criteria, all ditches in series will be considered a single facility.
- ☒ In addition to the criteria listed above, developments having roadside ditches which provide detention shall clearly show the maximum hydraulic grade line (HGL) for each detention facility as well as the proposed top bank. Should parallel ditches be shown on a single plan profile sheet, each hydraulic grade line shall be clearly distinguished from adjacent HGL's.
- ☒ For roadside detention, the effects of all future driveways shall be included in the hydraulic analysis.

IV. Fill Mitigation Requirements

- NA ☐ Delineated 100-year floodplain elevation on pre-development two (2) foot contour intervals.
- NA ☐ Post development two (2) foot contours
- NA ☐ Location of proposed fill credits to mitigate the fill volume below the 100-year elevation with cross sections
- NA ☐ Watershed boundaries should be identified.

V. Flood Zone Requirements

- NA ☐ Developments within the 100 year floodplain shall contain sufficient calculations and details to demonstrate that the 100 year flood stage is not increased.
- NA ☐ Detailed information shall be provided which identifies the location and amount of fill placed in the floodplain.

VI. Floodway Requirements

- NA ☐ When any portion of a development falls within a Federally designated floodway, a no-rise certificate shall be completed and submitted with the drainage analysis regardless of the type of construction in the floodway.
- NA ☐ A signed copy of the no-rise certificate shall be permanently bound and made a part of the drainage analysis.

VII. Plats

- NA ☐ For subdivisions designed with open ditches the plat shall include the note stating that the open ditch will not be allowed to be enclosed at any time.
- NA ☐ The plat shall include a statement regarding the required pipe size for all driveways. Should various pipe sizes be required for hydraulic capacities, the locations of the sizes shall be clearly noted.
- NA ☐ A note shall be included that requires the lot owner to provide the proper grading of lots to match drainage designs including lot flow arrows identifying grading requirements to satisfy drainage design.
- NA ☐ The location of all flood zones and/or floodways shall be clearly marked on the plat along with base flood elevations.

VIII. Additional Requirements

- Noted ☐ Engineering Plans submitted for approval which do not match the approved drainage analysis will be returned without review.

I, the undersigned, acknowledge by signature that the submitted drainage impact analysis meets or exceeds the requirements set forth by ordinance for the Town of Southern Pines. I understand that failure to comply with the requirements set forth may result in the return of the submitted drainage documents without review.



11-10-2023

NC027502

Signature Date

NC License Number

Drainage Impact Analysis Narrative for 730 S Bennett Townhomes

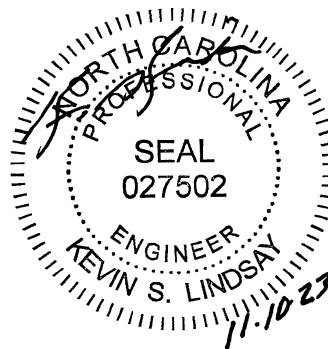
1. Existing Conditions. Existing commercial property that is 44% impervious (roof, pavement, hard packed gravel). Front, near entrance on S. Bennett, is commercial building and parking for nail and hair salon and offices. Back area (N) includes a warehouse and gravel parking area. There are currently no drainage structures on site. Runoff flows generally to northern most corner via sheetflow and then on to adjacent town park. Soils are Candor-Urban land Complex (CbC), with a C value of .15 if not paved or graveled. Overall current C value used for existing conditions is 0.44.

2. Proposed Project: 13 townhomes are planned for the site. The existing commercial building in the front (S) and warehouse in the back (N) will remain. Paved access and Vehicle Use Areas (VUAs) will also be constructed. Upon Completion of proposed project, the site will be 63% impervious with a C value of 0.65.

3. Drainage Concept: The 1.19 acre site will primarily continue to sheetflow to the north. Limited curb inlets and storm pipes will convey the runoff from the VUAs to an infiltration basin that will be sized to reduce runoff leaving the site to pre-construction rates for the 10-year storm. Larger storms will overflow the basin (which will be constructed out of Concrete Masonry Units (CMUs) and sheetflow into the adjacent park. The adjacent park is flat and should not be adversely impacted by this flow.

4. As the attached report shows, the 10 year storm runoff leaving the site shall be reduced from a current flow of 4.2 cfs to 3.3 cfs.

Kevin S. Lindsay, PE
Crawford Design Company
910-920-7661





United States
Department of
Agriculture

NRCS

Natural
Resources
Conservation
Service

A product of the National
Cooperative Soil Survey,
a joint effort of the United
States Department of
Agriculture and other
Federal agencies, State
agencies including the
Agricultural Experiment
Stations, and local
participants

Custom Soil Resource Report for Moore County, North Carolina



Southeastern Soil & Environmental Associates, Inc.

P.O. Box 9321
Fayetteville, NC 28311
Phone/Fax (910) 822-4540
Email mike@southeasternsoil.com

June 27, 2023

Mr. Kevin Lindsay, PE
Crawford Design
230C West Pennsylvania Ave.
Southern Pines, NC 28387

Re: Hydraulic conductivity (permeability) analysis & Seasonal High-Water Table determination (SHWT) for proposed stormwater retention/treatment area, 730 S. Bennett Street, Parcel 00033063, Southern Pines, North Carolina

Dear Mr. Lindsay,

An evaluation of soil properties and hydraulic conductivity (Ksat) has been conducted at your request on portions of the aforementioned property. The purpose of the investigation was to determine soil water table depths (SHWT) based on soil profiles. In addition, Ksat was to be provided at a various depths (at least 2.0 feet above the SHWT elevation) for use with stormwater retention basin design.

Saturated hydraulic conductivity of the unsaturated zone was measured in a similar method as described in the Soil Science Society of America Journal, Vol. 53, no 5, Sept. - Oct. 1989, "A Constant Permeameter for Measuring Saturated Hydraulic Conductivity of the Vadose Zone" and Comparison of the Glover Solution with the Simultaneous Equations Approach for Measuring Hydraulic Conductivity." This consists of advancing a small diameter bore hole to a predetermined depth (at least 2 feet above SHWT). At this depth, a constant head (pressure) was established and maintained. Flow measurements were made at timed intervals after flow stabilized.

Soils at the proposed basin sites are most similar to the Candor soil series (see attached boring logs). Two soil borings were advanced to at least 11.0 feet below the soil surface. Seasonal High-Water Table (SHWT) as determined by evidence of colors of chroma 2 or less (and/or concentrations of high redox mottles) was encountered at depths of 102 or more inches below the ground surface (see chart attached).

Four compact constant head permeameter (CCHP) tests were conducted at various depths. The measured Ksat rates ranged from 21.29 to 25.28 cm/hr. (equivalent to 8.38 to 9.95 inches/hour).

The attached map shows locations of the sample points as well as Ksat locations.

It should be noted that the reported SHWT does not necessarily reflect the elevation of static groundwater (due to variations in groundwater recharge rates, annual rainfall, drought conditions, etc.).

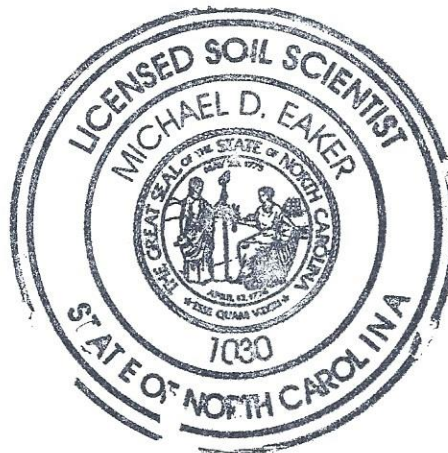
The data presented in this report are limited by a number of considerations. The primary consideration is that soil formations can be highly variable. The soils found on this site can be subject to inclusions of other soil types, perched water, artesian conditions and/or layers of undulating low permeability clay seams. These and other soil conditions can have an effect on the steady state of groundwater flow. To the extent possible, we have identified the soil types that will impact the flow of groundwater, and have provided a professional opinion as to the depth of SHWT.

I trust this is the information you require at this time.

Sincerely,



Mike Eaker
NC Licensed Soil Scientist #1030





- ④ INSTALL HEAVY DUTY ASPHALT (SEE CDC DETAIL 1.1908)
- ④ INSTALL LIGHT DUTY ASPHALT (SEE CDC DETAIL 1.1910)
- ④ INSTALL 24" CURB AND GUTTER (SEE TOSP DETAIL R11)
- ④ ADA RAMP (SEE CDC DETAIL R-114)
- ④ ADA RAMP (SEE CDC DETAIL 1.1852)
- ④ DUMPSITE ENCLOSURE SEE ARCHITECTURAL PLANS
- ④ 5' WIDE SIDEWALK SEE TOSP DETAIL R13
- ④ CONCRETE WHEELSTOP SEE CDC DETAIL 1.1217
- ④ INSTALL PAVEMENT MARKINGS AND STRIPING (SEE TOSP DETAIL R19)
- ④ CONCRETE CURB (SEE CDC DETAIL 1.2704)
- ④ INSTALL 8'-6" x 8'-6" TRANSFORMER PAD
- ④ SPILL-OUT CURB SEE TOSP DETAIL R-11 (SHADED)
- ④ BICYCLE RACK (2 BICYCLES) (SEE CDC DETAIL 1.12612)
- ④ INSTALL (4) 24" DIA. PRE-CAST CONCRETE DECORATIVE BOLLARD
(SEE CDC DETAIL 1.1002)
- ④ THREE-RAIL ALUMINUM PICKET FENCE (BLACK) (3.5' TALL)
SEE ARCHITECTURAL PLAN DETAIL 5.A0.

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON COVER SHEET SHALL APPLY TO THIS PLAN
2. ALL ELEVATIONS SHOWN ARE IN REFERENCE TO THE BENCHMARK AND MUST BE VERIFIED BY THE GEOTECHNICAL ENGINEER AND CONTRACTOR WITH THE SURVEYOR OF RECORD PRIOR TO BEGINNING CONSTRUCTION
3. BENCHMARK IS A CONCRETE MONUMENT LOCATED S CORNER OF PROJECT SITE, WITH COORDINATES N 517007.56, E 1880038.80 AND HAVING AN ELEVATION OF 506.49
4. ALL HVAC UNITS ARE ROOFTOP.
5. ZONE: CB (OTO)
 - MINIMUM FRONT SETBACK: 45 FEET
 - MINIMUM SIDE SETBACK: 5 FEET
 - MINIMUM REAR SETBACK: 10 FEET
6. AREA = 51,624 SF (1.19 ACS)
7. EXISTING IMPERVIOUS AREA (IA)
 - GRAVEL = 18,195 SF
 - BUILDING = 3,618 SF
 - BRICK/PAVEMENT = 818 SF
 - TOTAL EXISTING IA = 22,631 SF (43%)
8. POST CONSTRUCTION IMPERVIOUS AREA (IA)
 - GRAVEL = 0 SF
 - BUILDING = 14,018 SF
 - BRICK/PAVEMENT = 18,537 SF
 - TOTAL POST CONSTRUCTION IA = 32,555 SF (63%)



IMPERVIOUS AREAS--34,130 SF



PERVIOUS AREAS INSIDE IMPERVIOUS
1,575 SF

POST CONSTR. (POST) IMP. AREA = 32,555 SF

HONKYCAT REAL ESTATE, LLC
DB 4579, PG 118
PIN: 858100071128
ZONE: CB
0.42 ACS

Parking Count				
	LBS Code	QTY	Req. (1/unit)	Required
	2421 Prof. Services	930	1/	400 2.33
	2611 Per. Grooming	1,470	1/	200 7.35
	Warehouse*	1 700	1/	5 000 2 00
Townhome				
	Total			
	LBS Code	QTY	Req. (1/unit)	Required
Automobile:	2421 Prof. Services	930	1/	400 2.33
ADA	2611 Per. Grooming	1,470	1/	200 7.35
	Warehouse*	1,700	1/	5,000 2.00
Bicycle:	Townhomes**	13	2/	13 26.00
*Warehouse:	Totals	4,100		44.00
**Townhome:	Automobile:			Provided 44.00
	ADA	1		Provided 1
	Bicycle:	1		Provided 1
*Warehouse, min of 1 per employee x 2 employees				
**Townhome parking 2 per unit--1 garage + 1 driveway				

LANDSCAPE
ARCHITECTURE
.....
ENGINEERING
.....
PLANNING

Landscape Architecture " Fayetteville, NC
Civil Engineering " Southern Pines, NC

230C W. Pennsylvania Ave. " Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

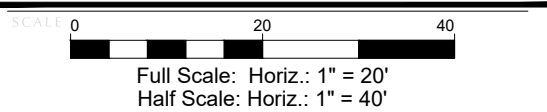
PRELIMINARY

[illegible]

PTAH, LLC
TOWNHOMES
730 S. BENNETT

SITE LAYOUT PLAN

Project Manager:	KSL
CAD Technician:	RFN/GER
Reviewed / Approved By:	
Project Number:	22028



MM/DD/YYYY

C2.0

MOORE COUNTY
NORTH CAROLINA

**DECLARATION OF COVENANTS CONDITIONS AND
RESTRICTIONS FOR TOWNHOUSES AT 730/740 BENNETT**

THIS DECLARATION made on the date hereinafter set forth by PTAH, LLC, a North Carolina limited liability corporation with is principal office located in Southern Pines, Moore County, North Carolina, hereinafter referred to as "Declarant."

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in or near the Town of Southern Pines, County of Moore, State of North Carolina more particularly described in Exhibit A attached hereto; and

WHEREAS, TOWNHOUSES AT 730/740 BENNETT (Townhouses) is a development consisting of nineteen (13) townhome lots; and

WHEREAS, Declarant will convey said property subject to certain protective covenants, conditions and restrictions as hereinafter set forth; and

WHEREAS, the members of the Townhouses Homeowners Association, Inc. (HOA) shall be responsible for paying the Common Expenses as provided below; and

NOW, THEREFORE, Declarant hereby declares that all of the property described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I

DEFINITIONS

Section 1. "Amenities" shall mean any facilities constructed, erected or installed on the Property for the use, benefit and enjoyment of Members.

Section 2. "Association" shall mean and refer to Townhouses on 730 Bennett Homeowners Association, Inc., a North Carolina corporation, its successors and assigns.

Section 3. "Board" or "Board of Directors" shall mean those persons elected or appointed and acting collectively as the Directors of the Association.

Section 4. "Building" shall mean and refer to any structure containing townhomes constructed or erected on the Property.

Section 5. "Common Area" shall mean all real property together with all amenities, equipment, fixtures, and personal property located thereon owned by the Association for the common use and enjoyment of the Owners or members or designated classes of members of the Association, including but not limited to Limited Common Areas and private streets, parking spaces, sewer lines and water lines located outside any public street, as may be designated on any subdivision map of the Property or by the Association. The Common Area to be owned by the Association at the time of the conveyance of the first Lot is all of that Property other than the Lots.

Section 6. "Common Expenses" shall mean and include:

- a) All sums lawfully assessed by the Association against its members;
- b) Expenses for maintenance of the townhomes as provided in this Declaration;
- c) Expenses of administration, maintenance, repair, or replacement of the Common Area and all improvements and amenities located thereon;
- d) Expenses declared to be Common Expenses by the provisions of this Declaration or the Bylaws;
- e) Hazard, liability, or such other insurance premium as the Declaration or the bylaws may require the Association to purchase, or as the Association may deem appropriate to purchase;
- f) Ad valorem taxes and governmental assessments levied against Common Area owned by the Association; and
- g) Any other expenses determined by the Board or approved by the members to be Common Expenses of the Association.

Section 7. "Declarant" shall mean and refer to PTAH, LLC, its successors and assigns, to whom the rights of Declarant hereunder may be expressly transferred, in whole or in part, and subject to such terms and conditions as Declarant may impose.

Section 8. "Living Unit" or "Townhome" shall mean and refer to any Lot on which a dwelling unit has been fully constructed and made ready for occupancy as a residence for which a Certificate of Occupancy has been issued and owned by anyone other than the original builder thereof unless occupied as a residence.

Section 9. "Lot" shall mean and refer to any townhome lot subdivided from a tract of land shown upon any recorded subdivision map of the Property; as such maps may be from time to time amended. The entire Property of the Townhouses shall be comprised of Lots which shall be owned in fee simple by Lot Owners plus Common Areas which are not Lots and which shall be owned by the Association.

Section 10. "Member" shall mean and refer to every person or entity who hold membership in the Association.

Section 11. "Owner" or "Lot Owner" shall mean and refer to the record owner, whether one or more persons or entities of a fee simple title to any Lot which is a part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 12. "Person" shall mean and refer to any individual, corporation, partnership, association, trustee or other legal entity.

Section 13. "Property" shall mean and refer to that certain real property hereinbefore described on Exhibit "A", and such additions thereto as may hereafter be brought within the jurisdiction of the Association as this Declaration may provide.

ARTICLE II

PROPERTY RIGHTS

Section 1. Owners' Rights. Every Owner shall have a right and easement of use and enjoyment in and to the Common Area, together with and including the right of access, ingress and egress, both pedestrian and vehicular, on and over the private streets, drives, walkways and parking areas all as depicted on plats and plans to be recorded in the Moore County Registry, which shall be appurtenant to and shall pass with the title to every Lot, subject to the rights of the Association specified in this Declaration or the Bylaws of the 730/740 Bennett Townhouses' Homeowners Association, Inc., or as permitted by federal, state and local laws, statutes or ordinances. The owner and tenants of the office shall also enjoy these same rights without obligation of membership or monetary contribution but shall own and be responsible for the parking spaces immediately in front of said building.

Section 2. Parking Rights. The Association shall regulate and may prohibit the parking of boats, trailers, campers, motorhomes, trucks, tractors, or commercial vehicles on the Property or on the right of way of any streets adjoining the Property by any Lot Owner, its family members, tenants, guests or contract purchasers, except as may be permitted by the Association or when such is parked in a closed garage. The repair or extraordinary maintenance for automobiles or other vehicles on common area is prohibited.

Section 3. TV Antennas. The Association may regulate the erection of television, radio or other antennas, dishes or disks on individual townhomes.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 1. Membership. Every record Owner of a Lot, which is subject to assessment, shall be a member of the Association. Membership shall be appurtenant to, and may not be separated from, ownership of any Lot, which is subject to assessment.

Section 2. Classes of Members. There shall be only one class of members in the Association.

Section 3. Voting Rights. The right of any member to vote may be suspended by the Board of Directors for just cause pursuant to its rules and regulations and the Articles and Bylaws of the Association and according to the provisions of the Declaration or these Bylaws.

ARTICLE IV

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Property, hereby covenants, and each Owner of any Lot by acceptance of a deed therefor, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association: (1) annual assessments or charges which are Common Expenses, and (2) special assessments for extraordinary maintenance and capital improvements, and (3) special assessments for purchase and reconstruction of townhomes as hereinafter defined. The annual and special assessments, together with interest and costs, and reasonable attorney's fees for collection, shall be a charge on the land and shall be a continuing lien upon the Lot against which each such assessment is made. Each such assessment, together with interest, costs and reasonable attorney's fees, shall also be the personal obligation of the person who was the Owner of such Lot at the time when the assessment fell due. The personal obligation for the delinquent assessments shall not pass to his successors in title unless expressly assumed by them.

The Association shall also have the authority, through the Board of Directors to establish, fix and levy a special assessment on any Lot to secure the liability of the Owner thereof to the Association arising from breach by such Owner of any of the provisions of this Declaration which breach shall require the expenditure of time and money or both, by the Association for repair or remedy.

Each Owner covenants for himself, his heirs, successors and assigns, to pay each assessment levied by the Association on the Lot described in such conveyance to him within ten (10) days of the due date as established by the Board and further covenants that if said assessment shall not be paid within thirty (30) days of the due date, the amount of such assessment shall be in default and become a lien upon said Owners' Lot as provided herein and shall continue to be such lien until fully paid.

Section 2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the paying of Common Expenses to promote the recreation, health, safety, and welfare of the residents of the Property and in particular, but not limited to, for the exterior maintenance of the Buildings and Lots, the procurement and maintenance of insurance in accordance with the Declaration and Bylaws or as deemed appropriate by the Board, the employment of counsel, accountants and other professionals for the Association when necessary, and such other needs as may arise. The assessments shall not cover any charges due to be paid to

associations to which the Association is subordinate. Nothing contained herein shall restrict the Association for joining together with adjacent associations to share common costs.

Section 3. Amount of Assessment.

- a) Initial Maximum Assessment. Prior to November 1, 2023, the maximum monthly assessment shall not exceed one hundred fifty dollars (\$ 150.00) per Living Unit.
- b) Increase by Association. From and after November 1, 2023, the assessment effective for any month may be increased from and after January 1 of the succeeding year by the Board of Directors, without a vote of the membership, by a percentage which may not exceed the greater of ten percent (10%) or the percentage increase reflected in the U.S. City Average, Consumer Price Index - United States and selected areas for urban wage earners and clerical workers, all items most recent index and percentage changes from selected dates. (Published by the U.S. Bureau of Labor Statistics, United States Department of Labor Washington, D.C.), or such other Index as may succeed the consumer Price Index, for that twelve-month period ending the immediately preceding October 1.
- c) Increase by Members. From and after November 1, 2023, the monthly assessment may be increased by a percentage greater than permitted by this Article by an affirmative vote of two-thirds (2/3) of each class of members who are voting in person or by proxy, at a meeting duly called for such purpose. The limitations herein set forth shall not apply to any increase in assessments undertaken as an incident to a merger or consolidation in which the Association is authorized to participate under its Articles of Incorporation.
- d) Criteria for Establishing Monthly Assessment. In establishing the monthly assessment for any assessment year, the Board of Directors shall consider all current costs and expenses of the Association, any accrued debts, and reserves for future needs, but it may not fix the annual assessment in an amount in excess of ten percent (10%) or the sums derived by application of the Consumer Price Index formula provided in Subsection (b) without the consent of members required by Subsection (c) of this Section 3.
- e) The Board of Directors may fix the monthly assessment at an amount not more than the maximum.
- f) Differential Assessments. Since the exterior wall surface and the front yard (and side yard, if applicable) landscape area of each lot may vary significantly from that of another lot, the Association may allocate the charges for exterior maintenance and landscape maintenance in a manner consistent with the relative size of the exterior wall surface and landscape area being maintained rather than in a straight-line manner.

Section 4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any extraordinary maintenance in connection with exterior maintenance, including fixtures and personal property related thereto and any property for which the Association is responsible, provided any such assessment shall have the assent of two-thirds (2/3) of the votes of 4 each

class of members who are voting in person or by proxy at a meeting duly called for this purpose, except that the Board without a vote by the Members may approve one special assessment every year not to exceed \$400.00.

Section 5. Replacement Reserve. Out of the Common Expenses assessment, the Board shall create and maintain a reserve fund for the periodic maintenance, repair, and replacement of improvements to the buildings.

Section 6. Notice and Quorum for Any Action Authorized Under Section 3 and 4. Written notice of any meeting called for the purpose of taking any action authorized under this Article shall be sent to all members not less than 10 days nor more than 60 days in advance of the meeting. At the first such meeting called, the presence of members or proxies entitled to cast ten percent (10%) of all votes shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than 60 days following the preceding meeting.

Section 7. Uniform Rate of Special Assessment. Special assessments must be fixed at a uniform rate for all Lots.

Section 8. Date of Commencement of Monthly Assessments; Due Dates. The monthly assessments provided for herein shall commence as to all Lots on the first day of the month following the conveyance of the Lot from the Declarant to the Owner. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The due dates shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge if it deems appropriate, furnish a certificate signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A properly executed certificate of the Association as to the status of assessments on a Lot is binding upon the Association as of the date of the issuance.

With the exception of Lots that it owns on which the Inspections Department of the Town of Southern Pines has previously issued a Certificate of Occupancy, the Declarant shall pay no monthly assessment for any Lots it owns. For any such Lots owned by the Declarant on which a Certificate of Occupancy has been previously issued, the monthly assessment payable on each such Lot shall commence on the first day of the month following receipt of the Certificate of Occupancy on such Lot.

Section 9. Two Months Working Capital. In addition to the regular assessments to be charged and paid hereunder, each new Lot Owner shall, at the time of conveyance of each Lot pay to the Association a sum equal to two (2) months assessment on that Lot as additional working capital of the Association. These amounts need not be segregated but may be commingled with regular assessment funds.

Section 10. Effect of Nonpayment of Assessments; Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall be delinquent, in default and

may bear interest at a rate not to exceed 18% per annum. The Association may bring an action at law against the Owner personally obligated to pay the same plus interest, costs, late payment charges and reasonable attorneys' fees, or foreclose the lien against the Lot. No owner may waive or otherwise escape liability for the assessments provided for herein by abandonment of the Lot.

The lien herein granted unto the Association shall be enforceable pursuant to Article 2A of Chapter 45 of the General Statutes from and after the time of recording a Claim of Lien in the Office of the Clerk of Superior Court in the County in which the Property is located in the manner provided therefore by Article 8 of Chapter 44 of the North Carolina General Statutes, which claim shall state the description of the Lot encumbered thereby, the name of the record owner, the amount due and date when due. The claim of lien shall be recordable any time after thirty (30) days after the due date of the assessment or any installment thereof and the lien shall continue in effect until all sums secured by said lien as herein provided shall have been fully paid. Such claims of lien shall include all assessments which are due and payable when the claim of lien is recorded, plus interest, costs, reasonable attorneys' fees, advances to pay taxes and prior encumbrances and interest thereon, all as above provided. Such claims of lien shall be signed by an officer or agent of the Association. Upon full payment of all sums secured by such claim of lien, the same shall be satisfied of record.

Section 11. Subordination of the Lien to Mortgages and Ad Valorem Taxes. The lien of the assessments provided for herein shall be subordinate to the lien of any institutional first mortgage and ad valorem taxes on said Lot. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot pursuant to such mortgage or tax foreclosure or any proceeding in lieu thereof, shall extinguish the lien of such assessments as to payments which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessments thereafter becoming due or from the lien thereof.

Section 12. Exempt-Public Authority. Any portion of the Property dedicated to, and accepted by, a local public authority and any portion of the Property owned by a charitable or non-profit organization exempt from taxation by the laws of the State of North Carolina shall be exempt from the assessment created herein. However, no land or improvements devoted to dwelling use shall be exempt from said assessments.

Section 13. Foreclosure of liens for unpaid Common Expenses. In any action brought by the Board to foreclose on a Lot because of unpaid Common Expenses, the Lot Owner shall be required to pay a reasonable rental for the use of the Lot, and the plaintiff in such foreclosure action shall be entitled to the appointment of a receiver to collect the same. The Board, acting on behalf of all Lot Owners, or on behalf of any one or more individual Lot Owners, if so instructed, shall have the power to purchase such Lot at the foreclosure sale and to acquire, hold, lease, mortgage, convey, or otherwise deal with the same, subject, however, to applicable restrictions of record. A suit to recover money judgment for unpaid Common Expenses may be maintainable without foreclosing or waiving the lien securing the same.

ARTICLE V

PARTY WALLS

Section 1. General Rules of Law to Apply. Each wall which is built as a part of the original construction of the townhomes upon the Property and placed on the dividing line between the Lots and all reconstruction or extensions of such walls shall constitute party walls, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls, lateral support in below-ground construction and of liability for property damage due to negligence or willful acts or omissions shall apply thereto.

Section 2. Sharing of Repairs and Maintenance. The cost of reasonable repair and maintenance of a party wall shall be shared by the Owners who make use of the wall in proportion to such use.

Section 3. Destruction by Fire or Other Casualty. If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it, and if the other Owners thereafter make use of the wall, they shall contribute to the cost of restoration thereof in proportion to such use without prejudice, however, to the right of any such Owners to call for a larger contribution from the others under any rule of law regarding liability for negligent or willful acts or omissions.

Section 4. Easement to Adjoining Lot. The Owner of any Lot may construct, maintain, reconstruct, repair, or extend a party wall in any direction (subject to and within the limitations of architectural control and other limitation of these Covenants) with the right to go upon the adjoining Lot to the extent reasonably necessary to perform such construction or maintenance. Such construction shall be done expeditiously. Upon completion of such construction, such Owner shall restore the adjoining Lot to as near the same condition which prevailed on it before the commencement of such construction as is reasonably practicable.

Section 5. Weatherproofing. Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes the party wall to be exposed to the elements shall bear the whole costs of furnishing the necessary protection against such elements.

Section 6. Right to Contribution Runs with Land. The right of any Owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 7. Certification by Adjoining Property Owner That No Contribution is Due. If any Owner desires to sell his property, he may, in order to assure a prospective purchaser that no adjoining Owner has a right of contribution as provided in this Article V, request of the adjoining Owner a certificate that no contribution exists, whereupon it shall be the duty of each adjoining Owner to make such certification immediately upon request without charge; provided, however, that where the adjoining Lot Owner claims a right of contribution, the certification shall contain a recital of the amount claimed.

Section 8. Arbitration. In the event of any dispute arising concerning a party wall or under the provisions of this Article, such dispute shall be settled by arbitration as provided by the laws of North Carolina, relating to arbitration as then existing.

ARTICLE VI

ARCHITECTURAL CONTROL

Section 1. Approval of Improvements. No site preparation (including, but not limited to, grading, elevation work, sloping or tree work) or initial construction, erection or installation of any improvements, including but not limited to, building, fences, signs, walls, screens, plantings or other structure shall be commenced, erected, placed, altered or maintained upon the Property or any Lot, nor shall any exterior addition to, or change, or alteration therein be made to any improvement by any Owner, other than Declarant, until the plans and specifications showing the nature, kind, shape, height, materials, exterior design, colors, siding, location and elevations of the proposed improvements shall have been submitted to, and approved in writing, as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Review Board of Townhouses on 730/740 Bennett (ARB). In this connection, the construction or planting of fences, walls, screens, and other structures will not be permitted if in the opinion of the ARB, such construction or planting constitutes an unreasonable obstruction of the view of another Owner. In the event the ARB fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required; and this Article will be deemed to have been fully complied with; provided that plans and specifications that contain inaccurate or missing data or information when submitted shall not be deemed to be approved notwithstanding the foregoing.

Section 2. Plan Refusal. Refusal of approval of such plans, location or specifications may be based upon any grounds, including purely aesthetic and environmental, that in the sole discretion of the ARB, it shall deem sufficient. The Association shall not be responsible for any defects in the plans and specifications submitted to it or in any structure erected according to such plans and specifications.

Section 3. Inspections. The Association or its agents shall have the right, at its election, but shall not be required, to enter upon any of the Property during site preparation or construction, erection, or installation of improvements to inspect the work being undertaken and to determine that such work is being performed in conformity with the approved plans and specifications and in a good and workmanlike manner, utilizing approved methods and good quality materials.

Section 4. Independent Review. The Declarant also reserves to itself the right of independent review and approval of all matters noted above which should come before the ARB for consideration.

ARTICLE VII

EXTERIOR MAINTENANCE

Section 1. Exterior Maintenance by Association. The Association shall provide exterior maintenance upon each Building and Living Unit which is subject to assessment hereunder, as follows: paint, repair, replace and care for gutters, downspouts, awnings, exterior building surfaces, trees, shrubs (excluding those installed by an Owner), grass, walks, community

mailboxes, fences installed by Declarant or the Association, exterior post lights (excluding electricity therefor) installed by Declarant or the Association, and other exterior improvements. Such exterior maintenance shall not include gas grill repair or replacement glass surfaces, or screens for windows and doors, or any improvements contained within courtyards or areas secured by the owner. Further exterior maintenance by the Association shall not include the repair or reconstruction of any improvements on any lot, the cost of which repair or reconstruction would be covered by casualty insurance, whether or not a policy of casualty insurance is in effect. Further, the Owner of any lot may at his election plant trees, shrubs, flowers and grass in his front and rear yards and shall also maintain his front and rear yards provided that such maintenance by the Owner does not hinder the Association in performing its maintenance of the exterior of the dwelling and the remaining yard spaces. No such maintenance by a Lot Owner shall reduce the assessment payable by him to the Association. If, in the opinion of the Association any such Owner fails to maintain his front or rear yard in a neat and orderly manner, the Association may revoke the Owner's maintenance rights for a period not to exceed one year and the Association shall perform maintenance during the revocation period at the expense of the Owner. The Owner shall not plant any perennial vegetation in the front yard except with the prior written approval of the Association.

Section 2. Mailbox Maintenance. The Board of Directors, at its discretion may decide to include the maintenance and replacement of mailboxes as an association expense, if the mailboxes are housed in a common facility.

Section 3. Damage by Owner. In the event that the need for exterior maintenance or repair is caused through the willful or negligent act of the Owner, his family, or tenants, guests, contractors, or invitees, or contract purchasers the cost of such maintenance or repairs shall be added to, and become a part of, the assessment to which such Lot is subject.

Section 4. Inspection Rights Reserved. In order to enable the Association to accomplish the foregoing, there is hereby reserved to the Association, its agents, employees or contractors, the right to unobstructed access over and upon each Lot or Living Unit at all reasonable times for inspection and to perform maintenance as provided in this Article.

Section 5. Casualty Loss Not Included. Maintenance and repairs under this Article arise from normal usage and weathering and do not include maintenance and repairs made necessary by fire or other casualty or damage.

ARTICLE VIII

USE RESTRICTIONS

Section 1. Rules and Regulations. The Board of Directors of the Association shall have the power to formulate, amend, publish and enforce reasonable rules and regulations concerning the use and enjoyment of the yard space of each Lot. Such rules and regulations may provide for imposition of fines or penalties for the violation thereof, or for the violation of any of the covenants and conditions contained in this Declaration.

Section 2. Use of Property. Except as provided in Section 8 below, no portion of the Property (except for any temporary office of the Declarant and/or any model townhomes used

by Declarant) shall be used except for single-family residential purposes and for purposes incidental or accessory thereto.

Section 3. Quiet Enjoyment. No obnoxious or offensive activity shall be carried on upon the Property, nor shall anything be done which may be, or may become, a nuisance or annoyance to the neighborhood.

Section 4. Animals. No animals, livestock or poultry of any kind shall be kept or maintained on any Lot or in any dwelling except that dogs, cats or other household pets may be kept or maintained provided that they are not kept or maintained for commercial purposes and are controlled in accordance with applicable governmental ordinances and are not a nuisance to other Owners.

Section 5. Insurance. Nothing shall be kept, and no activity shall be conducted on the Property, which will increase the rate of insurance, applicable to residential use, for the Property or the contents thereof. No Owner shall do or keep anything, nor cause or allow anything to be done or kept, in a townhome which will result in the cancellation of insurance on any portion of the Property, or the contents thereof, or which will be in violation of any law, ordinance, or regulation.

Section 6. Offensive Behavior. No immoral, improper, offensive, or unlawful use shall be made of the Property, or any part thereof, and all valid laws, ordinances and regulations of all governmental agencies having jurisdiction thereof shall be observed. All laws, orders, rules, regulations, or requirements of any governmental agency having jurisdiction thereof, relating to any portion of the Property, shall be complied with, by and at the sole expense of the Owner or the Association, whichever shall have the obligation to maintain or repair such portion of the Property.

Section 7. Structural Integrity. Nothing shall be done in or to any Building which will impair the structural integrity of any building which would impair or alter the exterior of any Building or portion thereof, except in the manner provided in this Declaration.

Section 8. Business. No industry, business, trade, occupation, or profession of any kind, whether commercial or otherwise, shall be conducted, maintained, or permitted on any part of the Property, except that the Declarant or its agents may use any unsold townhome for sales or display purposes; provided, however that this restriction shall not be interpreted to prohibit a "work from home" arrangement where no commercial pedestrian or vehicular traffic is generated.

Section 9. Signs. No owner shall display, or cause or allow to be displayed, to public view any sign, placard, poster, billboard, or identifying name or number upon any Building or Lot, except as allowed by the Association pursuant to its Bylaws or regulations or as required by local governmental authority; provided, however, that the Declarant and any mortgagee who may become the Owner of any Lot, or their respective agents, may place "For Sale" or "For Rent" signs on any unsold or unoccupied townhomes or Lot provided, however, that during the development of the Property and the marketing of townhomes, the Declarant may maintain a sales office and may erect and display such signs as the Declarant deems appropriate as aids to such development and marketing, provided that such signs do not violate any applicable laws.

Section 10. Waste. No Lot shall be used or maintained as a dumping ground for rubbish, trash or garbage. Waste of any nature shall not be kept on any part of the Property except on a temporary basis in sanitary containers.

Section 11. Boats and Campers. Neither a motorboat, houseboat or other similar water-borne vehicle nor any "camper" vehicle may be maintained, stored or kept on any portion of the Property, except on a temporary basis as may be approved by the Board or inside a closed garage.

Section 12. Garbage Disposal. All garbage shall be stored within the residence of each Owner. No Owner may change or supplement the garbage disposal facilities provided for such owner's residence on the date of completion of the construction thereof, unless the Architectural Committee or the Board of Directors shall first approve in writing the change or addition to the method of storage. It is provided, however, that if the public health authorities, or other public agencies, shall require a specific method of garbage disposal, nothing herein contained shall prevent the compliance by Owners with obligatory public rules and regulations.

Section 13. Clothes Drying. No drying or airing of any clothing or bedding shall be permitted outdoors on any Lot or in any other enclosed area (including patios) within the Property.

Section 14. Yard Sales. No yard sale shall be conducted upon the Property at any time whatsoever.

Section 15. Attachments. No permanent attachments of any kind or character whatsoever (including, but not limited to, television and radio antennas) shall be made to the roof or exterior walls of any residence on a Lot, unless such attachments shall have been first submitted to and approved by the ARB.

Section 16. Disabled Vehicles. Any disabled, unlicensed or inoperable motorized vehicle must be stored in a closed garage.

Section 17. Leases. No Living Unit may be leased for a period of less than six (6) months. No portion of any townhome (other than the entire townhome) may be leased and no transient tenants may be accommodated. Each lease shall be in writing on either pre-printed forms prepared by the NC Board of Realtors or on other such forms approved by the Association. Any owner who leases his townhome shall, promptly following the execution of any such lease, forward a conformed copy thereof to the Association. Each such lease shall contain a provision to the effect that the rights of the tenant to use and occupy the townhome shall be subject and subordinate in all respects to the provisions of this Declaration, to the Association's Bylaws, and to such rules and regulations relating to use of the townhomes as the Board of Directors may from time to time promulgate. Every lease shall contain a provision that failure of the tenant to comply with the terms of this Declaration and the Association's Bylaws and rules and regulations shall constitute an act of default under the lease. The provisions of this subsection shall not apply to any institutional mortgagee of any townhome who comes into possession of the townhome as a result of a foreclosure sale or as a result of any proceeding in lieu of foreclosure.

Section 18. Notwithstanding the foregoing Section 17, because of the region's unique location in proximity to world famous golf venues, from time to time the Board of Directors may vote to allow short term rental of a Living Unit for approximately one week duration during major golf events.

ARTICLE IX

EASEMENTS

Section 1. Utility Easements. All of the Property shall be subject to such easements for driveways, walkways, parking areas, water lines, sanitary sewers, storm drainage facilities, gas lines, telephone and electric power line and other public utilities as shall be established by the Declarant or by its predecessors in title, prior to the subjecting of the Property to this Declaration; and the Association shall have the power and authority to grant and establish upon, over, under and across the Property conveyed to it, such further easements as are requisite for the convenient use and enjoyment of the Property without approval of the membership as provided in the Articles of Incorporation and this Declaration.

Section 2. Adjoining Areas. Each Owner is hereby declared to have an easement, and the same is hereby granted by the Declarant, over all adjoining Lots for the purpose of accommodating any encroachment due to engineering errors, errors in original construction, additional settlement or shifting of the building, surface water runoff, underground piping of storm water and water runoff, or any other cause. There shall be valid easements for the maintenance of said encroachment; provided however, that in no event shall a valid easement for encroachment be created in favor of an Owner or Owners if said encroachment occurred due to the willful misconduct of said Owner or Owners. In the event a structure on any Lot is partially or totally destroyed, and then repaired or rebuilt, the Owners of each Lot agree that minor encroachments over adjoining Lots shall be permitted and that there shall be valid easements for the maintenance of said encroachments so long as they shall exist.

Section 3. Unintentional Encroachments. In the event that any building on a Lot shall encroach upon any other Lot for any reason not caused by the purposeful or negligent act of the Owner or agents or such Owner, then an easement appurtenant to such Lot shall exist for the continuance and maintenance of such encroachment upon the other Lot for so long as such encroachment shall naturally exist.

Section 4. Overhanging Roofs and Eaves. Each Lot and its Owner within the Properties is hereby declared to have an easement, and the same is hereby granted by the Declarant, over each adjoining Lot for overhanging roofs and eaves and the maintenance thereof.

Section 5. Easement for the Benefit of Governmental Authorities. An easement is hereby established for the benefit of the Town of Southern Pines or other governmental agency, over all Lots for the setting, removing and reading of water meters (which shall be separate for each Living Unit), maintaining and replacing water, sewer and drainage facilities, for police protection, firefighting and garbage collection, postal services, and the rendering of such other services as are appropriate and necessary for the use and enjoyment of the Property. In no case shall the Town of Southern Pines or other responsible agency, be responsible for failing to

provide any emergency or regular fire, police, or other public service to the Property or to any of its occupants when such failure is due to the lack of access to such area due to inadequate design or construction, blocking of access routes, or any other factor within the control of the Declarant, the Association, the Owners or occupants. All conveyances of any portion of the Property shall be subject to these limitations on the Town/County's or other agency's responsibilities.

Section 6. Easement for Benefit of Utility Company. The Declarant reserves the right to subject the Property to a contract with various utility companies, including but not limited to electrical power, natural gas, telephone, water/sewer and cable TV, for the installation of underground lines, cables and connector posts which may require an initial payment or a continuing monthly payment to the utility by the owner of each Lot.

Section 7. Priority of Easements. Each of the easements hereinabove referred to shall be deemed to be established upon the recordation of this Declaration and shall henceforth be deemed to be covenants running with the land for the use and benefit of the Lots superior to all other encumbrances which may hereafter be applied against or in favor of the Property or any portion thereof.

Section 8. Declarant Easement. If any encroachment shall occur subsequent to subjecting the Property to this Declaration as a result of settling or shifting of any building or as a result of any permissible repair, construction, reconstruction, or alteration, there is hereby created and shall be a valid easement for such encroachment and for the maintenance of the same. Every Lot shall be subject to an easement for entry and encroachment by the Declarant for a period not to exceed nineteen (19) months following conveyance of a Lot to an Owner for the purpose of correcting any problems that may arise regarding grading and drainage. The Declarant, upon making entry for such purpose, shall restore the affected lot or lots to as near the original condition as practicable.

Section 9. Structural Support. Every portion of a townhome which contributes to the structural support of the Building shall be burdened with an easement of structural support for the benefit of all other townhomes within the Building.

Section 10. Emergencies. Every Lot and townhome shall be subject to an easement for entry by the Association for the purpose of correcting, repairing, or alleviating any emergency condition which arises upon any Lot or within any townhome and that endangers any building or portion of the common area.

Section 11. Maintenance Easement. The Association reserves an easement over and across every Lot for the purpose of performing the maintenance requirements of the Association as prescribed herein.

Section 12. Easements for Repairs. Each lot owner shall have a perpetual access easement over any adjoining lot to the extent reasonably necessary to perform repair, maintenance, or reconstruction of his townhome. Such repair, maintenance, or reconstruction shall be done expeditiously, and, upon completion of the work, the owner shall restore the adjoining lot to as near the same condition as that which prevailed prior to the commencement of the work as is reasonably practicable.

Section 13. Parking Easement. All parking spaces as depicted on the on the Site Plan shall be for the unfettered use and benefit of Owners of the development. Note: All commercial parking spaces on the site plan are not part of the HOA and shall not be used by any member of the HOA and/or any owner or guest of any Townhouse lot owner. It is understood that these commercial lots are owned by a separate entity and the HOA members have no rights to use any of these commercial parking areas at anytime.

ARTICLE X

INSURANCE

Section 1. Insurance to be Maintained by the Association. The following insurance coverage shall be maintained in full force and effect by the Association:

- a) Public liability and property damage insurance in such amounts and in such forms as shall be required by the Association, but public liability shall be an amount of at least \$1 for each occurrence. Similar liability coverage shall also be purchased by the Association on behalf of its directors and officers.
- b) All liability insurance shall contain cross-liability endorsements to cover liability of the Owners as a group to an individual Owner.
- c) Fidelity bond coverage covering those that shall be responsible or shall handle funds of the Association.
- d) Such other insurance coverage as it may determine to be desirable and necessary, including fire and hazard insurance covering all buildings located on the Property as specified in Section 4, if determined to be better served by the Association procuring such insurance.

Section 2. Premiums. Premiums for insurance policies purchased by the Association shall be paid by the Association and charged ratably to Owners as an assessment according to the applicable provisions of this Declaration.

Section 3. Insurance Beneficiaries. All such insurance policies shall be purchased by the Association for the benefit of the Association and the Owners.

Section 4. Insurance to be Maintained by Owners. Each Owner shall pay for and maintain in full force and effect at all times casualty insurance in an amount equal to the full replacement value on its building, improvements and Living Unit, including the value of excavation and foundation.

Casualty coverage shall afford protection against:

- a) Loss or damage to property by fire or other hazards covered by a standard extended coverage endorsement;
- b) Liability insurance in an amount of at least \$1,000,000 for each occurrence

- c) Such other risks as from time to time shall be customarily covered with respect to buildings and improvements similar in construction, location and use as the buildings and improvements of Townhouses on 730/740 Bennett, including, but not limited to, vandalism and malicious mischief.

Such insurance shall be issued with an insurer licensed to do business in North Carolina and holding a rating of "A" or better by Best's Insurance Reports, and such policy must provide that the insurer will not cancel, reduce or substitute coverage without first giving the Association and any mortgagee named in the policy thirty (30) days prior written notice thereof.

ARTICLE XI

REPAIR RESTORATION OR RECONSTRUCTION OF CASUALTY DAMAGE

Section 1. Repair and Restoration. Except as otherwise herein provided, damage to or destruction of a townhome shall be promptly repaired, restored or reconstructed by the affected Owners, such repair and restoration or reconstruction, insofar as possible, to be in accordance with the original plans and specifications of the original building. In the event that the Owners of damaged Townhomes default in the obligation to promptly repair and restore or reconstruct as herein provided, the Association may (but shall be under no obligation to) repair and restore or reconstruct the damaged townhome. In order to enable the Association to accomplish the foregoing, there is hereby reserved to the Association and its agents the right to unobstructed access over and upon each Lot at all reasonable times to perform repair and restoration or reconstruction as provided in this Article. In the event of action by the Association as herein permitted, the Owners of a damaged townhome shall be liable for assessment for the entire cost of such repair and restoration or reconstruction and subject to exercise of the enforcement remedies herein provided in the event of failure of timely payment of the assessment.

ARTICLE XII

RIGHTS OF INSTITUTIONAL LENDERS

Section 1. Rights Reserved to Institutional Lenders. "Institutional Lender" or "Institutional Lenders", as the terms are used herein, shall mean and refer to banks, savings and loan associations, savings banks, insurance companies, U.S. Department of Veterans Affairs, Federal Housing Administration, Federal National Mortgage Association and other reputable mortgage lenders, guarantors and insurers of first mortgages. So long as any Institutional Lender or Institutional Lenders shall hold any mortgage upon any Lot, or shall be the Owner of any Lot, such Institutional Lender or Institutional Lenders shall have the following rights:

- a) To be furnished with at least one copy of the Annual Financial Statement and Report of the Association, including a detailed statement of annual carrying charges or income collected and operating expenses, such Financial Statement and Report to be furnished within 120 days of the end of each calendar year.

- b) To be given notice by the Association of the call of any meeting of the membership to be held for the purpose of considering any proposed Amendment to the Declaration, or the Articles of Incorporation and Bylaws of the Association, which notice shall state the nature of the amendment being proposed, and to be given permission to designate a representative to attend all such meetings.
- c) To be given notice of default in the payment of assessments by any Owner of a Lot of sixty (60) days or more encumbered by a mortgage held by the Institutional Lender or Institutional Lenders, such notice to be given in writing and to be sent to the principal office of such Institutional Lender or Institutional Lenders, or to the place which it or they may designate in writing to the Association.
- d) To inspect the books and records of the Association and the Declaration, Bylaws and any Rules and Regulations during normal business hours and to obtain copies thereof.
- e) To be given notice of any lapse, cancellation or material modification of any insurance policy or fidelity bond maintained by the Association.
- f) Any proposal requiring consent of the mortgage holders.

Whenever any Institutional Lender desires the benefits of the provisions of this section, such Lender shall serve written notice of such fact upon the Association by Registered Mail or Certified Mail addressed to the Association and sent to its address stated herein, or to the address of the Property, identifying the Lot upon which any such Institutional Lender or Institutional Lenders hold any mortgage or mortgages, or identifying any Lot owned by them, or any of them, together with sufficient pertinent facts to identify any mortgage or mortgages which may be held by it or to them, and which notice shall designate the place to which notices are to be given by the Association to such Institutional Lender.

ARTICLE XIII

GENERAL PROVISIONS.

Section 1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Section 3. General Amendments. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than sixty seven percent (67%) of the Lot Owners, and thereafter by an instrument signed by not less than sixty seven percent (67%) of the Lot Owners.

Section 4. Amendments Permitted Without Membership Approval. The following amendments may be effected by the Declarant, or the Board, as the case may be, without consent of the members:

- a) Prior to the sale of the first Lot, this Declaration may be amended by the Declarant.
- b) The Declarant, so long as it shall own one or more lots of Townhouses on 730/740 Bennett, shall have the right to amend this Declaration to conform to the requirements of any law or governmental agency having legal jurisdiction over the Property or to qualify the Property or any Lots and improvements thereon for mortgage or improvement loans made, insured or guaranteed by a governmental agency or to comply with the requirements of law or regulations of any corporation or agency belonging to, sponsored by, or under the substantial control of, the United States Government or the State of North Carolina, regarding purchase or sale in such lots and improvements, or mortgage interests therein, as well as any other law or regulation relating to the control of Property, including, without limitation, ecological controls, construction standards, aesthetics, and matters affecting the public health, safety and general welfare. A letter from an official of any such corporation or agency, including, without limitation, the U.S. Department of Veterans Affairs, U.S. Department of Housing and Urban Development, the Federal Home Loan Mortgage Corporation, Government National Mortgage Corporation, or the Federal National Mortgage Association, requesting or suggesting an amendment necessary to comply with the requirements of such corporation or agency shall be sufficient evidence of the approval of such corporation or agency, provided that the changes made substantially conform to such request or suggestion.
- c) The Declarant, for so long as it shall own one or more lots in Townhouses on 730 Bennett and, thereafter, the Board of Directors, may amend this Declaration as shall be necessary, in its opinion, and without the consent of any owner, to qualify the Association or the Property, or any portion thereof, for tax-exempt status.
- d) The Declarant, for so long as it shall own one or more lots in Townhouses on 730 Bennett and, thereafter, the Board of Directors, may amend this Declaration as shall be necessary, in its opinion, and without the consent of any owner, to correct clerical errors in this Declaration.
- e) The Declarant, for so long as it shall own one or more lots in Townhouses on 730 Bennett and, thereafter, the Board of Directors, may amend this Declaration as shall be necessary, in its opinion, and without the consent of any owner, to correct or change plat references contained herein.

Section 7. Recordation. No amendment shall be effective until recorded in the Moore County Registry.

Section 8. The covenants and restrictions of this Declaration shall run with and bind the land and shall inure to the benefit of and be enforceable by the Association or the owner of any Unit subject to this Declaration, their respective legal representatives, heirs, successors and assigns.

Section 9. The Association, or any Unit Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or by any Unit Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 10. If any paragraph, section, sentence, clause or phrase of this Declaration shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, sentences, clauses and phrases of this Declaration shall continue in full force and effect and shall not be affected thereby. It is hereby declared that said remaining paragraphs, sections, sentences, clauses and phrases would have been and are imposed irrespective of the fact that any one or more other paragraphs, sections, sentences, clauses or phrases shall become or be illegal, null or void.

Section 11. Compliance with Wetlands Regulations. In the event a portion of the Property is determined to meet the requirements for designation as a regulatory wetland, then any subsequent modification, construction, fill or alteration of any kind of such wetland shall conform to the requirements of state and federal wetland rules in force at the time of the proposed alteration.

Section 12. The titles, headings and captions that have been used throughout this Declaration are for convenience only and are not to be used in construing this Declaration or any part thereof.

Section 13. Whenever the context of this Declaration requires, the singular shall include the plural and one gender shall include all.

Section 14. No Unit Owner or other party may exempt himself from the coverage hereof or obligations imposed hereby by non-use or abandonment of such Unit(s) or the Common Area.

Section 15. Whenever there exists a conflict between the provisions of This Declarant and the Articles or Incorporation or Bylaws of the Association, the provisions of this Declaration shall control, and whenever there is a conflict between the provisions of the Articles of Incorporation and Bylaws, the provisions of the Articles of Incorporation shall control. In the event of a conflict between the Act and this Declaration, the Act shall control.

Section 16. This Declaration shall be subject to and construed in accordance with the laws of the State of North Carolina and all applicable laws and regulations of the United States of America.

Section 17. Declarant specifically reserves the right, in its sole discretion, at any time and from time to time, to assign (temporarily or permanently) any or all of its rights, privileges and powers under this Declaration or under any Supplemental Declaration.

IN TESTIMONY WHEREOF, the Declarant has caused this document to be executed this the _____ day of _____, 202_.

DECLARANT: PTAH, LLC

BY: _____(SEAL)

Andy W Bleggi, Manager

STATE OF NORTH CAROLINA ,

COUNTY OF MOORE , to wit:

I, _____, a Notary Public for the State and, County aforesaid, do hereby certify that Andy W. Bleggi, Manager of PTAH, LLC, personally appeared before me, as proven by photographic identification, this day and acknowledged the execution of the foregoing instrument in the capacity indicated.

This _____ day _____, 202_.

Notary Public,

My Commission Expires: _____

Schedule A - Bylaws of Townhomes on 730/740 Bennett HOA

BYLAWS
ARTICLE I
MEETINGS OF MEMBERS

Section 1: The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the same day and the same month of each year thereafter.

Section 2: Special meetings of the members may be called at any time by the president or the executive board, or upon written request of 10% of the members, pursuant to NCGS § 47F-3-108.

Section 3: Written notice of each meeting shall be given by, or at the direction of, the secretary or person(s) authorized to call the meeting, by hand delivering or mailing a copy of such notice, postage prepaid, at least 10 days and not more than 60 days before such meeting to each member as provided in NCGS § 47F-3-108.

Section 4: Within 30 days after adoption of any proposed budget for the association, the executive board shall provide a summary of the budget to all owners. The budget shall be considered at a meeting of the owners as set forth in NCGS § 47F-3-103(c).

Section 5: The presence at the meeting of members or proxies entitled to cast ten percent (10%) of the votes shall constitute a quorum for any action except as otherwise provided by law.

Section 6: Every owner shall be entitled to vote as provided in the Declaration.

Section 7: Pursuant to NCGS § 47F-3-110, votes allocated to a Lot may be cast pursuant to a dated written proxy signed by an owner. An owner may not revoke a proxy except by written notice delivered to the person presiding over a meeting of the Association. A proxy terminates one year after its date, unless it specifies a shorter term.

ARTICLE II
OFFICERS AND EXECUTIVE BOARD; SELECTION; TERM OF OFFICE

Section 1: The affairs of the Association shall be managed by an executive board of five (5) members, who shall be entitled to act on behalf of the Association.

Subject to the initial period of declarant control as set forth in the Declaration, nomination for election of the executive board shall be made from the floor at the annual meeting. Election shall be by secret written ballot and by a majority of the owners when a quorum is present. Cumulative voting is not permitted.

Section 2: At the first annual meeting following the termination of declarant control, five (5) executive board members shall be elected to serve until the following annual meeting.

Section 3: Any executive board member, except those appointed by the declarant, may be removed in accordance with NCGS § 47F-3-103(b). In the event of death, resignation or removal of a director, his successor shall be selected by a majority of the members voting at a meeting when a quorum is present.

Section 4: No executive board member shall receive compensation for any service he may render to the Association. However, with the prior approval of the executive board, any executive board member may be reimbursed for actual expenses incurred in the performance of his duties.

Section 5: The executive board shall have the right to take any action in the absence of a meeting which they could take at a duly held meeting by obtaining the written consent of all the executive board members to the action. Any action so approved shall be filed in the corporate books and records and shall have the same effect as though taken at a meeting of the executive board.

ARTICLE III MEETINGS OF EXECUTIVE BOARD

Section 1: Meetings of the executive board shall be held quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the board. Special meetings of the executive board may be called by any member of the executive board, after not less than five (5) days notice to each executive board member.

Section 2: A majority of the executive board members shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the executive board members present at a duly held meeting shall be regarded as the act of the board.

ARTICLE IV POWERS AND DUTIES OF THE EXECUTIVE BOARD

Section 1: Subject to the provisions contained herein and applicable law, the executive board shall have the power and authority to exercise all the rights of the Association, including, but not limited to:

(a) Adopt rules and regulations governing the use of the common elements and facilities, the personal conduct of the members and their guests thereon, and establish penalties for the infraction thereof;

(b) Suspend the voting rights and right of use of any recreational facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be

suspended after notice and hearing before an adjudicatory panel as herein provided, for a period not to exceed 60 days for infraction of published rules and regulations;

(c) Declare the office of a member of the executive board to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the executive board;

(d) Employ a manager, an independent contractor, or other employees as they deem necessary, and prescribe their duties, including delegating any of the executive board duties to a managing agent; provided always, any contract for professional management must contain a clause requiring not more than 90 days termination notice;

(e) Procure, maintain and pay premiums on an insurance master policy(s) and equitably assess the owners of the same for their pro rata portion of such expense.

(f) Impose and receive any payments, fees, or charges for the use, rental, or operation of the common elements other than for service provided to owners; and

(g) Exercise all other powers that may be exercised in this state by legal entities of the same type as the Association;

(h) Exercise any other powers necessary and proper for the governance and operation of the Association;

(i) Exercise all powers as set forth in the Declaration; and

(j) Have and to exercise any and all powers, rights and privileges which a corporation organized under the Non-Profit Corporation Law of the State of North Carolina by law may now or hereafter have or exercise.

Section 2: It shall be the duty of the executive board to:

(a) cause the common elements to be maintained, repaired, and replaced as necessary, and to assess the owners to recover the cost of the upkeep of the common elements.

(b) serve as the architectural review committee (or to appoint such a committee to serve at it's pleasure);

(c) keep a complete record of all its acts and corporate affairs and present a statement thereof to the members at the annual meeting, or at any special meeting when such statement is requested in writing by 10% of the members;

(d) supervise all officers, agents and employees of the Association, and see that their duties are properly performed;

(e) fix the amount of the annual assessment at least thirty (30) days in advance of each annual assessment period pursuant to the provisions set forth in the Declaration and NCGS § 47F-3-103(c);

(f) send written notice of each assessment to every owner at least thirty (30) days in advance of each annual assessment period;

(g) foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date and/or to bring an action at law against the owner personally obligated to pay the same.

(h) issue, or have issued, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(i) procure and maintain, at all times, adequate hazard insurance on the property owned by the Association and all property for which the Association has the duty to maintain, and sufficient liability insurance to adequately protect the Association as provided in NCGS § 47F-3-113; and

(j) cause all officers or employees, including officers and employees of professional management, having fiscal responsibilities to be bonded, as it may deem appropriate.

(k) serve as an adjudicatory panel (or appoint such a panel to serve at its pleasure) to provide for hearings to determine if a unit owner should be fined not to exceed \$100 per day for any violation of the declaration, these bylaws, or rules and regulations of the Association pursuant to NCGS § 47F-3-107.1. Such panel shall accord to the party charged with the violation, notice of the charge, opportunity to be heard and to present evidence, and notice of the decision.

(l) serve as an adjudicatory panel (or appoint such a panel to serve at its pleasure) to provide for hearings to determine if a unit owner is legally responsible for any damage claim of \$500.00 or less pursuant to NCGS § 47F-3-107.1. Such panel shall accord to the party charged with causing damages, notice of the charge, opportunity to be heard and to present evidence, and notice of the decision.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 1: The officers of this Association shall be a president, vice-president, and secretary/treasurer. The officers shall be appointed by the executive board from among the members of the executive board.

Section 2:

(a) The president shall preside at all meetings of the executive board; see that orders and resolutions of the executive board are carried out; sign all leases, mortgages, deeds, amendments to the Declaration or By-Laws and other written instruments and shall co-sign all checks and promissory notes.

(b) The vice-president shall act in the place of the president in the event of his absence, inability or refusal to act, and shall exercise and discharge such other duties as may be required of him by the executive board.

(c) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the executive board and of the members; keep the corporate seal of the Association and affix it on all papers requiring said seal; serve notice of meetings of the executive board and of the members; keep appropriate current records showing the members of the Association together with their addresses; prepare, attest, certify, and record amendments to the declaration on behalf of the Association; and perform such other duties as required by the executive board.

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and disburse such funds as directed by the executive board; sign all checks and promissory notes (such checks and promissory notes to be co-signed by the president) of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and prepare an annual budget and a statement of income and expenditures to be presented to the membership at its annual meeting, and deliver a copy to each member.

ARTICLE VI BOOKS AND RECORDS

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member or a mortgagee of any member. The articles of incorporation and the declaration and bylaws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE VII CORPORATE SEAL

The Association shall have a seal in circular form having within its circumference the words: "Townhomes on 730/740 Bennett HOA" and the words: "CORPORATE SEAL - 2015" in the center thereof.

The following shall also be deemed to be a reasonable facsimile of the Corporate Seal, if the regular Corporate Seal is unavailable.

ARTICLE VIII AMENDMENTS TO BYLAWS

Section 1: These bylaws may be amended, at a regular or special meeting of the members, by a vote of the majority of the members.

END OF BY-LAWS

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: PD-05-23: Planned Development District - Preliminary Development Plan for the 10th phase of the Morganton Park North Planned Development located between Pavilion Way and South Carlisle Street; Petitioner: Pinehurst Surgical Clinic Realty, LLC by Koontz Jones Design, Agent

Date: December 21, 2023

I. SUMMARY OF APPLICATION REQUEST:

Mr. Bob Koontz, on behalf of Pinehurst Surgical Clinic Realty, LLC, has submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance (UDO) for 160,000 square feet of medical office space on 8.7 acres of the parcel identified as PIN 857100597408 (PARID 20190272). Per the Moore County tax record, the subject property is owned by Pinehurst Surgical Clinic Realty LLC.

II. PROJECT INFORMATION:

A. Property Owner & Applicant Information:

i. Property Owners:

Pinehurst Surgical Clinic Realty, LLC
5 First Village Drive
Pinehurst, NC 28374

ii. Applicant

Pinehurst Surgical Clinic Realty, LLC
5 First Village Drive
Pinehurst, NC 28374

iii. Authorized Agent:

Koontz Jones Design, PLLC – Bob Koontz
150 S Page Street
Southern Pines, NC 28387

B. Property Information:

i. Street Address:

Not yet given an address

ii. Size of Property:

Total Size of Existing Parcel: 14.41 acres

Total Project Acreage: 8.7 acres

iii. Existing Infrastructure:

The subject property is accessed by South Carlisle Street to the north, Patriot Boulevard to the west and Pavilion Way to the south. Sanitary sewer and water lines surround the property due to previous development in the area. Bicycle lanes along South Carlisle Street and a multi-modal path along W. Morganton Road provide safer multi-modal access to the proposed development (see Figure 1: Existing Infrastructure below).

iv. Property Zoning and CLRP Classification:

The current zoning of the subject property is PD (Planned Development). Adjoining properties are a mixture of zoning classifications, including RS-1 (Residential Single-Family), FRR (Facilities, Resource and Recreation), GB-CD (General Business Conditional District) and the same PD (Planned Development) classification as the subject property (see Figure 2: Zoning Map below). The Town of Southern Pines' Comprehensive Long Range Plan (CLRP) under which this project is vested designates this property as Traditional Mixed-Use.

C. Planned Development History & Current Project Description:

i. Planned Development History:

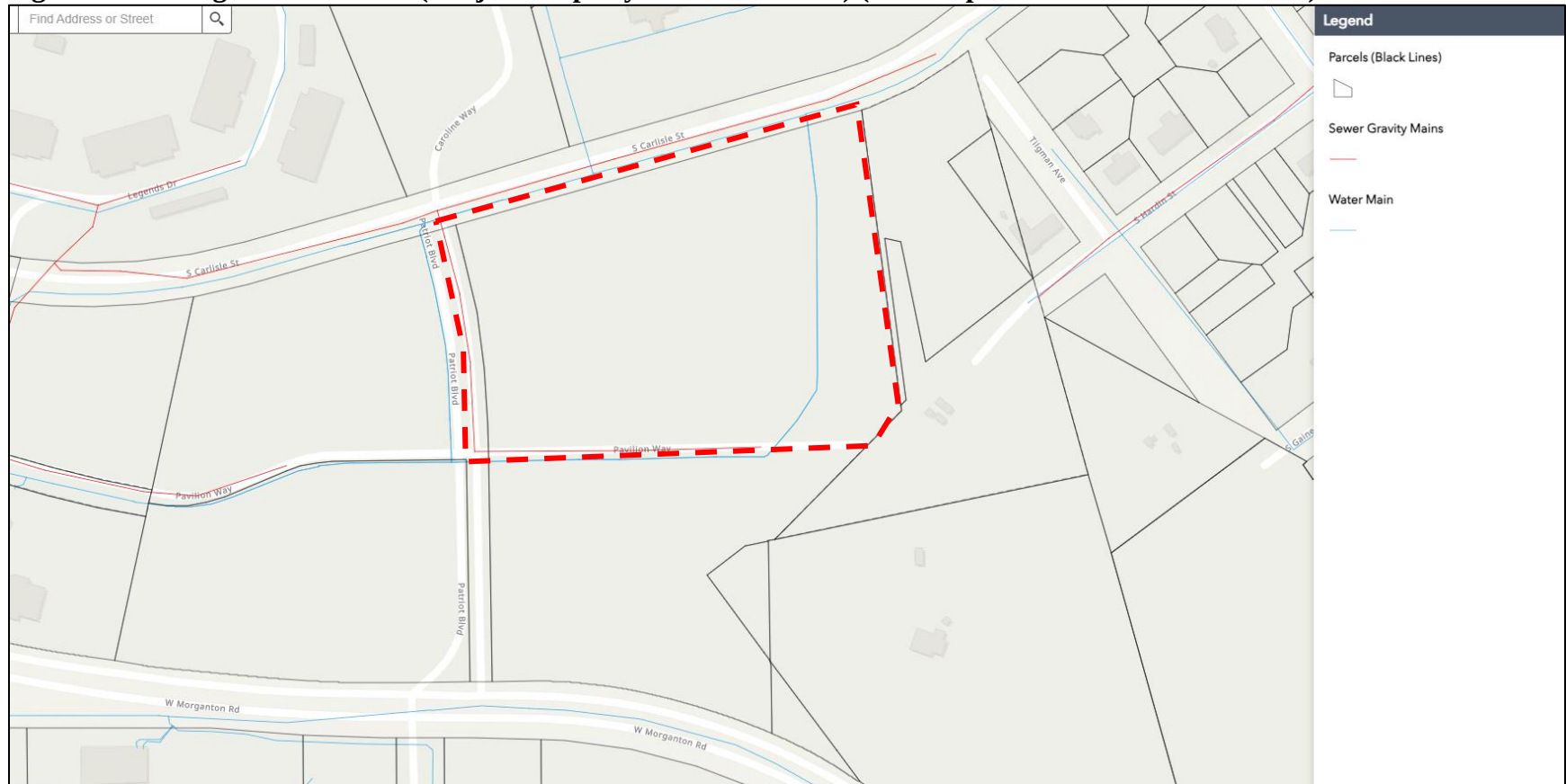
The subject property is part of the 116.7-acre Morganton Park North Conceptual Development Plan (CDP) that was approved by the Town of Southern Pines on May 15, 2018 (PD-01-18). The proposed medical office development is the tenth phase of the Morganton Park North CDP. Phase 1 included "The Legends at Morganton Park" apartment complex development, Phase 2 included "The Pavilion" mixed-use building at the intersection of West Morganton Road and Brucewood Road, Phase 3 included the new Southern Pines Elementary school, Phase 4 included the Sandhills Pediatrics medical office building, Phase 5 included the Pinehurst Medical development, Phase 6 was the first Pinehurst Surgical development, Phase 7 was "The Luxe" apartments, Phase 8 was the second Pinehurst Surgical development and Phase 9 was Morganton Park North Apartments.

ii. Current Project Description:

The 8.7-acre portion of property is being proposed for development as a 40,000 square foot surgery center (developed in two phases) and another medical office

building totaling 120,000 square feet with parking for up to 846 vehicles in both surface lots and vertical parking decks. The proposed use is consistent with the “General Business/Office Service” land use designation on the approved Morganton Park North CDP. Primary access to the medical office development will be on the south side of the parcel onto Pavilion Way and a second access will be on the north side of the subject property via South Carlisle Street. The buildings will each require separate review for compliance with the Town’s architectural standards for commercial buildings and the site must undergo detailed review for compliance with all Town development standards prior to construction. The applicant has provided a Narrative describing the project that is attached to this staff report.

Figure 1: Existing Infrastructure (Subject Property Outlined in Red) (Tax Map does not show new lot line)



III. STAFF REVIEW:

A. Application Review Dates & Associated Postings:

- Preliminary Development Plan Application Submitted: November 13, 2023
- Application Deemed Complete: November 16, 2023
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: December 1, 2023
 - Mailed: December 1, 2023
 - Internet: December 1, 2023
- Additional Materials Submitted: December 12, 2023
- Planning Board Preliminary Forum: December 21, 2023

B. Process of Review:

The procedures for review and approval of a Planned Development (PD) District are established within Chapter 2 of the Town of Southern Pines Unified Development Ordinance. Chapter 2 describes a three-step process of Conceptual Development Plan, Preliminary Development Plan and Final Development Plan to complete a Planned Development (PD) District.

C. Criteria for Review:

The criteria for review and approval of the second step in the process, Preliminary Development Plan, are as follows:

Preliminary Development Plan - UDO §2.18.5(H):

1. *The application demonstrates that it will achieve the purposes of the PD and this section;*
2. *The Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO;*
3. *The proposed Development is located in an area of the Town that is appropriate; and*
4. *The proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services.*

D. Staff Comments:

Planning staff have reviewed the PDP application materials for consistency with each of the four (4) criteria for Preliminary Development Plans. The applicant has also provided a document entitled “Justification” addressing compliance with each of the four (4) criteria for a Preliminary Development Plan. A copy of the applicant’s Justification document is attached to this staff report.

i. Achieving the purposes of the Planned Development:

The Morganton Park North CDP is a mixed-use development that was approved in 2018. The CDP does not establish a clear “purpose” for the development but does describe allowable land uses as General Business and Office Services. Prior phases of development have resulted in an elementary school, four medical office buildings, three apartment complexes and one vertical mixed use

building containing restaurants, medical and real estate office and other land uses. According to §3.5.14 of the UDO:

*“The **PD** district is designed to accommodate mixed land uses, such as office, residential, service, commercial, public or private recreational Development, and where consistent with the future land use map, light manufacturing and assembly uses that comply with the employment center Development Patterns in section 6.5 of this UDO. This district is intended to allow mixed-use Developments in areas where sufficient public water and sewer service is available (or can be readily extended) and where the street system is adequate (or can be readily improved) to handle the projected traffic volumes generated by the Development. The regulations of this district are intended to:*

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

Following review of the Morganton Park North CDP and the PD - Planned Development District section in the UDO, planning staff does not find significant inconsistency between the proposed land uses in Morganton Park North Phase 10 and the text of either document.

ii. Consistency with the Conceptual Development Plan (CDP) and the Unified Development Ordinance (UDO):

Planning staff reviewed the initial PDP application materials (including project narrative, justification and PDP plan) and shared concerns with the applicant regarding a variety of issues related to compliance with the approved CDP and the UDO. Topics with which planning staff had concerns included project phasing, site layout, the Traffic Impact Analysis (TIA), parking, subdivision, building height, water service and stormwater management. The applicant revised the application materials to address each of staff's concerns and resubmitted application materials on December 13, 2023. Based on statements made in the revised application materials (attached to this staff report), planning staff feel that the application contains enough information and commitments to be deemed generally consistent with the CDP and UDO. Further detailed analysis of compliance with both the CDP and the UDO will involve representatives from all other Community Development departments (such as Streets, Engineering, Fire, etc.) and will occur during site plan and Architectural Compliance Permit review.

iii. Location in an area of town that is appropriate:

The proposed development is the tenth phase of the mixed-use Morganton Park North CDP. The area being developed is designated "Traditional Mixed-Use" in the Comprehensive Long Range Plan (CLRP) under which this project is vested. The proposed land use will provide additional medical services and will further expand a substantial growing job base within walking distance of nearly 700 apartment units, a traditional residential community, an elementary school, restaurants, a grocery store and eateries. Building heights are restricted to 50' and it should be noted that a 50' building will be noticeable in this location at a high point in the Morganton Park North development. However, medical facilities in excess of 10,000 square feet are allowed to be up to 50' in height per UDO 4.2.1(H)(6) and this was not modified when the CDP was approved.

Planning staff finds that given the prior nine phases of development of Morganton Park North, the CLRP designation and the relative convenience of the location near a variety of existing and planned land uses, the proposed development is located in an appropriate area of town.

iv. Efficient extensions and expansions of public facilities, utilities and services:

The property is served by all necessary utilities and transportation infrastructure and the development will bear the cost of all infrastructure modifications and/or extensions. Development of the subject property in the manner proposed is an efficient way to increase jobs and tax based and provide additional medical care for the community and region.

v. General Comments:

- Subdivision of the subject property will not qualify as a Minor Subdivision due to the creation of an additional driveway access onto a collector roadway. The applicant acknowledges in the Narrative that a Major Subdivision Preliminary Plat will be required at a later date in order for the property to be conveyed separately.
- The Technical Review Committee reviewed a Pre-Application submittal for the project at their December 13, 2022 meeting. Topics of discussion included building height, project phasing, stormwater and parking. The Technical Review Committee reviewed the current PDP application almost one year later on December 5, 2023. A list of planning staff and Technical Review Committee comments were provided to the applicant on December 6, 2023 and the applicant addressed these comments in a revised Narrative and PDP Plan submitted December 12, 2023 (see attachments). Further site plan review and Architectural Compliance Permit approval will be required prior to issuance of any building permits for development, if approved.
- As of the date of completion of this staff report for the Planning Board Preliminary Forum on December 21, 2023, the Town Engineer is still working with the applicant's Transportation Engineer regarding appropriate mitigation of traffic impacts. A Traffic Impact Analysis (TIA) was provided with the application but after review by the Town Engineer and a 3rd party reviewer it was determined that additional analysis and review of the recommended mitigation was necessary. The applicant commits in the Narrative to completing "Any improvements recommended by the final approved TIA, after review by the Town of Southern Pines and NCDOT." The town does have a mechanism in place to ensure this gets completed because the TIA will need to be completed and all mitigation measures designed and included with applicable site plans for phases B1, B2 and B3 (as described in the Narrative). This will be completed prior to approval of a site plan for any of the phases of the proposed development.
- The Town Council public hearing for this request will be an evidentiary hearing and will follow the procedures set forth in UDO §2.14. As a preliminary forum to the evidentiary hearing, the Planning Board is solely allowed to provide a list of issues to the Town Council.

E. Outside Agency Comments:

A request for comments was emailed to agencies on December 1, 2023. Agencies notified include Town of Southern Pines Streets, Utilities, Fire, Recreation and Parks, and Engineering departments, the Regional Land Use Advisory Commission (RLUAC), U.S. Fish and Wildlife Service (USFWS), Moore County Airport and the North Carolina Department of Transportation (NCDOT). Comment was received back from RLUAC on December 1, 2023 and from NCDOT on December 5, 2023 both

stating that they have no comment on the application. NCDOT added that they have received a TIA and they are working on review.

IV. ATTACHMENTS:

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

1. Preliminary Development Plan Application
2. Preliminary Development Plan Narrative
3. Preliminary Development Plan Justification
4. Preliminary Development Plan Site Plan
5. Kimley Horn Traffic Impact Analysis

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.

V. PLANNING BOARD ACTION:

Pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board may hold a Preliminary Forum on a matter requiring a quasi-judicial decision by the Town Council. However, no part of the forum or any recommendation may be used as a basis for the deciding board.

Therefore, the Planning Board may wish to use the following motion to identify issues to bring to the attention of the Town Council at the evidentiary hearing.

I move to adopt the following for transmission to the Town Council as a result of the December 21, 2023 Preliminary Forum on application PD-05-23, Morganton Park North Phase 10 (Pinehurst Surgical Center Site 4N):

The information presented at the forum indicated that the following issues be considered in applying the criteria for a PDP to application PD-05-23:

- 1.

In addition, the following concerns were raised during the forum, but do not seem to apply in determining whether the PDP criteria are satisfied:

- 1.



Planned Development District Preliminary Development Plan Application

Fee: \$ _____ Date Received: _____ Case No.: PD- _____

Project Information:

Project Name: Pinehurst Surgical - Site 4N

Physical Address: Pavilion Way & S. Calisle st

PIN: 857100597408 Parcel ID: 20190272

Site Size: ±8.7 AC Zoning: PD

Applicant:

Name(s): PINEHURST SURGICAL CLINIC REALTY, LLC

Email: cgregg@pinehurstsurgical.com Phone: 910-215-2646

Mailing Address: 5 FIRST VILLAGE DRIVE, PINEHURST, NC 28374

Authorized Agent, if different from Applicant:

Name(s): Bob Koontz - Koontz Jones Design

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

Mailing Address: 150 S Page St Southern Pines, NC 28387

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

1/12/22

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

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

The property which is the subject of this application is located on the east side of Patriot Blvd (St./Ave.), between Pavilion Way (St./Ave.) and S Carlisle St (St./Ave.). The property has a frontage of ±715 feet and a depth of ±600 feet.

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

Date:

11/10/23



Applicant

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

1/12/22

APPOINTMENT OF AGENT

The undersigned owner(s), Pinehurst Surgical Clinic Realty, LLC, hereby appoint(s) Bob Koontz - Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 10 day of November, _____.



Property Owner

Property Owner


Agent

1/12/22

**PINEHURST SURGICAL AND FIRST HEALTH CLINIC -
MORGANTON PARK SITE 4 NORTH (PDP) NARRATIVE**

Amended December 12, 2023

The development of the property described as the Pinehurst Surgical Clinic and First Health - Morganton Park Site 4 North in the submitted exhibits will be a combined surgery center and medical office building with square footage totaling approximately +/- 160,000 sf. The State of North Carolina has granted First Health and Pinehurst Surgical Clinic a Certificate of Need (CON) to construct this new Surgery Center on the property. The CON process required several months of public input and included timelines for the development of the facilities. Overall, the project will cover a total of roughly 8.7 acres and may be developed in multiple phases, as described in the submitted documents. This Section is considered Phase B of the previous approval for the Pinehurst Surgical building, which opened in 2022. All information, descriptions, and calculations included in this application are related to the development of Phase B of the property.

The project falls outside any high-quality watershed designation; no floodplain is on the property. No woodpecker habitat, wetlands, or endangered species are located on the property. The project will fully comply with all general notes and standards in the approved Morganton Park North Conceptual Development Plan (CDP).

The overall character of the development will provide a continuation of the medical office campus established by the other medical office buildings that have been developed in this area of Morganton Park North. Patriot Way, South Carlisle Street, and Pavilion Way will border the facilities. Access to the surgery center and medical office buildings will be provided from South Carlisle Street and Pavilion Way, as illustrated in the plans. The buildings will front Pavilion Way and the future Patriot Way.

Design standards for individual elements of the development are described below.

- **Pedestrian Connectivity**
 - o Pedestrian access will be provided throughout the site. The building and parking areas will connect to the existing sidewalk infrastructure surrounding the site. Parking areas, whether parking decks or surface parking, throughout the site, will connect to sidewalks leading to the building entrances and provide accessible access as required by state and federal standards. Internal walks will connect to the sidewalks along Pavilion Way and Carlisle Street.
- **Parking Areas**
 - o Parking areas will be designed and landscaped per the Town of Southern Pines Unified Development Ordinance standards in Section 4.3.
 - o Section 3.6.6.(F)(4) of the UDO under the Morganton Road Overlay District permits developments with parking created through vertical means (parking decks) to park up to one (1) space per one hundred seventy-five (175) square feet of gross floor area. Phase B-3 will be constructed on a parking deck structure. Tabulations for parking, included on Sheet L-1.1, have been



calculated considering Phase B-1 and B-2 being surface parked at a rate of one (1) space per two hundred fifty (250) square feet, per the Morganton Road Overlay standard, and Phase B-3 being parked as a parking deck. The total parking for the proposed facility totals 846 parking spaces for all phases of development. The overall parking for the project described in this application may not exceed 846 parking spaces. The submitted plan follows the permitted parking ratio.

- Parking will be located around the surgery center (Phase B-1 and B-2) and under the medical office building (Phase B-3). Access to the parking deck will come from South Carlisle Street and from access locations off Pavilion Way. The medical office building portion of the site will be constructed above the parking deck.
- The parking deck will not be constructed during the first development phase. However, parking may be built on the future lower level of the parking deck area to meet the needs of phases B-1 and B-2 and provide the foundation for the parking structure with the initial development phase to help facilitate future phases.
- Parking may be developed in each phase that exceeds the calculated demand for each facility to allow site development in a logical sequence of improvements. Parking for the entire development may not exceed 846 parking spaces as defined above.

- **Streets and Access**

- Access to the site will be provided from Pavilion Way and South Carlisle Street. Both streets connect to Patriot Way and Brucewood Road, which is signalized, and connect to Morganton Road. Pavilion Way will provide access to the front of the campus, while South Carlisle Street will provide access to the parking structure.
- Plans will be coordinated with the Town of Southern Pines and the North Carolina Department of Transportation (NCDOT).
- A Traffic Impact Analysis (TIA) has been provided with this application. Any improvements recommended by the final approved TIA, after review by the Town of Southern Pines and NCDOT, will be implemented as described in the document. These improvements may be phased per recommendations included in the approved document.

- **Landscaping**

- Landscaping will be provided as required by the Town of Southern Pines UDO in Section 4.3. This will include tree islands, parking lot landscaping, and screening.

- **Lighting**

- All lighting on the property will follow Section 5.5.6 of the CDP and Section 4.8 of the UDO. Lighting levels along streets and parking areas will be provided to meet the UDO standards for safety and match the existing community. Proposed lighting fixtures will match previous phases of development. All light will be projected downward to limit any light spilling onto adjacent properties.

- **Open Space**

- The required open space for Morganton Park North is 20%. Open space is not

required for each individual parcel within Morganton Park North. No open space will be provided on this site.

- An updated 'running' tabulation for the Morganton Park North property has been provided on Sheet L.1.1 of the submission set.

- **Stormwater**

- Stormwater management devices will be provided as necessary and required to control stormwater runoff for the medical office building site. All stormwater will be controlled on-site and/or piped to the regional Morganton Park North stormwater pond located northwest of the parcel and across Brucewood Road. This stormwater pond was intended to be a regional facility for the Morganton Park North property and was constructed to accommodate runoff from this site and several others within the development. Any stormwater that cannot be adequately directed to or controlled by the existing regional facility will be controlled on-site with either above-ground or underground methods to meet the Town of Southern Pines stormwater management requirements.
- This project is located outside of any high-quality watershed.
- Plans and calculations will be provided during the detailed site engineering process.

- **Utility Service**

- The Town of Southern Pines can provide adequate water and sewer service to service this development. Utilities are currently located in Pavilion Way, South Carlise Street, and Patriot Way, which were designed specifically to accommodate this parcel and development. All utilities on the site will be located underground.
- Any existing utilities on site will be abandoned and removed to permit the efficient development of utilities to serve this site. These utilities will be reconfigured to serve the new buildings adequately to satisfy Town requirements for utility infrastructure.
- Water utilities will be arranged to loop the water lines and connect the development as required by the Town of Southern Pines.

- **Buffers/Setbacks**

- The buildings are located outside the Highway Corridor Overlay District area.
- The plans will follow the setback requirements of the approved Morganton Park North CDP.
- Landscape buffer planting areas of 10' will be provided along all parking boundary areas and meet the Town's UDO standards in Section 4.3.

- **Architectural Character**

- Due to the problematic site conditions related to topography, the building footprint being preliminary, and the PDP application being completed before any detailed architectural design or grading plans, building footprints may shift and adjust on the property. Any adjustments will maintain the general location of the buildings on the property in that phase locations will remain. Therefore, the fully developed 40,000 sq ft building and the 120,000 sf building and associated parking structure will remain in the same general configuration of the site. So long as the development program, building square footages, and parking requirements defined in this document are met, the applicant may adjust the building locations up to 25' from the locations currently shown on the plan without being required to amend

this PDP document.

- Building heights will be permitted as described in the CDP and the UDO. The CDP states that all buildings follow the GB and OS zoning classifications. The uses proposed follow the uses permitted in the CDP. Section 4.2.1(H)(6) of the UDO permits "Hospitals, Clinics and Other Medical Facilities in Excess of 10,000 square feet of Floor area" may be constructed to a height of 50'. All buildings within Phase B are medical facilities and be at or below the maximum 50' height as permitted in the UDO. At such time, engineering drawings and/or Final Development Plans are submitted for the project or any construction begins, architectural elevations will be submitted as required for all commercial and office buildings for review by the Town of Southern Pines Architectural Review Board.
- **Phasing**
 - The project will be developed in phases as indicated on Sheet L-1.1 in the submitted documents.
 - Phase B-1 of the development will consist of a +/- 20,000 sf medical building/surgery center.
 - Phase B-2 of the development consists of a +/- 20,000 sq ft addition to the medical building/surgery center.
 - Phase B-3 of the development consists of a +/- 120,000 sf medical office building.
 - Phase B-1 will be the first phase of development. Phase B-1 may be combined with Phase B-2 or B-3 and constructed as one project. If these phases are developed simultaneously, all utilities and infrastructure necessary to develop these buildings must be installed. This includes all recommended roadway improvements to the Morganton Park North roadway system included in the TIA.
 - If Phase B-1 develops first, parking and site development work, including utilities, stormwater, grading, parking, and any other items required to facilitate future development, may be constructed as part of Phase B-1.
 - Traffic improvements, as the Traffic Impact Analysis recommends, will be phased as recommended. Before the development of each phase, the TIA will be evaluated and updated as necessary to provide updated information on the trip generation as the full development program of each building becomes apparent.
- **Signage**
 - Subdivision and project signage may be placed as indicated on the plans. Building-mounted signs will be located per Section 4.6 of the UDO. Sign designs will follow the standards of Section 4.6 of the UDO for signage.
- **Subdivision**
 - Prior to any site plan approval for the property, a major subdivision of the parcel to create the 8.7-acre parcel for Phase B will occur. A major subdivision is required to establish the parcel and permit access from Carlisle Street.

The descriptions and conditions described above will apply to the development of Site 4 North as indicated in this Preliminary Development Plan document. The proposed plan utilizes the CDP's development standards and implements a new development phase within the Morganton Park North property. This development phase meets the Morganton Park North

CDP standards as approved on May 15, 2018.

In summary, the proposed PD – PDP is consistent with the Town's Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Mixed-Use. This PDP contains a surgery center and medical office buildings within the overall mixed-use development, similar in scale and size of the existing Morganton Park North development area. The approved CDP describes a master-planned mixed-use development. The proposed PDP is the commencement of a new phase of development for Morganton Park North.

EXHIBIT A

Pinehurst Surgical and First Health Morganton Park North Site 4 North Preliminary Development Plan Justification

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

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

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

The PDP conforms to all standards set forth in the Conceptual Development Plan (CDP) and the standards outlined in the UDO. The plans included with the approved CDP demonstrate overall compliance with the UDO, and this PDP follows the standards of the CDP. The PD District, Comprehensive Long-Range Plan (CLRP), and the CDP all encourage a mixed-use development that reflects the standards of the existing area surrounding the phase of development described in the PDP. The PDP submitted meets these goals.

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

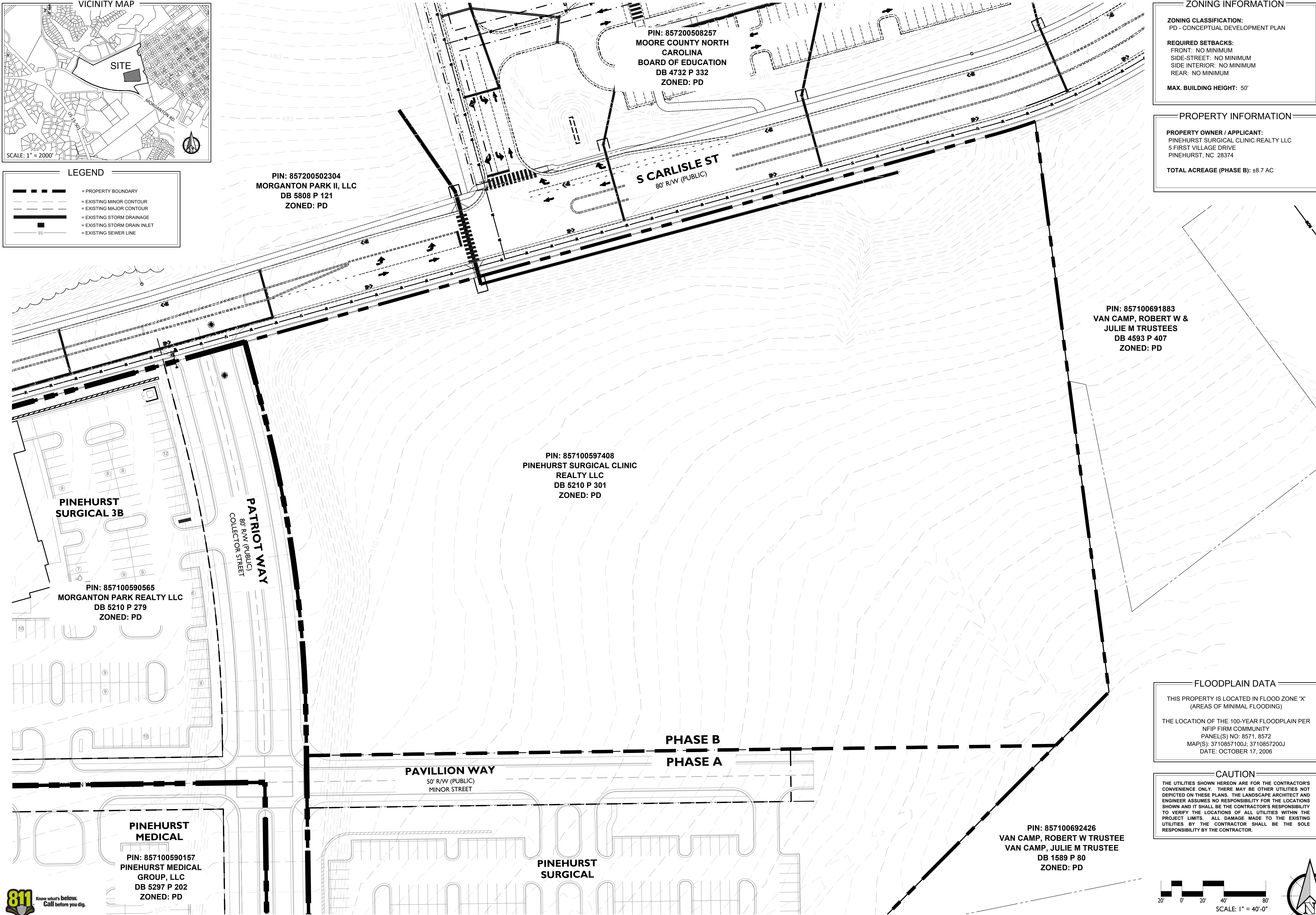
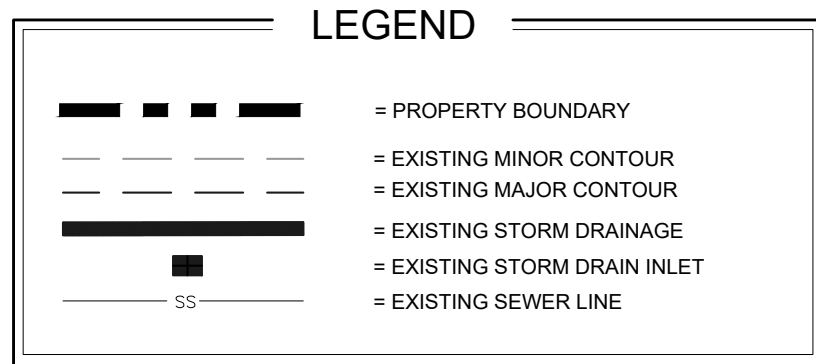
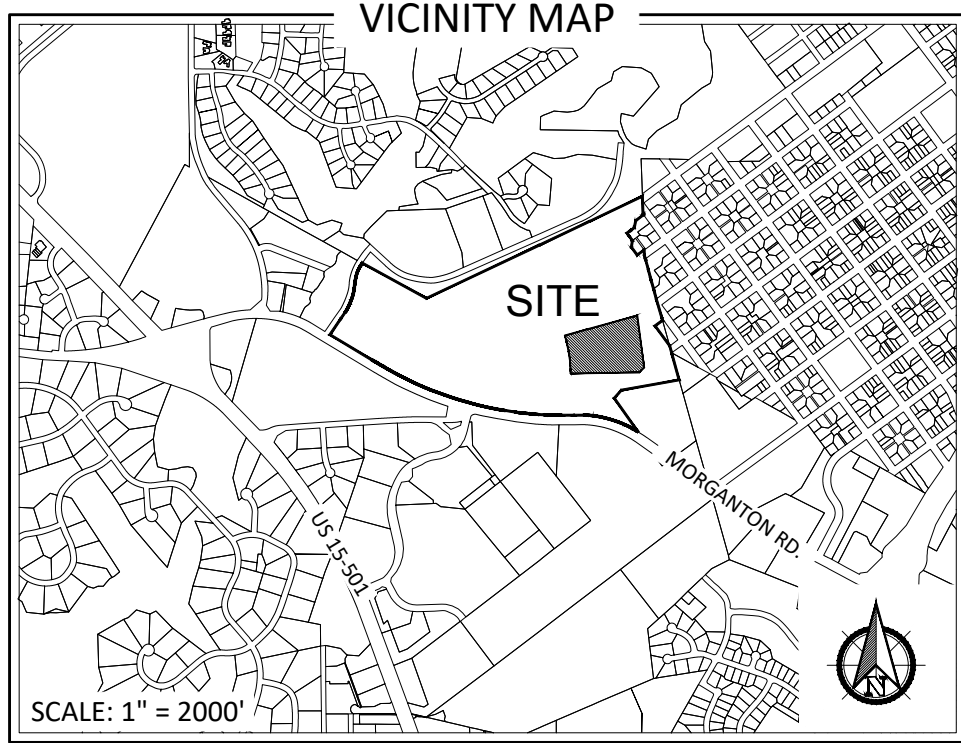
The PDP is consistent with and meets all standards and requirements provided in the CDP plans and conforms to the standards of the UDO. The medical office use is consistent with the proposed development program and allowable uses in the CDP. The development of a +/- 160,000 sf surgery center and medical office buildings is consistent with the Conceptual Land Use Plan shown on Sheet L 1.1 of the CDP master plan approved on May 15, 2018.

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

The PDP is consistent with the CDP, the surrounding community, and the Morganton Park North mixed-use development, which includes medical office buildings, a mixed-use building (office, medical office, retail, and restaurant), two multi-family apartment communities, and an elementary school. The CLRP, which considers surrounding land uses, designates this property as mixed-use. The continued development of the medical office use included in this application is consistent with the surrounding land uses and appropriate for this area. With the development standards outlined in the UDO and CDP, the PDP will be compatible with the surrounding neighborhoods and land uses.

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

Water and sewer utilities are readily available for the project and have been developed in previous phases of Morganton Park North development to serve this site adequately. Water and sewer utilities are located in Pavilion Way, South Carlisle Street, and Patriot Way and have been designed to accommodate this property. There is no need to extend public utilities to connect to this property. Stormwater management facilities were created in a regional facility on the western portion of the Morganton Park North property and constructed to accommodate runoff from this property. Previous development of Morganton Park North contemplated this site in future development plans. The submitted plan permits efficient connection for this project.



ZONING INFORMATION

ZONING CLASSIFICATION:
PD - CONCEPTUAL DEVELOPMENT PLAN

REQUIRED SETBACKS:
FRONT: NO MINIMUM
SIDE-STREET: NO MINIMUM
SIDE INTERIOR: NO MINIMUM
REAR: NO MINIMUM

MAX. BUILDING HEIGHT: 50'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:
PINEHURST SURGICAL CLINIC REALTY LLC
5 FIRST VILLAGE DRIVE
PINEHURST, NC 28374

TOTAL ACREAGE (PHASE B): ±8.7 AC

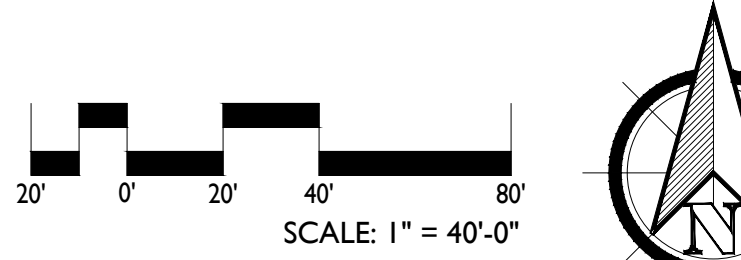
FLOODPLAIN DATA

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

THE LOCATION OF THE 100-YEAR FLOODPLAIN PER
NFIP FIRM COMMUNITY
PANEL(S) NO: 8571, 8572
MAP(S): 3710857100J, 3710857200J
DATE: OCTOBER 17, 2006

CAUTION

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



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

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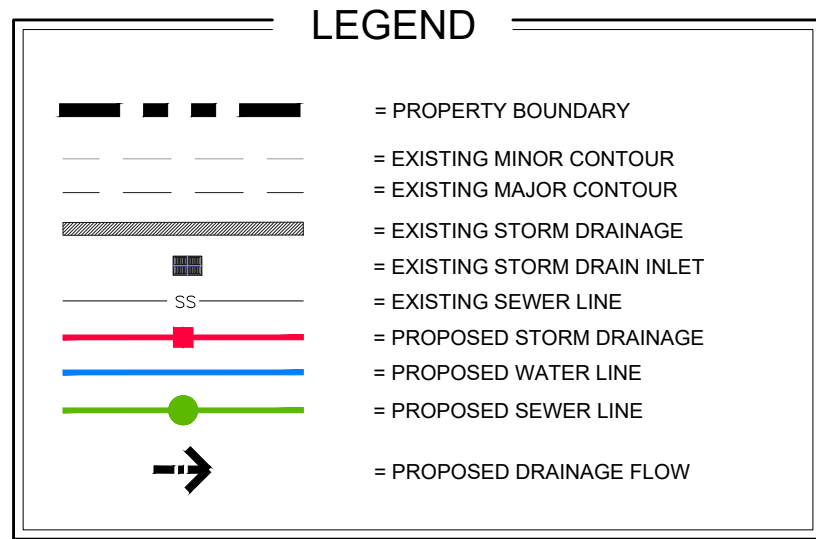
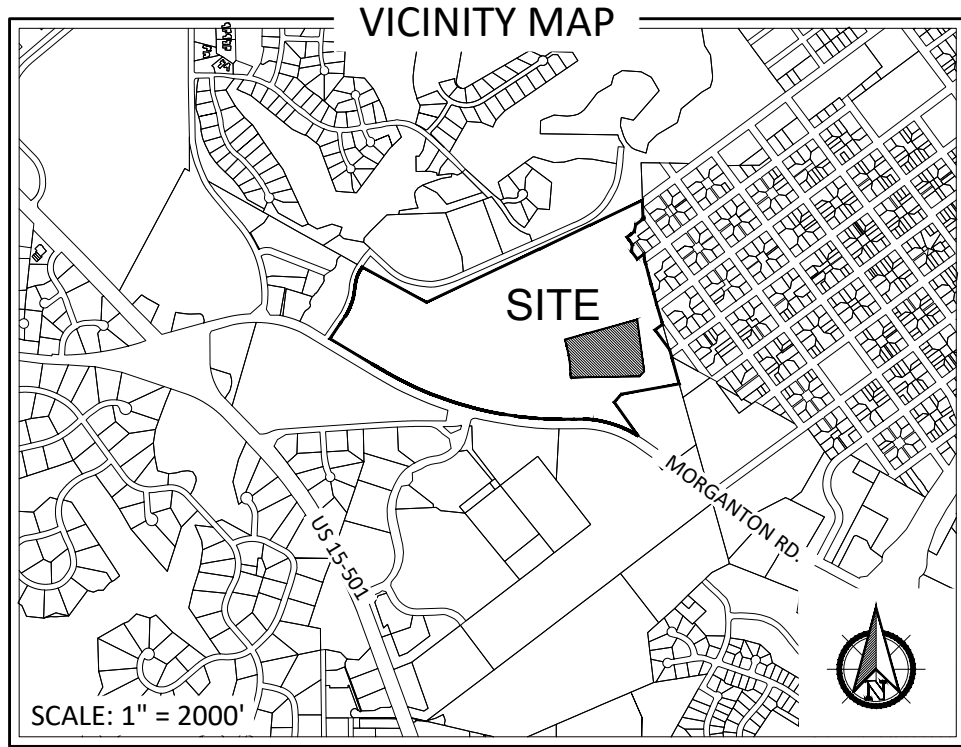
REVISIONS:

REVISIONS:

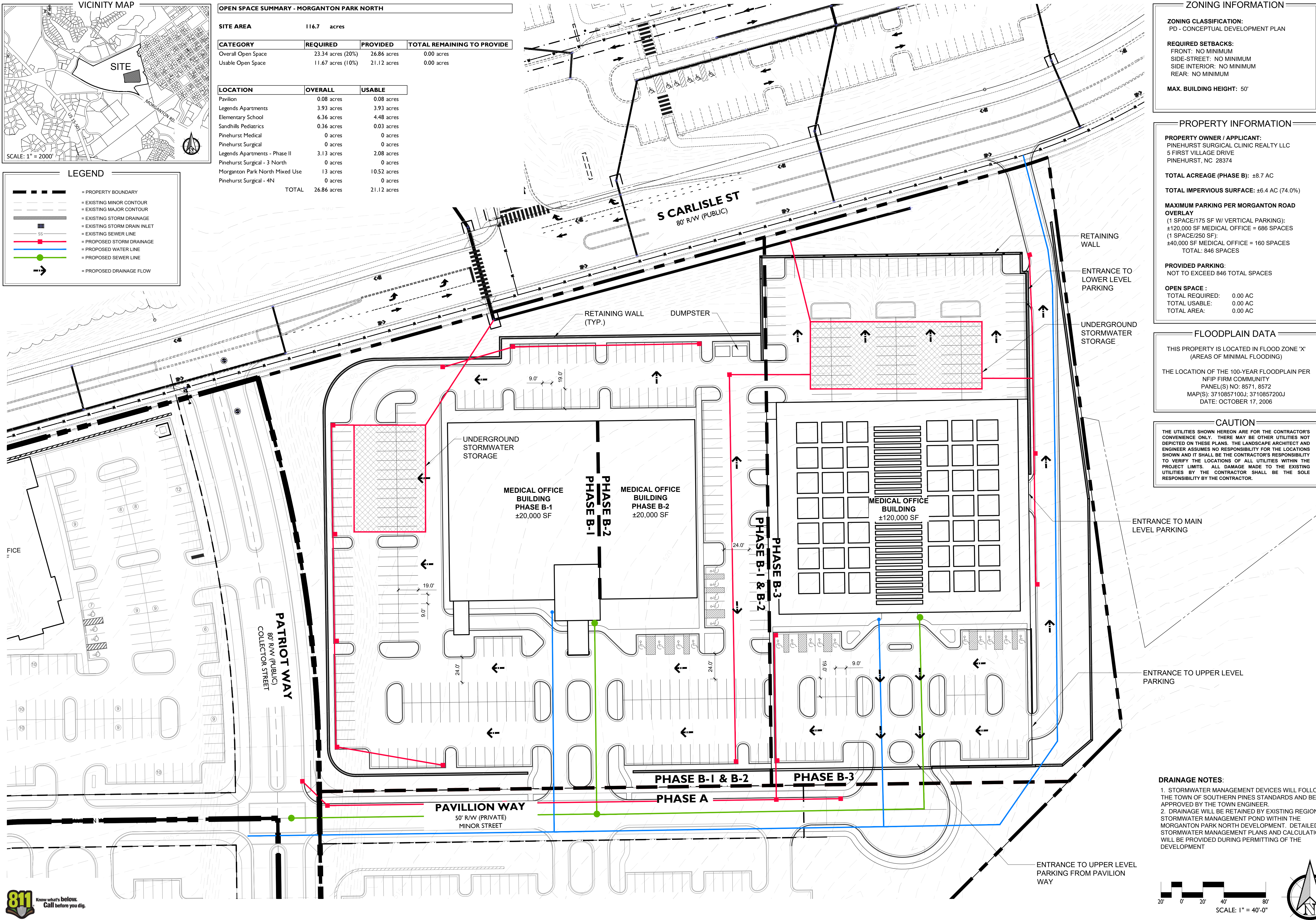
PINEHURST SURGICAL
PRELIMINARY DEVELOPMENT PLAN - PHASE B
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

DATE: 12-13-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'
PROJECT #: KDI1928
SHEET NUMBER:
L-1.0





OPEN SPACE SUMMARY - MORGANTON PARK NORTH			
SITE AREA 116.7 acres			
CATEGORY	REQUIRED	PROVIDED	TOTAL REMAINING TO PROVIDE
Overall Open Space	23.34 acres (20%)	26.86 acres	0.00 acres
Usable Open Space	11.67 acres (10%)	21.12 acres	0.00 acres
LOCATION			
LOCATION	OVERALL	USABLE	
Pavilion	0.08 acres	0.08 acres	
Legends Apartments	3.93 acres	3.93 acres	
Elementary School	6.36 acres	4.48 acres	
Sandhills Pediatrics	0.36 acres	0.03 acres	
Pinehurst Medical	0 acres	0 acres	
Pinehurst Surgical	0 acres	0 acres	
Legends Apartments - Phase II	3.13 acres	2.08 acres	
Pinehurst Surgical - 3 North	0 acres	0 acres	
Morganton Park North Mixed Use	13 acres	10.52 acres	
Pinehurst Surgical - 4N	0 acres	0 acres	
TOTAL	26.86 acres	21.12 acres	



ZONING INFORMATION

ZONING CLASSIFICATION:
PD - CONCEPTUAL DEVELOPMENT PLAN

REQUIRED SETBACKS:
FRONT: NO MINIMUM
SIDE-STREET: NO MINIMUM
SIDE INTERIOR: NO MINIMUM
REAR: NO MINIMUM

MAX. BUILDING HEIGHT: 50'

PROPERTY INFORMATION

PROPERTY OWNER / APPLICANT:
PINEHURST SURGICAL CLINIC REALTY LLC
5 FIRST VILLAGE DRIVE
PINEHURST, NC 28374

TOTAL ACREAGE (PHASE B): ±8.7 AC

TOTAL IMPERVIOUS SURFACE: ±6.4 AC (74.0%)

MAXIMUM PARKING PER MORGANTON ROAD OVERLAY:
(1 SPACE/175 SF W/ VERTICAL PARKING): ±120,000 SF MEDICAL OFFICE = 686 SPACES
(1 SPACE/250 SF): ±40,000 SF MEDICAL OFFICE = 160 SPACES
TOTAL: 846 SPACES

PROVIDED PARKING:
NOT TO EXCEED 846 TOTAL SPACES

OPEN SPACE :
TOTAL REQUIRED: 0.00 AC
TOTAL USABLE: 0.00 AC
TOTAL AREA: 0.00 AC

FLOODPLAIN DATA

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

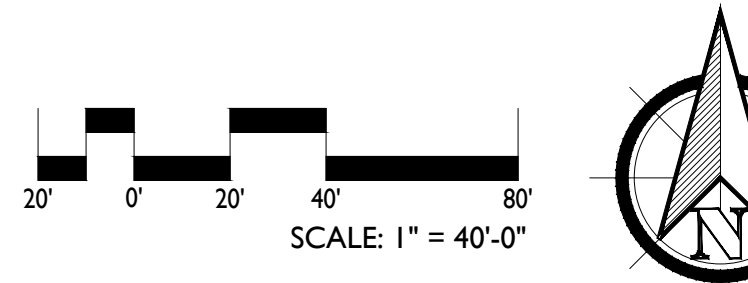
THE LOCATION OF THE 100-YEAR FLOODPLAIN PER NFIP FIRM COMMUNITY PANEL(S) NO: 8571, 8572 MAP(S): 3710857100J, 3710857200J DATE: OCTOBER 17, 2006

CAUTION

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DRAINAGE NOTES:

- STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
- DRAINAGE WILL BE RETAINED BY EXISTING REGIONAL STORMWATER MANAGEMENT POND WITHIN THE MORGANTON PARK NORTH DEVELOPMENT. DETAILED STORMWATER MANAGEMENT PLANS AND CALCULATIONS WILL BE PROVIDED DURING PERMITTING OF THE DEVELOPMENT



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

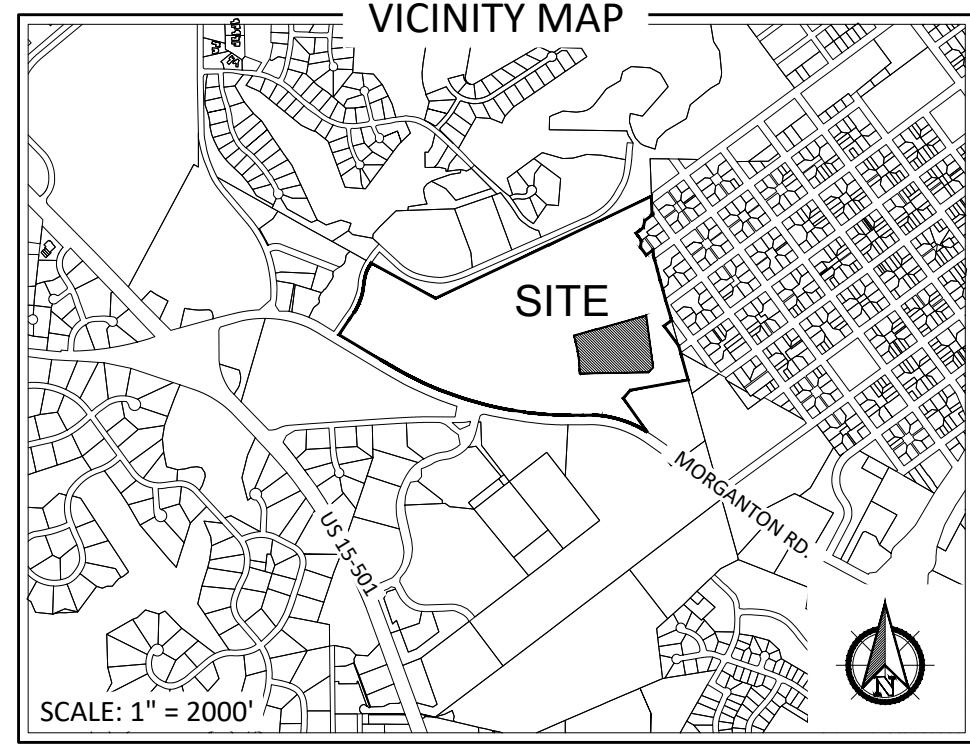
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PINEHURST SURGICAL
PRELIMINARY DEVELOPMENT PLAN - PHASE B
SOUTHERN PINES, NORTH CAROLINA
OVERALL SITE PLAN

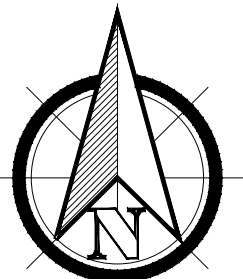
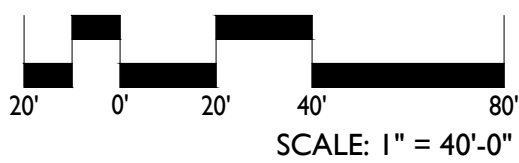
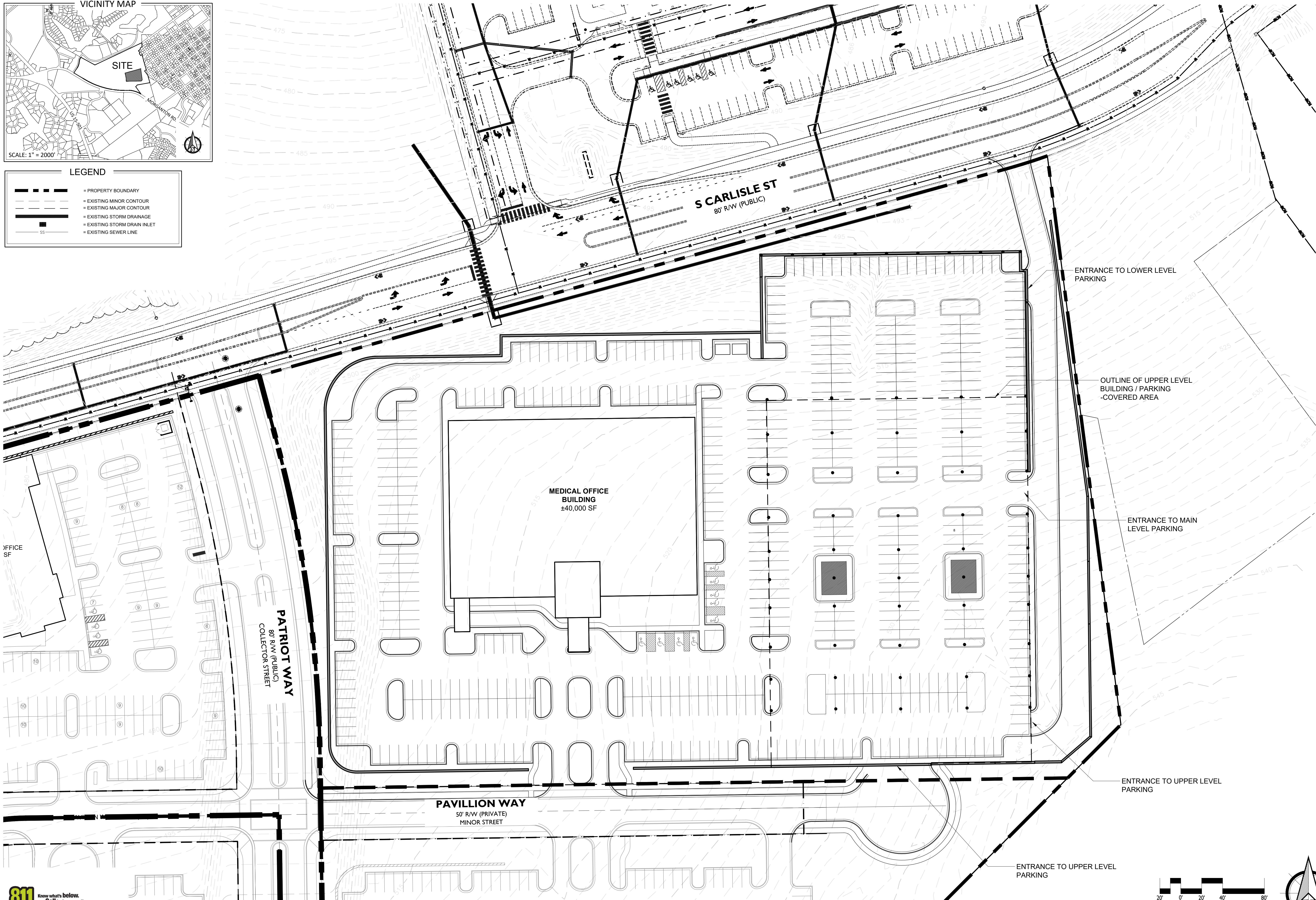
DATE: 12.13.2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'
PROJECT #: KDI928
SHEET NUMBER: **L-1.1**





LEGEND

- = PROPERTY BOUNDARY
- - -= EXISTING MINOR CONTOUR
- - -= EXISTING MAJOR CONTOUR
- - -= EXISTING STORM DRAINAGE
- - -= EXISTING STORM DRAIN INLET
- SS= EXISTING SEWER LINE



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

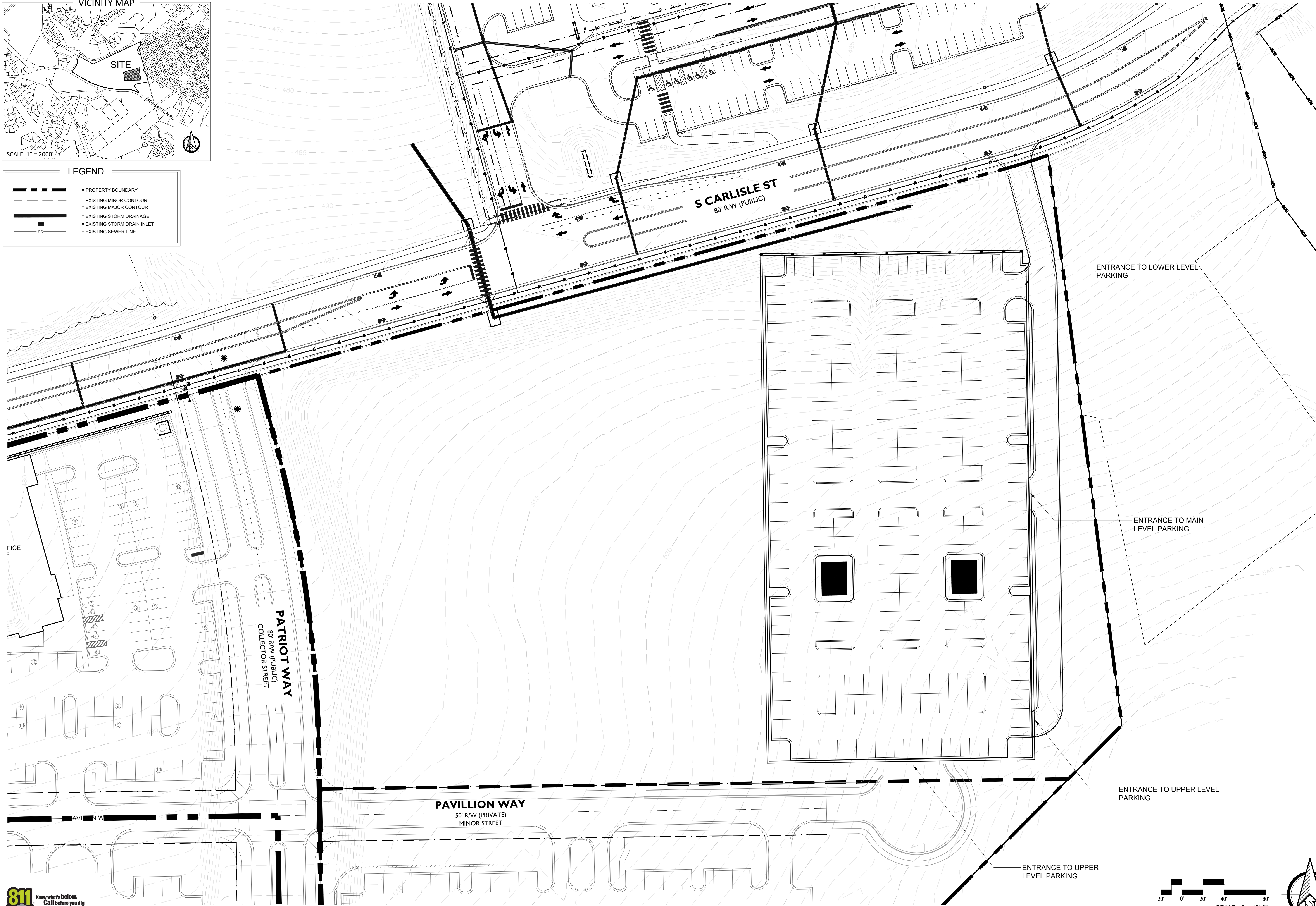
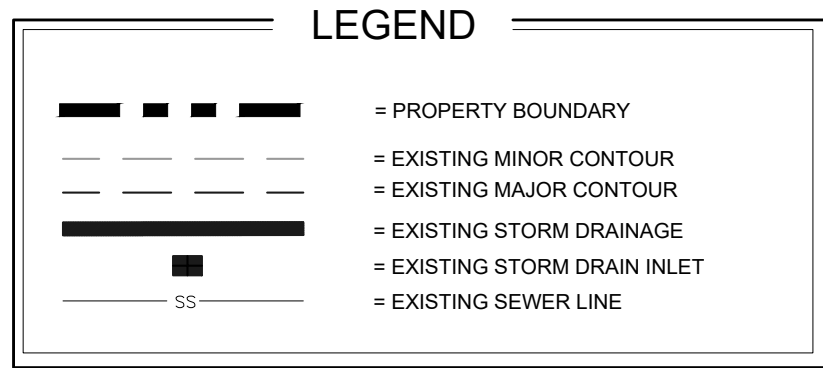
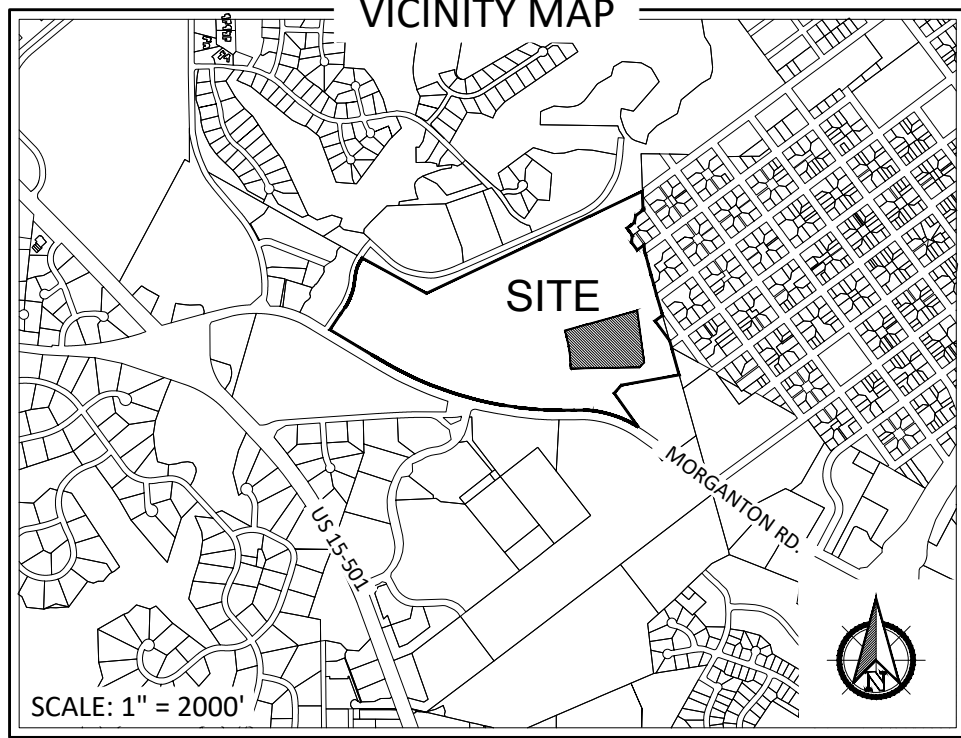
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REVISIONS:

PINEHURST SURGICAL
PRELIMINARY DEVELOPMENT PLAN - PHASE B
SOUTHERN PINES, NORTH CAROLINA
SITE PLAN - MAIN LEVEL

DATE: 12-13-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'
PROJECT #: KDI1928
SHEET NUMBER:
L-1.2



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

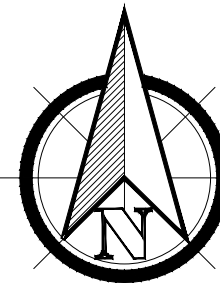
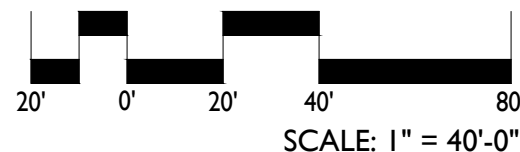
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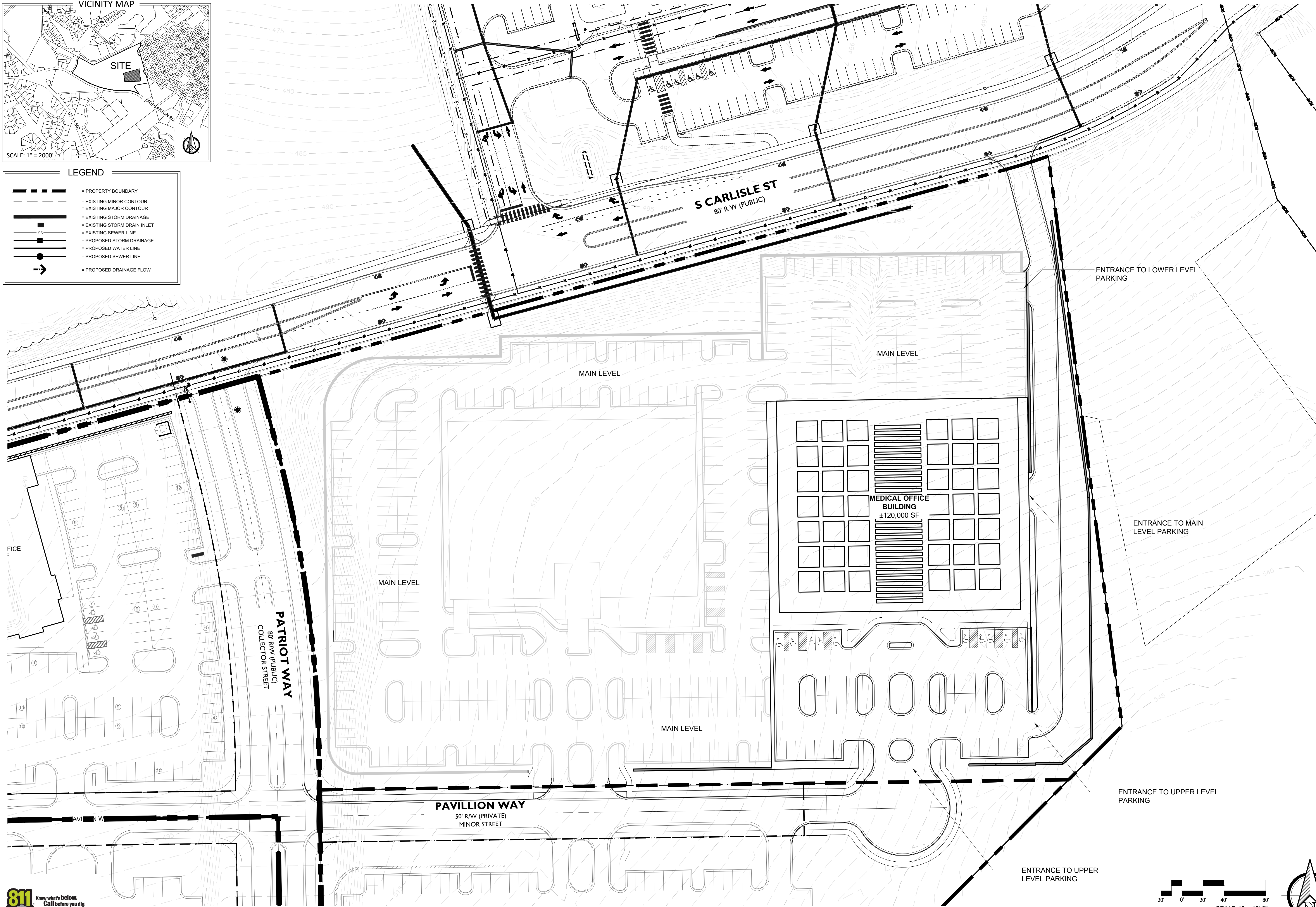
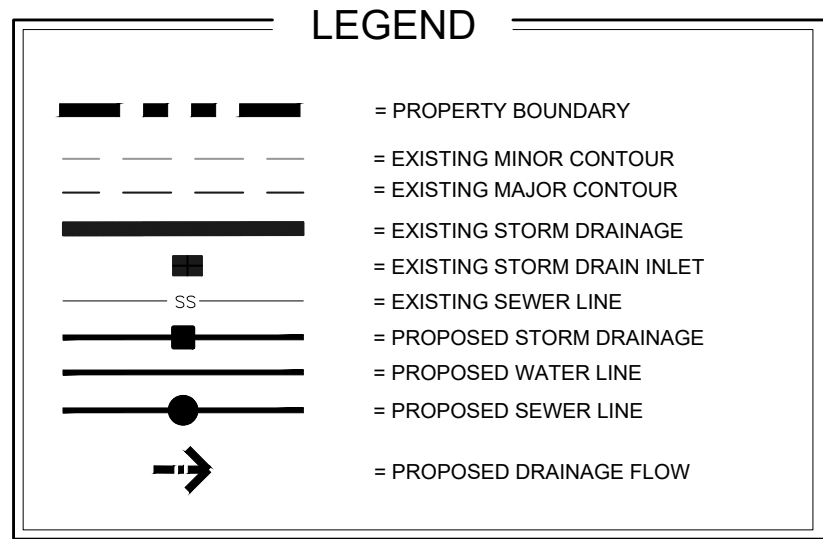
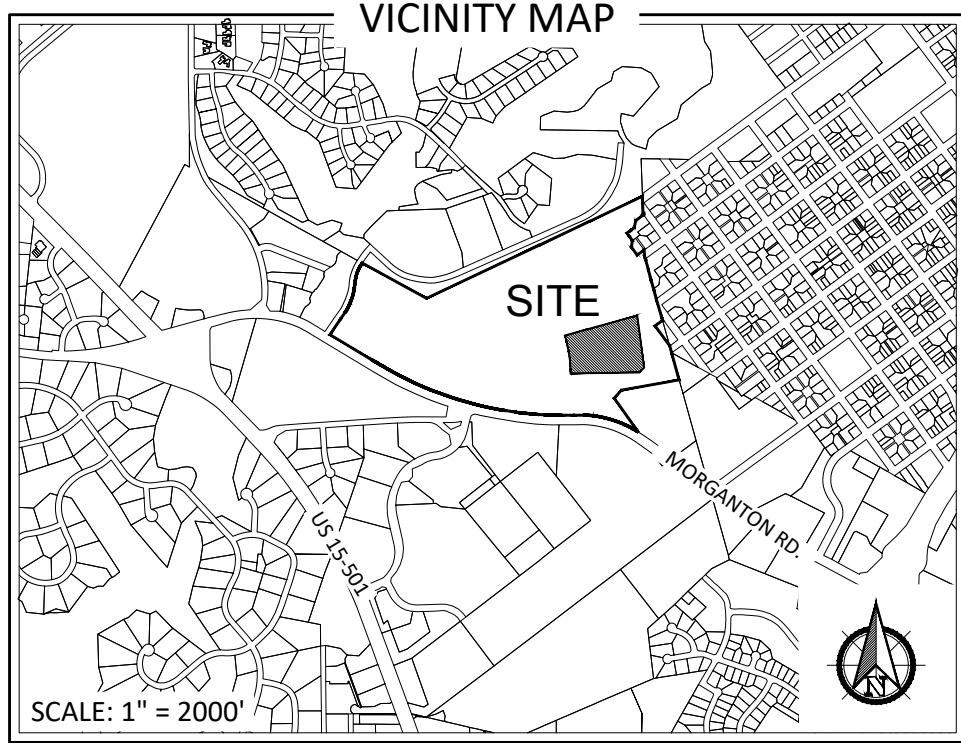
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W: www.koontzjonesdesign.com

REVISIONS:

PINEHURST SURGICAL
PRELIMINARY DEVELOPMENT PLAN - PHASE B
SOUTHERN PINES, NORTH CAROLINA
SITE PLAN - LOWER LEVEL

DATE: 12-13-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'
PROJECT #: KDI1928
SHEET NUMBER:
L-1.3





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

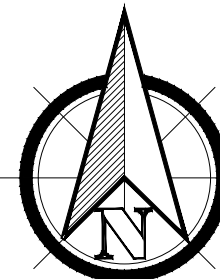
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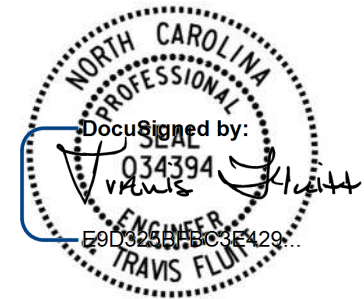
PINEHURST SURGICAL
PRELIMINARY DEVELOPMENT PLAN - PHASE B
SOUTHERN PINES, NORTH CAROLINA
SITE PLAN - UPPER LEVEL

DATE: 12-13-2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'
PROJECT #: KDI1928
SHEET NUMBER:
L-1.4



November 21, 2023

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



RE: **Morganton Park North Site 4N, Southern Pines, NC – Traffic Impact Analysis**

11/21/2023

Kimley-Horn has performed a Traffic Impact Analysis (TIA) for the proposed medical office buildings located on Site 4N within the Morganton Park North development in Southern Pines, NC. The proposed development will consist of an approximately 40,000 SF of surgical center and approximately 90,000-120,000 SF of clinic space on the northeast quadrant of the intersection of Pavilion Way at Patriot Way. The development is planned to be constructed in phases. Phase 1 is expected to consist of approximately 20,000 SF of surgical space. The timeline for other phases is unknown at this time, therefore, the 10-year horizon required by the Town's UDO will be analyzed for the full build-out condition.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the projected (2025 and 2033) background and build-out conditions. The site location is shown on **Figure 1**, while **Figure 2** shows the conceptual site plan. The existing roadway laneage at the study intersections is shown on **Figure 3**.

Existing and Background Traffic

AM and PM peak hour turning movement counts were performed on March 30, 2023 at the following intersections:

- Morganton Road at Brucewood Road
- Morganton Road at Patriot Boulevard
- Brucewood Road at Old Morganton Road
- Brucewood Road at Pavilion Way
- Brucewood Road at Carlisle Street
- Carlisle Street at Patriot Boulevard
- Patriot Boulevard at Pavilion Way

24-hour pneumatic tube counts were also performed on Carlisle Street just east of Southern Pines Elementary school on June 7, 2023 when school was in session and on June 15, 2023 when school was out of session for comparison purposes. Based on these counts, Carlisle Street currently has a daily traffic volume of 1,200-1,300 vehicles per day with approximately 80-150 vehicles during the AM and PM peak hours depending on whether or not school is in session.

Based on historic daily traffic volumes in the area and to be consistent with other TIA's performed in the area, an annual growth factor of 2% was applied to existing volumes up to the 2033 analysis year.

Traffic from seven approved developments was included in the analysis as follows:

- Sandhills Pediatrics
 - o Traffic was obtained from *Morganton Park North Medical Office Building TIA* (Kimley-Horn, November 2018)
- Pinehurst Medical/Pinehurst Surgical
 - o It was determined that Pinehurst Medical was approximately 80% occupied and that Pinehurst Medical was approximately 47% occupied when the traffic counts were performed. Therefore, traffic counts collected at these sites were factored up appropriately to reflect full occupancy based on the level of occupancy at the time of data collection. The additional trips were carried through the study network.
- Morganton Park North Site 3
 - o Traffic was obtained from *Morganton Park North Site 3 Medical Office Building TIA* (Kimley-Horn, December 2021)
- Legends Apartment Expansion
 - o Traffic was obtained from *Legends Apartments Expansion TIA* (Kimley-Horn, March 2021)
- Pineridge Development
 - o Traffic was obtained from *Pine Ridge Commercial TIA* (Kimley-Horn, July 2021)
- Lowes Food Outparcels
 - o Traffic was obtained from *Morganton Park North Apartments TIA* approved developments (Kimley-Horn, June 2022)
- Morganton Park North Apartments
 - o Traffic was obtained from *Morganton Park North Apartments TIA* (Kimley-Horn, June 2022)

All approved development traffic was included in both the 2025 and 2033 scenarios to be conservative. With the addition of approved development traffic, the effective annual background growth rates at most intersections range from 3-5% with some locations as high as 11%.

Existing and projected (2025 and 2033) background peak hour traffic volumes, which include historic growth traffic, and approved development traffic are shown on **Figures 4 - 7**.

Trip Generation

The trip generation potential for Phase 1 of the development was determined using the traffic generation rates and equations published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, 11th Edition, 2023). Table 1 summarizes the estimated traffic generation potential for the site.

Table 1 Phase 1 - ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
720	Medical Office Building	20,000	s.f.	376	376	45	12	23	55

Table 1 shows that Phase 1 of the site has the potential to generate 752 new trips on a typical weekday with 57 new trips during the AM peak hour and 78 new trips in the PM peak hour.

The trip generation potential for Full Build-out of the development was determined using the traffic generation rates and equations published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, 11th Edition, 2023). While the proposed surgical and clinic space are expected to generate different levels of traffic, all space was generated as medical office building (ITE land use code 720) to present a conservative analysis. [Table 2](#) summarizes the estimated traffic generation potential for the site.

Table 2 Full Build-out - ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
720	Medical Office Building	160,000	s.f.	3,384	3,384	291	77	194	454

[Table 2](#) shows that the site has the potential to generate 6,768 new trips on a typical weekday with 368 new trips during the AM peak hour and 648 new trips in the PM peak hour. It should be noted that no reductions for walking or biking trips were assumed despite the presence of complimentary land uses (e.g. housing and restaurants/retail) and good sidewalk connectivity.

Trip Distribution and Assignment

The proposed generated trips were assigned to the surrounding roadway network based on the distribution below. The directional distribution and assignment were based on surrounding land uses and existing travel patterns in the area.

- 35% to/from the west along Morganton Road
- 30% to/from the east along Morganton Road
- 15% to/from the south along Brucewood Road
- 10% to/from the east along Carlisle Street
- 5% to/from Morganton Park South
- 5% to/from the west along Carlisle Street

It should be noted that no trips were assigned to adjacent residential and commercial land uses, but some interaction with these uses is certainly expected, which would reduce the number of trips on the external roadway network. The site traffic distribution and percent assignment are shown on **Figure 8**.

The 10% projected to/from the east on Carlisle Street represents approximately 75 vehicles per day and 6-8 peak hour trips with Phase 1 and 680 vehicles per day and 35-65 peak hour trips at full build-out of the site. As the existing volumes on Carlisle Street are very low, there should be no operational issues with this increase in traffic.

The attached **Figures 9 - 12** show the AM and PM peak hour site and build-out traffic volumes at the study intersections for the years 2025 and 2033.

Capacity Analysis

Capacity analyses were performed using Synchro Version 11 software.

Analysis Assumptions

Existing signal timings at the intersection of Morganton Road at Brucewood Road were obtained from the traffic signal controller. Despite peak hour factors (PHFs) at the intersection of Morganton Road at Brucewood Road having consistently been approximately 0.93 in the AM peak hour and 0.95 in the PM peak hour over the past seven years, a PHF of 0.90 was applied at all intersections for all traffic conditions at the direction of Town staff. This will result in delays at some of the study intersections being overstated.

Despite the fact that right-turns on red (RTOR) are permitted on all approach of the intersection of Morganton Road at Brucewood Road, RTOR were prohibited for all traffic conditions at the direction of Town staff. This will also result in delays and queues at this intersection being overstated.

Despite the fact that the eastbound and westbound left-turn movements on Morganton Road at Brucewood Road currently operate with permitted+protected phasing, protected-only phasing was applied to these movements for all future traffic conditions at the direction of Town staff. This will result in delays and queues at this intersection being overstated.

Synchro intersection level-of-service (LOS) reports are attached. The LOS for the study intersections are summarized in [Table 3](#), attached.

Phase 1 Build-out

Analysis indicates that all study intersections and approaches are expected to operate at an acceptable LOS in the projected 2025 build-out traffic conditions except for the westbound approach of Brucewood Road at Pavilion Way in the PM peak hour. This approach is expected to operate with long delays with or without the proposed development and has more to do with the addition of the fourth leg of the intersection from the Morganton Park North Apartments and approved development traffic than the addition of Phase 1 site traffic. SimTraffic simulations also show much shorter delays for the minor street approaches than Synchro as Synchro does not adequately account for gaps in traffic created by adjacent traffic signals. Therefore, no improvements are recommended with the development of Phase 1 of this site.

Full Build-out

It should be noted that the delays reported herein are expected to be overstated due to the conservative assumptions required in the analysis and the trip generation assumed for Sandhills Pediatrics, Site 3, and the proposed development. It is therefore recommended that all improvements identified herein for the full build-out condition be reevaluated when site plans are submitted for each development phase beyond Phase 1.

Morganton Road at Brucewood Road

The northbound and southbound approaches to the intersection of Morganton Road at Brucewood Road are expected to operate at LOS E in the PM peak hour for the 2033 background traffic condition. With the addition of site traffic, the overall intersection is expected to operate at LOS E in the PM peak

hour with the southbound approach degrading to LOS F. Based on the analysis presented herein, the following improvements are recommended at this intersection:

- Provide an additional southbound left-turn lane on Brucewood Road to provide dual left-turn lanes on this approach (**Note:** *This is proposed to be accomplished by shifting the median on Brucewood Road east and reducing the width of the northbound lane. Doing so should accommodate approximately 175 feet of storage for each turn lane plus a 100-foot bay taper.*)
- Extend the storage for the southbound right-turn lane on Brucewood Road (**Note:** *The methodology noted above should accommodate approximately 175 feet of storage plus a 100-foot bay taper for this turn lane.*)
- Extend the eastbound left-turn lane on Morganton Road by 50 feet to provide 325 feet of storage
- Extend the westbound left-turn lane on Morganton Road by 50 feet to 325 feet provide 325 feet of storage

With these improvement in place, the intersection is expected to operate at an acceptable LOS in the projected 2033 build-out condition. While the northbound approach is still expected to operate at LOS E in the PM peak hour, this will be the case with or without the proposed development.

Morganton Road at Patriot Boulevard

The side street approaches to this intersection are expected to operate with short to moderate delays at full build-out. SimTraffic simulations show the potential for long queues on the southbound approach of Patriot Boulevard in the PM peak hour. However, no improvements can be made at this intersection to reduce these queues or delays. With multiple access points, it is anticipated that people will use alternate means of egress if queues and delays become too long at any one location.

Morganton Road at Old Morganton Road

The side street approaches to this intersection are expected to operate with moderate to long delays in the PM peak hour at full build-out. Observations of SimTraffic simulations show no queuing issues on either approach. Therefore, no improvements are recommended at this intersection to accommodate projected site traffic.

Brucewood Road at Pavilion Way

The intersection of Brucewood Road at Pavilion Way is projected to operate with long delays and queues for the westbound approach in the PM peak hour with or without the proposed development in place. The following improvement is recommended for consideration at this intersection:

- Convert the intersection to a mini of modular roundabout

Note that mini roundabouts are typically smaller than modern roundabouts with no deflection and a mountable median island. Modular roundabouts include the same elements as standard roundabouts, but are constructed on top of existing intersections, repurposing existing pavement. With a roundabout in place, the intersection and all approaches are expected to operate at an acceptable LOS in the projected 2033 build-out condition.

Bucewood Road at Carlisle Street

The intersection of Brucewood Road at Carlisle Street is projected to operate with short delays for the minor street approaches (Carlisle Street) and no queuing issues at full build-out. Therefore, no improvements are recommended at this intersection.

Carlisle Street at Patriot Boulevard

The intersection of Carlisle Street at Patriot Boulevard is projected to operate with short delays for the minor street approach (Patriot Boulevard) and no queuing issues at full build-out. Therefore, no improvements are recommended at this intersection.

Pavilion Way at Patriot Boulevard

The eastbound approach of Pavilion Way at Patriot Boulevard in the AM peak hour and the westbound approach of Pavilion Way in the PM peak hour are expected to operate with moderate delays at full build-out of the development. SimTraffic simulations show the potential for long queues on these approaches; however, these queues are expected to be short in duration. No improvements are recommended at this intersection.

Pavilion Way at Pinehurst Surgical/Site Driveway 1

The northbound approach of the Pinehurst Surgical driveway is expected to operate with moderate delays at full build-out due to the additional of the site driveway as the fourth leg to the intersection. There is a second driveway to Pinehurst Surgical on Pavilion Way to the east, and it is anticipated that people will use this access if delays at the western driveway increase. Therefore, no improvements are recommended at this intersection.

Pavilion Way at Site Driveway 2

This intersection is projected to operate with short delays for the minor street approach (Site Driveway 2) and no queuing issues at full build-out. Therefore, no improvements are recommended at this intersection.

Carlisle Street at Pavilion Way Extension (RIRO)

The intersection of Carlisle Street at the Pavilion Way Extension is projected to operate with short delays for the minor street approach (Pavilion Way Ext.) and no queuing issues at full build-out. Therefore, no improvements are recommended at this intersection.

The recommended roadway laneage is shown on **Figures 13** and **14** for Phase 1 and full build-out, respectively.

Pedestrian Infrastructure

It is anticipated that the vast majority of the trips to and from the proposed site will be made by vehicle, and the ITE trip generation manual does not provide pedestrian or bicycle trip estimates for medical office buildings.

Existing pedestrian infrastructure surrounding the site includes sidewalk on both sides of Brucewood Road, Carlisle Street, Patriot Boulevard, and Pavilion Way except for a short segment adjacent to the future Sandhills Pediatrics site, which will make this connection. There is also a multi-use path on the

north side of Morganton Road from Tanglewood Drive to Henley Street. There are existing crosswalks at the intersections of Morganton Road at Brucewood Road and Brucewood Road at Carlisle Street.

It is recommended that sidewalks be provided along the extension of Pavilion Way out to Carlisle Street to complete the pedestrian network surrounding the site.

Conclusions

Phase 1

While Synchro indicates that the westbound approach of Brucewood Road at Pavilion Way will operate with long delays in the PM peak hour, this is expected to be the case with or without the proposed development, and SimTraffic simulations show much shorter delays for the minor street approaches and no queuing issues. Therefore, no improvements are recommended to accommodate Phase 1 traffic.

Full Build-out

With the recommended improvements in place, Synchro analysis indicates that all but 3 approaches are expected to operate at acceptable levels-of-service. The northbound approach of Brucewood Road at Morganton Road is expected to operate at LOS E in the PM peak hour with or without the proposed development in place. The unsignalized approaches of eastbound Old Morganton Road at Brucewood Road and westbound Pavilion Way at Patriot Boulevard are also expected to operate with moderate to long delays in the PM peak hour at full build-out. However, SimTraffic simulations show much shorter delays for these minor street approaches and no queuing issues. Therefore, no additional improvements are recommended at these intersections.

It should be reiterated that the delays reported herein are expected to be overstated due to the conservative assumptions required in the analysis and the trip generation assumed for Sandhills Pediatrics, Site 3, and the proposed development. *It is therefore recommended that all improvements identified herein for the full build-out condition be reevaluated when site plans are submitted for each development phase beyond Phase 1.*

Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or travis.fluitt@kimley-horn.com.

Sincerely,



Travis Fluitt, P.E.
Senior Project Manager

Attachments: Figures 1-14, Assumptions Memorandum, Traffic Count Data, Trip Generation Calculations, Approved Development Information, Volume Development Worksheets, Synchro LOS Reports, Signal Plans



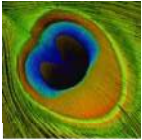
J:\443.00.00 Morganton Park Master Planning\443.01.03 Site 3 & 4 Master Planning\Sites 3b & 4b - Conceptual Site Plan OPTION 4 MORPH .pln

SCALE: NOT TO SCALE
10/20/2022



4N MEDICAL OFFICE BUILDINGS

SOUTHERN PINES, NC



HAROLD DEAN
PEACOCK
ARCHITECT

Kimley»Horn

MORGANTON PARK NORTH SITE 4N
TRAFFIC IMPACT ANALYSIS
SOUTHERN PINES, NC

CONCEPTUAL SITE PLAN

FIGURE
2

Agenda Item

To: Planning Board

From: BJ Grieve, Planning Director

Subject: OA-06-23: Text Amendments to the Unified Development Ordinance (UDO); Petitioner: Town of Southern Pines Planning Staff

Date: December 21, 2023

I. SUMMARY OF AMENDMENT REQUEST:

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) to implement the new 2040 Comprehensive Plan and is requesting Planning Board review and recommendation per UDO §2.17.3 and §2.17.7. The proposed amendments, arranged by topic for convenience and clarity, are as follows:

1. Amend UDO Exhibit 3-15 and §9.3 to more clearly distinguish between dwelling units that may be used for the lodging of transients and travelers for compensation for less than 30 days (Tourist Home) and dwelling units that are used for 30 days or longer for living purposes (Dwelling). The problem with the current definitions of these terms is that the distinction between the two land uses (especially the duration of occupancy based on the use) is not as clear as it should be. This leads to misunderstandings by both those who wish to develop Tourist Homes and those that have concerns with existing or proposed Tourist Homes. Staff encounters frequent challenges with both definitions as presently set forth in the UDO and must rely on administrative interpretations of the definitions per authority granted in UDO §9.1. This change to the UDO is consistent with Policy 7.7 in the new 2040 Comprehensive Plan.
2. Amend UDO §5.4(A) so that columns supporting fuel pump canopies will be required to follow the brick requirements set forth in UDO 4.10.4(C) but the canopy will be subject to roof requirements set forth in UDO 4.10.4(G). The problem is that the UDO presently requires “fuel pump canopies” (i.e. all parts of the structure) to meet the building material requirements and those requirements call for 80% brick. Real brick, and even real brick veneer, is too heavy to use for the canopy portion of a fuel pump canopy structure. The canopy portion of a canopy structure is functionally a roof above fuel pumps to protect customers from rain and sun and to provide safety lighting at night. Roof standards, including segmentation for longer rooflines, are a more appropriate standard for the canopy portion of the canopy structure.
3. Amend UDO §2.19.4(A) with a minor correction to make the language of the section consistent with Exhibit 2-1 and UDO §2.20 regarding the process for approval of a Final Plat. The problem is that UDO §2.19.4(A) presently mistakenly identifies the Town Council as the approving body for a Final Plat, whereas the other sections of the

UDO given above state that the Planning Director reviews Final Plats as an Administrative Decision.

II. APPLICATION REVIEW:

A. Review Process:

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

B. Criteria for Review:

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

2.17.10. Criteria for UDO Text Amendments

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

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

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

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

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

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

C. Staff Comments:

All of the proposed amendments to the UDO are depicted in red (using ~~strikeout~~ for proposed deletions and underline for proposed additions) on a copy of the UDO that is attached to this staff report. Planning staff is available during regular business hours prior to the Planning Board public hearing on December 21, 2023 for questions and/or to discuss any of the proposed amendments. Each topic will be presented in detail to the Planning Board and public at the Planning Board public hearing.

D. Outside Agency Comments:

A request for comment was emailed to representatives from the Regional Land Use Advisory Commission (RLUAC), North Carolina Department of Transportation (NCDOT), Moore County Airport, the U.S. Fish and Wildlife Service and representatives of the Town of Southern Pines on December 5, 2023. As of the completion of the Planning Board staff report on December 14, 2023, the following responses have been received:

- Ron Istre with Town of Southern Pines Public Works responded on December 5, 2023 to say he has no comments.
- Vagn Hansen with RLUAC responded on December 6, 2023 to say RLAUC has no comments.

Any comments received prior to the January 10, 2022 Town Council public hearing will be provided to the Town Council.

III. ATTACHMENTS:

1. Draft Planning Board Resolution to Adopt a Written Recommendation
2. Southern Pines Unified Development Ordinance (UDO), showing edits in red text.

IV. PLANNING BOARD ACTION:

The Planning Board shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Long Range Plan. Per North Carolina General Statute 160D-604(d), prior to consideration of the proposed text amendments by the Town Council, the Planning Board shall advise and comment on whether the proposed amendments are consistent with the Comprehensive Long Range Plan. The Planning Board shall provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendments by the Town Council.

To assist the Planning Board in performing this task, planning staff have prepared the following draft motions for the Planning Board's consideration, possible modification as necessary, and adoption:

I move that after reviewing the proposed text amendments to the UDO and considering the criteria for approval of text amendments to the UDO found in UDO §2.17.10:

1. The proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-06-23;
2. The proposed amendments are consistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-06-23 and as revised by the Planning Board as follows;
3. The proposed amendments are inconsistent with the Comprehensive Long Range Plan for the reasons set forth in Attachment A of staff report OA-06-23 as revised by the Planning Board as follows;

I further move that the following other matters were considered by the Planning Board and shall be added to Attachment A by Town staff as part of the Planning Board's written recommendation to the Town Council:

- 1.

And, therefore, I move to:

1. Recommend approval of OA-06-23 to the Town Council.
2. Recommend denial of OA-06-23 to the Town Council.



ATTACHMENT A

PLANNING BOARD RESOLUTION TO ADOPT A WRITTEN RECOMMENDATION FOR ORDINANCE AMENDMENT APPLICATION OA-06-23

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

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

WHEREAS, the Planning Board conducted a duly-noticed public hearing during a meeting held on December 21, 2023 to listen to public comments, ask questions of the Town's Planning staff and to consider ordinance amendment application OA-06-23.

NOW, THEREFORE BE IT RESOLVED that the Planning Board finds and recommends to the Town Council that the revisions to the Unified Development Ordinance (UDO) that have been prepared by town staff to implement the 2040 Comprehensive Plan and at the request of the Town Council are reasonable, in the public interest and are generally consistent with the Town of Southern Pines 2040 Comprehensive Plan.

The proposed amendment to clarify and more clearly distinguish the definitions of Dwelling and Tourist Home, and the duration of occupancy of each land use, will help the town begin the process of evaluating the presence and utility of short-term rentals by first establishing a clear definition of each land use. This is a partial implementation of Policy 7.7 in the 2040 Comprehensive Plan. Furthermore, the proposed amendments will help the planning staff by providing a clearer and more defensible basis for daily work responding to inquiries from both those wanting to develop Tourist Homes and those with concerns about the use of Tourist Homes. The proposed amendment to clarify that fuel island canopies shall follow the same requirements as roofs will prevent frequent deviations from a requirement to use brick that is not functionally appropriate. Finally, the proposed amendment to fix an inconsistent reference to Town Council review of Final Plats will improve the UDO by removing an obvious inconsistency that can create procedural confusion.

The proposed amendments are all therefore reasonable and in the public interest and consistent with the 2040 Comprehensive Plan.

ADOPTED this the 21st day of December, 2023.

Diane Westbrook, Chairwoman

ATTEST:

Cindy Williams
Secretary to the Planning Board

(B) Prohibited Uses

The following uses are specifically prohibited in all districts:

- (1) Any use that involves the manufacture, handling, sale, distribution or storage of any highly combustible or explosive materials in violation of the Town's fire prevention code.
- (2) Stockyards, slaughterhouses, rendering plants.
- (3) Use of a Travel Trailer as a temporary or permanent residence. Situations that do not comply with this paragraph on the effective date of this chapter are required to conform within one year.

- (4) Use of a motor vehicle parked on a Lot as a structure in which, out of which or from which any goods are sold or stored, any services are performed, or other business is conducted. If the aforementioned motor vehicle existed on the current Lot prior March 13, 2002, the motor vehicle shall qualify for an exemption hereunder and shall not be subject to removal or penalty as set forth herein provided that appropriate screening be accomplished and approved by staff.

Exhibit 3-15: Table of Authorized Land Uses

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
RESIDENCE OR ACCOMMODATION FUNCTIONS	1000	Homes, apartments, housing for the elderly, and hotels													
Private Dwelling	1100	Single-Family homes, doubles, apartments, Condominiums, mobile homes, Townhouses; excludes households with special provisions													
Single-Family	1110														
Single-Family detached	1111	Typical Single-Family Dwelling	Z	Z	Z	Z	Z	Z	Z	ZS		Z	Z		
Single-Family attached (Townhouses) (Ord. # 1716)	1112	Each Dwelling Unit on a separate Lot; fire wall may protrude from roof or roofs may be staggered						ZS	ZS	ZS		ZS	ZS		
Class A Single-Family Manufactured Home	1113	modular homes and other structures that comply with the NC Residential Building Code as amended	Z	Z	Z	Z	Z	Z	Z	ZS					
Class B Single-Family Manufactured Home	1114	Manufactured Homes that comply with HUD standards and other local criteria		Z											
Class C Single-Family Manufactured Home	1115	Manufactured Homes that comply with HUD standards and do not meet the standards for Class A or Class B Manufactured Homes		C											
Manufactured Home Park	1116	a group of three or more spaces for sale or lease that are designed to accommodate Manufactured Homes		CS											
Two-Family (double or Duplex)	1120							Z	Z	ZS		Z	Z		
Accessory Dwelling	S1130		ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Multi-Family	S1200	Three or more Dwelling Units													
Multi-Family	1151	Three or more Dwelling Units						ZC	ZC	ZC		ZC	ZC		
Multi-Family Conversion	1152	Three or more Dwelling Units in a converted Single-Family home						ZC	ZC	ZC		ZC	ZC		
Multi-Family Condominium	1153	Three or more Dwelling Units that are individually owned and common elements owned by the unit owners as tenants-in-common						ZC	ZC	ZC		ZC	ZC		
Housing Services	1200	Housing and custodial services for those who cannot care for themselves													
Retirement housing services	1210	Offer minimal convenience services						ZS	ZS						
Congregate living services	1220	Provide convenience services such as housekeeping, transportation, recreational programs						ZS	ZS						
Assisted-living board and care and adult care group homes	1230	Adult care, group homes, board and care (excludes rehab uses in code #6520)	ZS	ZS	ZS	ZS	ZS	ZS	ZS		ZS	ZS	ZS		
Continuing care retirement center (PD zoning required)	1240	Continuing care retirement centers; includes some health care													
Nursing or convalescent home	1250	Nursing homes and convalescent hospitals						ZC	ZC		ZC				
Hotels, Motels, or Other Accommodation Services	1300	Lodging and short-term accommodation for travelers													
Bed and Breakfast Home	1311	Primarily in private homes and small Buildings	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS	ZS		
Bed and Breakfast Inn	1312	Primarily in private homes and small Buildings	Z	C	C	C	C	C	C	Z	Z	Z			
<u>Tourist Home</u>	<u>1313</u>	<u>A Dwelling Unit used for periods of less than 30 days</u>								<u>ZS</u>	<u>ZS</u>		<u>ZS</u>		
Rooming and boarding	1320	Dormitory, fraternity or sorority house or other specific group of members						Z	Z	ZS			ZS		
Hotel, motel, Tourist Home or tourist-court	1330	Hotels that do not have gambling services; includes extended-stay hotels								ZS	ZS		ZS		
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													

Southern Pines Unified Development Ordinance

proposal. Development Approvals include, but are not limited to, zoning permits, Site Plan approvals, Special Use Permits, variances, and certificates of appropriateness. The term also includes all other regulatory approvals required by regulations adopted pursuant to this UDO, including plat approvals, permits issued, Development agreements entered into, and Building permits issued. Unless provided otherwise by law, Development Approvals attach to and run with the land.

Development Conditions: The written Development program, dimensional standards, special conditions and restrictions on Development submitted with the application for zoning approval.

Development Envelope: Area within which grading, lawns, pavement and Buildings will be located.

Development Pattern: A type of Development described in chapter 6 of this UDO or otherwise established that is characterized by a mix of uses, intensities of Development or specific design characteristics.

Diameter Breast Height: A standard measure of size for existing trees. The tree trunk diameter is measured in inches at a height of four and one-half (4 ½) feet above grade. If a tree splits into multiple trunks below 4½ feet, then the trunk is measured at its most narrow point beneath the split.

Down-zoning: A zoning ordinance that affects an area of land in one of the following ways:

- a. By decreasing the Development density of the land to be less dense than was allowed under its previous usage.
- b. By reducing the permitted land uses of the land that are specified in a zoning ordinance or land Development regulation to fewer than were allowed under its previous usage.

Dwelling: Any Building, ~~structure, Manufactured Home, or mobile home, or part thereof, used and occupied for human habitation or intended to be so used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For the purposes of minimum housing codes, the term does not include any Manufactured Home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purpose that contains one or~~

Chapter 9. Definitions

more Dwelling Units used, rented, leased let or hired out for living purposes for periods of 30 days or more.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Estoppel: A bar or impediment preventing a party from asserting a fact or a claim inconsistent with a position that party previously took, either by conduct or words, especially where a representation has been relied or acted upon by others.

Evidentiary Hearing: A hearing to gather competent, material, and substantial evidence in order to make findings for a Quasi-judicial Decision required by a Development regulation adopted under this UDO.

Existing Development. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

- (A) Substantial Expenditures or resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project; or
- (B) Have an outstanding valid Building permit as authorized by the General Statutes (G.S. 160D-108); or
- (C) Having expended substantial resources (time, labor, money) and having an approved site specific or phased Development plans as authorized by the General Statutes (G.S. 160D-108.1).

Existing Lighting: Any and all lighting installed prior to the effective date of this UDO.

Expenditure: A sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future Expenditures, as well as any other substantial changes in position.

Extraterritorial Planning Area: That portion of the Town's Planning Jurisdiction that lies outside the corporate limits of the Town. Also includes the terms Extraterritorial Jurisdiction and Extraterritorial Area.

Southern Pines Unified Development Ordinance

- (E) The division of a Tract into Parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

(Ord. #1871, 8-24-20)

Temporary Emergency, Construction or Repair Residence: A residence (which may be a Manufactured Home if permitted in the district in which located) that is:

- (A) Located on the same Lot as a residence made uninhabitable by fire, flood or other natural disaster and occupied by the persons displaced by such disaster;
- (B) Located on the same Lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when the work is completed; or
- (C) Located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

Tourist Home: A ~~Building occupied by an owner or operator in which rooms are rented~~Dwelling Unit used for periods of less than 30 days for the lodging of transients and travelers for compensation.

Town: The Town of Southern Pines, North Carolina.

Town Engineer: The person designated by the Town Manager to carry out the responsibilities established in this UDO or the Town Engineer's designee.

Tract: A Lot. The term Tract is used interchangeably with the term Parcel, particularly in the context of Subdivisions, where one "tract" is subdivided into several "Lots".

Travel Trailer: A structure that (i) is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a

Chapter 9. Definitions

motor vehicle) and (ii) is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definition criteria of a Manufactured Home.

Use, Accessory: A use incidental to and customarily associated with a specific Principal Use located on the same Lot, Tract or Parcel.

Use, Principal: The primary or main use of land or structures, as distinguished from a secondary or Accessory Use.

Vehicle Use Area. That portion of a Lot of Parcel that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of Circulation Areas, loading and unloading areas and parking areas (spaces and aisles).

Watershed. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake).

Wooded Area: An area of contiguous wooded vegetation where trees are at a density of at least one six-inch or greater Caliper tree per 325 square feet of land and where the branches and leaves form a contiguous canopy.

Yard: The area between a Building and the property line.

Yard, Front: The area between the Building Front and the front property line.

Yard, Side: The area between the side of a Building and the side property line that extends from the Building Front to the rear-most part of the Building.

Yard, Rear: The area between the rear of a Building and the rear property line.

Zoning Map or Official Zoning Map: The map pursuant to this UDO and showing the boundaries of zoning districts established herein.

(Ord. #1716; Ord. #1703; Ord. #1820; Ord. #1981; Ord. #2052)

- (D) Recreational amenities, such as pools, clubhouses and tennis courts that serve residential Subdivisions or Multi-Family Developments shall be considered accessory to the Development and need not be located on the same Lot as the Principal Use, but shall comply with minimum Setback requirements applicable to Principal Structures on the Lot on which they are located.
- (E) Portable storage containers shall comply with the following standards:
 - (1) If associated with a project that requires a Building permit, the temporary use shall be noted on the Building permit application along with an acknowledgement that the container shall be removed within ten (10) days of issuance of the final inspection or certificate of occupancy, if applicable.
 - (2) If not associated with a Building permit, the owner or occupant of the site shall apply for a Zoning Compliance Permit and Sign an acknowledgement that the container shall be removed no more than thirty (30) days after its placement on the site.
 - (3) Containers shall not be placed within the minimum Side and Rear Setbacks for the applicable zoning district or be located closer than ten (10) feet from the front property line.
 - (4) A property owner may receive a one-time extension for an additional thirty (30) calendar days at the discretion of the Planning Director. Each property may only receive one (1) Portable Moving Container permit and one (1) extension in a calendar year.

(Ord. #1716; Ord. #1696)

5.4. AUTOMOBILE SERVICE STATIONS/GAS SALES OPERATIONS

The following standards shall apply to uses that service automobiles or other vehicles, or sell gasoline or diesel fuel.

- (A) Fuel pump canopies shall adhere to the same requirements for roofs set forth in Section 4.10. Canopy support columns shall adhere to the same requirements for building materials that apply

to the primary Building serving the fuel station set forth in Section 4.10 *Development Design Standards*, ~~and Fuel pump canopy structures (canopy and columns)~~ shall also be consistent with Section 5.3.2 *Accessory Structures*.

- (B) Signs shall be regulated per Section 4.6. *Signs*, except: Signs located on the canopy or the primary structure shall be considered wall Signs as defined in the UDO. The maximum number of Wall Signs shall not exceed more than one (1) Wall Sign per street frontage.
- (C) Air compressors, hydraulic hoists, pits, repair equipment, greasing and lubrication equipment, auto- washing equipment and similar equipment shall be entirely enclosed within a Building.
- (D) All garbage and refuse shall be stored in mechanical loading containers located near the rear of the Lot or Building, but not less than twenty (20) feet from any adjacent property lines.
- (E) All accessory retail features including, but not limited to: vending machines, newspaper machines, ice machines, and the like shall be placed underneath the canopy or properly screened per the standards set forth in Section 5.12 *Outside Storage* and shall be located twenty (20) feet or more from any property line.
- (F) Certification by a registered engineer shall be required to ensure the prevention of petroleum and petroleum related product runoffs into the existing municipal storm drainage system.

(Ord. #1696)

5.4.1. Fuel Sales in the HCO or DTO Districts

Fuel sales operations within any Highway Corridor Overlay (HCO) or the Downtown Overlay (DTO) and where permitted by zoning shall meet the following standards:

- (A) Fuel pumps shall not be located between the Building and a public street or in any required Building Setback or buffer area. For corner

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- (1) The Tract or Parcel to be divided is not exempted under G.S. 160D-802(a)(2).
 - (2) No part of the Tract or Parcel to be divided has been divided as an Expedited Review Subdivision in the ten (10) years prior to division.
 - (3) The entire area of the Tract or Parcel to be divided is greater than five (5) acres.
 - (4) After division, no more than three Lots result from the division.
 - (5) After division, all resultant Lots comply with all of the following:
 - (a) All Lot dimension size requirements of the applicable land-use regulations.
 - (b) The use of the Lots is in conformity with the applicable zoning requirements.
 - (c) A permanent means of ingress and egress is recorded for each Lot.
- (B) Minor Subdivisions shall include:
- (1) Lot splits or resubdivision of one or more Parcels into not more than five (5) Lots that:
 - (a) Front on an existing street or share a common private driveway meeting the access standards of this ordinance;
 - (b) Do not require the dedication or construction of a public or private street, provided however that perimeter Right-of-Way dedication shall be allowed as part of a minor Subdivision;
 - (c) Do not involve the extension of municipal water or sewer lines by more than two hundred (200) feet from an existing line to the nearest boundary of the Subdivision;
 - (d) Do not adversely affect the remainder of the Parcel or adjoining the property;
 - (e) Are not in conflict with the Comprehensive Plan, official map, or zoning regulations;

- (f) Do not result in the cumulative creation through one or more minor Subdivisions of more than five (5) Lots; and
 - (g) Do not result in the creation of additional driveway accesses along collector, arterial, freeway, expressway, or interstate roadways. If existing Lot(s) front on an existing street, then each existing Lot may have only one (1) driveway access if along a collector, arterial, freeway, expressway or interstate roadway.
- (2) The consolidation of existing Parcels or Lots; or
 - (3) Modification of plats to reflect the dedication of rights-of-way or easements.
- (C) Major Subdivision: Any Subdivision not exempted by the UDO or state law, other than a minor Subdivision.
(Ord. #1716; Ord. #1746; Ord. #1919)

2.19.4. Plat Procedures, Generally

- (A) A Final Plat for a major Subdivision plat shall be approved by the ~~Town Council~~Planning Director before the Subdivision of a Parcel may be recorded.
- (B) Approval of a Final Plat for a minor Subdivision plat shall be approved by the Planning Director before the Subdivision of a Parcel may be recorded.
- (C) The approval of the Sketch or Preliminary Plat shall not be deemed final acceptance of, but rather an expression of approval of the layout as submitted on the Sketch or Preliminary Plat; such approval shall be noted on the Sketch or Preliminary Plat.
- (D) Where only a portion of an approved Preliminary Plat is submitted for final approval, a Final Plat of the remaining area may be submitted at any time within two (2) years of the Preliminary Plat, provided that the Final Plat for the additional area conforms substantially to the approved Preliminary Plat.