



AGENDA

Tuesday, January 9, 2024: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

4. APPROVAL OF AGENDA

5. ORGANIZATIONAL MATTERS

a. Appointment to Complete the Remainder of Mayor Clement's Unexpired Council Term

Taylor Clement was elected Mayor in the November 7th election, leaving her former Council seat vacant. In accordance with NCGS § 160A-63, the Town Council appoints a citizen to complete the remainder of her unexpired term through the November 2025 election. Ten citizens submitted applications for this seat prior to the published deadline of December 15, 2023 at 5pm.

6. PUBLIC COMMENTS

7. CONSENT AGENDA

a. Ordinance #3023 - Amending the Municipal Service District Special Revenue Fund

Staff is requesting an amendment to the MSD Project Budget of \$3,092

b. Approve Town Council Meeting Minutes for December 2023

Staff requests approval of the following meeting minutes for December 2023:

- December 5, 2023
- December 12, 2023

c. Acceptance of Water Asset Inventory and Assessment Grant

Acceptance of the \$200,000 asset and inventory grant for the Town's water system.

d. Acceptance of Wastewater Asset Inventory and Assessment Grant

Acceptance of the \$200,000 Wastewater AIA Grant for the Town's wastewater system

8. ACTION ITEMS

a. WP-03-23 Watershed Protection Permit - 1.02 acres on Central Drive

Kevin Lindsay, on behalf of GPF Investments, LLC, has submitted an application for a Watershed Protection Permit requesting 1.02 acres of 5/70 exemption allocation to develop an eight (8) apartments units, which will result in 45% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin.

9. PUBLIC HEARINGS

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). The proposed amendments cover three topics described in the staff report.

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

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

Ordinance (UDO) to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development. The public hearing for this agenda item was opened at the December 12, 2023 Town Council meeting and immediately continued to January 8, 2024 at the request of the applicant.

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

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).

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

Mr. Kevin Lindsay of Crawford Design Company, on behalf of PTAH, LLC, has submitted a Special Use Permit, Major Subdivision Preliminary Plat and Watershed Protection Permit 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.

10. ADJOURNMENT

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



**ORDINANCE #3023
AMENDING MUNICIPAL SERVICE DISTRICT SPECIAL REVENUE FUND**

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

Section 1: The project authorized is the Municipal Service District #1, described in Ordinance #1993, dated the 12th of April, 2022 and approved at two meetings, May 10th, 2022 and June 14th, 2022.

Section 2: The officers of this unit are hereby directed to proceed with the project within the terms of the ordinance documents, the rules and regulations of the appropriate state laws and the budget contained herein.

Section 3: The following additional revenue is anticipated to be available for the project:

Ad Valorem Tax Revenue	<u>\$3,092</u>
Total Project Revenues:	<u>\$3,092</u>

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

Reserve for Parkway Expenses	\$3,046
Moore County Collection Fee	<u>46</u>
Total Project Costs:	<u>\$3,092</u>

Section 5: The Finance Officer will hereby maintain a separate special revenue fund for the Municipal Service District project. The Finance Officer is hereby directed to maintain within the Special Revenue Fund sufficient specific detailed accounting records to provide accounting to the agency required by the agreement and federal and state regulations.

Section 6: Copies of the special revenue project ordinance shall be made available to the Finance Officer for direction in carrying out this project.

Section 7: The Finance Officer is directed to report annually on the financial status of each project element in Section 4 and on the total revenues received or claimed.

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

Adopted this 23rd day of January 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of January 23, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, December 5, 2023: 6:00 PM
Town Council Agenda Meeting
E.S. Douglass Community Center
1185 W. Pennsylvania Ave

1. CALL TO ORDER

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

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Approve November 2023 Minutes

Mayor Haney introduced the item.
No changes were requested.

Councilmember Pate moved to approve the November minutes, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

b. Accept Certification from the November 7, 2023 Municipal Election

This document certifies the election of Taylor Clement as Mayor, and Debra Gray and Bill Pate as Councilmembers.
Mayor Haney introduced the item.

Councilmember Petersen moved to accept the Certification of the Election of Taylor Clement as mayor and Bill Pate and Debra Gray as Councilmembers, seconded by Mayor Pro Tem Murphy; the vote was unanimous.
Motion passed.

4. ORGANIZATIONAL MATTERS

Mayor Carol Haney thanked her family for their support and recognized her mother, two daughters and 3 of her grandchildren present in the audience. Mayor Haney also thanked the community for their support as well as the past and present council for their support and service to the Town. Mayor Haney recognized the Town staff for their good work.

Mayor Pro Tem Murphy addressed the meeting and expressed his thanks and gratitude for having served with the Mayor and the Council. Mayor Pro Tem Murphy also recognized his wife in the audience and her support for the last 32 years.

a. Community Remarks

Community members are invited to share remarks with Mayor Haney and Mayor Pro-Tem Murphy as they leave officer or for Mayor-Elect Taylor Clement, Council-Elect Debra Gray, or Councilmember Bill Pate as they take office. Public comments on other matters will be received at the beginning of the December 12th business meeting, as normal.

Suzanne Coleman, 225 N. May Street, along with Joseph Hill, on behalf of the board and volunteers of the Welcome Center presented Mayor Haney and Mayor Pro Tem Murphy with the Welcome Center's 1st Christmas Ornament featuring the photography of Joseph Hill, as a thank you for her generous support of the Center.

Ms. Coleman went on to thank Mayor Haney for her leadership and dedication to the Town and looks forward to her continued presence as a member of the Appearance Commission. Ms. Coleman then expressed her gratitude for Mayor Pro Tem Murphy's presence on the Council and wished him luck and blessings on his future endeavors.

Joseph Hill thanked both the Mayor and Mayor Pro Tem along with the rest of the staff for what they do to make the community special and caring for all the citizens of the Southern Pines community.

Dorothy Brower, 102 E. Monroe addressed Mayor Haney and thanked her for her leadership and being a well-known presence in the community. Ms. Brower then addressed Mayor Pro Tem Murphy and expressed her gratitude for his passion and commitment to the community and being the person citizens could look to for guidance. Ms. Brower then went on to thank the remaining Councilmembers, the new Councilmembers and staff for their work for the community.

Mayor Elect Clement thanked Mayor Haney and Mayor Pro Tem Murphy for their dedication and service to the community.

Councilmember Pate, Councilmember Petersen and incoming Councilmember Debra Gray all expressed their thankfulness and gratitude to Mayor Haney and Mayor Pro Tem Murphy for their leadership and commitment to the community.

b. Recognize Outgoing Councilmembers

Mayor Haney and Mayor Pro Tem Murphy did not seek re-election.

Town Manager Parsons, explaining the meaning behind the gift, asked Mayor Elect Clement to present Mayor Pro Tem Murphy with the traditional 'golden putter' as an outgoing gift from the Town.

Town Manager Parsons and Mayor Elect Clement then presented Mayor Haney with a framed photo taken by David St. Clair of a snowy scene in downtown Southern Pines, explaining that Mayor Haney wished for a different gift since she already had a golden putter.

c. Oath of Office: Mayor Taylor Clement

Town Clerk Beth Robertson will execute the oath of office for Mayor-Elect Taylor Clement.

Town Clerk Beth Robertson swore in Taylor Clement as Mayor of the Town of Southern Pines with the assistance of Mayor Clement's oldest

d. Oath of Office: Councilmembers Debra Gray and Bill Pate

Mayor Clement will execute the oath of office for Councilmember-Elect Gray and for the second term for Councilmember Pate.

Mayor Clement swore in Rev. Debra Gray as Councilmember for the Town of Southern Pines with the assistance of Ms. Gray's mother.

Mayor Clement swore in Bill Pate as Councilmember for the Town of Southern Pines with the assistance of his wife and children.

e. Appoint Mayor Pro-Tem and Treasurer

Councilmembers fulfill a variety of roles, which are reviewed annually. Council will revisit some of these roles in early 2024 after the 5th Councilmember is appointed.

1. Mayor Pro-Tem

2. Treasurer

Mayor Clement moved to appoint Councilmember Pate as Mayor Pro Tem and Councilmember Petersen as Treasurer, seconded by Councilmember Pate; the vote was unanimous.

Motion passed.

f. Approve the 2024 Meeting Schedule

Council will adopt their schedule for meetings and work sessions in 2024.

Town Manager Parsons reviewed the proposed 2024 meeting schedule.

Councilmember Pate moved to approve the 2024 Council Meeting Schedule as shown in the packet, seconded by Councilmember Petersen; the vote was unanimous.

Motion passed.

5. REVIEW PROPOSED CONSENT AGENDA FOR DECEMBER 12 AGENDA

a. Appearance Commission Appointments

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

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

Town Manager Parsons reviewed the item.

Asst. Town Manager Roth advised that Gigi Walters also requested a reappointment since her term is expiring.

Mayor Clement recommended staggering the expiration dates of appointees in the future to avoid the large number of appointments needing to be considered at one time. Councilmember Petersen concurs and wished to discuss the matter further at a future work session.

Town Manager Parsons stated that staff would provide the committee histories prior to the January work session meeting.

Mayor Clement asked staff to provide optional dates for reappointment, staggered in 6-month intervals, as well as a list of current vacancies for the January work session.

Town Manager Parsons recommended that the appointment be carried out now and once dates and intervals for re-appointments are discussed and decided then propose the Council to re-adopt the board rosters with the new term dates except where prohibited by statute.

b. Library Advisory Board Appointments

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

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

c. Historic District Commission Appointment

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

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

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

Town Manager Parsons reviewed the item.

6. REVIEW PUBLIC HEARING APPLICATIONS FOR DECEMBER 12 AGENDA

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

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

Town Manager Parsons advised that this item would be a quasi-judicial hearing.

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

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

Town Manager Parsons gave a brief overview of the item.

7. ADJOURNMENT

Upon a motion by Councilmember Petersen, seconded by Councilmember Pate and carried unanimously, Council adjourned at 6:55 pm.

Motion passed.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, December 12, 2023: 6:00 PM

Town Council Business Meeting

Douglass Community Center: 1185 W. Pennsylvania Ave

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda and reminded everyone that there would be no work session for December 2023. The next Council meeting is scheduled for January 9, 2024.

Councilmember Petersen made a motion to request that Item 5d on the Agenda be moved to an Action Item, prior to the Consent Agenda but after Public Comments, in an effort to promote transparency. The motion was seconded by Mayor Pro Tem Pate; the motion was unanimous.

4. PUBLIC COMMENTS

Dorothy Brower, 102 E Monroe, advised the Council that mail deliveries at residences are arriving later in the day, sometimes after dark, which raises some safety concerns for older residents. The local USPS supervisor was asked and responded that, due to the population increase, the routes have gotten longer, so mail arrives at residences later. Ms. Brower went to Congressional Representative Mr. Hudson's office to lodge a concern. Ms. Brower asks the Council to advocate for this issue and suggests that the Council drive throughout the neighborhoods, all together and separately, during both the daytime and nighttime, to learn more about the community. Ms. Brower asserts that the lighting is insufficient in some neighborhoods and asks that the town work so that the amount of light provided should match throughout all neighborhoods within the town. Ms. Brower also requested the Council's support of the Community Connectors.

Patty Camp, 114 Belmont Court, objected to the Knollwood Multi-Use Path Project and asks that the Council consider the resident's opinions when moving forward with the plan.

Doug Hedges, 110 Triple Crown, objected to the Knollwood Multi-Use Path Project and asserts that it is too dangerous for pedestrians to cross Airport Road and feels that the current stop signs for pedestrians and not vehicles are confusing. Mr. Hedges suggests the installation of warning signs that vehicles yield to pedestrians and a solar light for pedestrians to push to cross. Mr. Hedges feels a majority of residents of Longleaf are against the expansion plan of the Multi-Use Path Project and feels the Council should listen to them. Town Manager Parsons advised those present that Airport Road is a DOT roadway, so the Town is unable to make any of the suggested changes but would reach out to the DOT with the suggestions.

Chuck Golick, 100 Steeplechase Way, asserts that the Longleaf Community is against the project and they are concerned with the safety issues of removing the middle lane on Knoll Road, which will increase the chances of walkers, bikers, and runners being hit.

Glen Camp, 114 Belmont Court, spoke against the change in Knoll Road and feels that the removal of

the middle lane, which is used by lawn maintenance crews, Longleaf golf delivery trucks, and residents, and the removal of it will negatively affect the residents. Mr. Camp also welcomed the new Councilmembers to their new positions.

Craig Williamson, 500 Pommel Lane, shared that he is pro Knollwood Multi-Use Path Project and feels that the people using the middle lane now represent a danger.

Mayor Clement advised that there is not a plan at the moment, and she doesn't think that this item will be on the Agenda for another 2-3 months and when a 30% design is achieved then a public hearing will be held.

8. ACTION ITEMS

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

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

Asst. Town Manager/Fire Chief Mike Cameron was asked to come up to the microphone.

Councilmember Petersen asked Asst. Town Manager/Fire Chief Cameron to explain the details of purchasing the fire trucks and the correlation between the age of the fire trucks and the insurance rates for the town and its citizens.

Asst. Town Manager/Fire Chief Cameron advised the Council that fire departments in North Carolina are subject to inspection every 5 years and that inspections directly effects homeowners and business insurance rates within that community. The number of firefighters and the number and type of fire/ rescue apparatus and machines the department has is part of the inspection score. The current fire and rescue trucks are designed to be used for 20 years. The two fire trucks that are currency being requested are coming up to their 20 year mark. The current delivery time for fire trucks is 36 - 40 months and, considering that, along with the price increases taking place, the staff believes that by placing the order for the trucks now, the Town will save a significant amount of money in the long term.

Mayor Pro Tem Pate moved to approve Ordinance #3020 & #3021 for the fire truck purchase, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

5. CONSENT AGENDA

Mayor Pro Tem Pate moved to approve the Consent Agenda, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

a. Approve Appearance Commission Appointments

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

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

b. Approve Library Advisory Board Appointments

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

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

c. Approve Historic District Commission Appointment

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

6. PUBLIC HEARINGS

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

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

Mayor Clement asked applicant to introduce and give an overview of the project.

Paul Saathoff of Bob Koontz Design addressed the Council and requested a continuance based on the staff report comments.

Planning Director Grieve concurs.

Councilmember Gray moved to approve the request for continuance of the public hearing for SU-01-23; Expansion of Authorized Land Uses in 1998 Mill Creek Development Main Plan to the regular Council Business meeting on January 9, 2024, at 6:00 pm. The motion was seconded by Councilmember Petersen and the vote was 3-0 with Councilmember Pate being recused.

Motion passed.

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

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

Mayor Clement opened the public hearing.

Planning Director Grieve reviewed the application and staff report for the Council.

Mr. Cory Longstreet of 1630 Valley View Road thanked the staff for working with him on the project.

No other public comments were voiced.

Mayor Clement closed the public hearing.

Mayor Pro Tem Pate moved that after reviewing the proposed rezoning and the criteria for consideration of zoning amendments, and after considering the comments received at the Town Council's public hearing and the Planning Board's written recommendation, the proposed amendment to the Town of Southern Pines Zoning Map is reasonable, in the public interest, and consistent with the current character of the Hyland Hills neighborhood and the criteria set forth in the Town of Southern Pines Unified Development Ordinance §2.17.9 and the standards in §2.17.11 for reasons set forth in the Planning Board's resolution. Therefore, the requested rezoning from RS-3 to GB-CD is a reasonable request for the reasons mentioned in the Planning Board's resolution and

within the staff report for Z-04-23. The motion was seconded by Councilmember Gray and the vote was unanimous.
Motion passed.

Mayor Pro Tem Pate then made a motion to approve Z-01-23 as submitted and as set forth in the attachments to staff report Z-04-23 with the following mutually agreed upon conditions:

a) The permitted use shall be restricted to low-volume lawn and garden supplies (i.e., LBCS 2123) which may be stored and displayed outdoors using the existing fencing. When new fencing is proposed, the fencing may remain between the use and the 30' buffers and shall be required to conform with the UDO standards at that time;

b) Required buffers, which have been administratively reduced by the Planning Director to 30' for the highway, side, and rear yards of the portion of the property currently being rezoned, shall remain undisturbed (e.g., no tree removal nor side grading, at a minimum) and existing vegetation shall be considered to comply with all buffer requirements;

c) Existing clearings for driveway, parking, and building shall be used to protect the longleaf pine forest; and

d) No manufacturing operation shall occur on site.

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

Motion passed.

7. ADJOURNMENT

Upon motion by Mayor Pro Tem Pate, seconded by Councilmember Gray and carried unanimously, Council adjourned at 6:56 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



**RESOLUTION #1079
ACCEPTANCE OF WATER ASSET INVENTORY AND ASSESMENT GRANT**

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water and wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of \$200,000 to perform asset inventory and assessment work for the **Town of Southern Pines** water system, and

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

NOW, THEREFORE, BE IT RESOLVED:

That the **Town of Southern Pines** does hereby accept the ARPA Grant offer of **\$200,000**

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

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

Adopted this the 9th day of January 2024 at **Town of Southern Pines**, North Carolina.

✓

Taylor Clement, Mayor

ATTEST:

✓

Elizabeth Robertson, Town Clerk



RESOLUTION #1080
ACCEPTANCE OF WASTEWATER ASSET INVENTORY AND ASSESMENT GRANT

WHEREAS, the American Rescue Plan Act (ARPA) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water and wastewater infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan Act (ARPA) funding in the amount of \$200,000 to perform asset inventory and assessment work for the **Town of Southern Pines** wastewater system, and

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

NOW, THEREFORE, BE IT RESOLVED:

That the **Town of Southern Pines** does hereby accept the ARPA Grant offer of **\$200,000**

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

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

Adopted this the 9th day of January 2024 at **Town of Southern Pines**, North Carolina.

✓

Taylor Clement, Mayor

ATTEST:

✓

Elizabeth Robertson, Town Clerk

Agenda Item

To: Reagan Parsons, Town Manager

From: BJ Grieve, Planning Director
Cindy Williams, Planning Technician

Subject: WP-03-23: Watershed Protection Permit Request; 5/70 Exemption Allocation to develop 1.02 acres on Central Drive; Applicant: GFP Investments, LLC

Date: January 9, 2024

I. SUMMARY OF APPLICATION REQUEST:

Kevin Lindsay, on behalf of GPF Investments, LLC, has submitted an application for a Watershed Protection Permit requesting 1.02 acres of 5/70 exemption allocation to develop an eight (8) apartments units, which will result in 45% total impervious surface on the subject property which is located within the High Quality portion of the Little River Intake No. 2 Watershed within the Cape Fear River Basin. Should the Town Council wish to grant the 5/70 exemption under Watershed Protection Permit WP-05-23, the Town shall deduct 1.02 acres from the Little River Intake No. 2 Watershed tally sheet. The subject parcel is currently zoned Neighborhood Business (NB) and is within the Urban Transition Highway Corridor Overlay district and is identified as PIN: 858300223952 (PARID: 00033753).

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

- i. **Current Property Owner/Applicant:**
GPF Investments LLC
P.O. Box 1328
Wrightsville Beach, NC 28480
- ii. **Authorized Agent:**
Kevin Lindsay
Crawford Design Company, Inc.
230 W. Pennsylvania Avenue
Southern Pines, NC 28387

B. Property Information:

- i. **Street Address:**
1410 Central Drive
Southern Pines, NC 28387
- ii. **Property Identification Number (PIN) & Parcel Identification:**
PIN: 858300223952 (PARID: 00033753)

- iii. Size of Property:**
Total Acreage: 1.02 acres

C. Description of Proposed Development:

The applicant plans to construct eight (8) single-family apartment units. The site will be covered with approximately .46 acre (45%) of total impervious surface.

D. Property Zoning Classification:

The subject property is zoned Neighborhood Business (NB) and is within the Urban Transition Highway Corridor Overlay district.

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



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



E. Staff Comments:

- The entirety of the property is within the Little River Intake #2 (LR#2) Watershed and is therefore subject to the Watershed Protection Overlay District and the standards set forth in UDO §3.6.8.
 - The subject property lies within the High Quality Water/Protected Area portion of the Little River Intake No. 2 Watershed.
 - The proposed development is required to obtain the 5/70 exemption allocation because the proposed improvements will exceed the maximum of 12% built upon area or 24% built-upon land area with implementation of stormwater BMPs within the High Quality Water/Protected portions of the watershed.
 - A total of .46 of an acre of total built-upon land area, or 45% of the subject property, is proposed.
 - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (1.02 ac.) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed.
 - The Watershed Protection Permit, if approved, will provide the project with the 5/70 exemption allowing the project to develop up to the 70% built-upon land area.
- The 5/70 exemption for the Town of Southern Pines went into effect in 1993 and allows the Town to develop 5% of our watershed to a 70% impervious level.
- All development in the Town's watershed constructed prior to 1993 is statutorily defined as pre-existing development and considered to be exempt from the requirement to obtain the 5/70 exemption. All new development within a watershed shall be subject to the current watershed standards and eligible projects may pursue the 5/70 exemption.
- The UDO defines the Protected Area as "The area adjoining and upstream of the Watershed Critical Area in which protection measures are required. Unless otherwise modified by the Town, this area corresponds with the state's High Quality Water (HQP) area. The boundaries of the protected area are defined as extending ten (10) miles upstream and draining to the Cape Fear, lower Little River #2 public water supply intake or the ridge line of the Watershed (whichever comes first). The Town may extend the Protected Area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the Protected Area if these landmarks are immediately adjacent to the appropriate outer boundary of ten miles."

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

III. ATTACHMENTS:

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

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



Watershed Protection Permit Application

Date Received: 11/14/23 Case No.: WP- 03 - 23

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: 1410 Central Drive Apartments Zoning District: Urban Transition Hwy NB Total Property Acreage: 1.02 ac
PIN: 858300223952 Parcel ID: 00033753 Watershed: WSIIP, Little River Intake 2
Type of Development: 8-Unit Apartment complex Total Built-Upon Area*: 0.46 acres
% of Total Property Acreage Proposed to be Built-Upon Area*: 0.45%

Applicant:

Name(s): GFP Investments, LLC Email: gordon@friezeinc.com
Mailing Address: PO Box 1328, Wrightsville Beach, NC 28480 Phone: 910-262-5450

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-Upon 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.

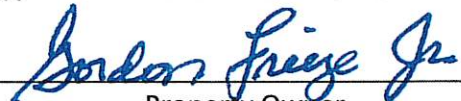
APPOINTMENT OF AGENT

The undersigned owner(s), Gordon Frieze, hereby appoint(s) Kevin Lindsay, PE as the exclusive agent for the purpose of making an application to the Town of Southern Pines for approval of the site 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 Technical Review Committee for the proposed improvements on the subject property; and
4. to act on behalf of the owner(s) without limitations with regard to any and all things directly or indirectly connected with or arising out of any application for site plan approval under the Southern Pines Unified Development Ordinance.

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

Signed this 4th day of August, 2023.



Property Owner

Property Owner



Agent

Narrative Justification for 5/70 Application

A. The use and location of the use are consistent with Comprehensive Plan.

The placement of apartments in this NB zoning is a by right use. The construction of two bedroom apartments is in keeping with the comprehensive plan for diverse housing.

B. The design of the project is appropriate for the location and is consistent with the purpose of the WPO district.

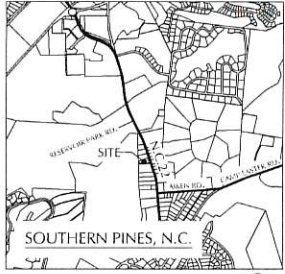
The small apartment complex will be well screened from NC-22/Central Drive and adjacent land uses. With the proposed infiltration basin, the project will actually reduce runoff from the 10 year storm and will significantly runoff from most storms (from .81 to .21 cfs for storms at or below the 1-year storm frequency)

C. The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole.

The apartments and Vehicle Use Area (VUA) take up the minimum space required by the UDO and the site. In addition, the 8 unit complex only takes up .45 acres of impervious area.

D. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.

The planned apartments will not detract from other neighborhood businesses or homes in the area.



EXISTING CONDITIONS SURVEY NOTES

1. THE PURPOSE OF THE PLAN IS FOR INFORMATIONAL PURPOSES ONLY. THROUGH 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 CONTRADICTIONS WHICH MIGHT ARISE BY REASON OF ENCOUNTERING UNRECORDED LINES OR LINES BEING IN DIFFERENT LOCATIONS THAN INDICATED ON THIS PLAN. THE VERTICAL DATUM FOR THIS SURVEY IS NAVD83 AND NAVD98.
- 3.

PARCEL/TAX IDENTIFICATION NUMBERS

- 0003753
- PIN: 858300223852

DEED / PLAT BOOKS / PAGES

- DEED 887 PG 338

OTHER INFORMATION

- N/A

ADDITIONAL NOTES

1. ALL GENERAL NOTES, ABBREVIATIONS, SYMBOLS, AND OTHER INFORMATION INDICATED ON COVER SHEET SHALL APPLY TO THIS PLAN.

DAWG
X DENOTES TREES TO BE REMOVED

Existing Condition: .01 ac Impervious Area (IA), 1%

TOWN OF
SO. PINES
PIN: 858317116814
ID: 99000591
156.57 ACS
ZONE RE
(CURRENT USE:
PLANNED PARK)

ANTONIO & SALL SOMOZA
1440 CENTRAL DR.
PIN: 858313233049
ID: 00038433
1.192 ACS
ZONE NB
(CURRENT USE:
SF RESIDENTIAL)

65B
PIN: 858300222952
ZONE NB-URBAN
TRANSITION HIGHWAY
CORRIDOR
1.02 ACS

AMERIGAS PROPANE
1340 CENTRAL DR.
PIN: 858313224701
ID: 00037460
3.062 ACS
ZONE NB
(CURRENT USE:
GAS COMPANY)

GPF INVESTMENTS, LLC
1420 CENTRAL DR.
PIN: 858300234070
ID: 20210256
0.24 ACS
ZONE NB
CURRENT USE: SF RESIDENTIAL

DAVID W MOORE
1425 CENTRAL DR.
PIN: 858314237181
ID: 00034244
ZONE RS-3

E R WORRELL
1415 CENTRAL DR.
PIN: 858314228907
ID: 00040544
ZONE RS-3



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Civil Engineering - Southern Pines, NC
280C W. Pennsylvania Ave., Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddesign.com



Matthew A. Callahan Surveying
110 S. 1st St.
Wilmington, NC 28401
PIN: 0104240000

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	07/23/23

GPF INVESTMENTS, LLC
1410 CENTRAL DRIVE APARTMENTS
EXISTING CONDITIONS SURVEY

Project Manager: JMS
CADD Technician: RNS/SCALE
Reviewed/Approved By:
Project Number: 220317

Full Scale: 1" = 100'
Half Scale: 1" = 50'

MMDDYYYY

C1.0



1. OBTAIN ALL NECESSARY PERMITS AND APPROVALS AND HOLD PRE-CONSTRUCTION CONFERENCE.
2. INSTALL GRAVEL CONSTRUCTION ENTRANCE.
3. INSTALL TEMPORARY SEDIMENT FENCE AND FENCE OUTLETS.
4. CLEAR AND GRUB ALL UNSUITABLE MATERIALS WITHIN THE LOC.
5. INSTALL TEMPORARY SKIMMER BASIN WITH POROUS BAFFLES AND DIVERSION BERMS.
6. BRING IN FILL AND GRADE SITE.
7. INSTALL DRAIN DIAPHRAGM AND INLET PROTECTION.
8. INSTALL BECHTOLD WALL "AF" WHILE INSURING RUNOFF CONTINUES TO GO TO SKIMMER BASIN.
9. COMPLETE SITE WORK AND STABILIZE ALL AREAS NORTH OF RETAINING WALL.

D/W Construction General Permit Ground Stabilization Requirements		
Site Area Description	Stabilization Time Frame	Stabilization Time Frame Exceptions
Perimeter dikes, swales, ditches and ditches	7 days	None
High Quality (H2W) Zones	7 days	None
Slopes steeper than 3:1	7 days	If slopes are 10' or less in length and less than 2:1 14 days are allowed
Slopes 2:1 or flatter	14 days	7 days for slopes greater than 50' greater than 50'
All other areas with slopes flatter than 4:1	14 days	None (except for perimeters and H2W Zones)

* Extensions of time may be approved by the permitting authority based on the nature or effect of the specific construction that nature complete/impacts" (Section 8.0) (p. 10)

* Extension of time may be approved by the permitting authority based on weather or other site-specific condition that make compliance impracticable. (Section 8.02(g))

ANTONIO & SALL SOMOZA
DB 5335 PG 573
ZONE NB

N OF SOUTHERN PINES
DB 5492 PG 240
ZONE RE

AMERIGAS PROPANE
DB 1085 PG 454
ZONE NB

CHARLIE Y COMSTOCK
DB 5564 PG 28
ZONE RS-3

DAVID W MOORE
DB 5327 PG 166
ZONE RS-3

ECM SSMH
RM=424.37'
INV IN=413.84'
V OUT=413.77'

RIM=42
INV IN=41
INV OUT=41

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 The Journal of
 the American
 Psychological
 Association
 Vol. 100, No. 1
 March 1995

Landscape Architecture Fayetteville, NC
Civil Engineering Southern Pines, NC

230C W. Pennykin Ave. • Southern Pines, NC 28586
Voice: 910-725-1107
www.crawfordsn.com

[illegible]

GFP INVESTMENTS, LLC.
1410 CENTRAL DRIVE APARTMENTS

GRADING AND EROSION CONTROL PLAN

Project Manager:	K
CAD Technician:	R/N/G
Reviewed / Approved By:	
Project Number:	2201

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

C3.0

Exhibit 3-14: WPO District Development Density and Intensity Requirements

Location	Maximum Density or Intensity
Critical Area	New Development shall be limited to either one (1) Dwelling Unit per acre or twelve (12) percent built upon land area.
High Quality Water (HQW) / Protected Area	New Development shall be limited to one (1) Dwelling Unit per acre or twelve (12) percent built upon land area unless (a) the Development disturbance area is less than one (1) acre or (b) BMPs or another approved stormwater management based practices are used. New Development with a Development disturbance area less than one (1) acre shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built upon land area. New Development utilizing BMPs or another approved stormwater management based practices shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent built-upon land area in the Watershed outside of the Critical Area. - For Commercial Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*. - For Residential Projects: New Development requires a state Stormwater Permit if the Development disturbance area exceeds one (1) acre. If the new Development exceeds the twenty-four (24) percent built upon area the project may apply for the 5/70 exemption*.
Rest of Watershed (WS-III)	New Development shall be limited to two (2) Dwelling Units per acre or twenty-four (24) percent Built-Upon Area. If the new Development exceeds either of these thresholds the project may apply for the 5/70 exemption*.

Table Notes:

*** 5/70 Exemption Allocation for Non-Residential and High- Density Attached Residential Development:** New Development may be developed at up to seventy (70) percent built-upon land area as follows:

- The total area subject to this provision shall not to exceed five (5) percent of Southern Pines' jurisdiction as of July 1, 1993 within the Watershed and outside of the Critical Area.
- Development in the **CB** district shall qualify for this allocation on a first come, first serve basis until the five (5) percent is exhausted.
- Development outside of the **CB** district requiring an allocation of Built-Upon Area shall require approval from the Town Council in conjunction with any Development Approval prior to Building Permit Approval. The allocation may be granted concurrently with Architectural Compliance Permit or Final Development Plan approval and shall be subject to the following criteria:
 - The use and location of the use are consistent with the Comprehensive Plan;
 - The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
 - The allocation is minimum necessary to establish the use at a size, scale and design that serves the interests of the Neighborhood and the Town as a whole; and
 - The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
- All allocations shall be deducted from the five (5) percent total area allocation and shall be monitored by the Planning Director.
- If this exemption is granted, a State stormwater permit shall not be required.

Exemptions: Those areas bounded by a pre- existing natural or permanent obstruction which prevents surface storm water runoff from reaching any designated water supply as determined in writing by the North Carolina Division of Water Quality, and the exception would have only an insignificant impact on the available allocation as determined by the Town Council.

Current 5/70 Watershed Tally Sheet:				
Watershed	Gross Acreage (2012)	5% of Watershed	Total Existing Project Acreage Deductions with Post-1993 Built-Up Area Exceeding 24%	Acreage Left Available since 1993 Allotment of 5%
Little River Intake #2	22,470.88	1123.54	672.50	451.04
WP-03-23 1.02 ac.				
Total Project Acreage	Total Permitted Amount of Built-Up Area for Project in Acres (70%)	Total Amount of Built-Up Area with Proposed Project	Total Acreage to be Deducted from 5/70 Tally	Acreage Left Available if Request is Approved
1.02	.71	45%	1.02	450.02

Agenda Item

To: Town Council

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: January 9, 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. PLANNING BOARD REVIEW:

At the December 21, 2023, Planning Board regular meeting, a public hearing was held prior to the Board's motion on the text amendments. Only one public comment was made regarding the proposed tourist home definition. The comment was whether AirBnB—the company that provides a digital platform for rentals—was a type of tourist home. The Planning Board responded by saying that rental homes on AirBnb are tourist homes, but that the proposed text amendment does not change any of the company's rental standards, rather just the definition within the town.

After closing the public hearing, a motion was made and seconded stating that the text amendments are consistent with the 2040 Comprehensive Plan and that the Board recommends approval of OA-06-23 to the Town Council. The motion passed by a 6-0 vote in favor of the motion. The signed Planning Board resolution can be found in Attachment 2.

III. 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 Town Council's public hearing on January 9, 2023 for questions and/or to discuss any of the proposed amendments. Each topic will be presented in detail to the Town Council and public at the 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 Town Council staff report on January 3, 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 9, 2023 Town Council public hearing will be provided to the Town Council.

IV. ATTACHMENTS:

1. Southern Pines Unified Development Ordinance (UDO), showing edits in red text.
2. Signed Planning Board Resolution
3. Draft Ordinance

V. TOWN COUNCIL ACTION:

The Town Council shall consider the criteria for text amendments found in UDO §2.17.10, including consistency with the Comprehensive Plan. Per NCGS §160D-605, the Town Council shall approve a brief statement addressing plan consistency and reasonableness of the proposed amendment. The Town Council may wish to use the following motions for guidance:

I move that after considering the criteria for text amendment found in in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that:

- 1. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-06-23;**
2. The proposed text amendment is consistent with the Comprehensive Plan and is a reasonable way to implement the Comprehensive Plan for the reasons set forth in the Planning Board's recommendation, and therefore the Town Council adopts the Planning Board resolution that is included as an attachment to the staff report for OA-06-23, but with the following edits or additions to Attachment 2...
3. The proposed text amendment is not consistent with the Comprehensive Plan and/or is unreasonable for the following reasons...

And, therefore, I move to:

1. **Approve OA-06-23 as attached to the staff report** *(if desired, the Town Council may state any additional reasons you support the proposed amendment, besides those already listed in Attachment 2);*
2. Approve OA-06-23 as attached to the staff report, but with the following changes... *(if any changes were made to the proposed revisions, list the changes and reason(s) the text was changed);*
3. Deny OA-06-23 *(the Town Council shall state any reasons for denial of the proposed amendment);* OR
4. Other...

Topic 1
Tourist Homes
UDO Showing OA-06-23
Amendments

(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~~

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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)

Topic 2
Fuel Canopies
UDO Showing OA-06-23
Amendments

- (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

Amended

10-10-23

5-3

Topic 3
Plat Approval
UDO Showing OA-06-23
Amendments

- (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.



**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.

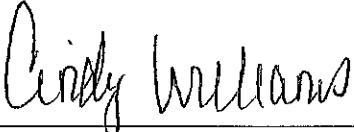
The proposed amendment to clarify and more clearly distinguish the definitions of Dwelling and Tourist Home, and the duration of occupancy of each land use, will help the town begin the process of evaluating the presence and utility of short-term rentals by first establishing a clear definition of each 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 T. Westbrook, Chairwoman

ATTEST:


Cindy Williams
Secretary to the Planning Board



ORDINANCE # 3024
AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE
TOWN OF SOUTHERN PINES
OA-06-23

THAT WHEREAS, after notice being duly given according to law, a public hearing was held before the Town Council of Southern Pines, North Carolina, at its regular meeting held on January 9th, 2024 at 6:00 PM for the purpose of considering an Ordinance amending the Unified Development Ordinance of the Town of Southern Pines, North Carolina; and.

WHEREAS, after the completion of said public hearing, and upon consideration of any comments, objections or presentations at the hearing, the Town Council of the Town of Southern Pines deems it advisable and in the best interest of the Town of Southern Pines that the Unified Development Ordinance of the Town of Southern Pines be amended as herein set forth below.

NOW THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines, North Carolina at its Regular Business Meeting assembled on the 9th day of January, 2024:

Section 1. That Exhibit 3-15 and §9.3 of the Unified Development Ordinance is hereby amended as depicted on Attachment A to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 2. That §5.4 of the Unified Development Ordinance is hereby amended as depicted on Attachment B to this Ordinance, wherein deletions to the current text are depicted as ~~stricken~~ and additions to the text are depicted as underlined.

Section 3. That §2.19.4(A) of the Unified Development Ordinance is hereby amended as by replacing “Town Council” with “Planning Director.”

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

Adopted this 9th day of January 2024.

I certify that this Ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting on January 9th, 2024 as shown in the Minutes of the Town Council meeting for that date.

Elizabeth Robertson, Town Clerk

COUNTY OF MOORE
STATE OF NORTH CAROLINA

CLERK’S CERTIFICATION

I, Elizabeth Robertson, Town Clerk of the Town of Southern Pines, North Carolina, do hereby certify that the attached is a true and accurate copy of Ordinance #3024 Amending the Unified Development Ordinance of the Town of Southern Pines OA-06-23 which was adopted at a meeting of the Southern Pines Town Council on the 9th day of January 2024.

WITNESS my hand and the official Seal of the Town of Southern Pines, North Carolina, this the 9th day of January 2024.

Elizabeth Robertson, Town Clerk

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	-	FRR
Multi-Family	11200	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	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>	<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 center	1330	Hotels that do not have gambling services; includes extended-stay hotels								ZS	ZS		ZS		
GENERAL SALES OR SERVICES			2000												
Retail Sales or Service and Repair			2100												

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~~

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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).

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Southern Pines Unified Development Ordinance

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

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- (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
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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

Amended

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 5.1.2 *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.
- (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

- (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;

(A) A Final Plat for a major Subdivision plat shall be approved by the ~~Town~~ 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.
- ATTACHMENT C
- Amended
- 10-10-23
- 2-32
- Page 47 of 180

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

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

Date: January 9, 2024

I. SUMMARY OF APPLICATION REQUEST

Mr. Bob Koontz of Koontz Jones Design, on behalf of Mill Creek Partners, LLC, has submitted a Special Use Permit major amendment application pursuant to §2.21.12(A) of the Town of Southern Pines Unified Development Ordinance (UDO) to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the development. This amendment proposes adding land uses—in categories such as automobile services; heavy, durable, and other consumer goods sales or services; health and personal care and services; rentals and leasing of cars; health and human services, including outpatient clinics; social assistance, welfare, and charitable services; and other land uses—to the list of authorized uses in the GB-CD portion of the development. The amendment also proposed modifications to the Master Plan map to change “Shopping” and “Office/Condominium” sites within the GB-CD to “General Business.” Lastly, a Traffic Impact Analysis was required as part of this application, and has been submitted for the Town’s review.

II. TOWN COUNCIL REVIEW

Following Planning Board review, on October 2, 2023, the applicant, Mr. Robert Koontz, requested an administrative continuance to address town staff items and issues that came up during Planning Board discussion (see Planning Board Review section below). This included a reduction in the number of authorized land uses, continued work on the Traffic Impact Analysis to address the Town Engineer’s comments (including pedestrian connectivity and multimodal trips), and reformatting the authorized use table for clarity of interpretation. On October 31, 2023, the applicant requested a second administrative continuance due to continued work on the Traffic Impact Analysis. Additional application materials were submitted on October 26, November 14, and November 15, 2023. Town planning staff scheduled SU-01-23 for a public hearing at the December 12, 2023 Town Council Regular Meeting and attached all updated application materials.

At the December 12, 2023 Town Council Regular Meeting the applicant requested a continuance for more time to address and resolve issues related to impacts of additional land uses identified in the applicant’s TIA. The applicant stated that they needed more time to resolve the issues for next month. On December 28, 2023 planning staff contacted Town

Engineer James Michel to learn if anything new had been submitted regarding the TIA for the Mill Creek Amendment. Mr. Michel responded that he has not seen anything new. As of the date of completion of this staff report on January 4, 2024 for the January 9, 2024 Town Council Regular Meeting, no additional materials have been received and staff has not had further correspondence with the applicant. The applicant may provide additional information at the hearing on January 9, 2024.

III. PLANNING BOARD REVIEW

On September 21, 2023, four members of the Planning Board held a Preliminary Forum regarding SU-01-23 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by town staff regarding the project, the property owner and applicant, Mr. Bob Klug, addressed the Planning Board and introduced Mr. Paul Saathoff of KoontzJones Design, representative for the applicant's authorized agent. Mr. Saathoff made a presentation to the Planning Board, providing additional details and justification for the proposed project. No other members of the public spoke.

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

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

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

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

IV. PROJECT INFORMATION

A. Property Owner & Applicant Information

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

B. Project History and Site Information

i. Location

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

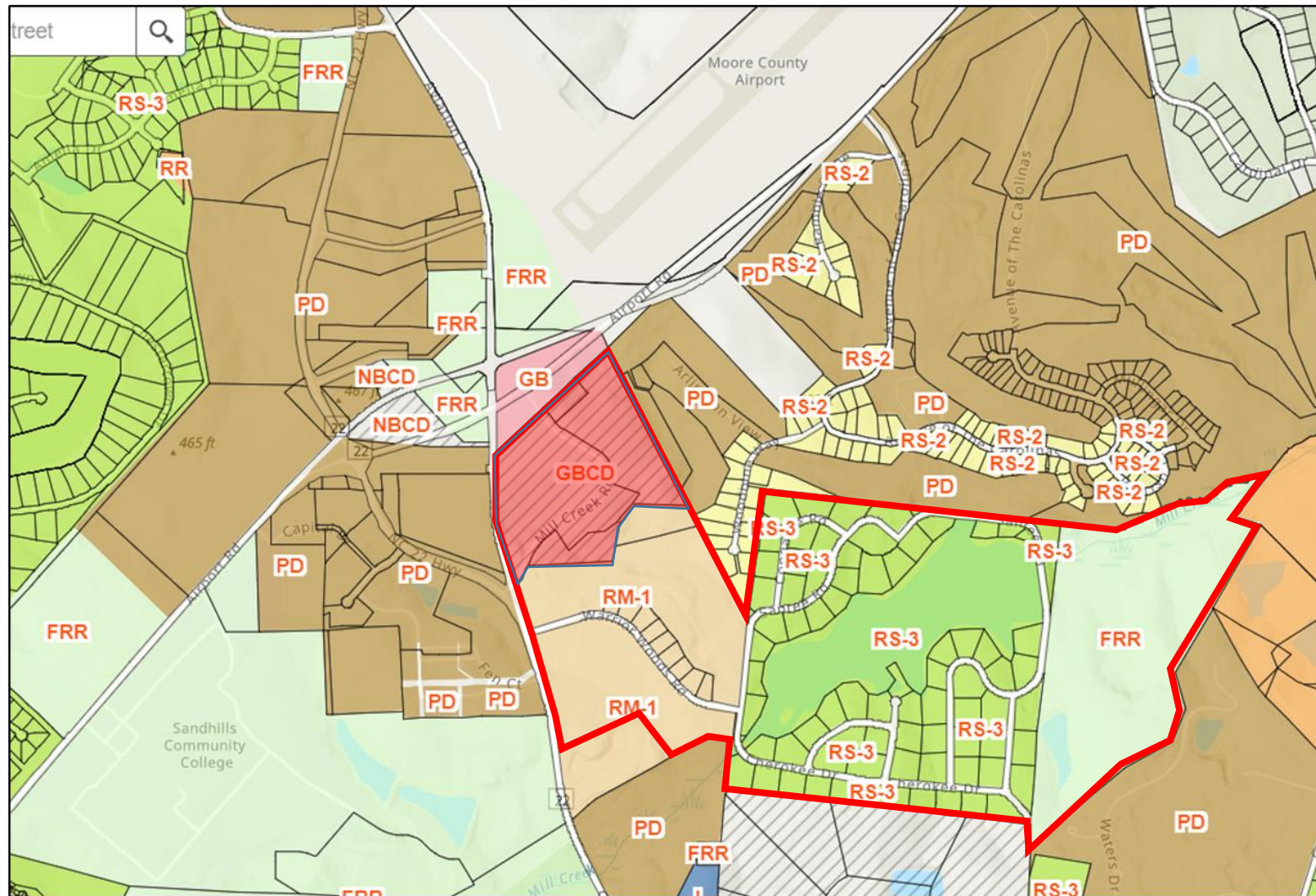
ii. Zoning/Future Land Use Map Designation:

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

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



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



V. STAFF REVIEW:

A. Application Review Dates:

- Special Use Permit SU-01-23 Application Submitted: **August 14, 2023**
 - Application Deemed Complete: **August 21, 2023**
 - Additional Materials Submitted: **October 26, 2023**
 - Additional Materials Submitted: **November 14, 2023**
 - Additional Materials Submitted: **November 15, 2023**
- TRC Staff Review: **August 22, 2023**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **September 14, 2023**
 - Mailed: **September 7, 2023**
 - Internet: **August 24, 2023**
 - Published: N/A for SUP
- Planning Board Preliminary Forum: **September 21, 2023**
- Notice of Town Council Public Hearing:
 - Posted On-site: **September 14, 2023**
 - Mailed: **September 7, 2023**
 - Internet: **September 22, 2023**
 - Published: Sent September 22, 2023 for publishing on **September 27** and **October 4, 2023**
- Town Council Regular Meeting: **Administratively continued the scheduled October 10, 2023 public hearing**
- Town Council Regular Meeting: **Administratively continued the scheduled November 14, 2023 public hearing**
- Town Council Regular Meeting: **Applicant requested and Town Council approved a continuance of the scheduled December 12, 2023 public hearing**
- Town Council Public Hearing: **January 9, 2023**

B. Process of Review:

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

C. Standards for Review:

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

D. Criteria for Review and Compliance with the UDO

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

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

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

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

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

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

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

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

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

B. The proposed special use shall conform to the character of the neighborhood in which it is located and not injure the use and

enjoyment of property in the immediate vicinity for the purposes already permitted;

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

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

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

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

Therefore, a minimum effort to connect these failing facilities with the development has not been demonstrated. For instance, a

multimodal connection to Caropines, Tyler's Ridge commercial development, and Tyler's Ridge apartments could reduce the magnitude of inadequacy by providing an alternative transportation path—which in the case of Caropines is already being informally used (see Figures 3 and 4). Considering this information, Planning staff consider the properties to have inadequate public facilities.

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



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

connectivity that contribute to orderly development and improvement of surrounding property.

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

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

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

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

The applicant claims that the proposed uses and changes are consistent with the 2016 Comprehensive Long-Range Plan and the character of the surrounding neighborhood. However, Policy P-7 Streetscapes states that “when streets are developed as part of new developments, ensure that the streets are designed and constructed to support the needs of all users (e.g., cars, bicycles, pedestrians and, where applicable, truck traffic) in context with their location and

function in the region, Town and neighborhood in which they are located...” Furthermore, UDO Section 4.12.2(A)(1)(f) states that a Traffic Impact Analysis should “ensure that adequate facilities for pedestrians, transit users and bicyclists have been provided.” However, neither of these policies have been sufficiently addressed in this application.

ii. Development Design and Other Standards from UDO Chapter 4

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

E. General Staff Comments

- Approval of the request will result in the expansion of authorized land uses to a total of 87 land uses rather than the current 14 land uses, which do include several categories that are generalized such as “shopping centers” and “entertainment facilities.” Each of these general categories could include many subcategories of land uses.
- A Traffic Impact Analysis was submitted on September 1, 2023, to Planning staff and the Town Engineer. The Town Engineer James Michel continues to be in conversation with Travis Fluitt of the consulting firm Kimley-Horn & Associates, Inc. (see Attachment 5 and 5a) regarding the adequacy of the analysis and proposed improvements. Of particular concern is the insufficient projections for pedestrian and multimodal trips and inadequate levels of service for several intersections between the Mill Creek development and Highway 22 and Airport Road.
- Staff believe that pedestrian and multimodal connections should be included between the Mill Creek development and Caropines where there is an existing informal path as well as with the Tyler’s Ridge commercial development where a sidewalk and crosswalk could safely be located. Furthermore, additional language to this effect should be included in the Mill Creek Master Plan (Attachment 3).
- No analysis has been completed on the potential impact of the significantly expanded permitted uses on property values within the neighborhood. No analysis on other potential positive or negative impacts to orderly development (such as sewer and water demand, noise generation, parking, etc.) has been provided by the applicant.
- Pursuant to UDO §2.27.7, in approving any Special Use Permit, the Town Council may impose such reasonable standards, conditions, or requirements as it may deem necessary to protect the public health, safety and welfare. As a preliminary forum to the evidentiary hearing, the Planning Board is solely allowed to provide a list of issues to the Town Council.

F. Outside Agency and Neighborhood Meeting Comments

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

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

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

G. Staff Recommendation

As of the date of completion of this staff report (January 4, 2024), planning staff must again recommend a continuance until (1) the TIA has been satisfactorily updated to address the Town Engineer's concerns so that Planning staff can reevaluate compliance with UDO §2.21.6 Special Use Permit Criteria C, D, E, and F; and (2) the Applicant's updated Master Plan has been satisfactorily amended to address the concerns identified in the Traffic Impact Analysis, including the potential for including multimodal connections between the Mill Creek development and the Caropines residential and Tyler's Ridge commercial developments to offset poor levels of service for vehicles. If future development occurs on the RM-1 portion of the Mill Creek development adjacent to Highway 22, then multimodal connections should be included at that time to extend from Mill Creek Road down to Warrior Woods Road and Fen Court.

VI. ATTACHMENTS

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

1. Special Use Permit Application
2. Applicant's Special Use Permit Narrative and Justification
3. Mill Creek Master Plan with Track Changes and Additional Exhibit A
4. Mill Creek Traffic Impact Analysis Executive Summary dated September 1, 2023 plus updated Section 7.0: Bicycle and Pedestrian Connectivity
5. Town Engineer Communication with Traffic Impact Analysis Preparer

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

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

VII. TOWN COUNCIL ACTION

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

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

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

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

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

Finding of Fact #1

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

Finding of Fact #2

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Special Use Permit Application

Fee: \$ _____

Date Paid: _____

Case No.: SU-_____-____

Project Information:

Street Address: MILL CREEK RD.

PIN: 858300176636; 858300274839

Parcel ID: 20070989; 20070990

Site Size: ±40.44 AC

Zoning: GB-CD

Applicant:

Name(s): MILL CREEK PARTNERS, LLC

Email: letitgo@pinehurst.net

Phone: 910-295-5011

Mailing Address: PO BOX 1511 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): MILL CREEK PARTNERS, LLC & MILL CREEK PARTNERS II, LLC

Email: letitgo@pinehurst.net

Phone: 910-295-5011

Mailing Address: PO BOX 1511 PINEHURST, NC 28374

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

I, the undersigned, do hereby make application to and petition the Planning Board and Town Council to grant a Special Use Permit 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 SOUTH side of AIRPORT RD (St./Ave.), between POVERTY HILL (St./Ave.) and MILL CREEK (St./Ave.). The property has a frontage of ±1290 feet and a depth of ±1510 feet.

The special use sought is based upon Section(s) 2.21 of the **Town of Southern Pines Unified Development Ordinance**. The proposed use of the property is as follows:

GENERAL BUSINESS

Date:

8/10/23

MILL CREEK PARTNERS LLC

John E. Gomer
Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES

plan@southernpines.net (910) 692-4003 www.southernpines.net

**MILL CREEK
SPECIAL USE PERMIT NARRATIVE**

The property described as the Mill Creek Mixed-Use Development in the submitted documents and exhibits was approved in 1998. It is located on the south side of Airport Road and East of NC Highway 22. Original property approvals comprised areas zoned GB-CD, RM-1, and RS-3 and included the Warrior Woods subdivision and Mill Creek shopping center.

Since the original approval, much of the originally approved Mill Creek Shopping Center has been developed. A grocery store, personal services businesses, medical offices, and restaurants have been developed in the shopping center through the original approvals of the development.

Since the original development was approved, there have been several versions of the Unified Development Ordinance (UDO). The Table of Authorized Land Uses within the UDO has been modified and is now much more specific than the ordinance in place when the Mill Creek project was approved. This special use permit (SUP) is submitted to clarify what permitted uses are authorized within the established GB-CD district and to update the permitted uses using the current UDO standards and LBCS codes. Furthermore, this special use permit also aims to clarify where these uses are permitted within the GB-CD zoned area.

This SUP proposes to clarify two (2) parts of the original 1998 zoning documents as described below:

Part I:

General Business Uses:

Under the 'Zoning' section (pages 9 & 10) of the approved 1998 zoning documents, were listed general land uses allowable within the GB-CD area. The Table of Permissible Uses in place at the time of approval was vague and included broad land-use categories (i.e., 'Shopping Centers' and 'Entertainment Facilities'). At the time, the UDO did not include LBCS codes which are much more specific and are part of the current UDO. To provide greater clarity for the applicant and Town staff related to the land uses permitted in the Mill Creek Shopping Center, Exhibit 'A' has been included with this application. Exhibit 'A' utilizes the current UDO's Table of Authorized Uses to describe the uses permitted in the Mill Creek Shopping Center area and permitted within the GB-CD district. The proposed uses are consistent with the current uses and character of the existing Mill Creek shopping center and the vision of the previously approved zoning documents.

Part II:

Illustrative Map Update:

The 'Regulatory Map' included in the approved 1998 zoning documents indicates that the Mill Creek shopping center area, in its entirety, is a GB-CD zoning district. It would be assumed that the uses



identified under the 'General Business' section of the zoning document would be permitted in the entirety of this area. However, the 'Illustrative Plan,' included with the 1998 zoning documents, labels a bubble within this area as an 'Office Condominium Site,' leading to confusion about what is permitted within this area. Under the current UDO, many office uses are permitted within the GB zoning district. An update to the 'Illustrative Plan' is included with this application and removes the 'Office Condominium Site' label to clarify that the GB uses, as provided in the original zoning documents and further identified with Exhibit 'A' of this application, are permitted within the entire shopping center area.

This SUP proposes the above amendments to clarify the uses permitted within the Mill Creek GB-CD district to correspond to the current UDO's more distinct land use categories. No modifications or changes are proposed to the RM-1 or RS-2 districts within the Mill Creek development. Future development of the Mill Creek Shopping Center will follow the development standards as established in the approved Mill Creek Mixed-Use Development zoning documents and these updated documents.

Mill Creek Special Use Permit Justification

Below are listed the six (6) criteria required to approve a Special Use Permit application as described in Section 2.21.7 of the Town of Southern Pines UDO. Following the individual criteria is an explanation, indicated in red, describing how the project demonstrates compliance with each of these criteria.

A Conditional 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 purpose of this special use permit is to clarify what permitted uses are allowed in the established GB-CD district and update them using the current UDO and LBCS codes. All future development will comply with all regulations of the GB-CD zoning district and any applicable supplemental use regulations. All future development will meet the standards specified in the Mill Creek zoning documents or the Southern Pines Unified Development Ordinance.

- (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 proposed uses will adhere to the standards of the zoning district or UDO and are in character with the surrounding properties and current development.

- (C) Adequate public facilities shall be provided as set forth herein;

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. Previous phases of the development have developed the infrastructure adequate for the overall development. Future phases of development will have access to accommodate emergency and waste removal vehicles.

- (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;

This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and zoning classifications. The proposed use is consistent with the previous phases of the 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; and

Future phases will continue the existing development pattern and conform to all development standards of the GB-CD zoning district, UDO, and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

- (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 requested special use permit is in compliance with the established development pattern and is in conformance with the underlying conditional zoning district. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The CLRP classifies this property as Commercial, which is consistent with the overall plan.

tracked changes

LAND USE MASTER PLAN

FOR

MILL CREEK

MIXED – USE DEVELOPMENT

SOUTHERN PINES, NORTH CAROLINA

prepared for
Pinehurst Area Realty

By
The Hayter Firm

March 23, 1998

Edited By Koontz Jones Design

August 14, 2023

I. INTRODUCTION

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

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

II. THE PLANNING PROCESS

Land Use Concepts

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

Programming

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

Development Program

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

Site Inventory Analysis

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

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

Concept Development

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

Site Accommodation Studies

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

Final Plan

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

III. THE PLANNING GOALS

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

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

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

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

IV. EXISTING CONDITIONS

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

Existing Natural Conditions

Project Area

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

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

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

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

Soils and Hydrology

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

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

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

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

Slope Analysis

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

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

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

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

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

Vegetation

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

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

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

Existing Regulatory Conditions

Roads

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

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

Easements

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

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

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

Environmental Regulation

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

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

Zoning

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

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

GB – GENERAL BUSINESS

Refer to Exhibit A for permissible GB uses.

Hotels, Motels

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

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

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

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

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

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

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

Full-service restaurant	2510	Provide services to patrons who order and are served while seated or in combination with takeout	X
Cafeteria or limited service restaurant	2520	Provide services to patrons who order or select items and pay before eating; may be consumed on premises, taken out, or delivered	X
drive-through restaurants	2521	Provides drive-in, drive-through or drive-up service to patrons; includes most fast-food restaurants	X
Snack or nonalcoholic bar	2530	Prepare and serve specialty snacks, such as ice cream, frozen yogurt, cookies, coffee, juices for consumption on or near the premises, snowball stand	X
Bar or drinking place	2540	Bars, taverns, nightclubs, primarily serving alcoholic beverages; may provide limited food and entertainment	X
Mobile food services	2550	Prepare and serve meals and snacks for immediate consumption from motorized vehicles	X
Caterer	2560	Provide single event-based food services, including banquet halls with catering for wedding receptions, etc.	X
Personal Services	2600	Catch-all category for personal service establishments not classified elsewhere such as bail bonding, wedding planning, psychic services, etc.	
Personal care	2610	Hair, nail, and skin care and related personal care	
hair, nail, and cosmetic skin care	2611	Barber or beauty shop	X
dieting and weight reducing	2612		X
tanning salon	2614		X
electrolysis, ear piercing, and other personal care services	2616		X
Dry cleaning and laundry	2620		
dry cleaning and laundry	2622		X
Photofinishing	2630	Primarily engaged in developing film or making slides, etc	X
Special Services	2650		
massage therapist	2651		X
Pet and Animal Sales or Service (except Veterinary)	2700	Retails pets and other animals (except for farming purposes) and pet supplies, grooming, training, and care taking	
Pet or pet supply store	2710	Retail pets, pet foods, pet supplies	X
Animal and pet services and kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)	
animal services	2721	grooming and training	X
TRANSPORTATION, COMMUNICATION, INFORMATION, AND UTILITIES	4000		
Courier and messenger services	4160	Provide air, surface, or combined courier delivery services of Parcels and messages	X
Utilities and Utility Services	4300	Provide utility services such as electric power, gas, water and sewage removal	
ARTS, ENTERTAINMENT, AND RECREATION	5000		
Performing Arts or Supporting Establishments	5100	Produce or organize and promote live presentations, excludes nightclubs	
Theater, dance or music establishment	5110	Companies, groups, or theaters that produce theatrical presentations, dance, dinner theaters, and live musical entertainment	X
Agent for management services	5150	Agents representing artists, athletes, entertainers, etc.	X
Independent artist, writer, or performer	5160	Independent individuals engaged in art, productions	X

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

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

VII. FINAL LAND USE PLAN

Final Plan

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

The Land Uses

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

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

Commercial Development Area

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

Multi-Family Residential Area

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

Single Family Residential Areas

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

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

Conservation & Recreation Area

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

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

VIII. PHASING AND BUDGET

Phasing

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

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

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

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

Budget

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

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

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

Phasing Budget

Phase 1 – Mill Creek Residential tract

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

Phase 2 – Warrior Woods tract

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

Phase 3 – Mill Creek Commercial tract

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

Phase 4 – Camp Easter tract

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

ESTIMATED TOTAL

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

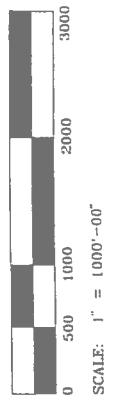
- All estimates include design and construction fees.

MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

VICINITY MAP

CAMP EASTER TRACT



THE
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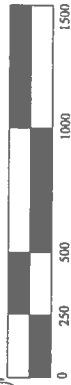
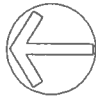
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MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

EXISTING CONDITIONS



SCALE: 1" = 500'-00"



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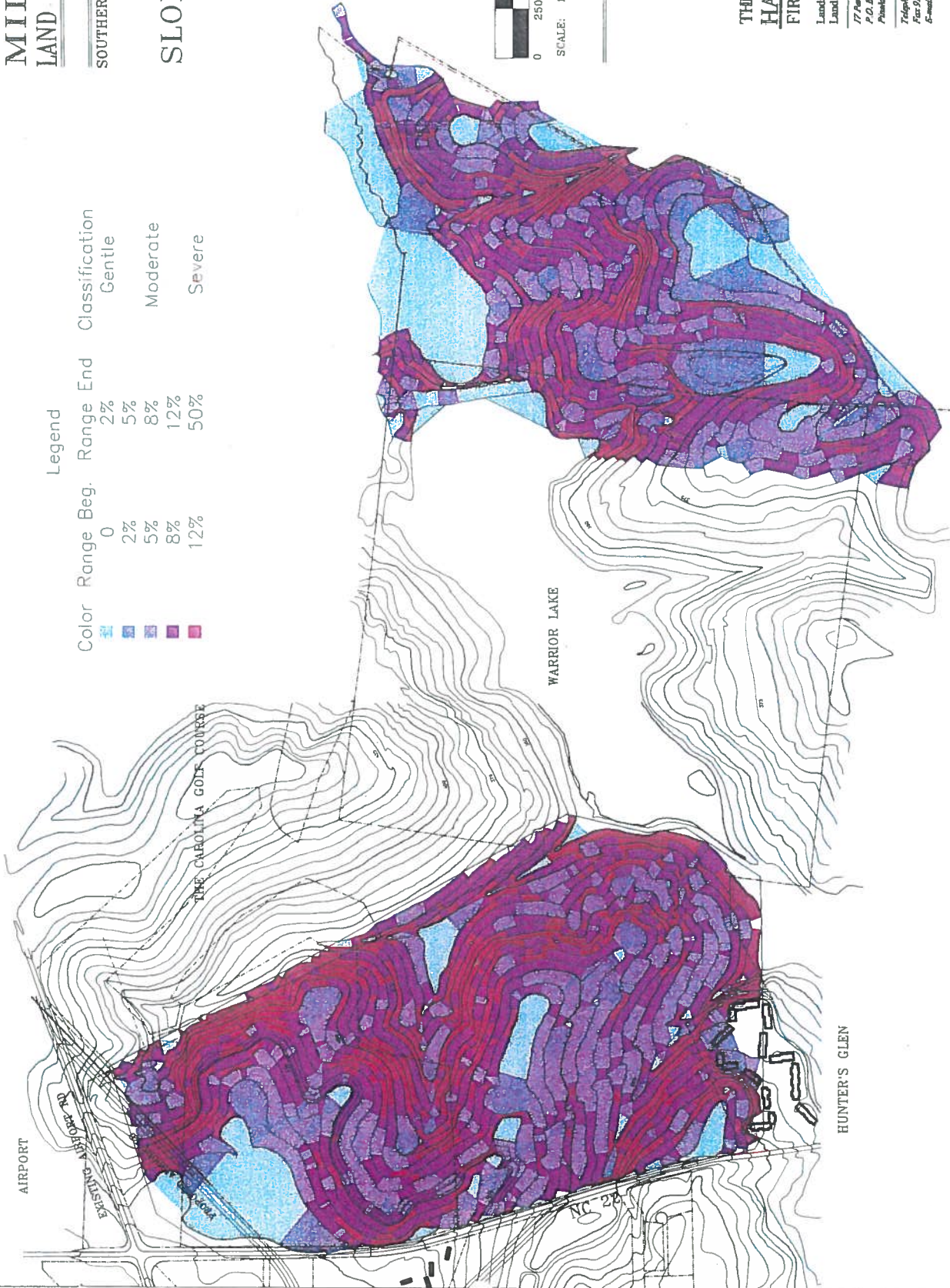
MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

SLOPE ANALYSIS

Legend

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



SCALE: 1" = 500'-00"



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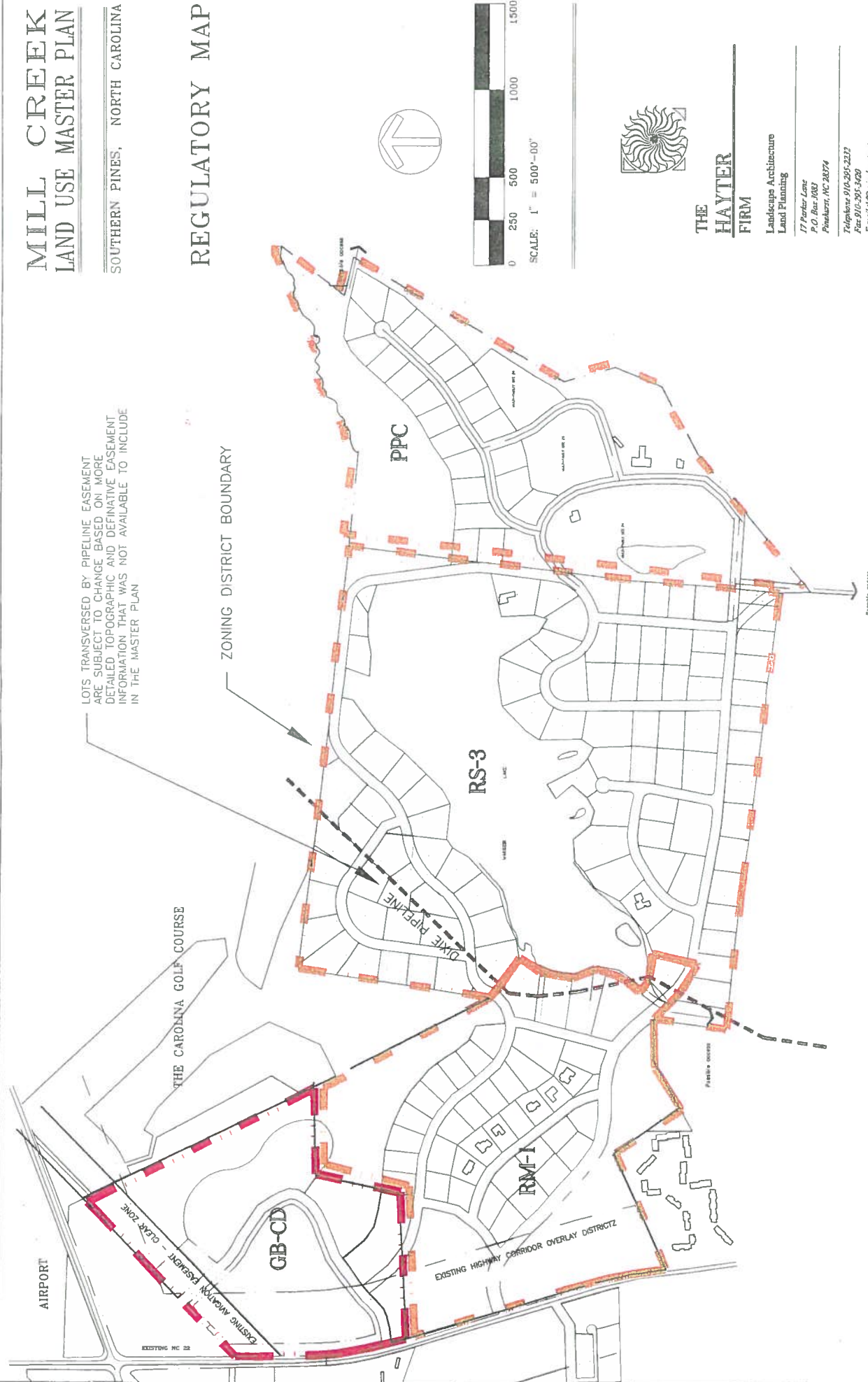
MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

REGULATORY MAP

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

ZONING DISTRICT BOUNDARY



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MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

ILLUSTRATIVE PLAN

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



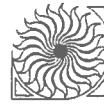
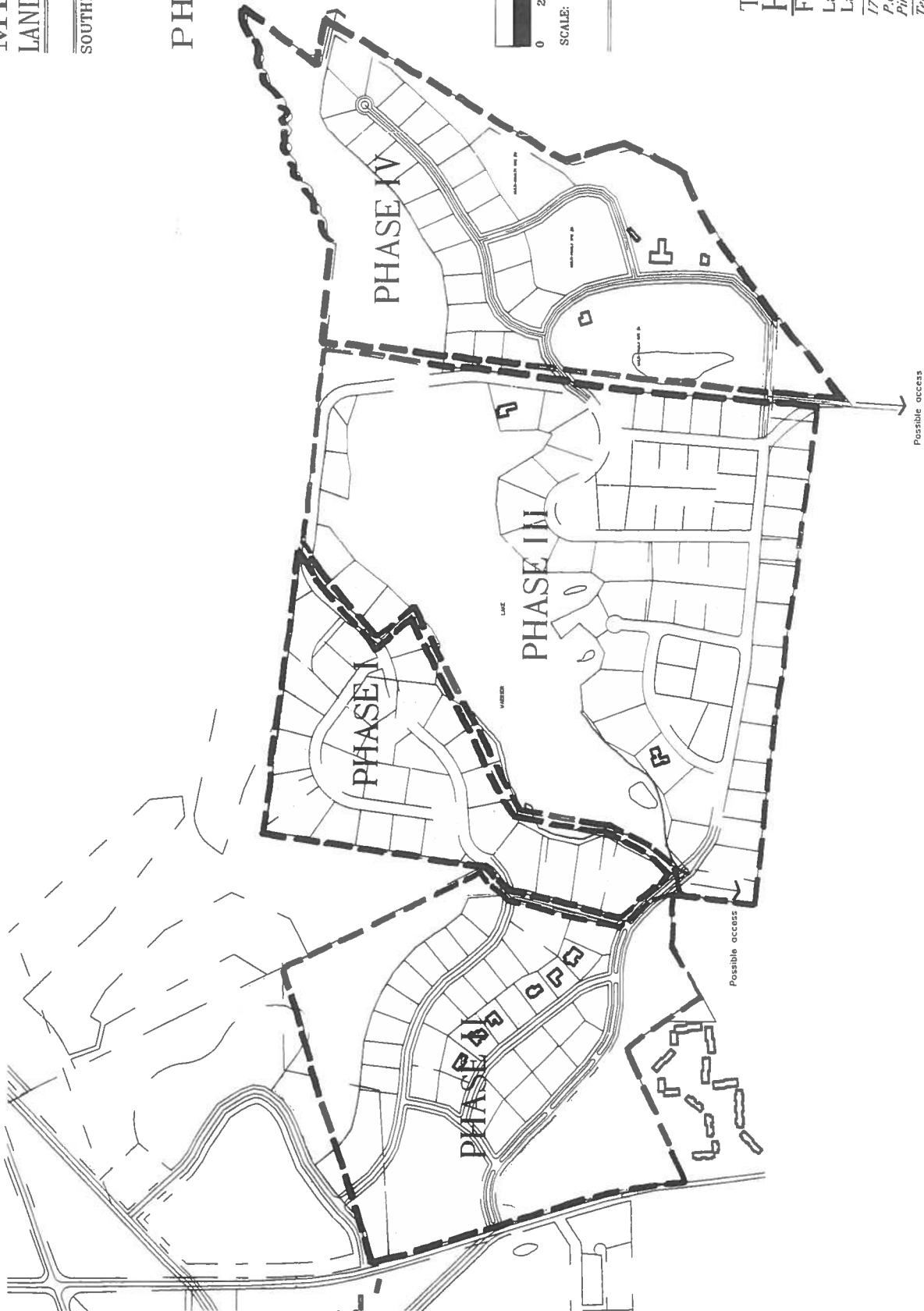
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MILL CREEK LAND USE MASTER PLAN

SOUTHERN PINES, NORTH CAROLINA

PHASING PLAN



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Traffic Impact Analysis

Mill Creek
Southern Pines, NC

Prepared for:
Mill Creek Partners, LLC

Kimley»Horn

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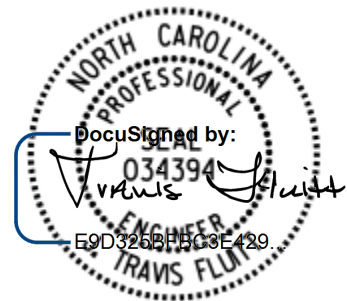
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Traffic Impact Analysis for
Mill Creek
Southern Pines, North Carolina

Prepared for:
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Pinehurst, NC

Prepared by:
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September 2023
016456000



9/1/2023

Executive Summary

Kimley-Horn and Associates, Inc. has performed a Traffic Impact Analysis (TIA) for the proposed expansion of the existing Mill Creek Village shopping center located along Mill Creek Road in Southern Pines, NC. The site currently includes a Harris Teeter grocery store and two retail buildings on the west side of Mill Creek Road and a Harris Teeter fueling center on the east side of Mill Creek Road. As currently envisioned, the development is proposed to add up to 70,417 square feet (SF) of commercial space on the west side of Mill Creek Road and up to 73,139 SF of commercial space on the east side of Mill Creek Road for a total of up to 210,556 SF for the entire development. No additional driveways are proposed on the west side of Mill Creek Road, and while the plans for the development east of Mill Creek Road are only conceptual at this time, access was assumed to be proved by two driveways on Mill Creek Road aligning with driveways to the existing shopping center. Build-out of the development is anticipated within the next 10 years.

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. The Town of Southern Pines' Unified Development Ordinance (UDO) requires the study of the build-out traffic conditions for both the site build-out and 10-year projections. However, as there is no definitive timeline for the build-out of the development, only the 10-year horizon was analyzed. Therefore, the traffic conditions studied include the existing (2023) and projected (2033) background and build-out traffic conditions for the AM and PM peak hours.

Trip Generation

As shown in [Table ES-1](#), trips for the development west of Mill Creek Road were generated based the difference between the existing square footage and proposed total square footage. The proposed additional development on the west side has the potential to generate approximately 3,718 net new daily trips, 248 net new external trips during the AM peak hour, and 370 net new external trips during the PM peak hour.

Table ES-1 ITE Traffic Generation (Vehicles) – West Side								
Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
821	Shopping Plaza w/ Supermarket – Existing	67,000	s.f.	6,570	147	90	304	329
821	Shopping Plaza w/ Supermarket – Existing + Proposed	137,417	s.f.	11,988	301	184	563	610
Difference (Increase due to Proposed)				5,418	154	94	259	281
Pass-By Reduction				1,700	0	0	85	85
Total Net New External Trips				3,718	154	94	174	196

As shown in Table ES-2, the proposed development on the east side of Mill Creek Road has the potential to generate approximately 3,238 net new daily trips, 127 net new external trips during the AM peak hour, and 210 net new external trips during the PM peak hour.

Table ES-2								
ITE Traffic Generation (Vehicles) – East Side								
Land Use Code	Land Use	Intensity		Daily Total	AM Peak Hour		PM Peak Hour	
					In	Out	In	Out
821	Shopping Plaza w/o Supermarket	73,139	s.f.	4,938	79	48	186	194
<i>Pass-By Reduction</i>				1,700	0	0	85	85
Total Net New External Trips				3,238	79	48	101	109

Capacity Analysis

Intersection capacity analyses were performed using Synchro/SimTraffic Version 11 software. Table ES-3 summarizes the operation of the overall study intersections for the AM and PM peak hours.

Table ES-3 - Level of Service Summary									
Intersection and Approach/Movement	Traffic Control	Existing (2023) Traffic		Background (2033) Traffic		Build-out (2033) Traffic		Build-out (2033) Traffic - Improved	
		AM	PM	AM	PM	AM	PM	AM	PM
Airport Road at NC 22	Roundabout	B (12.2) v/c - 0.661	C (20.5) v/c - 0.845	D (33.0) v/c - 1.001	F (84.7) v/c - 1.495	E (46.7) v/c - 1.096	F (109.4) v/c - 1.611	E (41.7) v/c - 1.096	F (56.8) v/c - 1.186
Eastbound		B (12.2)	C (20.5)	B (13.4)	E (49.0)	C (15.3)	F (97.4)	C (15.3)	F (97.4)
Westbound		C (17.1)	C (17.4)	F (51.0)	C (16.1)	F (58.7)	C (16.6)	F (57.8)	D (28.8)
Northbound		B (10.0)	D (26.3)	C (23.3)	F (253.2)	E (38.1)	F (304.0)	B (14.5)	F (63.8)
Southbound		B (10.4)	A (7.7)	D (34.4)	B (13.0)	F (59.4)	C (21.2)	F (59.4)	C (24.7)
Airport Road at Mill Creek Road	Unsignalized/ Signalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	B (10.4)	B (11.4)
Eastbound		N/A		N/A		N/A		A (4.8)	A (8.8)
Westbound*		A (7.8)	A (8.6)	A (8.1)	A (9.7)	A (8.7)	B (11.2)	B (12.5)	B (13.3)
Northbound		B (13.9)	C (16.2)	C (23.5)	E (39.3)	F (51.3)	F (389.7)	B (15.7)	B (13.3)
NC 22 at Mill Creek Road	Unsignalized/ Signalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	A (6.4)	B (12.2)
Westbound		C (19.4)	D (26.0)	D (31.2)	F (57.0)	E (49.8)	F (375.2)	B (19.0)	B (18.8)
Northbound		N/A		N/A		N/A		A (5.6)	A (8.3)
Southbound*		A (8.5)	A (9.0)	A (9.0)	A (9.9)	A (9.2)	B (10.7)	A (5.1)	B (13.9)
NC 22 at Olivetree Lane	Unsignalized/ Signalized	- (-)	- (-)	A (9.0)	A (9.9)	A (9.0)	A (10.0)	A (7.6)	A (7.3)
Eastbound		C (22.0)	D (29.8)	B (13.1)	B (11.9)	B (13.1)	B (12.2)	B (16.6)	B (15.6)
Northbound*		A (9.0)	A (9.1)	A (7.5)	B (10.3)	A (7.5)	B (10.5)	A (5.1)	A (4.9)
Southbound		N/A		A (9.4)	A (8.8)	A (9.4)	A (8.6)	A (7.7)	A (7.2)
NC 22 at Warrior Woods Road	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Westbound		C (16.9)	C (18.5)	D (25.3)	D (27.9)	D (29.3)	D (34.1)	D (29.3)	D (34.1)
Southbound Left		A (8.4)	A (8.8)	A (8.9)	A (9.6)	A (9.1)	A (10.0)	A (9.1)	A (10.0)
Mill Creek Road at West Site Driveway 1/North Fuel Center Driveway	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (10.0)	B (13.5)	A (10.0)	B (13.5)	B (12.7)	F (54.0)	B (12.7)	F (54.0)
Westbound		A (9.2)	A (10.0)	A (9.2)	A (10.0)	A (10.0)	B (12.5)	A (10.0)	B (12.5)
Northbound Left		A (7.4)	A (7.6)	A (7.4)	A (7.6)	A (7.7)	A (8.3)	A (7.7)	A (8.3)
Southbound Left		A (7.4)	A (7.6)	A (7.4)	A (7.6)	A (7.5)	A (8.1)	A (7.5)	A (8.1)
Mill Creek Road at South Fuel Center Driveway	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Westbound		A (8.6)	A (9.1)	A (8.6)	A (9.1)	A (8.9)	B (10.2)	A (8.9)	B (10.2)
Mill Creek Road at West Site Driveway 2/East Site Driveway 1	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (8.9)	A (9.6)	A (8.9)	A (9.6)	B (10.3)	C (16.2)	B (10.3)	C (16.2)
Westbound		N/A		N/A		A (9.2)	B (11.0)	A (9.2)	B (11.0)
Northbound Left		A (7.3)	A (7.5)	A (7.3)	A (7.5)	A (7.5)	A (7.7)	A (7.5)	A (7.7)
Southbound Left		N/A		N/A		A (7.3)	A (7.6)	A (7.3)	A (7.6)
Mill Creek Road at West Site Driveway 3/East Site Driveway 2	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (8.9)	A (8.7)	A (8.9)	A (8.7)	A (9.6)	B (10.8)	A (9.6)	B (10.8)
Westbound		N/A		N/A		A (9.0)	B (10.3)	A (9.0)	B (10.3)
Northbound Left		A (7.3)	A (7.3)	A (7.3)	A (7.3)	A (7.3)	A (7.3)	A (7.3)	A (7.3)
Southbound Left		N/A		N/A		A (7.3)	A (7.5)	A (7.3)	A (7.5)
Mill Creek Road at West Site Driveway 4	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (8.6)	A (8.7)	A (8.6)	A (8.7)	A (8.7)	A (9.5)	A (8.7)	A (9.5)
Northbound Left		A (7.3)	A (7.4)	A (7.3)	A (7.4)	A (7.4)	A (7.7)	A (7.4)	A (7.7)
Mill Creek at West Site Driveway 5	Unsignalized	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)	- (-)
Eastbound		A (8.7)	A (8.9)	A (8.7)	A (8.9)	A (9.0)	B (10.5)	A (9.0)	B (10.5)
Northbound Left		A (7.3)	A (7.4)	A (7.3)	A (7.4)	A (7.4)	A (7.8)	A (7.4)	A (7.8)

*Major street left-turn movements analyzed in unsignalized scenarios.

Background Improvements

The following improvements are committed to be performed by other developments in the study area and were included in the background and build-out conditions:

NC 22 at Airport Road:

- Provide a right-turn slip lane with 150 feet of storage on westbound Airport Road (*by Caropines*)
- Provide a right-turn slip lane with 150 feet of storage on eastbound Airport Road (*by Southern Pines Retail*)

NC 22 at Olivetree Lane:

- Monitor intersection for traffic signal warrants and install a traffic signal if warranted

A northbound right-turn slip lane on NC 22 at Airport Road is also required with the Caropines development but not until a future phase that is not currently planned. Therefore, it was not assumed to be in place for this analysis.

Recommended Improvements

The following improvements are recommended to be performed as part of the proposed Mill Creek development:

NC 22 at Airport Road:

- Provide a right-turn slip lane with 150 feet of storage on northbound NC 22 if not already provided by others

Airport Road at Mill Creek Road:

- Monitor intersection for traffic signal warrants and install a traffic signal if warranted

NC 22 at Mill Creek Road:

- Monitor intersection for traffic signal warrants and install a traffic signal if warranted

Mill Creek Road at Site Driveways:

- Provide high visibility crosswalks on all driveways on Mill Creek Road
- Provide high visibility crosswalks across Mill Creek Road at the East Site Driveways subject to adequate sight distance requirements being met

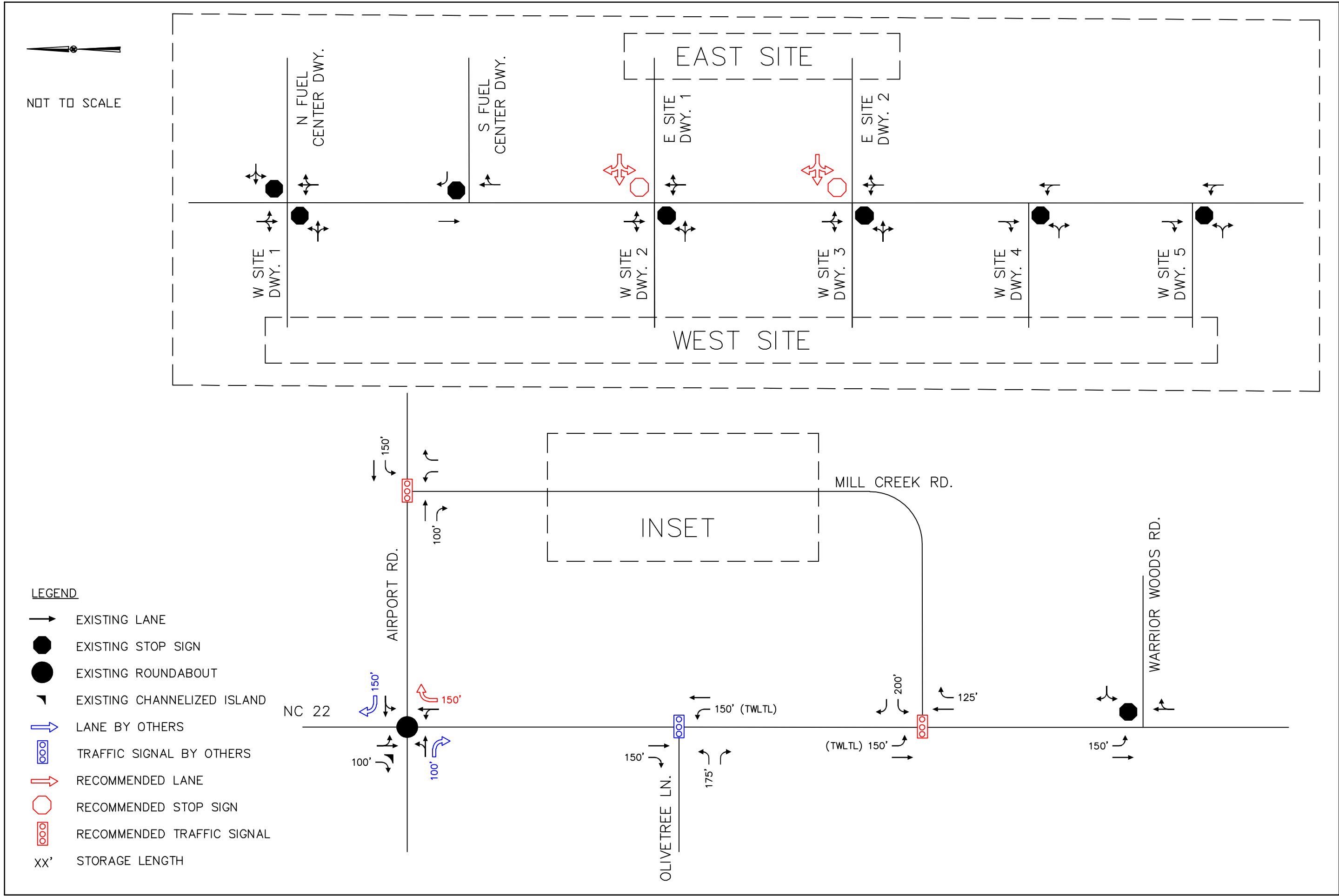
With the committed and recommended improvements in place, all of the study intersections are expected to operate acceptably at project build-out except for NC 22 at Airport Road. The NC 22 at Airport Road roundabout is expected to operate at LOS F in the PM peak hour in the background traffic condition without the proposed Mill Creek development. The intersection is expected to operate at LOS E in the AM peak hour and LOS F in the PM peak hour upon build-out of the Mill Creek Development. With the recommended northbound right-turn slip lane, the intersection is still expected to operate at the same LOS, but with significantly lower delays and volume-to-capacity

ratio than in the background PM peak hour traffic condition. No other reasonably constructible improvements were identified to bring the intersection back to an acceptable level of service.

Based on the existing traffic counts there does not appear to be a significant amount of traffic using Mill Creek Road to avoid the roundabout. However, if the roundabout does become as congested as expected by the year 2033, it is anticipated that vehicles currently making the westbound left-turn movement from Airport Road to NC 22 and the northbound right-turn movement from NC 22 to Airport Road may use Mill Creek Road to “cut the corner” and avoid the roundabout, especially if either end of Mill Creek Road is signalized. Analysis indicates that if just 1/3 of the vehicles make the westbound left and northbound right at the roundabout divert to Mill Creek Road, then the intersection is expected to operate the same or better than the background traffic condition.

While Synchro reports long delays on West Site Driveway 1 at Mill Creek Road in the PM peak hour at full build-out, SimTraffic simulations show short delays and no queuing issues at any of the site driveways. Therefore, no improvements are recommended at this intersection.

The committed and recommended roadway laneage is shown on **Figure ES-1**.



7.0 Bicycle and Pedestrian Connectivity

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

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

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

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

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

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

Travis,

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

Thanks

James Michel, PE, MBA

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



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

James,

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

Thanks,

Travis Fluitt, P.E.

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

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

Travis,

I have the following comments on the TIA as submitted.

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

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

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

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

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

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

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

Thanks

James Michel, PE, MBA

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



From: Paul Saathoff <psaathoff@koontzjones.com>

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

To: Alaina Mallette <amallette@southernpines.net>

Cc: James Michel <JMichel@southernpines.net>

Subject: Mill Creek - TIA

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

Thanks,

Paul Saathoff

KOONTZJONESDesign

LAND PLANNING | LANDSCAPE ARCHITECTURE

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

Agenda Item

To: Reagan Parsons

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: January 9, 2024

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. PLANNING BOARD REVIEW

On December 21, 2023, the Planning Board held a Preliminary Forum regarding PD-05-23 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by Town staff, Mr. Bob Koontz with KoontzJones Design presented an overview of the Planned Development district, site plan, and conceptual architecture on behalf of Pinehurst Surgical and FirstHealth of the Carolinas. Members of the Planning Board asked Mr. Bob Koontz and Planning staff a series of questions regarding proposed land uses, traffic impact, and relationship with existing medical campus.

One member of the public had a concern regarding the auto-oriented nature of the development rather than a more pedestrian-oriented design and streetscape for employees and residents. Mr. Bob Koontz stated that there were sidewalks and bicycle parking throughout the development and that the buildings will be a “destination for patients” even though he agrees some employees and patients may arrive by foot or go by foot to restaurants within the Planned Development. After closing the Preliminary Forum, the Planning Board discussed connectivity with surrounding areas and within the Planned Development district.

On a unanimous vote of 6-0, the Planning Board moved to transmit the following issue to the Town Council to consider while reviewing application PD-05-23:

1. Pedestrian safety and access to crosswalks on streets between adjacent buildings, school, and apartments.

Pursuant to NCGS §160D-301(b)(6), the Town Council is reminded that although the Planning Board forwarded a list of issues for Council consideration, no part of the Preliminary Forum held by the Planning Board may be used as a basis for the Council's decision on PD-05-23.

III. PROJECT INFORMATION

A. Property Owner & Applicant Information:

- 1. Property Owners:**

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

- 2. Applicant**

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

- 3. Authorized Agent:**

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

B. Property Information:

- 1. Street Address:**

Not yet given an address

- 2. Size of Property:**

Total Size of Existing Parcel:	14.41 acres
Total Project Acreage:	8.7 acres

- 3. 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).

- 4. 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:

1. 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.

2. 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 120,000 square foot medical office building totaling 160,000 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)

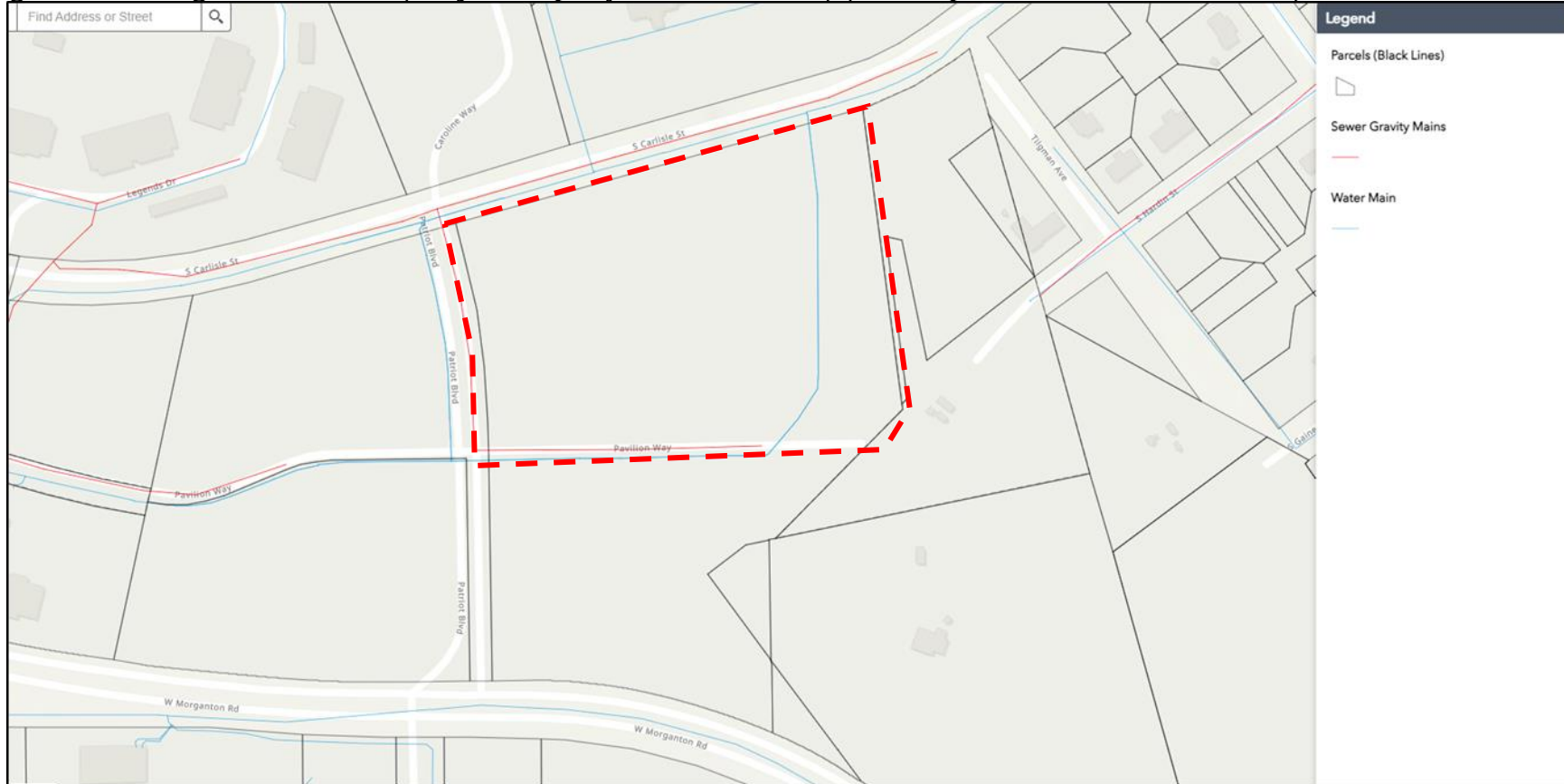
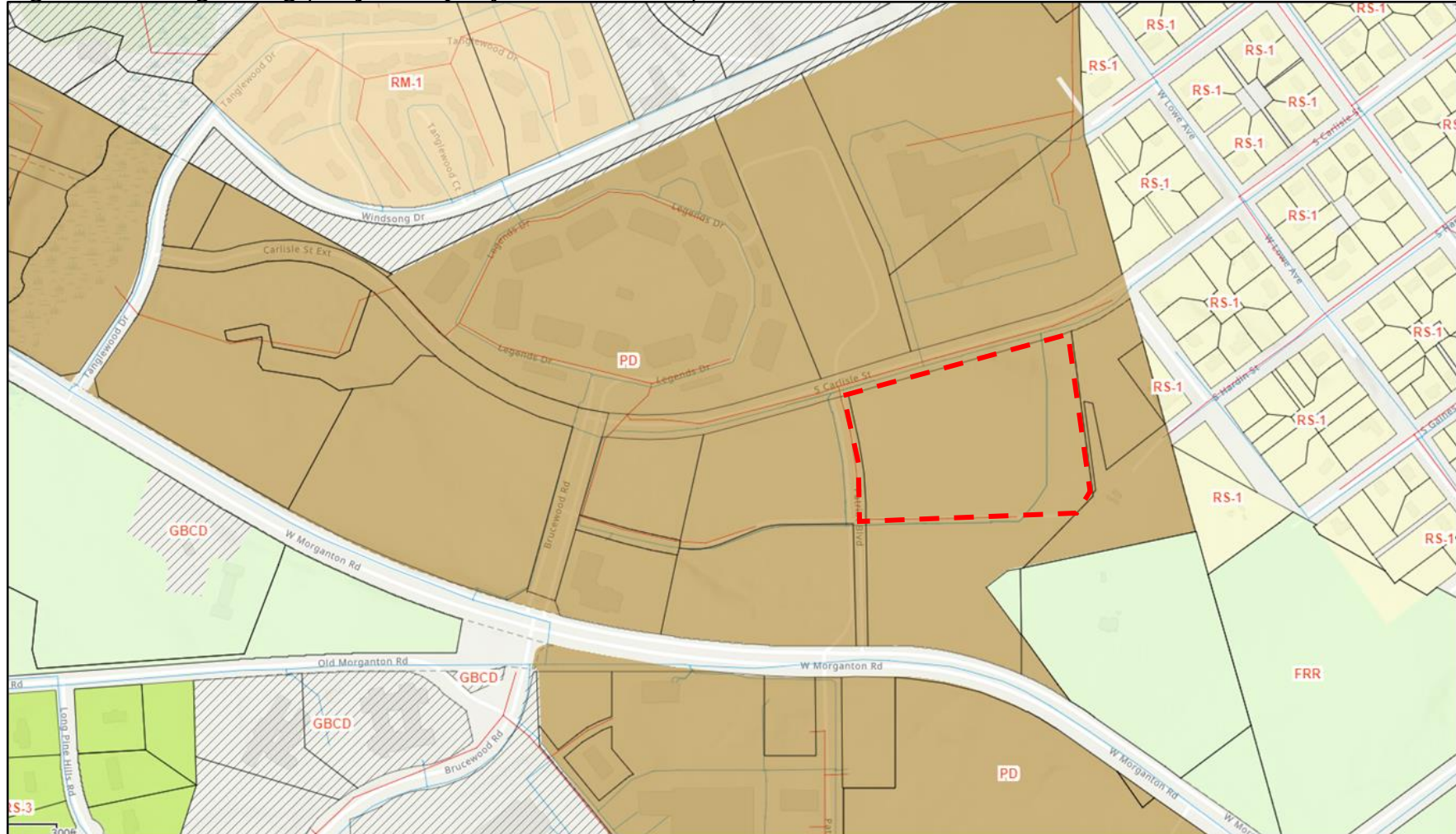


Figure 2: Existing Zoning (Subject Property Outlined in Red)



IV. STAFF REVIEW

A. Review Process

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 (CDP), Preliminary Development Plan (PDP) and Final Development Plan to complete a Planned Development (PD) District. This application is for a PDP.

B. Summary of Procedural Requirements

- Preliminary Development Plan Application Submitted: **November 13, 2023**
- Application Deemed Complete: **November 16, 2023**
- Notice of December 21, 2023, Planning Board Preliminary Forum:
 - Posted On-site: **December 1, 2023**
 - Mailed: **December 1, 2023**
 - Internet: **December 1, 2023**
- Consultation with the Technical Review Committee: via email on **November 28, 2023**
- Additional Materials Submitted: **December 12, 2023**
- Planning Board Regular Meeting/Preliminary Forum: **December 21, 2023**
- Notice of January 9, 2024, Town Council Evidentiary Hearing:
 - Posted On-site: **December 1, 2023**
 - Mailed: **December 22, 2023**
 - Publication Dates: Emailed to The Pilot on December 21, 2023, for publication on **December 27, 2023, and January 3, 2024**
 - Internet: **December 21, 2023**
- Town Council Regular Meeting/Evidentiary Hearing: **January 9, 2024**

C. Applicable Criteria for Review

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

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. Town Staff Review and 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. Cooperating Agency and Technical Review Committee Review and 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.

V. ATTACHMENTS

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

1. Draft Town Findings of Fact
2. Preliminary Development Plan Application
3. Preliminary Development Plan Narrative
4. Preliminary Development Plan Justification
5. Preliminary Development Plan Site Plan
6. 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.

VI. TOWN COUNCIL ACTION:

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

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

I move to:

1. Adopt **Attachment 1** of the staff report, as drafted, as Findings of Fact regarding the proposed Preliminary Development Plan PD-05-23.

- OR -

2. Adopt **Attachment 1** of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-05-23, with the following changes:

Next, the Town Council shall vote on whether to approve, deny, or approve with conditions the proposed Preliminary Development Plan. The Town Council may choose one of the following motions, or any alternative they wish.

I move to:

1. Approve the Preliminary Development Plan for PD-05-23;
2. Deny the Preliminary Development Plan for PD-05-23;
3. Approve the Preliminary Development Plan for PD-05-23 with the following additional conditions:

ATTACHMENT 1
Draft Town Council Findings of Fact
Preliminary Development Plan Application PD-05-23

Finding of Fact #1:

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

Finding of Fact #2:

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

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

The Morganton Park North CDP is a mixed-use development that was approved in 2018. The CDP does not set forth 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.

The purposes of a PD district are described in UDO §3.5.14. Based on the planning staff’s review of §3.5.14 PD - Planned Development District in the UDO and based on testimony and evidence presented at the evidentiary hearing held January 9, 2023, the Town Council does not find significant inconsistency between the proposed land uses in Morganton Park North Phase 10 and the text of either document.

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

Based on statements made in the revised application materials attached to the Planning Department’s staff report dated January 9, 2024, the Town Council feels that the application contains enough information and commitments to be deemed generally consistent with the CDP and UDO. Therefore, the PDP is appropriate given the specific mix of uses and character of the development and achieves an efficient, safe, or economical land use without detracting from the quality of the overall Morganton Park North development or the community as a whole.

3. **The proposed Development is located in an area of the 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'; it is noted by the Town Council that a 50' building will be noticeable in this location as 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.

The Town Council 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. Furthermore, the development is located in an area of town with existing access to necessary infrastructure and where the street system is adequate, or will be improved to be adequate, to accommodate the projected traffic volumes.

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

Town Council finds that the proposed PDP includes efficient extensions of public facilities, utilities and services because sewer and water facilities exist near the proposed development and any necessary extensions or improvements will be made by the developer. Furthermore, 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.



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;

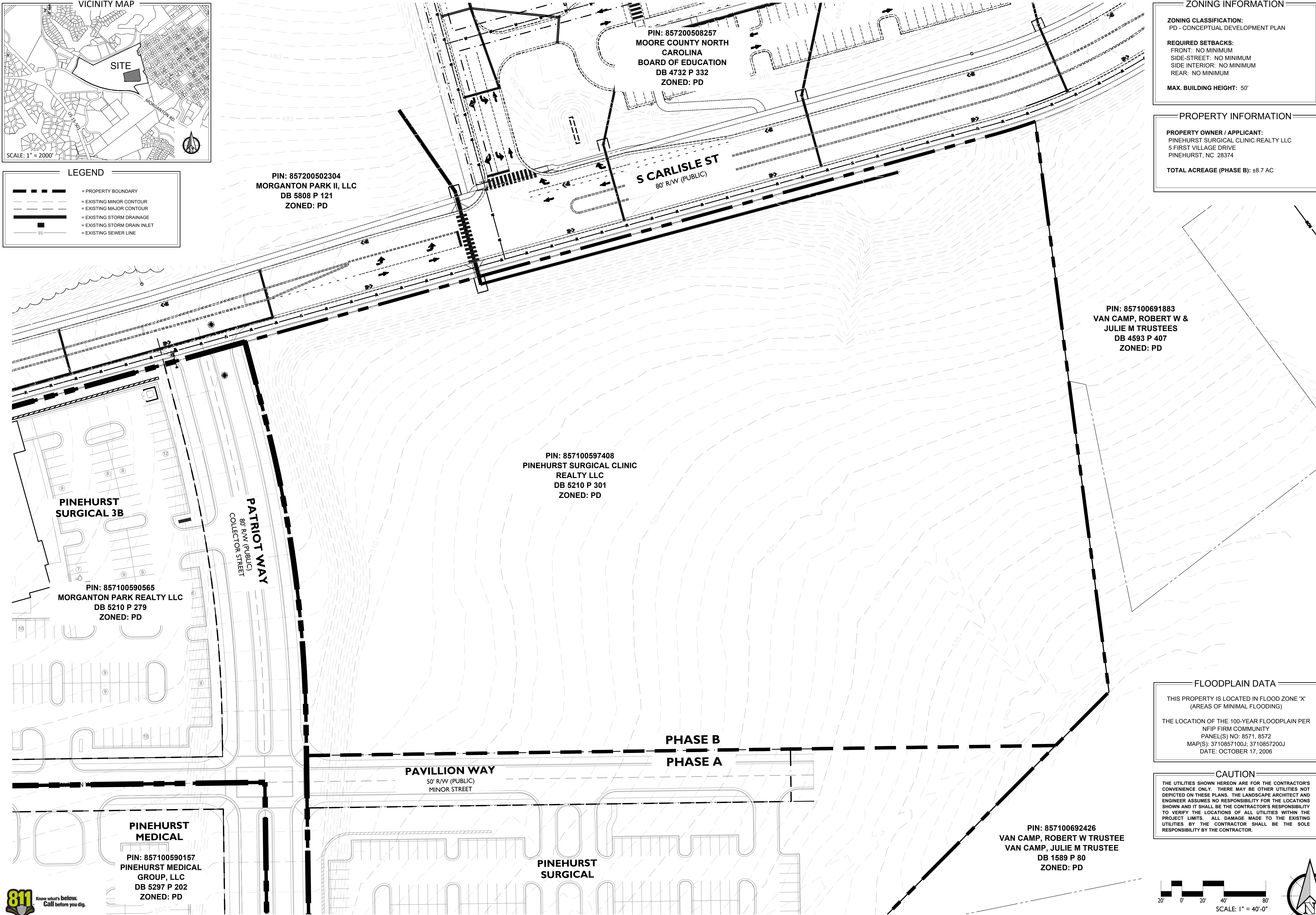
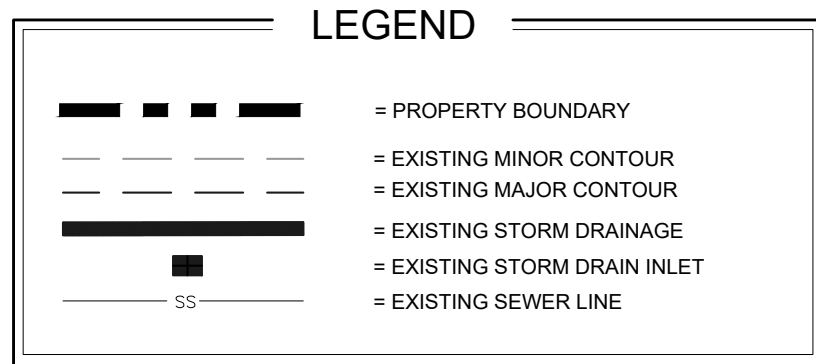
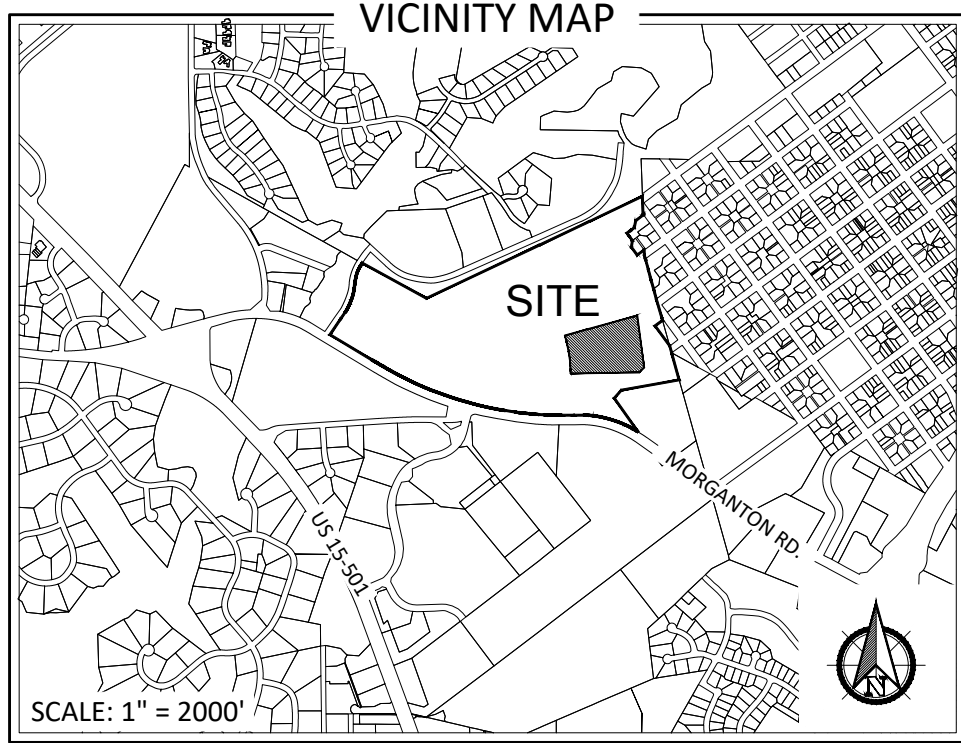
The PDP is consistent with and meets all standards and requirements provided in the CDP plans and conforms to the standards of the UDO. The medical office use is consistent with the proposed development program and allowable uses in the CDP. The development of a +/- 160,000 sf surgery center and medical 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

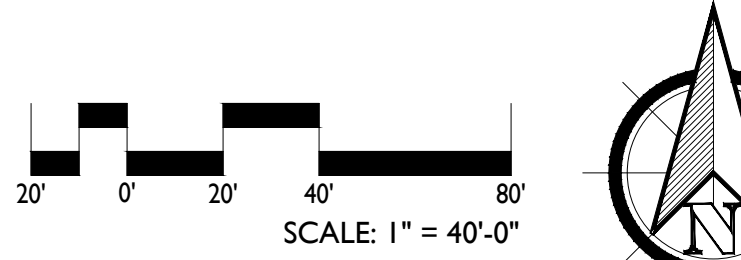
FLOODPLAIN DATA

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)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

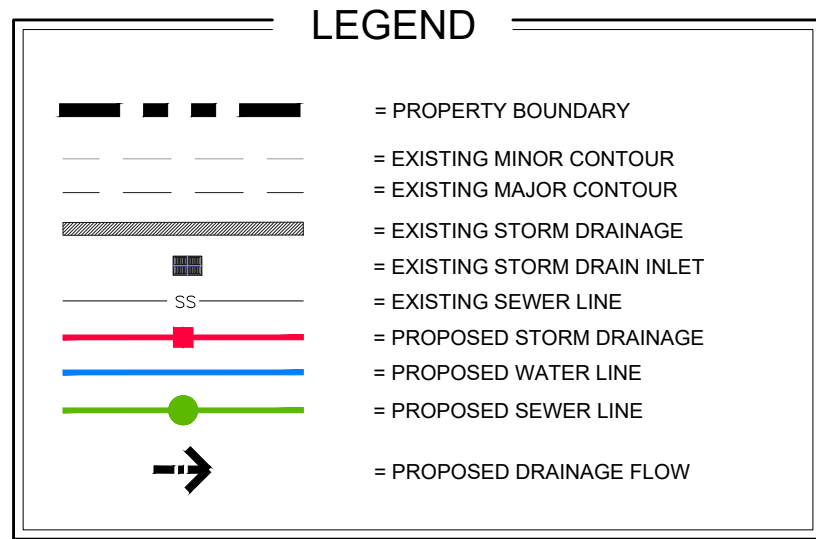
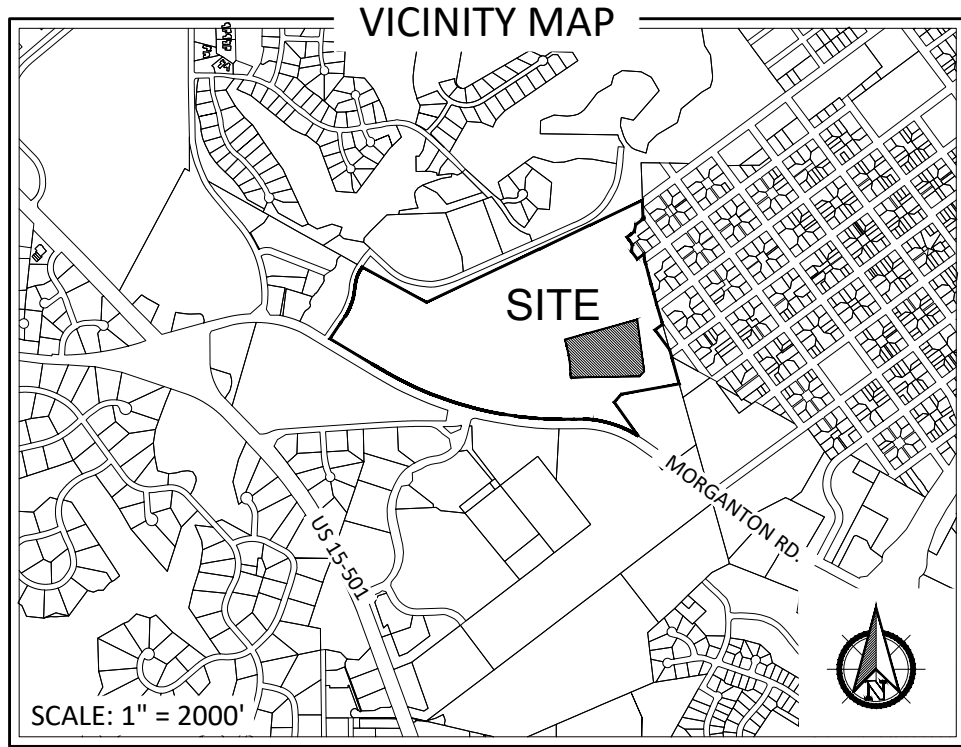
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-6467
W: www.koontzjonesdesign.com

REVISIONS:

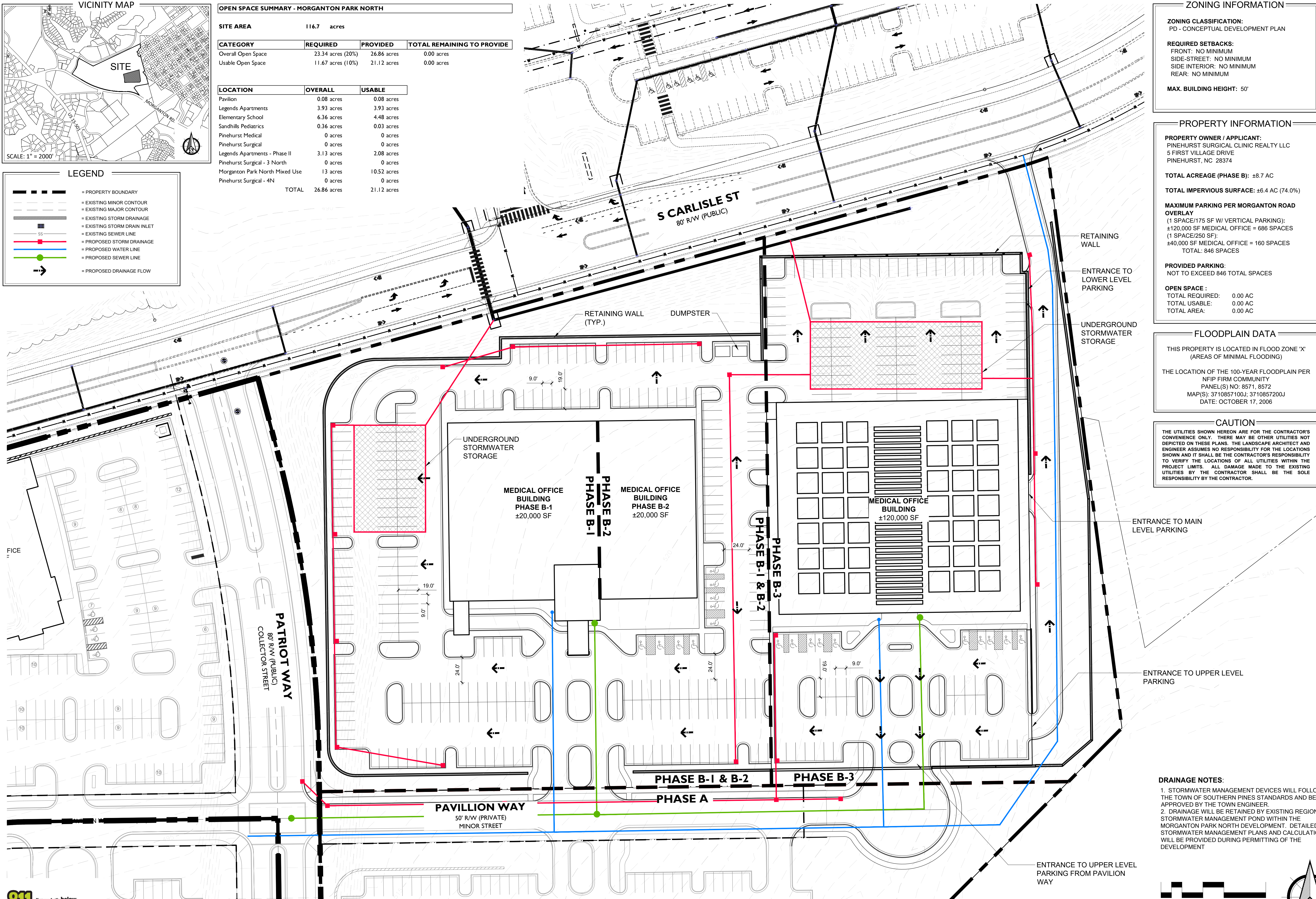
PINEHURST SURGICAL
PRELIMINARY DEVELOPMENT PLAN - PHASE B
SOUTHERN PINES, NORTH CAROLINA
EXISTING CONDITIONS

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	



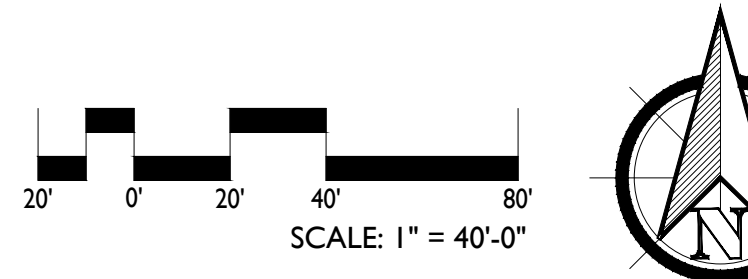
ZONING INFORMATION
ZONING CLASSIFICATION: PD - CONCEPTUAL DEVELOPMENT PLAN
REQUIRED SETBACKS: FRONT: NO MINIMUM SIDE-STREET: NO MINIMUM SIDE INTERIOR: NO MINIMUM REAR: NO MINIMUM
MAX. BUILDING HEIGHT: 50'

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
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.

DRAINAGE NOTES:
1. STORMWATER MANAGEMENT DEVICES WILL FOLLOW THE TOWN OF SOUTHERN PINES STANDARDS AND BE APPROVED BY THE TOWN ENGINEER.
2. DRAINAGE WILL BE RETAINED BY EXISTING REGIONAL STORMWATER MANAGEMENT POND WITHIN THE MORGANTON PARK 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)

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

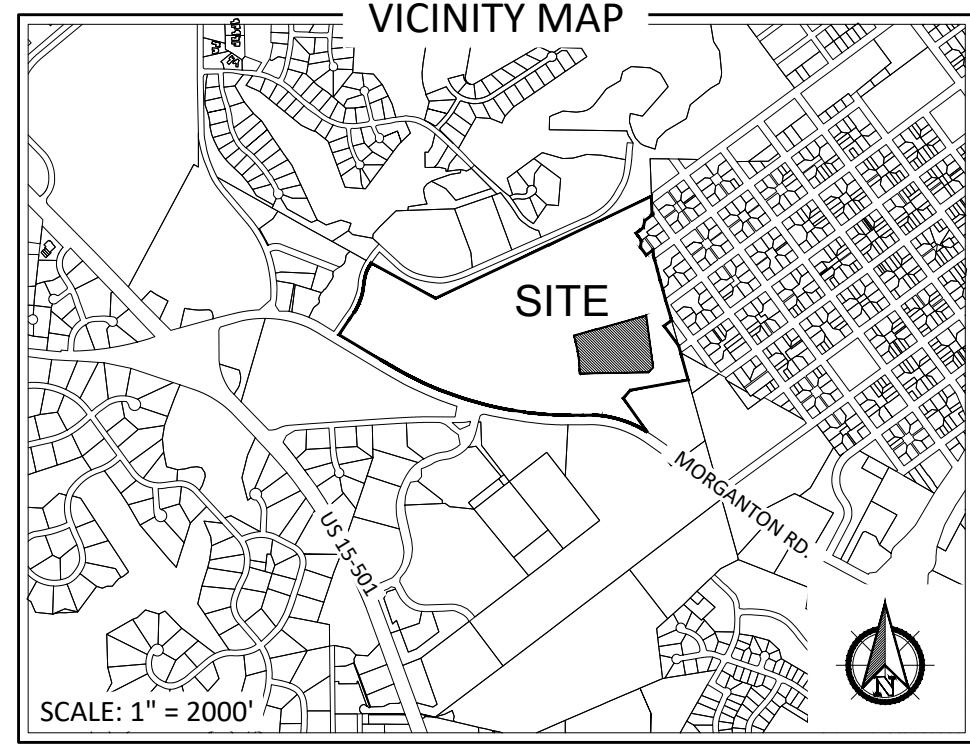
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-9487
W: www.koontzjonesdesign.com

REVISIONS:

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

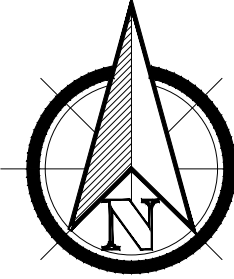
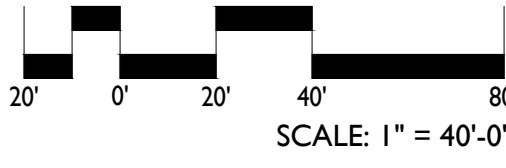
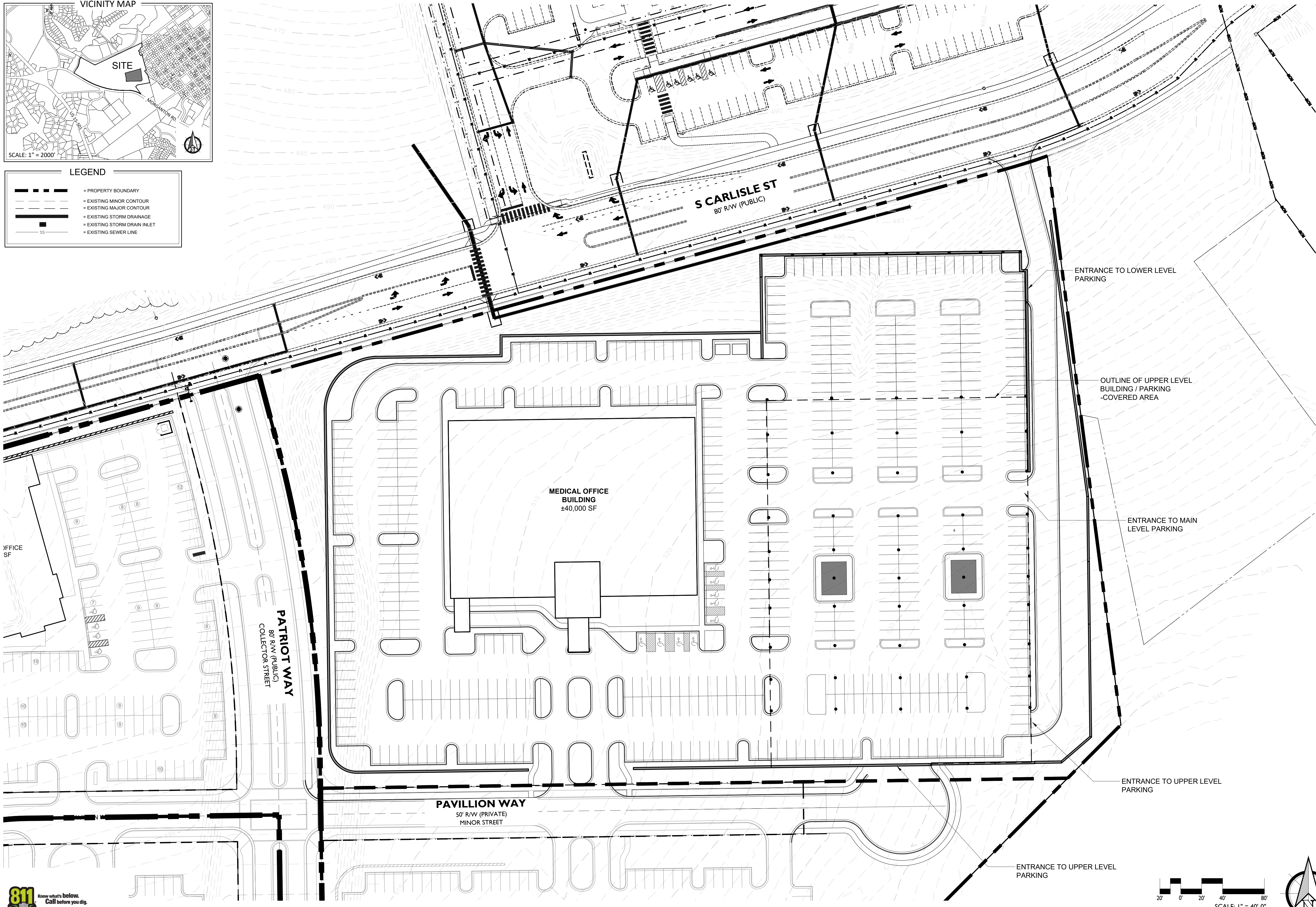
DATE: 12.13.2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 40'
PROJECT #: KDI928
SHEET NUMBER: **L-1.1**





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)

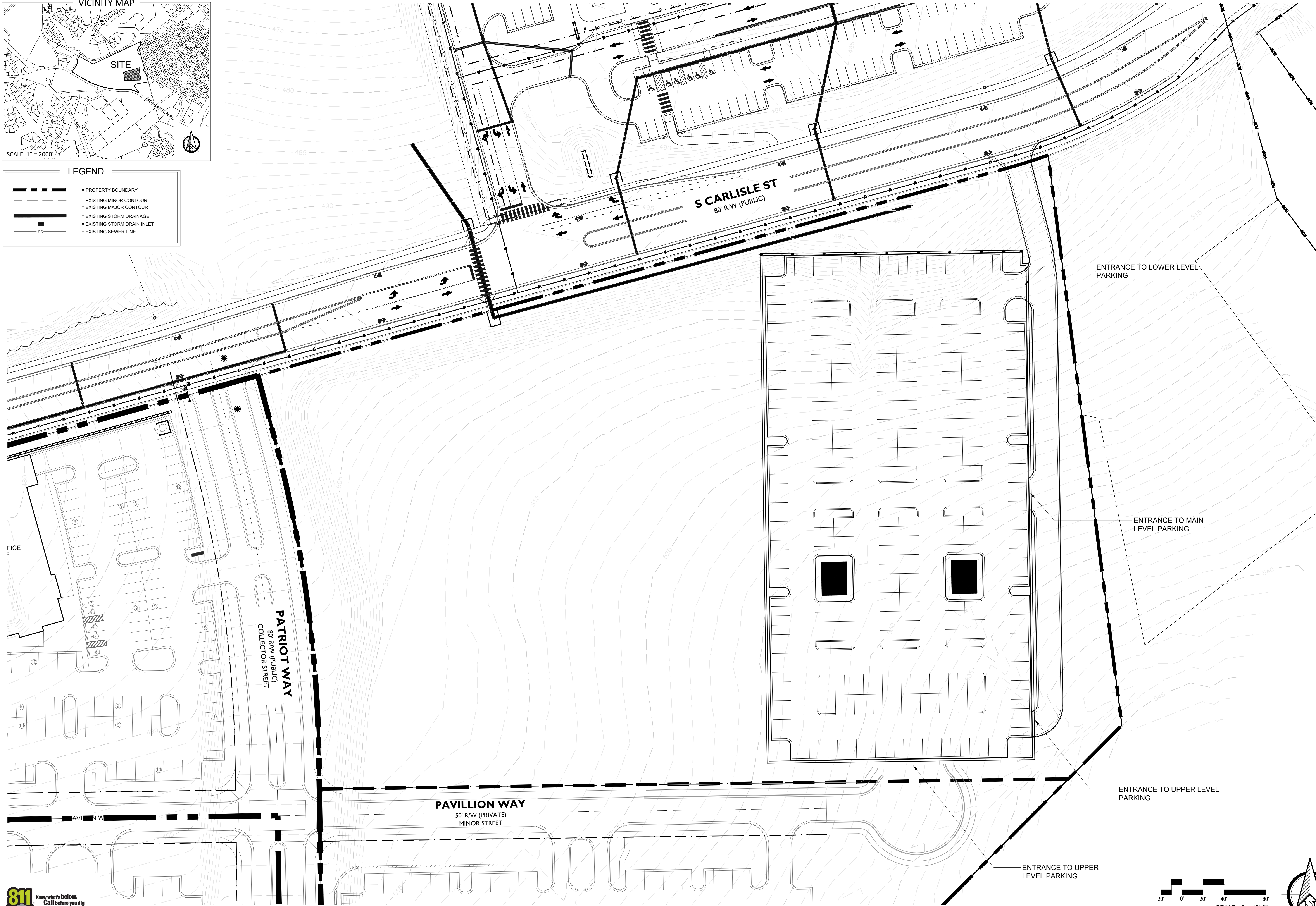
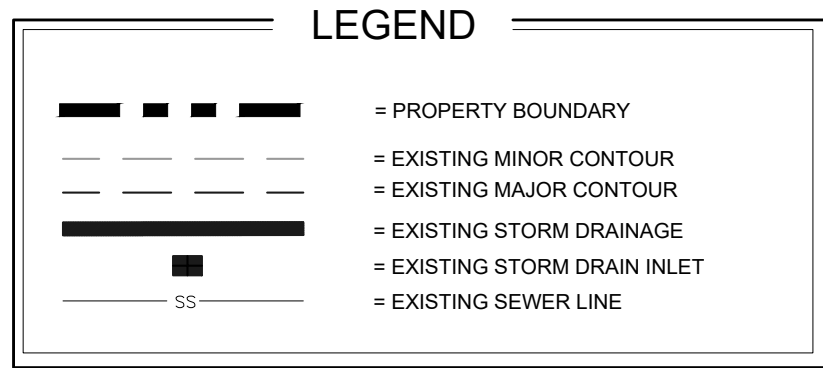
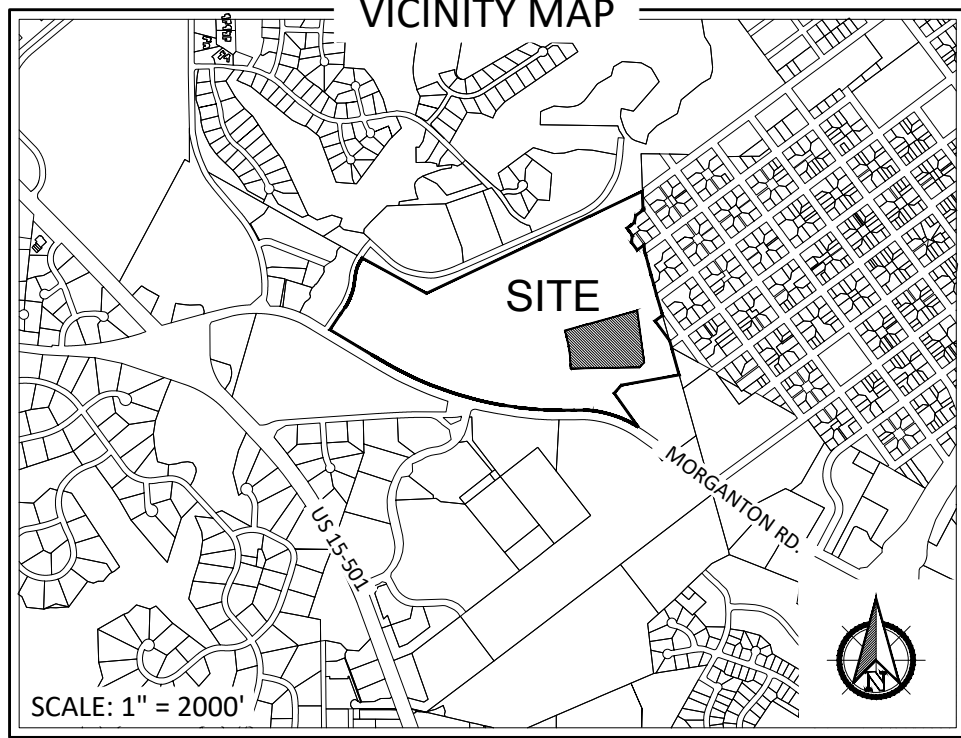
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-6467
W: www.koontzjonesdesign.com

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)

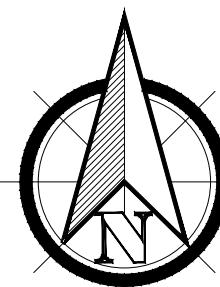
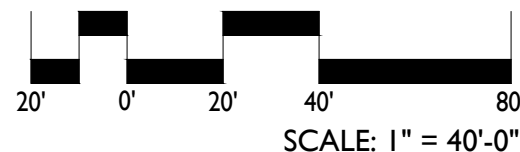
KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

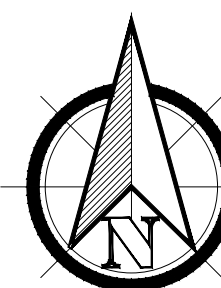
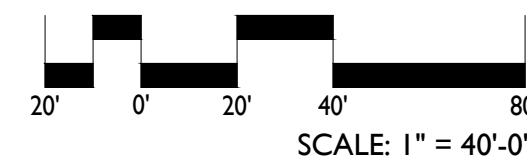
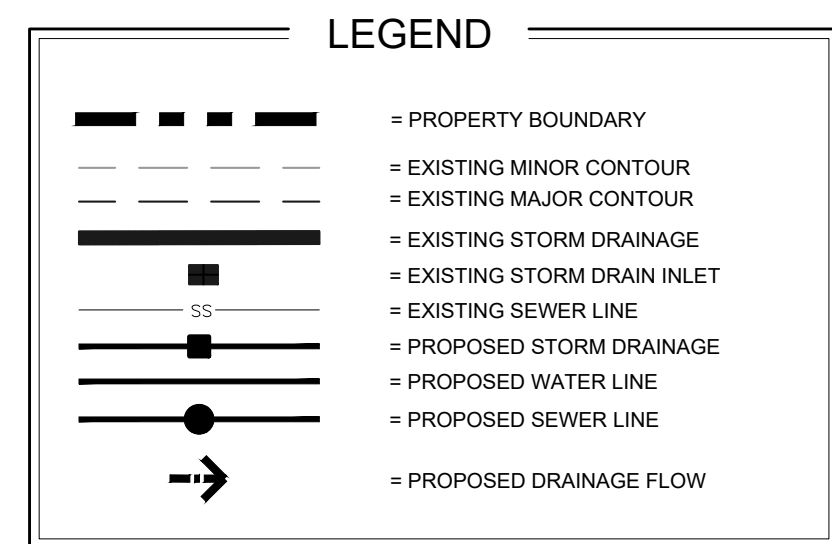
150 S PAGE STREET
SOUTHERN PINES, NC 28387
P: (910) 684-6467
W: www.koontzjonesdesign.com

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)

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

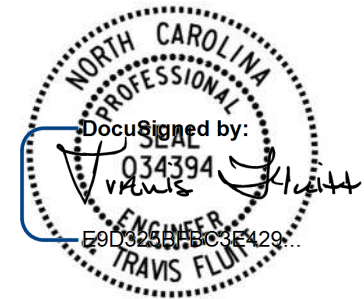
DATE: 12.13.2023
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
Q.C. BY: REK
SCALE: 1" = 40'
PROJECT #: KJD1928
SHEET NUMBER#:

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

150 S PAGE STREET
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W: www.koontzjonesdesign.com

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.

Brucewood 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



Kimley»Horn

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

SITE LOCATION

FIGURE
1

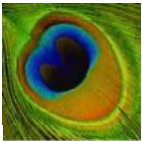
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SCALE: NOT TO SCALE
10/20/2022



4N MEDICAL OFFICE BUILDINGS

SOUTHERN PINES, NC



HAROLD DEAN
PEACOCK
ARCHITECT

Agenda Item

To: Reagan Parsons, Town Manager

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: January 9, 2024

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. PLANNING BOARD REVIEW

On December 21, 2023, five members of the Planning Board (with the 6th member, applicant Andy Bleggi, recused) held a Preliminary Forum regarding SU-02-23 to accept public comments and compose a list of issues to forward to the Town Council for their consideration. Following a presentation by town staff regarding the project, the authorized agent, Mr. Kevin Lindsay, made a presentation to the Planning Board, providing additional details and justification for the proposed project. Mr. Kevin Lindsay also included an updated plat showing the lot ownership schema, which has been included in Attachment 3. One member of the public spoke stating that they would like to see what the proposed homes will look and how the parking was laid out for each home. The authorized agent stated that there will be two parking spaces per unit and the homes will be two stories of a similar design to the Townhomes on Bennett brownstones. The authorized agent also shared that the warehouse will receive a “cosmetic lift.” Lastly, the authorized agent clarified that the proposed black, vinyl-coated chain-link fencing deviation is from 3’ to 6’ on the side lot lines and from 3’ to 4’ on the rear lot line.

The Planning Board closed the Preliminary Forum and held board discussion. The following list of issues presented at the forum relate to the application of the SUP criteria and were adopted by unanimous vote of 5-0 to forward to Town Council for consideration during their review of the proposal:

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 3) 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 4' and 6' chain-link fencing. 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.

III. 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
Southern Pines, NC 28387	Avenue
	Southern Pines, NC 28387

B. Project History and Site Information

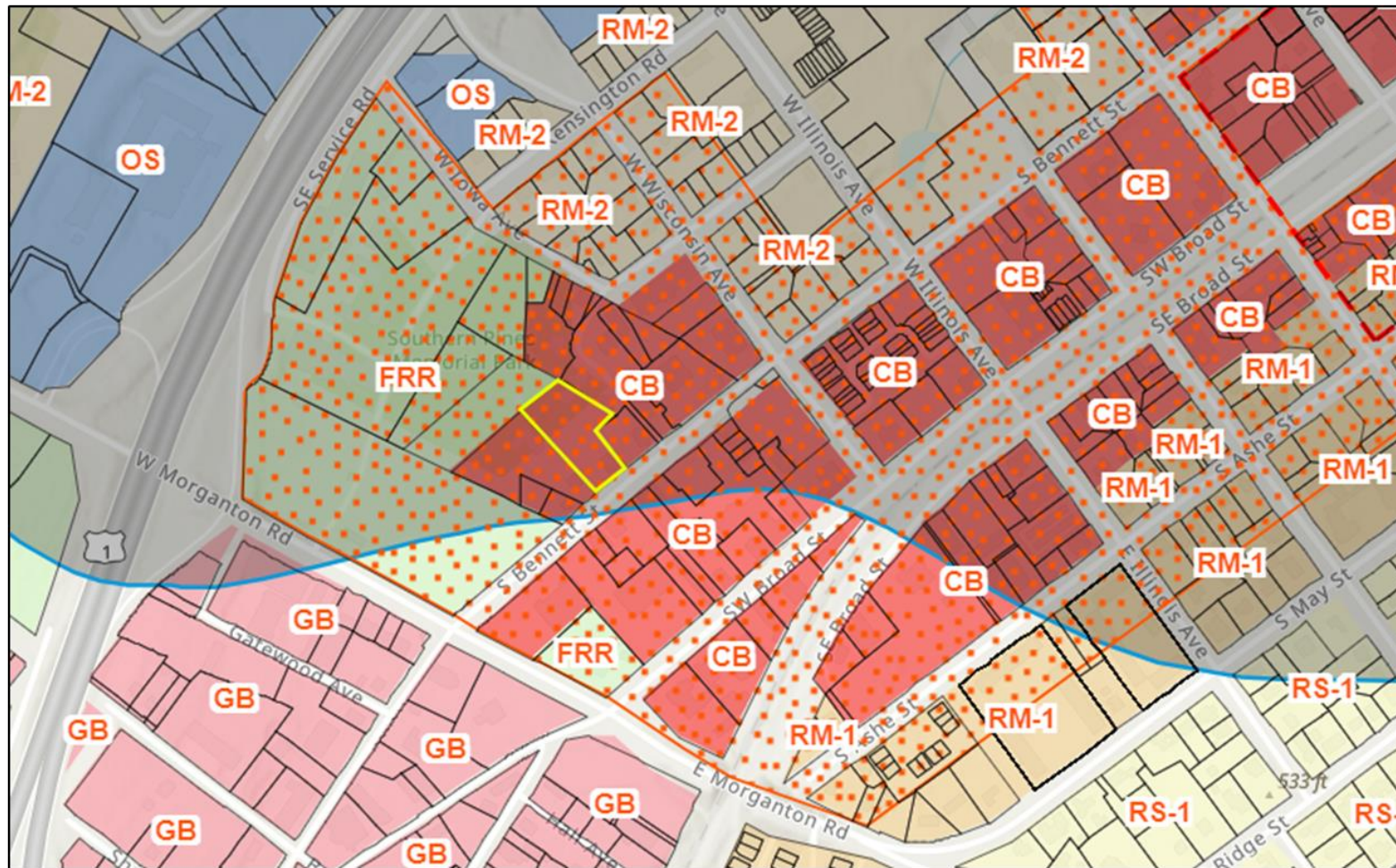
i. Location, Zoning, and Comprehensive Plan Designations

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.



IV. 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**
 - Additional Materials Submitted: **December 21, 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**
- Notice of Town Council Public Hearing:
 - Posted On-site: **December 1, 2023**
 - Mailed: **December 22, 2023**
 - Internet: **December 21, 2023**
 - Published: Sent December 21, 2023 for publishing on **December 27, 2023** and **January 3, 2024**
- Town Council Public Hearing: **January 9, 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 Special Use Permit Criteria – UDO §2.21.6 (A-F)

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

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

The 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 for 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. 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 that is 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 along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. 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;*

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 3 and 5) that will be owned and managed by a homeowners association. The two existing buildings with existing uses will be located on additional separate lots.
- The applicant does request a deviation for 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. 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.
- 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. However, pursuant to North Carolina General Statute §160D-301(b)(6) and Unified Development Ordinance §2.5.2, the Planning Board's list of issues and its preliminary forum may not be used as a basis for the Town Council's final decision.

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.

G. Staff Recommendation

As of the date of completion of this staff report, planning staff recommend approval of SU-02-23 with 1.19 acres of exemption allocation in the Little River Intake #2 Watershed and the deviation for 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line as permitted during special use permit review by UDO §4.7(D).

V. ATTACHMENTS

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

1. Draft Town Council Findings of Fact
2. Special Use Permit, Preliminary Plat, and Watershed Protection Permit Applications and Narratives
3. Preliminary Plats (Layout and Ownership on Separate Plats)
4. Drainage Impact Analysis (Reduced)

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
- Homeowners Association Drafted Covenants, Restrictions, and By-Laws

VI. TOWN COUNCIL ACTION

To either approve or deny a Special Use Permit application and Major Subdivision application, the Town Council shall make findings of fact and conclusions to the applicable standards. The Town Council shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Town Council shall then vote on whether the application complies with the criteria as set forth in §2.21.6(A-F) Criteria for a Special Use Permit and with UDO §2.20.4(G) Major Subdivision Preliminary Plat Criteria. The Town Council may choose among the following motions or any alternative at their discretion.

I move to:

Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-02-23 and Major Subdivision Preliminary Plat.

-OR-

Adopt Attachment A of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-02-23, with the following changes...

I further move to:

Approve Special Use Permit SU-02-23 and the accompanying Major Subdivision Preliminary Plat with a deviation to UDO §4.7(D) to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line as permitted during special use permit review by UDO §4.7.

-OR-

Deny Special Use Permit SU-02-23.

-OR-

Approve Special Use Permit SU-02-23 with the following conditions...

I further move to:

Approve Watershed Protection Permit WP-04-23.

-OR-

Deny Watershed Protection Permit WP-04-23.

ATTACHMENT 1
Draft Town Council Findings of Fact
Special Use Permit Application SU-02-23

Finding of Fact #1

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

Finding of Fact #2

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

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

The 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.

The applicant requests a deviation to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. 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. A 4' fence in the rear adjacent to Memorial Park is reasonable to dissuade users from climbing over the fence rather than using the pedestrian connection (i.e., gate). A 6' fence along the side lot lines is reasonable to provide privacy between townhomes and adjacent landowners.

Considering compliance with all other regulations of the applicable zoning district and applicable supplemental regulations, the Town Council finds the application to be compliant and the requested deviation reasonable.

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

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

3. **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 at the developer's expense. In the applicant's narrative, additional power, trash, natural gas, and cable/internet services are listed. Considering this information, Town Council consider the proposed properties to have adequate public facilities.

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

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 [TDA] 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, Town Council do not identify any indication that the proposed major subdivision will impede orderly development.

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

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

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

The applicant claims that the addition of townhomes will increase housing options in an area relatively housing scarce. Town Council 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.

Finding of Fact #3

The Town Council finds that the application complies with UDO §2.20.4(G) Criteria for a Major Subdivision Preliminary Plat, Criteria 1-5, in 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;**

Town Council finds that the proposed townhomes will provide additional housing diversity in the area and 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.

The applicant does request a deviation to allow 6' chain-link fencing along the side lot lines in the Common Area behind the town homes as well as a 4' chain-link fence along the rear lot line. 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. A 4' fence in the rear adjacent to Memorial Park is reasonable to dissuade users from climbing over the fence rather than using the pedestrian connection (i.e., gate). A 6' fence along the side lot lines is reasonable to provide privacy between townhomes and adjacent landowners.

Considering compliance with all other UDO regulations, the Town Council finds the application to be compliant and the requested deviation reasonable.

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;

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. Therefore, the Town Council find the lot sizes, density, access, and circulation are 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." The proposed stormwater facility on-site will reduce runoff onto adjacent properties during heavy rain events despite having more impervious surface. Therefore, no detrimental impact on safety or viability of the permitted uses on adjacent properties have been identified based on the Planning Department's 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.



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

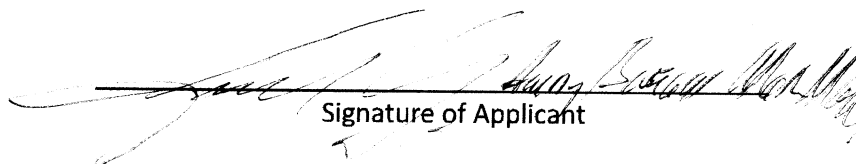
Legal Property Owner(s), if different from Applicant:

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

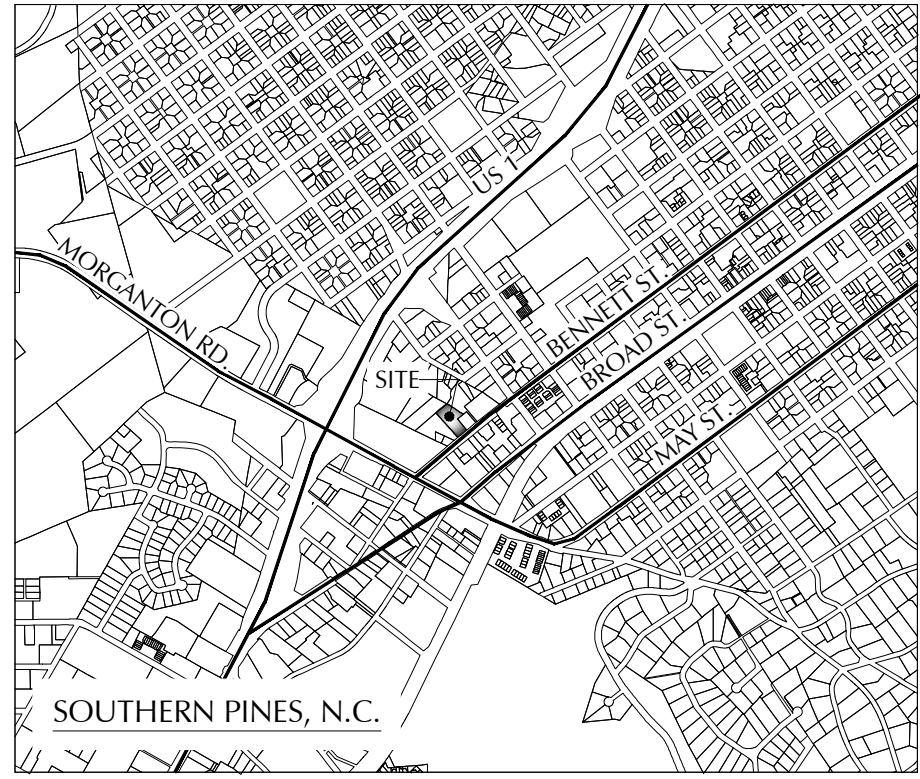
Name(s): _____
Email: _____ Phone: _____
Mailing Address: _____

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.

S:\Bleggi, Andy\22028 Townhomes 730 S. Bennett Street\CAD\22028 DWG\Plan Set\Current Plan Set\22028a_P1.0 Preliminary Plat.dwg, PRELIM PLAT, Nov. 13, 2023 -- 9:35:11 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

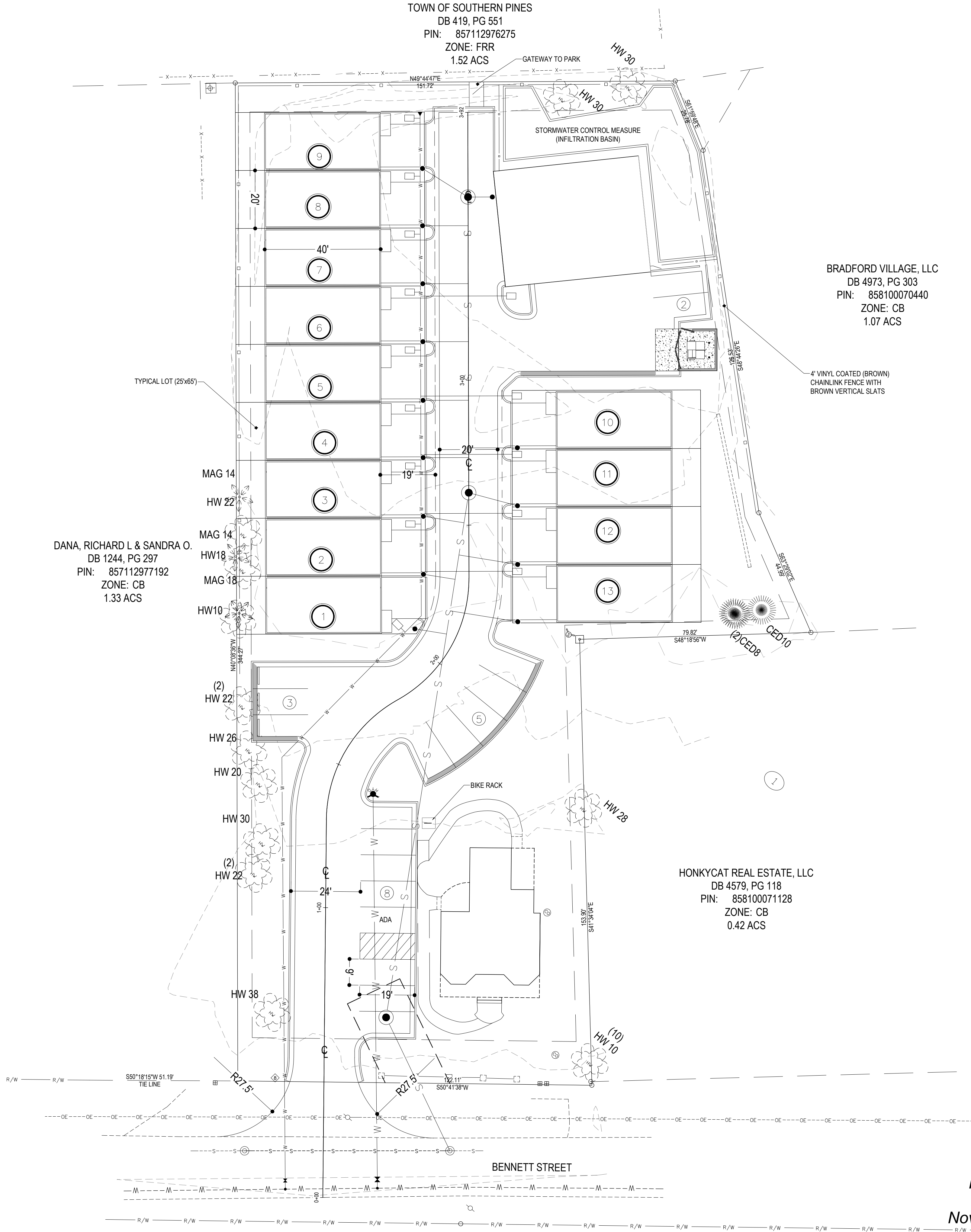
1. SIZE: 51,624 SF, 1.19 ACRES
2. CURRENT ZONING: CB-DTO
2. OPEN SPACE: NA (ONLY 13 UNITS)
3. THERE ARE NO FLOOD PLAINS OR FLOOD WAYS.
4. THERE ARE NO WETLANDS.
5. LOT IS IN WS WATERSHED, LR #2, AND HQW.
6. LOT REQUIRES A 5/70 ALLOCATION.
7. EXISTING IMPERVIOUS: 22,631 SF (43.8%)
8. PROPOSED IMPERVIOUS: 32,555 SF (63%)
9. AN INFILTRATION BASIN SHALL BE USED TO KEEP RUNOFF FOR THE 10 YEAR STORM BELOW CURRENT RATE.
10. 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.
11. APPLICANT WILL ATTEMPT TO PRESERVE SEVERAL EXISTING TREES ON SITE.

— S — 8" PRIVATE SEWER MAIN
— W — 2" PUBLIC WATER MAIN

SEWER SERVICE
WATER SERVICE

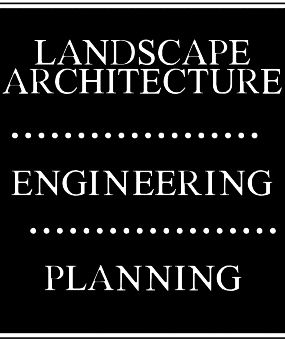
INFILTRATION STORMWATER CONTROL MEASURE (SCM)

NC GRID NAD 83
NC GRID NAVD 88



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



- ④ INSTALL HEAVY DUTY ASPHALT (SEE CDC DETAIL 1.1908)
- ⑤ INSTALL LIGHT DUTY ASPHALT (SEE CDC DETAIL 1.1910)
- ⑥ INSTALL 24" CURB AND GUTTER (SEE TOSP DETAIL R11)
- ⑦ ADA RAMP (SEE CDC DETAIL R-114)
- ⑧ ADA RAMP (SEE CDC DETAIL 1.1852)
- ⑨ DUMPSITE ENCLOSURE SEE ARCHITECTURAL PLANS
- ⑩ 5' WIDE SIDEWALK SEE TOSP DETAIL R13
- ⑪ CONCRETE WHEELSTOP SEE CDC DETAIL 1.1217
- ⑫ INSTALL PAVEMENT MARKINGS AND STRIPING (SEE TOSP DETAIL R19)
- ⑬ CONCRETE CURB (SEE CDC DETAIL 1.2704)
- ⑭ INSTALL 8'-6" x 8'-6" TRANSFORMER PAD
- ⑮ SPILL-OUT CURB SEE TOSP DETAIL R-11 (SHADED)
- ⑯ BICYCLE RACK (2 BICYCLES) (SEE CDC DETAIL 1.12612)
- ⑰ INSTALL (4) 24" DIA. PRE-CAST CONCRETE DECORATIVE BOLLARD (SEE CDC DETAIL 1.1002)
- ⑱ THREE-RAIL ALUMINUM PICKET FENCE (BLACK) (3.5' TALL)
- ⑳ 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 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 1880036.80 AND HAVING AN ELEVATION OF 506.49
4. ALL HVAC UNITS ARE ROOFTOP.
5. ZONE CB (DOT)
 - 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 = 18,199 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 2.00
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				

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

6' VINYL COATED (BROWN)
CHAINLINK FENCE WITH
BROWN VERTICAL SLATS

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

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

Crawford
Design Company

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

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

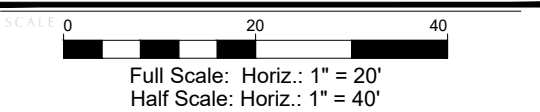
300 W. Pennsylvania Ave. " Southern Pines, NC 28387
Voice: 910-725-1107
www.crawforddsn.com

[illegible]

PTAH, LLC
TOWNHOMES
730 S. BENNETT

SITE LAYOUT PLAN

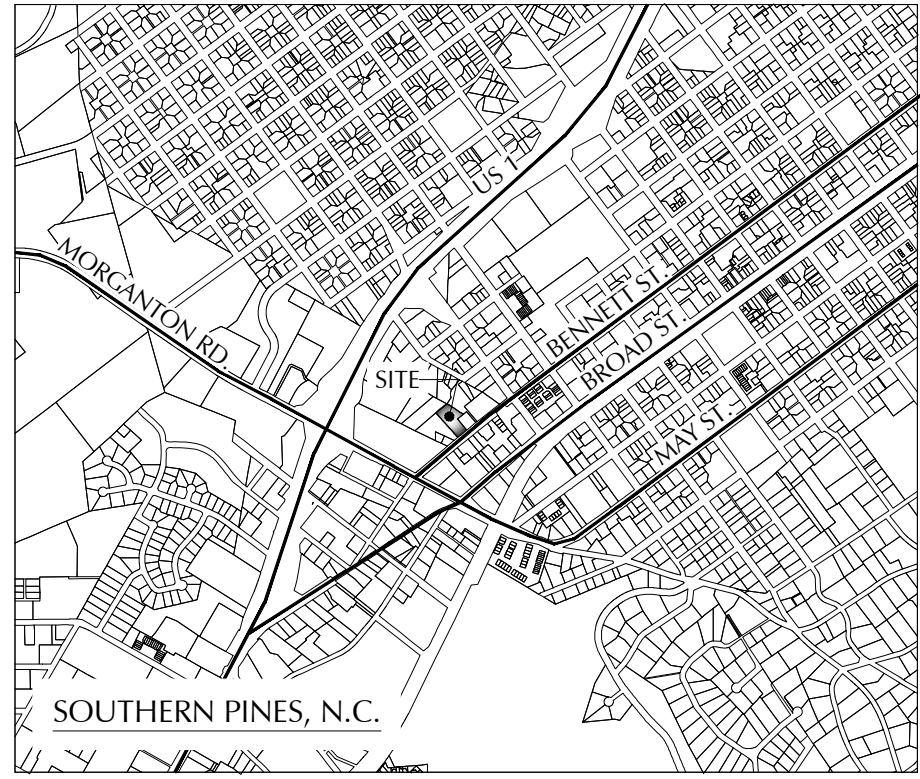
Project Manager:	KSL
CAD Technician:	RFN/GER
Reviewed / Approved By:	
Project Number:	22028



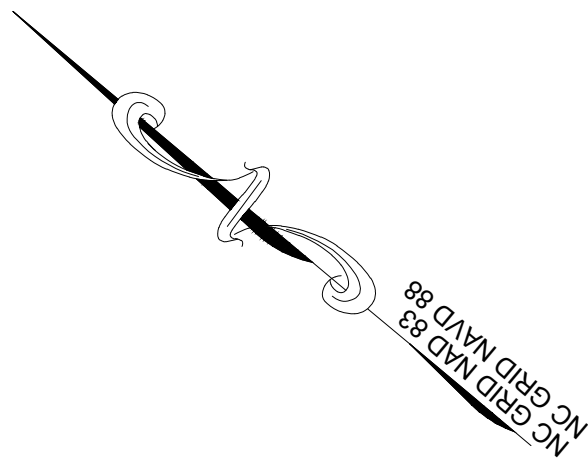
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S:\Bleggi, Andy\22028 Townhomes 730 South Bennett Street\CAD\22028 DWG\Plan Set\Current Plan Set\22028a_P1.0 Preliminary Plat.dwg, PRELIM PLAT, Dec. 08, 2023 -- 8:46:16 AM



VICINITY MAP (1"=2000')



PLAT NOTES

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

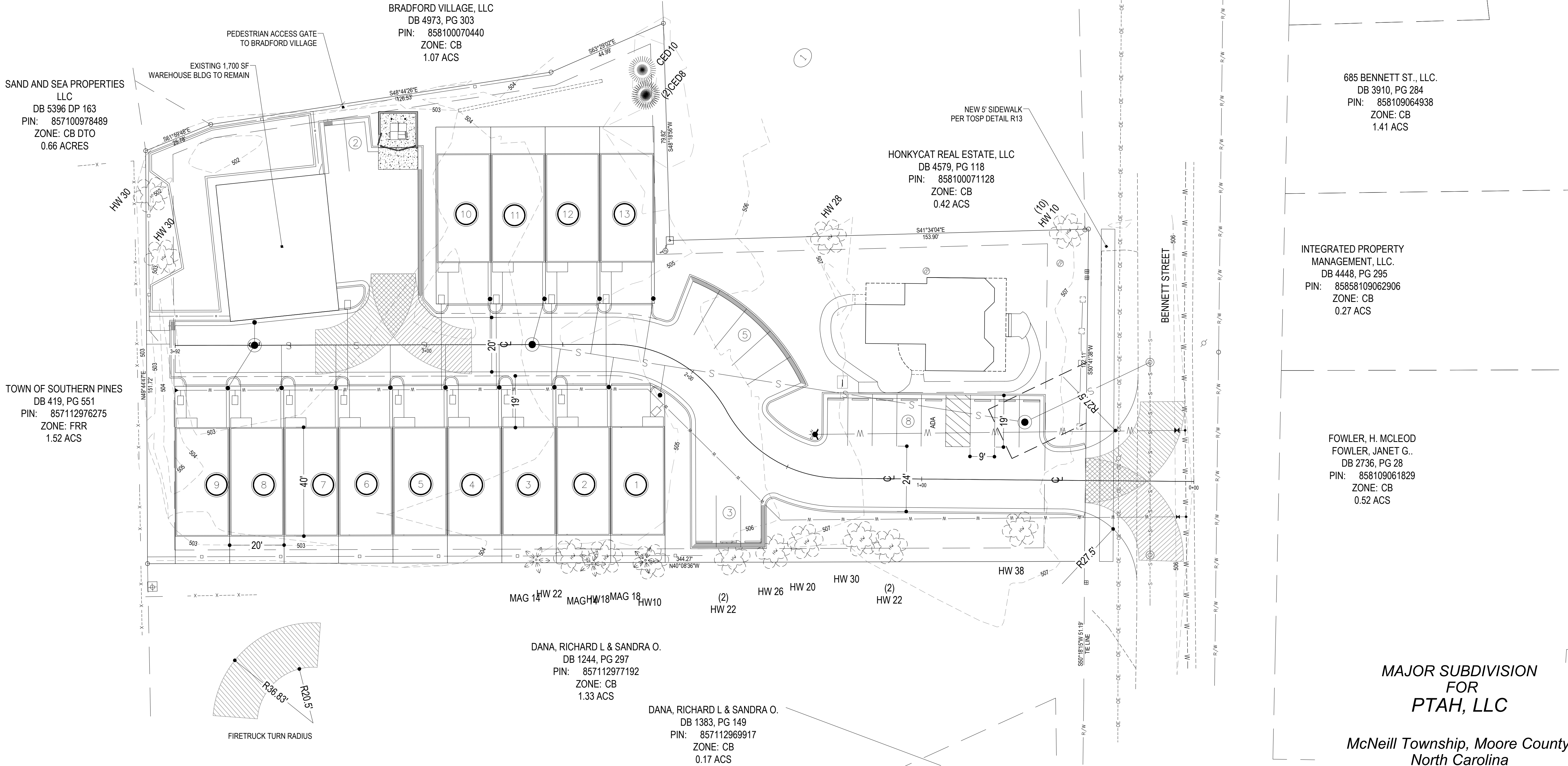
OWNER ADDRESS:
PTAH, LLC
Andy Bleggi - Manager
730 S. Bennett
Southern Pines, NC 28387
andybleggi@gmail.com
910-639-1985

1. SIZE: 51,624 SF, 1.19 ACRES
2. CURRENT ZONING: CB-DTO
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4. THERE ARE NO FLOOD PLAINS OR FLOOD WAYS.
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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	
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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



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

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PTAH, LLC
TOWNHOMES
730 S. BENNETT

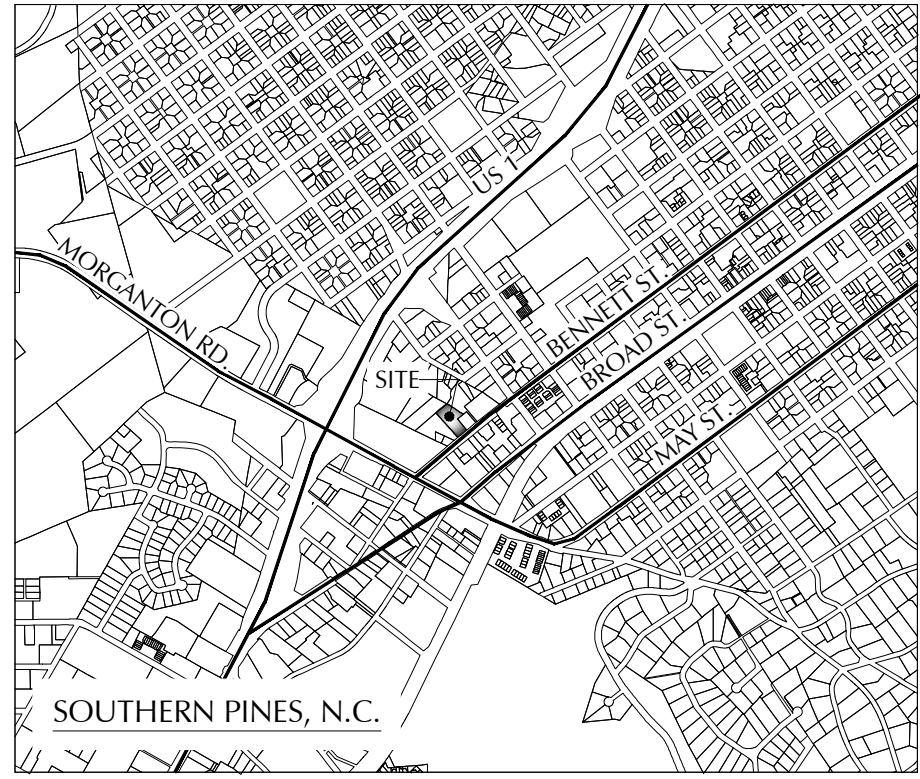
PRELIMINARY PLAT

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

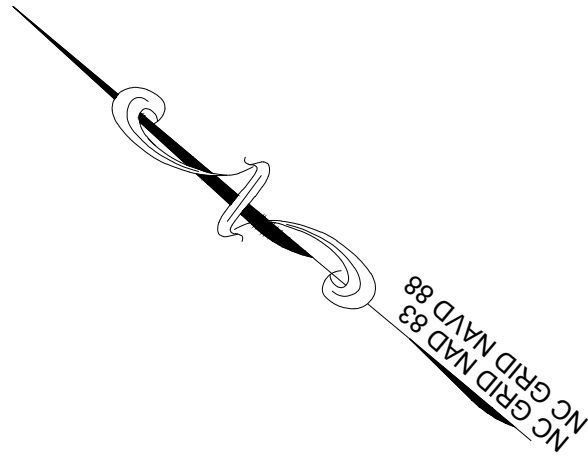
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Half Scale: Horiz.: 1" = 40'
MM/DD/YYYY

P1.0

S:\Bleggi, Andy\22028 Townhomes 730 South Bennett Street\CAD\22028 Townhomes_P2.0 Ownership.dwg, PRELIM PLAT, Dec. 18, 2023 -- 1:44:38 PM



VICINITY MAP (1"=2000')

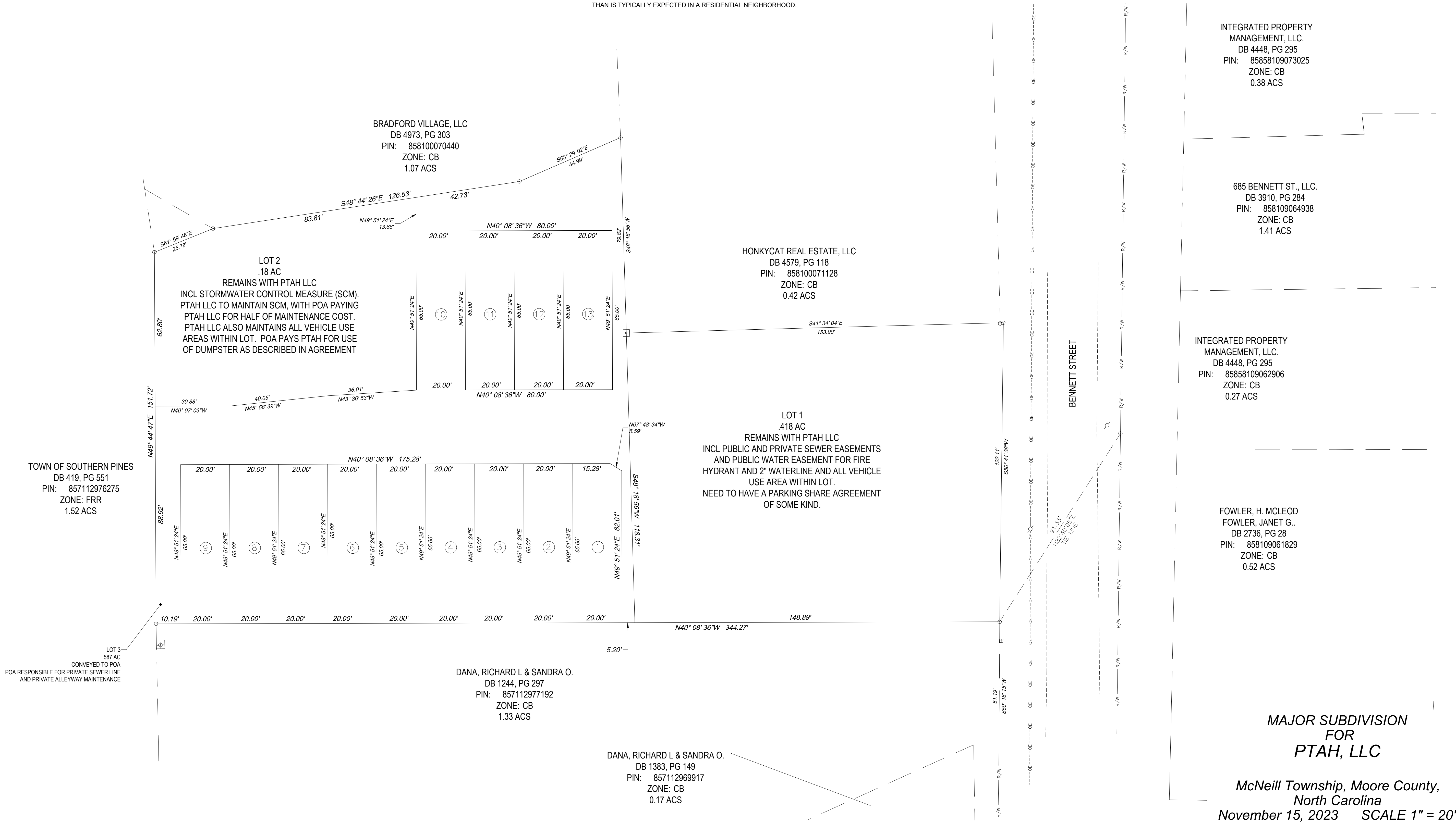


PLAT NOTES

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

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Landscape Architecture " Fayetteville, NC
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PRELIMINARY

0	mm-dd-yy	Description

PTAH, LLC
TOWNHOMES
730 S. BENNETT
PRELIMINARY PLAT

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

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

P 2.0

Drainage Impact Analysis Narrative for 730 S Bennett Townhomes

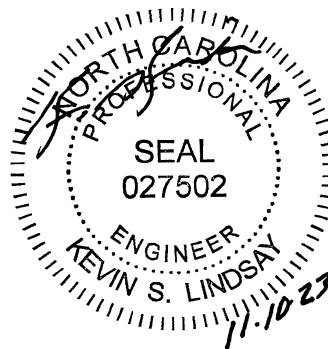
1. Existing Conditions. Existing commercial property that is 44% impervious (roof, pavement, hard packed gravel). Front, near entrance on S. Bennett, is commercial building and parking for nail and hair salon and offices. Back area (N) includes a warehouse and gravel parking area. There are currently 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
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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

