



AGENDA

Tuesday, April 9, 2024: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

3. TOWN MANAGER'S COMMENTS

a. Adopt Agenda

4. PUBLIC COMMENTS

5. CONSENT AGENDA

a. Appoint Kelly Ficker to the Library Advisory Board

The Library Advisory Board currently has a vacancy due to a previous member who was unable to serve her full term. Kelly Ficker has submitted an application and the Board requests Council approval. Ms. Ficker's appointment will be for the remainder of the unexpired term, until December 31, 2025.

b. Adopt Ordinance #3034 to Modify the Town's Code of Ordinances for Cemeteries

This amendment addresses burials and maintenance at the Town's Mt. Hope Cemetery. These changes will allow up to two people to be buried in a single plot. This amendment also clarifies items that are prohibited in or near the grave sites in order to ensure safety, ease of maintenance, and the visual character of the cemetery.

c. Adopt Ordinance #3035 Setting Fees for the Mt. Hope Cemetery

This amendment removes all fees from the Code of Ordinance and incorporates them into the Town's fee schedule. It also sets current prices for the sale of plots, including the ability to bury two people in a single plot. The fee schedule also sets an administrative fee for requests of Town staff to locate grave sites.

d. Approve Town Council Meeting Minutes for March 2024

- March 12, 2024, Town Council Business Meeting
- March 19, 2024, Town Council Work Session

e. Approve Ordinance #3036 - Budget Amendment for SBITA Clarification

This amendment provides corrections, involving no bottom-line impact, to a previously adopted Budget Amendment specific to GASB requirements.

f. Call for an April 23rd Public Hearing for Installment Financing to Fulfill the Obligations of a Reimbursement Agreement for Carolina Parkway.

The Local Government Commission (LGC) meets in May Town Council has a statutory requirement to hold a Public Hearing ahead of consideration of an installment loan contract for the purpose of the Parkway Reimbursement at the LGC May meeting.

6. ACTION ITEMS

a. Adopt Resolution #1083 Regarding the Issuance of an Installment Contract for the Financing of a Reimbursement Agreement.

Resolution authorizing the filing of an application for approval of an installment financing contract authorized by North Carolina General Statutes § 160A-20 and making certain findings required by North Carolina General Statutes § 159-151

b. Request for extension of Special Use Permit SU-04-22: Expansion of Boles Funeral Home at 425 W. Pennsylvania Ave.

Boles Family LLC, requests an extension to a special use permit in order to construct a 340 square foot addition to the existing funeral home. A special use permit was required due to the use being a legal nonconforming use in

the Central Business (CB) District where the proposed project is located.

c. WP-01-24: Watershed Protection Permit for .29 acres at 650 E. Ohio Ave.

George and Ramona Garrell have submitted an application for a Watershed Protection Permit requesting .29 of an acre of 5/70 exemption allocation to develop an accessory structure, which will result in 35% total impervious surface on the subject property which is located within the Little River Intake No. 2 Watershed.

7. PUBLIC HEARINGS

a. PD-01-24 Preliminary Development Plan for Belle Meade Retirement Community

St. Joseph of the Pines, Inc. requests approval to add 40 residential units on the north side of the existing Belle Meade continuing care retirement center.

b. SU-01-24 Special Use Permit to Amend Boundaries of Mid South Master Plan

PILLCSub, LLC requests an amendment to the Mid-South Master Plan approved in 1988 (Conditional Use Permit CU-08-88). The amendment proposes removing +/-9.26acres from the Master Plan that is located in Pinehurst's jurisdiction. This is the northernmost portion of Palmer Dr, between Knoll Rd and Midland Rd.

8. ADJOURNMENT

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



DATA SHEET FOR APPOINTMENT TO
COMMITTEES, COMMISSIONS
AND BOARDS

COMMITTEE, COMMISSION, OR BOARD IN WHICH INTERESTED: Southern Pines Library Advisory Board

NAME: Kelly Ficker

TELEPHONE: 859-462-1987

ADDRESS: 852 Barber Rd Southern Pines, NC

EMAIL: kficker09@gmail.com

EDUCATIONAL BACKGROUND

Bachelors - Writing Rhetoric and Communication (Major) and Educational Studies (Minor)

Masters - Educational Policy; 0-3 Montessori Lead Guide Certification ; Kid's Yoga and Creative Arts Certificate

EMPLOYMENT

JOB TITLE: Montessori Guide ; Children's Yoga and Mindfulness Instructor

EMPLOYER: The Garden Montessori ; The Connection Corner

CIVIC AND PROFESSIONAL ACTIVITIES: Summer Reading volunteer; Sunrise Theatre volunteer;

Friends of the Southern Pines Library Family Membership; I attend Friends of the Aberdeen Library meetings;

PAST MEMBERSHIP IN ORGANIZATIONS AND OFFICES HELD: Moore County Resiliency Collaborative -member

ANY ADDITIONAL INFORMATION AND COMMENTS: I am a former Southern Pines Library Employee -

Library Associate, Early Childhood Outreach. I am interested in continuing to support the Southern Pines library
through the work of the library board.

DATE: 2/17/24

SIGNATURE: Kelly Ficker

PLEASE RETURN TO:

Administration
125 SE Broad Street
Southern Pines, NC 28387

admin@southernpines.net

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

MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM, Assistant Town Manager
Date: April 3, 2024
Re: Ordinances #3034 & 3035 re: cemetery amendments

Background

Chapter 92 of the Town's Code of Ordinances regulates the manner in which Mt. Hope Cemetery is maintained, including the sale of lots and burials. Following discussion at the March 19th Council work session, staff has prepared the corresponding updates to this chapter. These are included on the April 9th consent agenda.

Cemetery Fees

Consistent with other administrative updates to the Code, Ordinance #3035 moves fees associated with the cemetery to the stand-alone fee schedule. Fees for purchasing plots have not been increased since at least 1994 and are \$400 for a Town resident and \$500 for a non-resident. Per Council consensus, the proposed schedule sets plot fees at \$750 for residents and \$1500 for non-residents.

A new fee has been added for assistance from Town staff in locating graves. The proposed fee is \$50 if this work is completed during business hours and \$100 if it is requested during weekends, after hours, or on holidays.

Cemetery Burials & Operations

Ordinance #3034 updates the Town's codes, which currently permit one person to be buried in a plot. These revisions allow for a maximum of two people, through a combination of 2 urns or 1 urn + 1 casket; this addresses a request that staff frequently receives from family members and people interested in purchasing plots. A maximum of one headstone may be placed per plot regardless of the number of people buried.

The fee schedule addresses these updates, including options for current plot owners who would like to convert plots previously sold for a single burial to accommodate two people.

Ordinance #3034 also regulates the type of objects that may be placed at grave sites as the Town has perpetual care responsibility for Mt. Hope Cemetery. The current Code does not address placement of memorial-type items. This presents enforcement challenges and conflicts for Town staff as they maintain the cemetery grounds and encounter visitors.

Clarifying these rules helps to preserve the solemn and respectful atmosphere of the cemetery. Such items can detract from the peaceful, dignified setting, especially if they are not routinely maintained or replaced by visitors or if they are placed in a way to attract attention.

Staff spends a considerable amount of time removing items, such as balloons, banners, planted grasses or other landscape materials, fencing, trellises, and similar. These items can present safety concerns and make it challenging to maintain the cemetery grounds as staff must work around these items with landscape equipment.

*Southern Pines is a beautiful and safe place. People choose Southern Pines over other places because of its charm, and we are proud to contribute to maintaining its appeal.
It's the Southern Pines Way.*





**ORDINANCE #3034
AMENDING CHAPTER 92 OF THE TOWN'S
CODE OF ORDINANCES: CEMETERIES**

WHEREAS, the Town of Southern Pines owns and maintains the cemetery known as Mount Hope Cemetery; and

WHEREAS, Town employees are charged with maintaining the cemetery in a neat and clean condition and performing other duties to ensure the perpetual care of Mt. Hope Cemetery; and

WHEREAS, Article 17 of the North Carolina General Statutes authorizes municipalities to regulate the manner of burial and all other matters concerning the use, operation, and maintenance of city Cemeteries.

BE IT ORDAINED by the Town Council of the Town of Southern Pines, North Carolina that the Town's Code of Ordinances are amended as follows:

1. Amend the Code of Ordinances by adopting "Attachment A" in its entirety.
2. This ordinance amendment is effective April 9, 2024.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 9, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

ATTACHMENT A

The Town's Code of Ordinances is amended by deleting the following sections in their entirety and adopting the following to replace these sections:

Adopt new section 92.26:

§ 92.26 PLACEMENT OR MAINTENANCE OF ITEMS IN OR AROUND GRAVESITES

- (A) No person(s) may place or maintain the following items in or around gravesites:
1. Artificial decorations, including but not limited to: breakable vases, pinwheels, bird houses, statutes, figurines, dolls, bottles, trinkets, signs, hanging decorations, glass objects, or similar
 2. Artificial flowers, plants, or turf
 3. Potted plants or small trees. Additionally, no shrubs, vines, grass, or similar materials may be planted in or around the gravesite.
 4. Banners, including those at ground level to cover the grave
 5. Balloons
 6. Candles, open flames, and solar lights or lanterns.
 7. Lawn furniture or seating
 8. Fencing, trellises, or edging of any type
 9. Mulch, pebbles, gravel, rocks, blocks, stones, and similar ground covering materials
 10. Any items interfering with the safety, ease of maintenance, and visual appeal of the cemetery grounds
- (B) The following items may be placed in or around gravesites:
1. Suitable, non-breakable, durable vases or approved containers may be used for live flowers. No jars, cans, or similar are allowed.
 2. Flags and/or wreaths may be placed at or near graves in the months of May, November, and December.
 3. Above ground markers, headstones, and benches, after review and approval by Town staff.
 4. Flowers may be left for a maximum of seven (7) days and should then be discarded. Flowers should be removed earlier if they become unsightly due to fading or wilting.
- (C) The Town of Southern Pines and its employees are not responsible for any items left at gravesites. At the discretion of its employees, the Town may remove any items without prior notice in order to ensure safety, ease of maintenance, and visual appeal of the cemetery grounds. The Town may discard any items removed and is not responsible for replacing or returning them or reimbursing anyone for the cost of these items.
- (D) A violation of this section is subject to the penalty provided in § 10.99(A).

Delete existing section 92.29 ONE BURIAL PER SINGLE LOT and replace with the following:

§ 92.29 BURIALS PER LOT.

- (A) The following may be buried in a single plot or space to accommodate a maximum of two (2) persons.
1. 1 casket
 2. 1 casket + 1 urn
 3. 2 urns
- (B) When a single plot is purchased for the purpose of burying two (2) people, the purchase price is charged as a double plot per the Town's fee schedule.
- (C) If the owner of a single plot wishes to convert it to a double plot, the corresponding fee may be paid to the Town per the fee schedule.
- (D) Only one grave marker may be placed per plot. If a second person is buried in a plot with an existing marker, the original marker may be modified with additional engraving.
1. Alternatively, the original marker may be removed and a new one placed that meets the Town's current rules for size, height, and similar guidelines.

MEMO

To: Reagan Parsons, ICMA-CM, Town Manager
From: Jessica Roth, ICMA-CM, Assistant Town Manager
Date: March 14, 2024
Re: Mt. Hope Cemetery Plot Fees

Background

Chapter 92 of the Town's Code of Ordinances regulates the manner in which Mt. Hope Cemetery is maintained, including the sale of lots and burials. Staff is working on some minor updates to this chapter, which will be included on the April 9th Council agenda for consideration.

Plot Fees

Chapter 92 currently includes the fees for selling a plot in Mt. Hope Cemetery. Consistent with other administrative updates to the Code of Ordinances, staff recommends removing fees from Chapter 92 and adding them to the stand-alone fee schedule. This change will be included with the pending amendments.

Prior to preparing the new fee schedule, staff seeks direction from Council on the desire to increase the plot fees. It appears that the fees have not been increased since at least 1994, when a new section of the cemetery was opened, creating an additional 610 plots to sell. The plots are currently \$400 for a Town resident and \$500 for a non-resident.

Staff researched the fees charged by other North Carolina local governments for plots in a municipal cemetery. Across the state, the average price is \$961 for a single plot sold to a resident; the highest price is \$2,000. For non-residents, it is common to charge twice the resident plot fee.

The Town has perpetual care responsibility for Mt. Hope Cemetery. Over the past 12 months, the parks & grounds team spent close to 700 hours maintaining the cemetery. Approximately 2/3 of this time was dedicated to blowing and debris collection. Other work included mowing, collecting unacceptable items left at graves, locating graves, and applying herbicides. This work is completed on a weekly basis, generally averaging about 13 hours/week. Town staff does not perform the work associated with burials; this is handled by the funeral homes.

Recommendations to Consider

- Update the code to allow for one casket + one urn (or two urns) to be buried in a single plot. Currently, the code only allows a single burial plot and staff frequently receives inquiries from people who would like to bury two urns or one casket and an urn. Staff does not have any maintenance concerns about this and it is permitted by state law.
- Consider updating the following fees:
 - Single plot, resident
 - Double plot, resident (allows for two urns or one casket/one urn)
 - Single plot, non-resident
 - Double plot, non-resident
 - Grave locate fee – implement a fee for services provided during routine business hours and a higher fee for emergency services provided on weekends. Town staff spent 38.5 hours over the past 12 months locating graves for funeral homes.

Mt. Hope Cemetery Information

The cemetery is located at 405 W. Morganton Rd, at the intersection with US-1. According to Town GIS records, it is estimated that there are 2,039 plots in the cemetery. Of the 610 plots made available in 1995 in the new section of the cemetery, there are 302 that still remain and have not been sold as of March 2024. There are currently no plans to add more plots at Mt. Hope or to open a second municipal cemetery.



**ORDINANCE #3035
AMENDING THE TOWN'S CODE OF ORDINANCES &
ADOPTING A REVISED FEE SCHEDULE**

WHEREAS, the Town of Southern Pines owns and maintains the cemetery known as Mount Hope Cemetery; and

WHEREAS, Town employees are charged with maintaining the cemetery in a neat and clean condition and performing other duties to ensure the perpetual care of Mt. Hope Cemetery; and

WHEREAS, Article 17 of the North Carolina General Statutes (NCGS) authorizes municipalities to regulate the manner of burial and all other matters concerning the use, operation, and maintenance of city cemeteries; and

WHEREAS, Article 17 of the NCGS authorizes municipalities to impose a schedule of prices for lots in the cemetery.

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

1. Amend the Code of Ordinances by adopt "Attachment A" in its entirety.
2. Adopting the attached fee schedule in its entirety.
3. This ordinance amendment and fee schedule are both effective April 9, 2024.
4. The fee schedule shall be administered by the Town Manager or his/her designee.
5. The fee schedule shall be maintained by the Town Clerk.

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 9, 2024 as shown in the minutes of the Town Council for that date.

Elizabeth Robertson, Town Clerk

ATTACHMENT A

The Town's Code of Ordinances is amended by deleting the following sections in their entirety and adopting the following to replace these sections:

§ 92.05 PRICES FOR CEMETERY LOTS AND DISTRIBUTION OF FUNDS.

- (A) The price of lots and other associated fees for the cemetery are included in the Town of Southern Pines Fee Schedule as administered by the Town Manager or his/her designee.
- (B) Funds received for the sale of cemetery lots shall be distributed as follows: 30% to General Fund revenue and 70% to the Perpetual Care Fund as provided in this chapter.

§ 92.08 RESALE OF LOTS.

- (A) No lot or grave site in the cemetery shall be sold by the owner thereof, unless it is sold to the Town at the same price that the owner paid, less an administrative fee per the Town's Fee Schedule. This administrative fee shall be retained by the General Fund.
- (B) In buying back cemetery lots, 30% of the purchase price shall be taken from the General Fund and 70% from the Perpetual Care Fund.

TOWN OF SOUTHERN PINES FEE SCHEDULE	
<i>Fee Description</i>	<i>Fee Amount</i>
MT. HOPE CEMETERY	
Single plot sold to a Town resident	\$ 750
Double plot sold to a Town resident (2 urns or 1 urn + 1 casket)	\$ 1,000
Upgrading a single plot to a double plot: Town resident	\$ 250
Single plot sold to a non-resident	\$ 1,500
Double plot sold to a non-resident (2 urns or 1 urn + 1 casket)	\$ 2,000
Upgrading a single plot to a double plot: non-resident	\$ 500
Administrative fee for selling a plot back to the Town	\$ 100
Grave locate fee - during regular business hours & days	\$ 50
Grave locate fee - after hours or on weekends/holidays	\$ 100



MINUTES

Tuesday, March 12, 2024: 6:00 PM

Town Council Business Meeting

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

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

Moore County Board of Elections has informed us that they will be using the ES. Douglass Community Center for a runoff vote on May 14, 2024, Council will need to reschedule or change the location for the scheduled Business meeting on that day.

a. Consider Approval of Agenda

After discussion, the Council wishes to flip the order of 7a and 7b under Public Hearings as well as move Ordinance #3027 from the Consent Agenda to the Action Items section.

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

Motion passed.

4. PUBLIC COMMENTS

Anthony Maramarco, of Southern Pines, commented on the published Kimley-Horn traffic study of North Knoll Road and submitted a written statement to the Council as well.

5. CONSENT AGENDA

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

Motion passed.

a. Approve Appointments: Board of Adjustment

The Board of Adjustments has some expired terms, as well as an application from a resident interested in being appointed. The Planning Department recommends the following appointments:

- Robert Thompson (in Town): term to expire 3/31/26
- Mike Martin (ETJ): term to expire 3/31/26
- Steve Kastner (in Town): term to expire 3/31/27
- John McInerney (in Town): term to expire 3/31/27
- Nicholas Zeedyk (in Town alternate): term to expire 3/31/27

b. Approve Amendments to the FY 2023/2024 Budget

Staff requests approval for the following four ordinances:

- Ordinance #3027 in the amount of \$50,175 to accommodate merchant and processing fees associated with utility customer payments.

- Ordinance #3028 to fulfill GASB 96 requirements regarding subscription-based technology arrangements.
- Ordinances #3029 and #3030 allocating \$100,000 for the Bennett Street sidewalk project.

This item was moved to Action Items per vote.

Town Manager Parsons gave an overview of the request.

Mayor Pro Tem Pate would like to discuss options for the next fiscal year further at the budget retreat.

Councilmember Goodman questioned whether this money came from an enterprise fund and the Town's obligations for that type of fund. Town Manager Parsons clarified that because it is an enterprise fund, the Town had an obligation to collect enough money to cover expenses but not the specific cost.

Discussion ensued.

Mayor Pro Tem Pate moved to approve Ordinance #3027 - Amending the 2023/2024 Fiscal Year Budget (Utility Billing Card Fees), seconded by Councilmember Gray; the vote was unanimous. Motion passed.

c. Appoint Ashley Tramontin to the Appearance Commission

Resident Ashley Tramontin has applied for an open seat on the Appearance Commission. The members have reviewed her application and request appointment, with a term to expire on March 31, 2027.

d. Approve Town Council Meeting Minutes for February 2024

- February 14, 2024, Town Council Business Meeting
- February 27, 2024, Town Council Work Session

e. Approve Ordinance #3032 - Updates to Chapter 154 Soil Erosion and Sedimentation Ordinance

Staff has prepared Ordinance #3032 for approval to update Chapter 154 of the Town Code of Ordinances.

6. ACTION ITEMS

a. Consider Partnership & Property Use Agreement with the AC Sandhills

The Town partners with the AC Sandhills soccer organization by providing fields and supporting facilities at the Morganton Rd. Sports Complex for the organization's recreation soccer program. This agreement details the payment terms and responsibilities of both parties over the next three years.

Asst. Town Manager Jessica Roth updated the Council on the new agreement terms with AC Sandhills and clarified that the group not only used the fields but also provided an entire recreation soccer program for all the youths in the area at all skill levels. Ms. Cara Webb of Velocity Soccer Club was contacted and rented the fields for use but canceled before using them. Asst. Town Manager Roth also shared that the Town is also exploring additional agreements with other groups. Rugby has shown an interest in a use agreement. Asst. Town Manager Roth did point out some of the limitations when using the Morganton Fields would be lighting for night use, turf wear and tear, as well as limited parking availability.

Discussion ensued.

Councilmember Goodman moved to approve the Partnership & Property Use Agreement with AC Sandhills, seconded by Councilmember Petersen; the vote was unanimous. Motion passed.

b. Consider 2024 Council Appointments

Individual council members are appointed by the body each year to serve in various capacities and manage certain responsibilities. At the December 5th meeting, the Council appointed Bill Pate as

Mayor Pro-Tem and Ann Petersen as Treasurer. The included staff memo outlines more information on these appointments and their responsibilities.

Upon discussion, the Council made the following appointments:

- Vice-Treasurer - Councilmember Gray
- Central Pines Regional Council - Councilmember Petersen, Alternate Mayor Clement
- MPO - Mayor Clement, Alternate Councilmember Goodman
- Moore Economic Development Partnership - Mayor Clement and then rotate through all the other members of the Council so everyone can attend and learn more about the group
- Tri-Cities Work Group - Mayor Pro Tem Pate and then rotate through all the other members of the Council so everyone can attend and learn more about the group

Mayor Pro Tem Pate moved to approve the above Council appointments as stated, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

7. PUBLIC HEARINGS

a. SU-01-23: Expansion of Authorized Land Uses in 1998 Mill Creek Mixed-Use Development Master Plan

EVIDENTIARY HEARING: Mr. Bob Koontz has applied for a Special Use Permit amendment application to expand the authorized land uses in the General Business conditional zoning district (GB-CD) portion of the Mill Creek development. The public hearing was continued at the February 13, 2024 Regular Meeting.

Mayor Pro Tem Pate had previously been recused from this hearing and exited the meeting.

Councilmember Petersen moved to reopen the public hearing for SU-02-23, seconded by Councilmember Goodman; the vote was unanimous.

Motion passed.

Senior Planner Alaina Mallett presented an updated staff report dated March 12, 2024 (entered as Exhibit G) to the Council that includes a newly proposed table of uses from the applicant and a map amendment. The revised list of uses submitted by the applicant is entered into the record as Exhibit H.

Councilmember Petersen asked Senior Planner Mallett to confirm that the applicant had a deadline of March 7th to submit materials to the Town, yet the revised list of uses was not received until the afternoon of today, March 12th, which Senior Planner Mallett confirmed.

Town Manager Parsons asked the Town Attorney Mac McCarley to re-verify that no member of the Council had ex-parte communications with anybody connected to the case. All members of the Council responded that they had not.

Paul Saathoff of KoontzJones Design addressed the Council on behalf of the applicant and expanded on the revised list of uses that the applicant had submitted for approval.

Mayor Clement suggested including 2622 and 6125 into the six proposed uses in an effort to streamline the application.

Councilmember Goodman is concerned about the lack of definition for the term "nightclub" when striking it from the allowed uses.

Councilmember Petersen expressed her frustration with the applicant's late submittal and expressed her displeasure with the lack of respect for the staff and council's time.

Mayor Clement asked if modified TIA report had been submitted per the January hearing date. Mr. Saathoff testified that traffic engineer Travis Fluitt was still working with NCDOT to include the their suggested and Town Engineer/Asst. Public Works Director James Michel had indicated that he was satisfied with the direction the TIA is headed. Councilmember Petersen expressed her displeasure that the testimony being provided by Mr. Saathoff and not Town Engineer Michel. Senior Planner

Mallett advised that Town Engineer Michel's conditional approval was written into the staff's Findings of Fact and that Town Engineer testified to that fact earlier in the hearing. Discussion ensued regarding the completeness of the application and any remaining needs before approval.

Councilmember Goodman questioned the lack of a modified TIA and requested a definition of such.

Mr. Saathoff indicated that the numbers would be modified due to the signals being replaced by mini-roundabouts, as suggested by NCDOT, and once those plans were finalized then the numbers could be updated and submitted to Town Engineer Michel. Mayor Clement argued that the submitted TIA already included those numbers and Town Manager Parsons agreed with her. Town Manager Parsons added that the modification might be needed should some of the allowed uses be eliminated as that would change the numbers. Senior Planner Mallett advised that "there was an email on February 6th from Town Engineer Michel saying that the recommended improvement for the multi-use path from Mill Creek to Olive Tree does not specify a trigger in the TIA and this needs to be added for the below statement to be sufficient and update the date so that it is clear which TIA is being discussed. Town Engineer Michel then wrote that the roundabouts were not discussed in the January 2024 TIA and this is what we are still waiting for from NCDOT....".

Councilmember Petersen asked Senior Planner Mallett if she recommended that Council approve the application with the removal of nightclub? Senior Planner Mallett responded that yes, she did recommend approval but that the applicant has proposed removing more than just nightclub from the allowed use list so that would be for the Council to decide.

Mayor Clement asked for any public comments and none were voiced.

Mayor Clement closed the public hearing for SU-01-23.

Councilmember Goodman moved to adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23, seconded by Councilmember Gray; the vote was unanimous.

Motion passed.

Councilmember Goodman then moved to approve Special Use Permit SU-01-23 with the following conditions:

- Adopt Exhibit H

* Add the two uses that are currently in the development, #2622 and #6125

* Add use #2540, adding a definition to *nightclub* and then striking it from the allowable uses.

* Add uses #2550, #2560, #4160, #6110 and #9920

* Eliminate use #2331, #2630, #2721, #5371, #6410, #6420, #6430 and #7100

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

Motion Passed.

b. OA-01-24: Amending UDO to increase the use of Conditional Zoning Districts

The Town of Southern Pines Planning Department is proposing to amend the Unified Development Ordinance (UDO) with text amendments related to the use of Conditional Zoning Districts as well as reducing the number of development approvals requiring quasi-judicial decisions throughout the Southern Pines planning jurisdiction. The proposed amendments are an implementation of Policies 3.3 and 3.4 in the town's new Comprehensive Plan.

Mayor Clement opened the public hearing.

Planning Director Grieve presented the staff report for OA-01-24 to the Council.

Public Comments:

Tom McCabe of 235 N Page Street shared his thoughts on the proposed changes and voiced his support for the Ordinance being approved.

John McInerney of 460 Crest Rd shared that he supports moving away from the quasi-judicial format

but expressed concern with the range of some of the proposed expanded allowances.

Councilmember Petersen voiced her appreciation for the Planning Department's hard work on the amendments.

Mayor Clement closed the public hearing.

Councilmember Gray voiced her support for the changes and thanked the staff for their hard work.

Councilmember Goodman voiced his concern for the community college and the golf resorts, feeling that changing to conditional zoning should be something they want to do and worried that by doing so it would make their current use non-conforming. Councilmember Goodman expressed an interest in having further conversations with the school and golf resorts.

Attorney McCarley clarified that the current property use would be allowed as long as no changes were made to the properties.

Mayor Clement shared her concern with the citizen's opinions that this will change the zoning of their property.

Town Manager Parsons asserted that by approving the recommended UDO changes the Council would not be changing the zoning of the properties and create a non-conforming use. Approving the UDO change will only affect the procedure should they want to make any changes to the property by making the process legislative instead of quasi-judicial.

Councilmember Gray feels that approving the UDO change would allow the West Southern Pines community more opportunity for development.

Discussion ensued.

Mayor Pro Tem Pate shared that he approves of the changes yet understands the concerns of those against it and would be agreeable to the golf and school zoning staying the same.

Discussion ensued.

Councilmember Goodman moved that after considering the criteria for text amendment found in UDO §2.17.10, the first of which is consistency with the Comprehensive Plan, the Town Council finds that the text amendments are consistent with the Comprehensive Plan and are a reasonable way to implement the Comprehensive Plan for the reasons set for in the Planning Board's resolution that was included as an attachment to the staff report for OA-01-24.

Councilmember Goodman then moved to approve OA-01-24 with modifications but with the following edits to the resolution:

- remove conditional zoning from uses #5353 and #6130 and replace with a special use process in the FRR zoning district,

- change CZ to MR for multi-family zoning

- correct typo in #6130 changing VZ to CZ

- 3.7.1 Letter F, #1 Multi-Family Structures = delete last sentence

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

Motion Approved.

8. ADJOURNMENT

Upon a motion by Councilmember Goodman, seconded by Councilmember Gray and carried unanimously, the Council adjourned at 9:35 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



MINUTES

Tuesday, March 19, 2024: 3:00 PM

Town Council Work Session

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

1. CALL TO ORDER

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

2. TOWN MANAGER'S COMMENTS

Town Manager Reagan Parsons reviewed the agenda.

3. ACTION ITEMS

a. Consider SU-01-23: Written Decision for Mill Creek CUP Amendment

Staff has prepared a draft Written Decision for application SU-01-23, Mill Creek Conditional Use Permit Amendment, for the Town Council's review and approval.

Mayor Pro Tem Pate has abstained from this hearing.

Discussion ensued.

Councilmember Goodman moved to approve the Written Decision for SU-01-23 as prepared by Town staff, seconded by Councilmember Petersen; the vote was unanimous.
Motion passed.

b. Consider Ordinance #3033 to Amend the Recreation Improvements Project Fund Budget

When the Town's pool was inspected and permitted for the 2023 summer season, the County Environmental Health department noted that the pool interior "will have to be sanded and repainted before the 2024 pool season." Staff has explored various options to complete this work and bring into compliance. With the recommended approach, a vendor will hydro-blast the surface and apply an epoxy paint for a total estimated cost of \$28,923. There are some available funds that can be applied to this project, requiring a budget amendment of \$18,500. More details are included in the packet.

Town Manager Parsons gave an overview of the request.

Mayor Pro Tem Pate moved to approve Ordinance #3033 to Amend the Recreation Improvement Project Fund Budget, seconded by Councilmember Gray; the vote was unanimous.
Motion passed.

c. Reschedule the May Business Meeting to Wednesday, May 15th

The Moore County Board of Elections will use the E.S. Douglass Community Center for a second primary on Tuesday, May 14, which conflicts with the regularly scheduled Town Council business meeting and public hearing on the FY 24-25 budget. The Council is expected to take action to move this meeting to Wednesday, May 15th at 6pm, still at the E.S. Douglass Center.

Mayor Clement opened the discussion.

The pros and cons of moving the meeting date versus moving the meeting location were discussed by the Council members.

Councilmember Petersen made a motion that the meeting would remain on the scheduled date of May 14, 2024, at 6:00 pm, and the meeting location would be changed to the C. Michael Haney Room at 450 W. Pennsylvania Ave. This motion was seconded by Councilmember Gray and the vote was unanimous.
Motion passed.

d. Consider Executing a Professional Services Contract with CPL to Complete a Feasibility Study for an Addition to the Finance Building

At the February 27th Council work session, staff presented options for advancing renovations to the finance and administration building. Council asked staff to obtain a cost proposal from CPL to evaluate the feasibility of adding onto the 7,100 square-foot finance building to increase its size. CPL has provided a proposal to evaluate two potential additions for a not-to-exceed fee of \$24,520. More details are included in the packet.

Asst. Town Managers Jessica Roth and Chief Michael Cameron presented the request to the Council.

Discussion ensued, and it was the Council's consensus that they would prefer to speak with the Historic District Commission regarding options for the current Finance Building before agreeing to fund possible design options. Mayor Clement and Councilmember Petersen will request the opinion of the Historic District Commission at their scheduled meeting on April 11, 2024, and report those findings to the Council at the April Work Session meeting.

The Council delayed action on this item until the Work Session meeting on April 23, 2024.

4. COUNCIL UPDATES AND DISCUSSION

a. Mt. Hope Cemetery Plot Fees

Staff is working on some minor updates to Chapter 92 of the Code of Ordinances, which regulates the manner in which Mt. Hope Cemetery is maintained, including the sale of lots and burials. One change includes removing fees from Chapter 92 and adding them to the stand-alone Town fee schedule. Staff seeks direction from Council on 1) the desire to increase the plot fees and 2) the proposed fees. It appears that the fees have not been increased since at least 1994. More details are included in the packet.

Asst. Town Manager Roth presented the request to the Council.

Discussion ensued regarding the fees and comparison data for similar municipality-owned cemeteries. The council agreed to the following charges:

- * Allow the sale of double lots & urns.
- * New Fee's: Resident Single = \$750, Double = \$1000 and Non-Residents Single = \$1500, Double = \$2000.
- * Grave Locate Fee will now be \$50 during business hours and \$100 for requests during non-business hours.

Staff will prepare the necessary documents to enact the change for the Council's final approval.

b. System Development Fee Analysis

Staff will provide some history and background on system development fees (SDF). This discussion is intended to provide some context for newer council members ahead of a public hearing, planned for May, on the detailed SDF analysis report.

Asst Town Manager/Asst Public Work Director James Michel gave a presentation on System Development Fees and the effect of the upcoming budget on future fee adjustments.

Discussion ensued.

c. Planning Department Update

Staff will update the Council on applications advancing from the Planning Board to the Council and implementation efforts related to the 2040 Comprehensive Plan.

Planning Director BJ Grieve gave the Council an overview of the items coming before the Planning Board at its next meeting and some of the topics the Planning Department is currently handling.

5. COUNCIL ROUNDTABLE

Councilmember Goodman asked for future discussion regarding the sales & use tax report and details on the different funds.

Councilmember Petersen has no new information to share at this time.

Mayor Pro Tem Pate - shared that he and Town Manager Parsons attended the Moore100 meeting at BHawk, which also celebrated their official ribbon cutting. He added that BHawk has been very complimentary regarding their interactions with Town staff.

Councilmember Gray praised Town Manager Parsons and the Southern Pines Police Department on their handling of a recent incident involving a dog.

- Town Manager Parsons advised the Council that there has been an increase in the number of calls involving dog-related incidents lately all around the Town but especially at Whitehall and for the Council to see an increase in the Police Department presence there.

Councilmember Gray shared that there would be a celebration held on April 14th where she will be recognized as the first black female on the Southern Pines Town Council and will also honor the African-American retired teachers in the community who were once part of the segregated school located in West Southern Pines. The celebration will be held at Down Memory Lane and starts at 2:00 pm; tickets are \$30 each

Mayor Clement:

- shared that Attorney McCarley has been working on updating the Town ethics statement and ensured that everyone had received a copy.

- asked Attorney McCarley to draft a quick statement of intent or ethics statement to be read at the beginning of each meeting.

- would like to allow local adolescents and groups the opportunity to read the pledge of allegiance at the beginning of the Council meeting and ask the Council to explore recruitment.

- would like to add the pledge of allegiance before the Council Work Sessions.

- appreciates the effort the staff puts into maintaining a level of decorum by referring to the Council and other staff members by their proper titles and would ask the Council to make an effort to address the staff by title and last name.

6. ADJOURNMENT

Upon motion by Councilmember Gray, seconded by Councilmember Petersen and carried unanimously, the Council adjourned at 5:35 pm.

Respectfully submitted:

Elizabeth Robertson, Town Clerk



**ORDINANCE #3036
REPEALING ORDINANCE #3028
and AMENDING THE 2023/2024 FISCAL YEAR BUDGET**

BE IT ORDAINED AND ESTABLISHED by the Town Council of the Town of Southern Pines in regular session assembled this 9th day of April 2024 that the Operating Budget for the Fiscal Year 2023/2024 be amended as follows:

Section 1: Ordinance #3028, adopted March 12, 2024, is hereby repealed.

Section 2: Amend the Operating Budget for the 2023/2024 Fiscal Year Budget as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
PW Admin	Contractual Services	10-565-4500		31,475
IT	Capital Equipment – Other	10-430-7403	20,795	
Police	Office Supplies	10-511-3300		14,600
Police	Capital Equipment – Other	10-511-7403	48,060	
General Fund	SBITA Financing	10-692-1050	20,299	
General Fund	Other Fin Source–Leases/SBITA	10-397-0100	197,802	
General Fund	Lease Financing	10-692-1000	19,200	
IT	Capital – Software – Comp Equip	10-430-7401	135,523	

Section 3: The ordinance shall take effect immediately upon adoption.

I certify that this ordinance was repealed by the Town Council of the Town of Southern Pines at its meeting on April 9, 2024, as shown in the minutes of the Town Council for that date,

Elizabeth Robertson, Town Clerk



RESOLUTION #1083

AUTHORIZE THE FILING OF AN APPLICATION FOR APPROVAL OF AN INSTALLMENT FINANCING CONTRACT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTES §160A-20 AND MAKING CERTAIN FINDINGS REQUIRED BY NORTH CAROLINA GENERAL STATUTES §159-151

WHEREAS, the Town of Southern Pines, North Carolina (the “Town”) entered into a Reimbursement Agreement dated as of June 14, 2022 (the “Reimbursement Agreement”), between it and Midland Southern Pines Retail, LLC (“Midland”), as permitted by N.C.G.S. § 160A-499; and

WHEREAS, pursuant to the Reimbursement Agreement, Midland agreed to construct a new to-be-named road to connect U.S. Highway 15-501 to Morganton Road (as identified on Exhibit A to the Reimbursement Agreement, the “Parkway”), and the Town agreed to acquire the Parkway by reimbursing Midland for Project Costs (as defined in the Reimbursement Agreement) up to a maximum amount of \$6,800,000; and

WHEREAS, pursuant to Article 23 of Chapter 160A of the North Carolina General Statutes and Town Ordinance #1993 (Defining and Establishing Municipal Service District Number 1), the Town Council of the Town established Municipal Service District Number 1 (the “MSD”) effective as of July 1, 2022 for the purpose of financing, providing, and carrying out a downtown revitalization project within the MSD, and, in particular, the construction, operation and maintenance of the Parkway; and

WHEREAS, the MSD encompasses an area which is adjacent to the Parkway and comprised of 99.97 +/- acres and graphically depicted on Exhibit A to Town Ordinance #1993; and

WHEREAS, the Town Council of the Town of Southern Pines now desires to pursue the financing of the costs of the acquisition of the Parkway, including all related sidewalks, storm drains, medians, landscaping and related infrastructure (the “Project”) pursuant to an installment financing contract, as permitted under N.C.G.S. § 160A-20; and

WHEREAS, it is anticipated that the cost of the Project and the payment of issuance expenses in connection with the financing will not exceed \$7,100,000; and

WHEREAS, the installment financing contract for the financing of the Project pursuant to N.C.G.S. § 160A-20 must be approved by the North Carolina Local Government Commission (the “LGC”) and will only be approved if the findings of N.C.G.S. § 159-151(b) have been made; and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Southern Pines, as follows:

1. After consideration, the Town Council has determined that the most advantageous manner of financing the Project is through the execution and delivery of an installment financing contract pursuant to N.C.G.S. §160A-20. In support thereof, the Town Council hereby makes the following findings of fact:
 - (a) Pursuant to N.C.G.S. § 160A-20, the Town is authorized to finance the Project by entering into an installment financing contract and a deed of trust that creates a security interest in some or all of the property financed to secure the repayment of such financing.
 - (b) The proposed financing is necessary or expedient because it provides a much needed city street connecting U.S. Highway 15-501 and Morgantown Road leading into the downtown area of the Town, and supports additional retail development and multifamily housing development near downtown, which is part of the Town’s capital improvement plan.
 - (c) The proposed financing is preferable to a general obligation bond issue for the same purpose because of the time that would be required to hold a referendum for the issuance of general obligation bonds.

- (d) The cost of the proposed undertaking exceeds the amount of funds that can be prudently raised from currently available appropriations, unappropriated fund balances, and non-voted general obligation bonds that could be issued by the Town in the fiscal year pursuant to Article V, Section 4, of the North Carolina Constitution.
 - (e) The sums proposed to be provided under the financing are adequate and not excessive for the stated purpose of financing the Project. Under the Reimbursement Agreement, the Town's obligation to reimburse Midland for Costs of the Project are limited to \$6,800,000, regardless of the actual costs of constructing the Parkway incurred by Midland.
 - (f) The Town's debt management procedures and policies are good and have been carried out in strict compliance with law and will henceforth be so carried out.
 - (g) The Town imposed property taxes on all property within the MSD of (i) 0.40¢ per \$100.00 of assessed valuation for fiscal year 2023, and (ii) 0.60¢ per \$100.00 of assessed valuation for fiscal year 2024. The Town has agreed to increase such taxes if necessary to pay amounts due under the installment financing contract. Any such amount of a property tax increase is not excessive because the two current property owners within the MSD expressly consented to having their property included in the MSD after receiving information about the anticipated tax increases.
 - (h) The Town is not in default in any of its debt service obligations.
2. The attorney for the Town will render an opinion that the proposed financing is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.
 3. Each of the Town Manager, the Director of Finance, and other appropriate officers of the Town is hereby authorized and directed to proceed with the financing of the Project and the filing of an application with the LGC for its approval of such financing as described above for the financing of the Project in an amount not to exceed \$7,100,000, and the actions of any of the Mayor, the Town Manager, the Director of Finance, and other officers of the Town in connection therewith are hereby approved and confirmed.
 4. All other acts of the Town Council and the officers of the Town, which are in conformity with the purposes and intent of this resolution and in furtherance of the financing of the Project, are hereby ratified, approved, and confirmed.
 5. This resolution shall take effect immediately.

I, Elizabeth Robertson, Clerk for the Town of Southern Pines, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and complete copy of so much of the proceedings of the Town Council for the Town of Southern Pines at a regular meeting duly called and held on April 9, 2024, as it relates in any way to the resolutions hereinabove referenced and that such proceedings are recorded in the minutes of the Town Council. Pursuant to G.S. § 143-318.12, a current copy of a schedule of regular meetings of the Town Council for the Town is on file in my office.

WITNESS my hand and the official seal of the Town this 9th day of April, 2024.

Elizabeth Robertson, Clerk
Town of Southern Pines, North Carolina

Work Session Agenda Item

To: Reagan Parsons

From: Alaina Mallette, Senior Planner

Subject: Extension of SU-04-22 Special Use Permit; New Building Addition to the Existing Boles Funeral Home Located at 425 W. Pennsylvania Avenue.

Date: April 9, 2024

I. PURPOSE

Per UDO §2.8.2 Extension of Development Approval, "... [T]he Permit Issuing Authority may extend the approval for a period of up to twelve (12) months if it concludes: (1) The approval has not yet expired; (2) The approval recipient has proceeded with due diligence and in good faith; and (3) Conditions have not changed so substantially as to warrant a new application." The applicant has submitted a letter addressing these three criteria for an extension of a development approval. The UDO further states that an extension may be granted without following the same formal process nor applying the same fees required for a new or major amendment to a special use permit.

Staff has prepared a draft motion that the Town Council may now wish to make. If the Town Council approves the extension, then the applicant will have an extension to substantially commence construction. If construction is not substantially commenced in that time period, then either a new extension must be provided or the development approval expires. If denied, then the development approval will expire on August 22, 2024.

II. SUMMARY OF REQUEST

On behalf of Boles Family LLC, Mr. John Heckethorn with Heckethorn Architecture, PLLC, has submitted a letter for an extension to a special use permit for the construction of a 340 square foot addition to the existing structure serving the funeral home business. A special use permit was required due to the use being a legal nonconforming use in the Central Business (CB) District where the proposed project is located. The subject property is identified in the Moore County Tax Registry as PIN: 858100199938 (PARID: 00037428).

III. DEVELOPMENT APPROVAL HISTORY

A public hearing for this request was held at the August 9, 2022 Regular Business Meeting of the Town Council. The Town Council had four (4) members present. The Town Council opened the quasi-judicial public hearing and received evidence from those in attendance regarding special use permit application SU-04-22. Following a vote to close the public hearing, Town Council voted 4-0 to adopt staff's Findings of Fact for SU-04-22. The Town

Council then voted 4-0 to approve the Special Use Permit under application SU-04-22. A written decision was approved and signed on August 22, 2022.

IV. GENERAL COMMENTS AND STAFF RECOMMENDATION

Planning staff have discussed the extension request with the property owner, and identified work has not substantially commenced on the project as is required for a development approval to remain valid (see UDO §2.8.1); therefore, the development approval would expire on August 22, 2024 if not substantially commenced by then. Substantial commencement of work is considered substantial construction, erection, alteration, excavation, demolition, or similar work authorized by such permits. Planning staff agree with the applicant's arguments for extension and recommend extending the special use permit an additional 12 months.

V. ATTACHMENTS

1. Applicant's Letter Requesting an Extension of SU-04-22
2. Approval Documentation for SU-04-22

VI. TOWN COUNCIL ACTION:

The Town Council may wish to take one of the following actions:

1. No action;
2. Approve the extension request for 12 months (or another period of time less than 12 months);
3. Deny the extension request...
4. Action not listed above...

HECKETHORN ARCHITECTURE, PLLC

P.O Box 458

SOUTHERN PINES, N.C. 28388

April 2, 2024

Alaina Mallette, MSc
Planning Department
Town of Southern Pines
801 SE Service Road
Southern Pines, NC 28387

Re: Special Use Permit File No. SU-04-22
Boles Funeral Home
425. W. Pennsylvania Avenue
Southern Pines, NC 28387

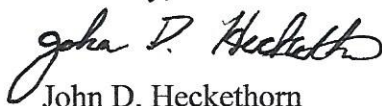
Dear Alaina:

As the original "Applicant" for the Special Use Permit referenced above, I am writing to request an extension to the permit for another 12 months. With regard to **Section 2.8.2 Extension of Development Approval** in the UDO, I can attest that:

- **The approval has not yet expired,**
The date of the initial Town Council decision was August 22, 2022.
- **The approval recipient has proceeded with due diligence and in good faith**
Upon receipt of the Special Use Permit in 2022, Boles requested that I (the architect) proceed immediately with the preparation of more detailed drawings suitable for contractor pricing. The price quotes subsequently received from contractors were deemed to be too high to proceed with the project (due in large measure to the Covid-related issues in the construction industry at the time).
- **Conditions have not changed substantially as to warrant a new application**
There have been no changes made to the project design, nor have there been any changes in the narrative showing "Compliance with Section 2.21.6 Criteria for a Special Use Permit", as submitted to the Town in the initial Special Use Permit application in 2022.

The granting of a 12 month extension will allow Boles the time to determine if current conditions in the construction industry, including costs, are more favorable to proceeding with the project.

Sincerely,



John D. Heckethorn



801 SE Service Road
Southern Pines, NC 28387

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

August 23, 2022

Mr. John Heckethorn
Heckethorn Architecture, PLLC
108 E. Connecticut Avenue
Southern Pines, NC 28387
jdhaia@earthlink.net

RE: Written Decision and Special Use Permit for file #SU-04-22.

Mr. Heckethorn,

Please be advised that Special Use Permit application SU-04-22 for the construction of a +/- 350 square foot addition to the existing structure located at 425 W. Pennsylvania Avenue in Southern Pines was approved at the August 9, 2022 Regular Meeting of the Town of Southern Pines Town Council. A formal Written Decision reflecting the Council's determination of contested facts and their application to the applicable standards was approved by the Town Council at the August 22, 2022 Town Council Work Session and received by our office on August 22, 2022.

Per North Carolina General Statute §160D-406(j), a copy of the Written Decision is enclosed with this letter for your records and does not require any further action on your part. A separate Special Use Permit (SUP) document is enclosed with this letter and pursuant to Unified Development Ordinance (UDO) §2.21.15 the SUP must be signed by the owner of record acknowledging receipt and recorded with the Moore County Register of Deeds. Once recorded, **a copy of the recorded instrument must be returned to the Planning Office for our records.**

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

If you should require further information or have additional questions, please contact the Town of Southern Pines Planning Department at (910) 692-4003.

Sincerely,


Pamela Graham
Principal Planner

Enc. Written Decision of the Board SU-04-22
Special Use Permit SU-04-22

Cc: Boles Family, LLC
Attn: Ms. Marsha Southers
425 W. Pennsylvania Avenue
Southern Pines, NC 28387
msouthers@bolesfuneralhome.com

TOWN OF SOUTHERN PINES

WORK SESSION MEETING OF THE TOWN COUNCIL

August 22, 2022

3:00 pm

The C. Michael Haney Community Room

425 West Pennsylvania Avenue, Southern Pines, NC 28387

DECISION OF THE BOARD

Case Number: SU-04-22

A public hearing regarding the proposed Special Use Permit was held on August 9, 2022. Four (4) members of Town Council were present. The oath was administered to all witnesses choosing to speak. Mr. BJ Grieve, Planning Director for the Town of Southern Pines presented the staff report and also represented planning staff during the hearing. Mr. John Heckethorn, applicant and project architect, presented additional information and responded to questions from Council members.

Matter at Issue:

SU-04-22 Special Use Permit for new construction of a 340 square foot addition to the existing structure that serves as Boles Funeral Home located at 425 W. Pennsylvania Avenue.

On behalf of Boles Family, LLC, Mr. John Heckethorn submitted an application for a Special Use Permit for the new construction of a 340 square foot addition to the existing structure to accommodate a lounge space for the employees of the funeral home, as well as an office and UPS delivery closet. The funeral home use, a zoning -by-right use at the time of initial development of the business, is now considered a legal nonconforming use in the Central Business (CB) District. Expansions of nonconforming uses may be permitted with the approval of a special use permit. The subject property is located at 425 W. Pennsylvania Avenue on a 1.81 acre site identified in the Moore County Tax Registry as PIN: 858100199938 (PARID: 00037428). The property owner listed with Moore County tax records is Boles Family, LLC.

Town Council Hearing Proceedings:

No additional individuals spoke regarding the matter. More detailed information regarding Town Council proceedings on August 9, 2022 may be found in Town Council minutes for the meeting date. Having heard all evidence submitted by those wishing to speak, a motion was made to close the public hearing. The motion passed on a 4-0 vote.

Town Council Action on SU-04-22:

At the August 9, 2022 Town Council Regular Meeting, the Town Council voted to approve the following Findings of Fact and Conclusions of Law as required by UDO §2.14.6(F)(11) by unanimous vote:

Finding of Fact #1: The Town Council finds that the application is complete.

Finding of Fact #2: The Town Council finds that the application complies with UDO §2.21.7 Criteria for a Special Use Permit, Criteria A-F, in that:

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

The Town Council finds that the Special Use Permit application SU-04-22 generally complies with the regulations of the Central Business (CB) Zoning District. While the existing building and site are considered legally non-conforming with regards to the front setback exceeding the five foot maximum and the lot being greater than fifty feet in width, the proposed addition that would be allowed by the special use permit does not increase these non-conformities. The proposal complies with all other regulations of the CB District. Compliance with applicable development design standards will be required and verified by town staff during site plan review.

B. The proposed conditional 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 Town Council finds that the proposed special use is consistent with the character of the neighborhood in which it is located and that the addition of a 340 square foot employee lounge, office, and delivery closet designed in the manner proposed does not alter the character of the neighborhood. The addition adheres to building setbacks that are present on other sites in the immediate vicinity, and will include a brick exterior and roofline that is consistent with the existing building.

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

Town Council finds that the proposed special use does not require alteration or expansion of public facilities that are already present at the site. All public utilities are currently provided, and the special use will not necessitate additional accommodations in parking or ingress/egress at the site. The proposed project includes additional onsite sidewalks to allow entry into the building addition from the adjacent parking lot.

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;

Town Council finds that, due to the relatively small scale of the proposed building addition and the uses on the site not being altered, the proposed special use is expected to have no detrimental impact to surrounding properties or property values in the vicinity.

E. The establishment, maintenance or operation for the proposed use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare; and Town Council finds that, due to the uses on the site not being altered by the special use, and there being no evidence of negative impacts resulting from the existing use, there is no expected detrimental impact to 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;

Town Council finds that the establishment of the special use will not result in adverse impacts to individual interests and that the special use advances the public interest and welfare provided by the services currently offered at the facility.

Finding of Fact #3: The Town Council finds that with the all the evidence regarding this proposal in the record, including the August 9, 2022 Town Council Business Meeting, the application meets Criteria A through F as set out in 2.21.7 of the Unified Development Ordinance (UDO).

Decision of the Council:

Therefore, by a vote of 4-0, the Town Council voted to approve the Special Use Permit Application SU-04-22 as requested by the applicant.

This is the 22nd day of August, 2022.

FOR THE TOWN COUNCIL:



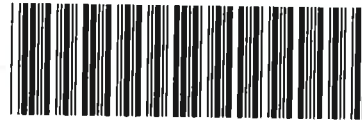
Carol R. Haney, Mayor

Cc: John Heckethorn, Heckethorn Architecture jdhaia@earthlink.net jdheco@gmail.com

mail to: Boles Funeral Home
425 W. Pennsylvania Ave.
Southern Pines, NC 28387

FOR REGISTRATION REGISTER OF DEEDS
Judy D. Martin
Moore County, NC
October 05, 2022 03:21:35 PM
Book 5922 Page 326-327
FEE: \$26.00
INSTRUMENT # 2022016869

HM



INSTRUMENT # 2022016869

Town of Southern Pines
SPECIAL USE PERMIT

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

Owner:

Boles Family LLC

Applicant:

Mr. John Heckethorn, Heckethorn Architecture, PLLC

Property Location:

The subject property is located at 425 W. Pennsylvania Avenue, Southern Pines, N.C. and is identified in the Moore County Tax Registry as PIN: 858100199938 (PARID: 00050398) and PIN: 857100653945 (PARID: 00037428). The property owner according to the Deed from the Moore County Register of Deeds on Book 4582 and Page 254-255 is Boles Family LLC, James L. Boles Jr., Manager.

File Number:

SU-04-22

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

The Special Use Permit SU-04-22 allows for the construction of a 340 square foot addition to the existing building located at 425 W. Pennsylvania Avenue. The existing use is on the property is Funeral Home and Services (Southern Pines Unified Development Ordinance Land Based Classification Standard Code #6710), is not proposed to change. Funeral home and services are a legal nonconforming use in the Central Business (CB) Zoning District, thereby requiring a special use permit for expansion of the use to occur. The development shall be consistent with the application materials and correspondence submitted and reviewed by the Town Council and entered into the public record as Exhibits A and B of SU-04-22.

Meeting Dates:

Planning Board Forum: July 21, 2022
Town Council Hearing: August 9, 2022

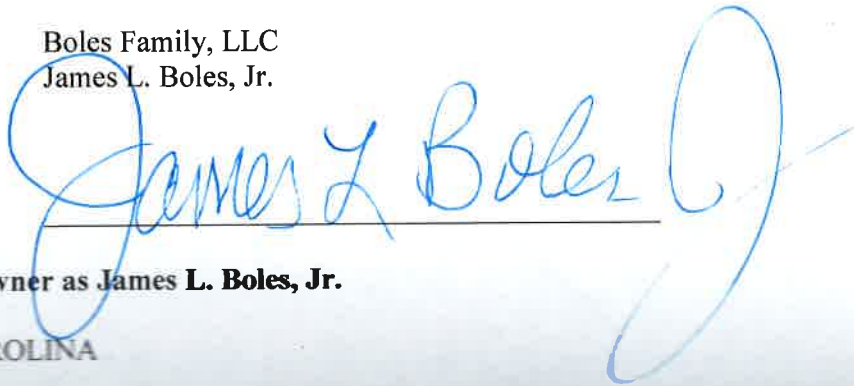
Town Council Decision: August 22, 2022

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

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

The undersigned owners of the above-described property acknowledge the receipt and issuance of the Special Use Permit SU-04-22:

Boles Family, LLC
James L. Boles, Jr.



When recording show owner as James L. Boles, Jr.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

I certify that the following person personally appeared before me this date, acknowledging to me that the Managers of Boles Family, LLC voluntarily signed the foregoing document for the purpose stated therein and, in the capacity, indicated Manager of Boles Family, LLC.

Date: October 5th 2022

Christina Sue Elliott



Christina Sue Elliott
Printed name of Notary Public

My Commission Expires: 09-11-2027

Agenda Item

To: Reagan Parsons, Town Manager

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

Subject: WP-01-24: Watershed Protection Permit Request; 5/70 Exemption Allocation to develop .29 of an acre on E. Ohio Avenue; Applicants: George & Ramona Garrell

Date: April 9, 2024

I. SUMMARY OF APPLICATION REQUEST:

George and Ramona Garrell have submitted an application for a Watershed Protection Permit requesting .29 of an acre of 5/70 exemption allocation to develop an accessory structure, which will result in 35% total impervious surface on the subject property which is located within the Little River Intake No. 2 Watershed. Should the Town Council wish to grant the 5/70 exemption under Watershed Protection Permit WP-01-24, the Town shall deduct .29 of an acre from the Little River Intake No. 2 Watershed tally sheet, leaving 448.54 acres of allocation remaining in this watershed. The subject parcel is currently zoned Residential Single-Family (RS-1) and is identified as PIN: 858100783567 (PARID: 00036290). The property owners are George and Ramona Garrell.

II. PROJECT INFORMATION:

A. Property Owner & Petitioner Information:

i. Current Property Owner/Applicant:

George and Ramona Garrell
650 E. Ohio Avenue
Southern Pines, NC 28387

ii. Authorized Agent:

Jeremy Sparrow
Longitude Planning Group
PO Box 1466
Southern Pines, NC 28388

B. Property Information:

- i. **Street Address:**
650 E. Ohio Avenue
Southern Pines, NC 28387
- ii. **Property Identification Number (PIN) & Parcel Identification:**
PIN: 858100783567 (PARID: 00036290)
- iii. **Size of Property:**
Total Acreage: .29 of an acre

C. Description of Proposed Development:

The applicant plans to construct a ±945 SF accessory structure to be used as a workshop/garage on Lot 11A of Edgewood subdivision (Plat Cabinet 16 Slide 682), resulting in approximately 4,518 SF (35%) of total impervious surface on the subject property.

D. Property Zoning Classification:

The subject property is zoned Residential Single-Family (RS-1).

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



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



Historic District	
Zoning Text	
Zoning 50% Transparent	
CB, Central Business	
CB-CD, Central Business	
Conditional District	
FRR, Facilities Resources	
Recreation	
FRR-CD, Facilities Resources	
Recreation Conditional District	
GB, General Business	
GBCD, General Business	
Conditional District	
I, Industrial	
NB, Neighborhood Business	
NBCD, Neighborhood Business	
Conditional District	
OS, Office Services	
OSCD, Office Services	
Conditional District	
PD, Planned Development	
RE, Rural Estates	
RE-CD, Rural Estates	
Conditional District	
RM-1, Residential Single & Multi-Family	
RM-2, Residential Single & Multi-Family	
RR, Rural Residential	
RR-CD, Rural Residential - Conditional District	
RS-1, Residential Single Family	
RS-1CD, Residential Single Family - 1 Conditional District	
RS-2, Residential Single Family	
RS-2CD, Residential Single	

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 Protected Area 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 .29 of an acre of total built-upon land area, or 35% of the subject property, is proposed.
 - Should the Town Council wish to grant the 5/70 exemption, the entirety of the project acreage (.29 ac.) will be deducted from the 5/70 tally sheet for the Little River Intake No. 2 Watershed, leaving 448.54 acres of allocation remaining in this 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 its 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 (HQW) 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: 3/4/24

Case No.: WP- 01-24

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: Garrell Residence Zoning District: RS-1 Total Property Acreage: 0.29 AC

PIN: 858100783567 Parcel ID: 00036290 Watershed: WS-IIIP

Type of Development: Accessory Building (Workshop) Total Built-Upon Area*: (±4,518 SF)

% of Total Property Acreage Proposed to be Built-Upon Area*: 35.0%

Applicant:

Name(s): George & Ramona Garrell Email: ggarrell@deloitte.com

Mailing Address: 650 E. Ohio Avenue, Southern Pines, NC 28387 Phone: 256-520-6303

Authorized Agent, if different from Applicant:

Name(s): Jeremy Sparrow, PLA (Longitude Planning Group, PLLC)

Email: jsparrow@longitudeplanninggroup.com Phone: 734-478-1917

Mailing Address: PO Box 1466, Southern Pines, NC 28388

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

George T. Garrell

George T. Garrell

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.

COMMUNITY DEVELOPMENT DEPARTMENT
TOWN OF SOUTHERN PINES
180 SW BROAD STREET
SOUTHERN PINES, NORTH CAROLINA 28387
plan@southernpines.net (910) 692-4003 www.southernpines.net

APPOINTMENT OF AGENT

The undersigned owner(s), George Garrell, hereby appoint(s) Jeremy W. Sparrow, PLA as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Watershed Protection Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

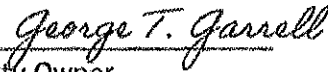
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Town Council for the issuance of a Watershed Protection Permit 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 a Watershed Protection Permit under the Southern Pines Unified Development Ordinance.

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

Signed this 3 day of March, 2024.

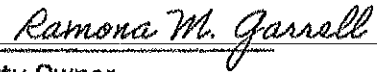
George T. Garrell

Property Owner



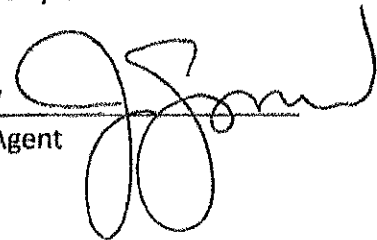
Ramona M. Garrell

Property Owner



Jeremy Sparrow

Agent



**GARRELL RESIDENCE – WORKSHOP / GARAGE
WATERSHED PROTECTION PERMIT NARRATIVE**

March 4, 2024

The current owners, George and Ramona Garrell, of 650 E Ohio Avenue (ParlD 00036290) are seeking a Watershed Protection Permit for the development of a workshop / garage at the rear of the property, accessing off Timber Lane (existing alley). The property zoned RS-1 (Residential Single-Family) and is located in the Cape Fear WS-IIIP watershed.

Development outside of the CB district requiring an allocation of Built-Up 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:

- a. The use and location of the use are consistent with the Comprehensive Plan;
The proposed workshop / garage is consistent with the Comprehensive Plan and will be an accessory to the existing main residence. The existing property is located within the RS-1 zoning district and is just over 0.5 mile of the downtown.
- b. The design of the project is appropriate for the location and is consistent with the purposes of the WPO district;
The design of the proposed workshop / garage is appropriate for this location of the residential zoning district and will be consistent with the architecture of the main residence. The structure will meet the standards and setbacks for an accessory building per the Town UDO, including building height.
- 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; and
The proposed use of a workshop / garage is within the size, scale, and design of the existing neighborhood. The proposed design / architecture will match the design of the existing residence. The current residential homes in this area have an existing attached and/or detached garage.
- d. The allocation will not detract from the viability of similar uses in the area or other parts of the Town.
The proposed workshop / garage will not detract from similar uses in this area or other parts of Southern Pines. The proposed use is consistent with other accessory structures within this area and the surrounding neighborhood.

Per M.B. 3, PG 24
Moore County Registry

MRS. JUDY D. MARTIN
REGISTER OF DEEDS - MOORE COUNTY
CARTHAGE, NORTH CAROLINA 28327

2015 Aug 4 P 3:18
2015 AUG -14 P 3: 18

FLAT CABINET 16 SLIDE 682

I, hereby certify that the division of property shown and described hereon is exempt from the Town of Southern Pines Subdivision Ordinance.

[Signature]
Planning Director or
(Designated Authorized Representative)
Date 7/9/15

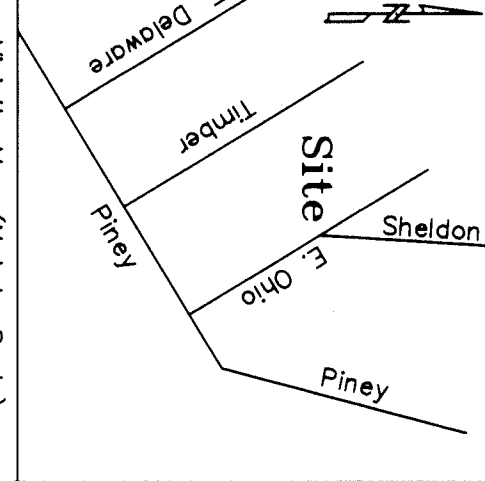
State of North Carolina
County of Moore

I, *[Signature]*, Review Officer of Moore County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

[Signature]
Review Officer
Date 8/4/15

[Signature]
Professional Land Surveyor
L-4394
Registration Number

Vicinity Map (Not to Scale)



Notes: This map is in accordance with GS 47-30.
Area by coordinate method.
No Horizontal control within 2000 feet.
Dashed lines not surveyed, drawn from information as indicated.
There are no visible encroachments other than those shown hereon.

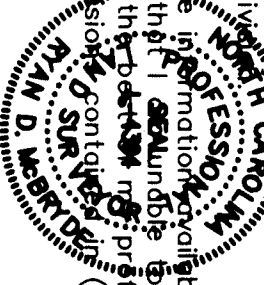
Survey is subject to any Declaration of Restrictions, Conditions, Easements, Covenants, Agreement, Liens and Charges of Record.
Parcel ID #00036290, PIN #858107783640
"NO INTERIOR IMPROVEMENTS LOCATED AT TIME OF SURVEY"

Legend:

- IPF = Iron Pipe Found
- IPS = Iron Pipe Set
- IRS = Iron Rod Found
- IRS = Iron Rod Set
- CMF = Concrete Monument Found
- ⊙ = Sewer Manhole
- ⊠ = Water Meter
- ⊙ = Fire Hydrant
- ⊙ = Utility Pole
- CATV = Cable Television
- PSO = Power Stub Out
- TP = Telephone Pedestal
- WV = Water Valve
- ⊙ = Aerial Light
- — — = Building Setback Line
- OHU — = Overhead Utilities
- SSO = Sanitary Stub Out
- = Electrical Transformer
- = HVAC
- SS — = Sanitary Sewer
- CP = Calculated Point

I, Ryan D. McBryde, a Professional Land Surveyor L-4394, certify to one or more of the following as indicated:

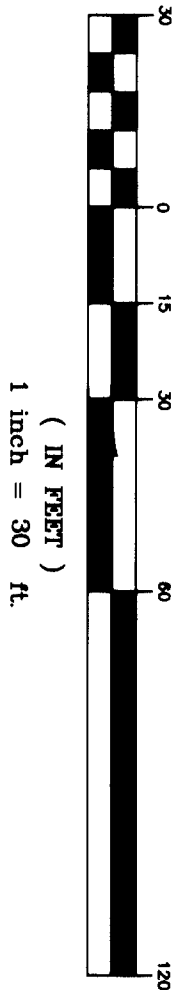
- ☐ A. That this plot is a survey that created a subdivision of land within the area of the county or municipality that has an ordinance that regulates parcels of land.
- ☐ B. That this plot is of a survey that is located in such portion of a county or municipality that is unregulated as to an ordinance that regulates parcels of land.
- ☐ C. That this plot is of a survey of an existing parcel or parcels of land and does not create a new street or change an existing street.
- ☒ D. That this plot is of a survey of another category, such as the recombination of existing parcels, a court survey, or an exception to the definition of subdivision.
- ☐ E. That the information available to this surveyor is such that I am unable to make a determination to the satisfaction of a professional ability as to provision contained in (A) through (D) above.



[Signature]
Professional Land Surveyor
L-4394

Registration Number Date 02/10/15

GRAPHIC SCALE

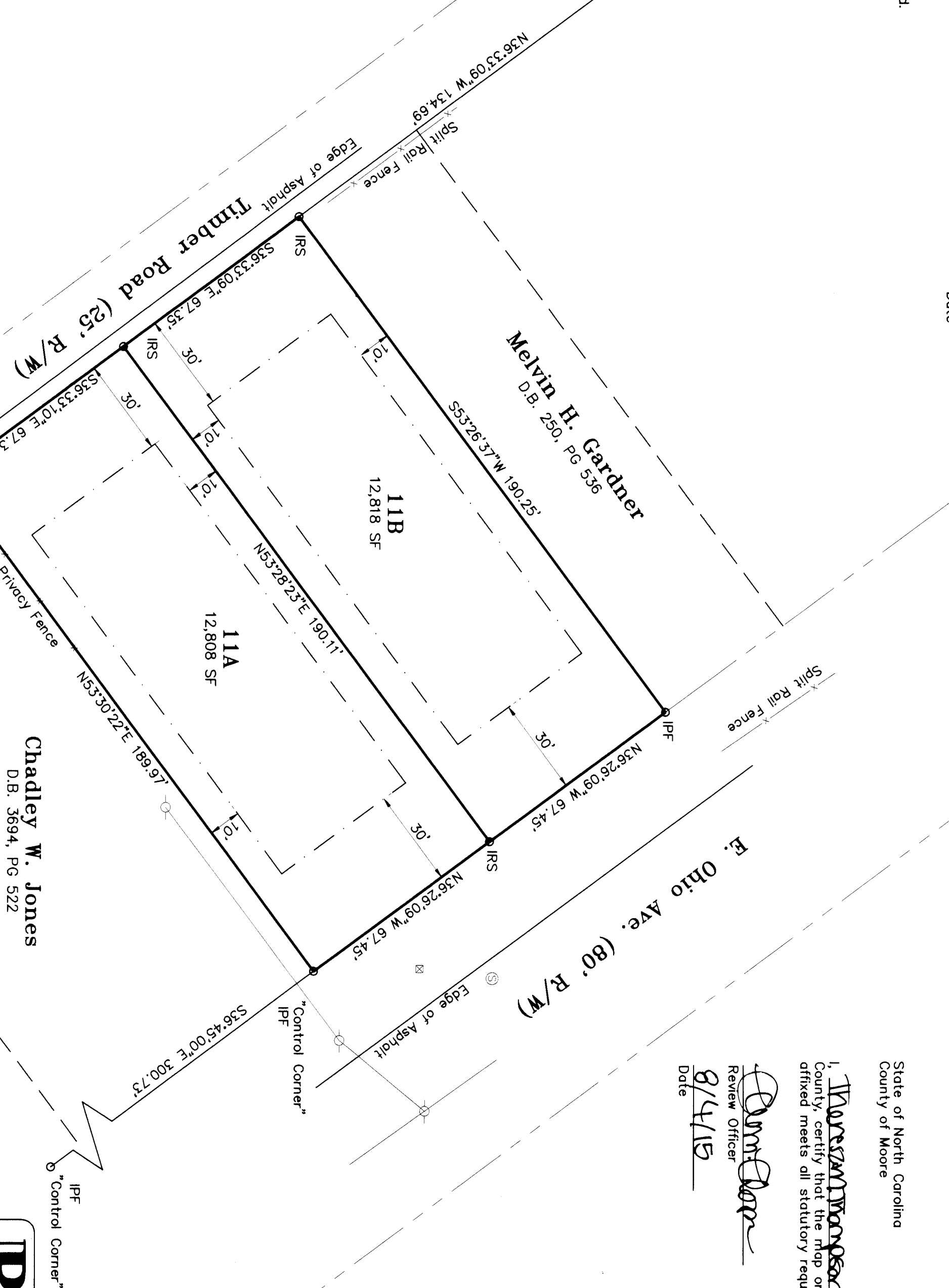


Location of underground utilities, if shown, are based on visible evidence and drawings provided to the surveyor. Location of underground utilities and structures may vary from shown locations. Additional utilities may exist. Local utility companies should be consulted for further information on utilities affecting the property.
This survey was done without benefit of an attorney's title search which could disclose zoning, restrictive covenants, easements not visible to surveyor, building setbacks, or other information which could affect surveyed property.
No subsurface or environmental considerations affecting this property have been made by surveyor.

Chadley W. Jones
D.B. 3694, PG 522

Melvin H. Gardner
D.B. 250, PG 536

E. Ohio Ave. (80' R/W)



Reference: Map Book 3, Page 24
Deed Book 3229, Page 543
Moore County, North Carolina

Owners Address : Heather P. Imig
4404 Saratoga Ct.
Aberdeen, NC 28315

Charles T. & Heather P. Imig
Lot 11A & 11B
Edgewood

Subdivision Survey
McNeill Township, Moore County
Southern Pines, North Carolina
February 10, 2015 JOB# 150036

RYAN D. MCBRYDE
LAND SURVEYING • PLANNING
License #: C-2680
P.O. Box 1013
105-A Parkway Dr.
Aberdeen, NC 28315
Phone/Fax (910) 944-2410

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	674.71	448.83
WP-01-24 650 E. Ohio Avenue				
Total Impervious 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
.10	.20	35%	.29	448.54

Agenda Item

To: Reagan Parsons

From: Alaina Mallette, Senior Planner

Subject: PD-01-24: Planned Development District - Preliminary Development Plan for Belle Meade Retirement Community, addition of 40 residential units on ±8.96 acres on the west side of Camp Easter Road; Petitioner: St. Joseph of the Pines, Inc. by Van Camp, Meacham & Newman, PLLC, and Thomas & Hutton, Agents

Date: April 9, 2024

I. SUMMARY OF APPLICATION REQUEST

Thomas Van Camp of Van Camp, Meacham & Newman, PLLC, and Dan Jewell of Thomas & Hutton, on behalf of St. Joseph of the Pines, Inc., have submitted a Planned Development District – Preliminary Development Plan application pursuant to §2.18.5 of the Town of Southern Pines Unified Development Ordinance for the addition of 40 residential units on the north side of the already existing Belle Meade continuing care retirement center [i.e., on a portion of the parcel identified as PIN 858315743819 (PARID 00040807)]. There are two existing commercial buildings on the north side of the Belle Meade campus that will be demolished to make way for the additional 40 senior living townhome units. Per the Moore County tax record, the subject property is owned by St. Joseph of the Pines, Inc.

II. PLANNING BOARD REVIEW

On March 21, 2024, the Planning Board held a Preliminary Forum regarding PD-01-24 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, Dan Jewell with Thomas & Hutton presented an overview of the Planned Development district, site plan, on behalf of Saint Joseph of the Pines, Inc. Members of the Planning Board asked Dan Jewell and Planning staff about parking for the relocated dog park, both confirmed that an updated site plan will include parking prior to the Town Council meeting. After closing the Preliminary Forum, on a unanimous vote of 6-0, the Planning Board moved to transmit the following to the Town Council to consider while reviewing application PD-01-24:

1. No issues [identified].

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-01-24.

III. PROJECT INFORMATION

A. Property Owner & Applicant Information

1. Property Owner and Applicant

Saint Joseph of the Pines, Inc.
17410 College Parkway, Ste 200
Livonia, MI 48152

2. Authorized Agent 1

Thomas Van Camp
Van Camp, Meacham &
Newman, PLLC
2 Regional Circle
Pinehurst, NC 28374

Authorized Agent 2

Dan Jewell
Thomas & Hutton
510 Meridian Parkway, Ste 100
Durham, NC 27713

B. Property Information

1. Street Address

100 Waters Drive, Southern Pines, NC 28387
(Proposed buildings have not yet been given an address)

2. Size of Property

Total Size of Existing Parcel: 94.902 acres*
Land Disturbance Area: 8.96 acres

**There will be a net increase of built upon area from 33% (32.27 acres) to 36% (34.43 acres), as permitted by the PD-09-22 Conceptual Development Plan and 5/70 exemption allocation from 2004.*

3. Existing Infrastructure

The subject property is accessed by Camp Easter Road to the east. The development includes three private roads, Gossman Drive, Waters Drive, and Owens Lane. According to Moore County Property Records Building Summary, there are 32 buildings while from a GIS desktop analysis there appears to be more, about 47 buildings (see Figure 3). Sanitary sewer and water lines are distributed throughout the site due to previous development (see Figure 2).

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-3 (Residential Single-Family), FRR (Facilities, Resource and Recreation), Rural Residential (RR), Rural Estate – Conditional Zoning (RE-CD), and the same PD (Planned Development) classification as the subject property (see Figure 3). The Town of Southern Pines' 2016 Comprehensive Long Range Plan (CLRP)—under which this project is vested—designates this property as Residential.

C. Planned Development History & Current Project Description

1. Planned Development History

The subject property is part of the 94.902-acre Belle Meade Continuing Care Retirement Community (“Belle Meade”) Conceptual Development Plan (CDP) that was approved by the Town of Southern Pines on September 13, 2022 (PD-09-22). According to the history provided on the Belle Meade Continuing Care Retirement Community (CCRC) website, “the Sisters of Providence from Massachusetts... acquired land on Camp Easter Road in 1990 and began the development of a skilled nursing center, The Health Center, and new residential living community, Belle Meade. The Health Center opened in 1996; [the residential Belle Meade living community] in 1999. The Coventry assisted living facility opened in 2008 and is located between The Health Center and Belle Meade.” All of this prior development was called “Phase 1” in the Belle Meade CDP, which rezoned all of these land uses from the FRR Conditional Zoning District to the PD district.

2. Current Project Description

According to the applicant’s narrative (see Attachment 1), the 8.96-acre portion of property is being proposed for development as “an additional 40 residential units on the northeastern portion of the property. As part of the project, two underused buildings—a clinic and administrative/daycare—and their associated parking lots will be demolished. The Daycare will continue to operate until the start of construction on the residential units. The residential units will be a mix of single family and/or duplex buildings and will be carefully integrated into the surrounding area. Building architecture will be compatible with the existing community.” Primary access to the proposed cottages and duplexes will be on the north side of Gossman Drive and the relocated extension of Waters Drive. The community garden and dog park will be relocated during this phase of development adjacent to Gossman Drive (rather than the Waters Drive access, as was proposed during the CDP). The buildings will not require separate review for compliance with the Town’s architectural standards considering that they are one- and two-family residential dwellings.

Figure 1: Conceptual Development Plan. Existing Infrastructure/“Phase 1” Shaded in Yellow and Phase 2 Shaded in Green.

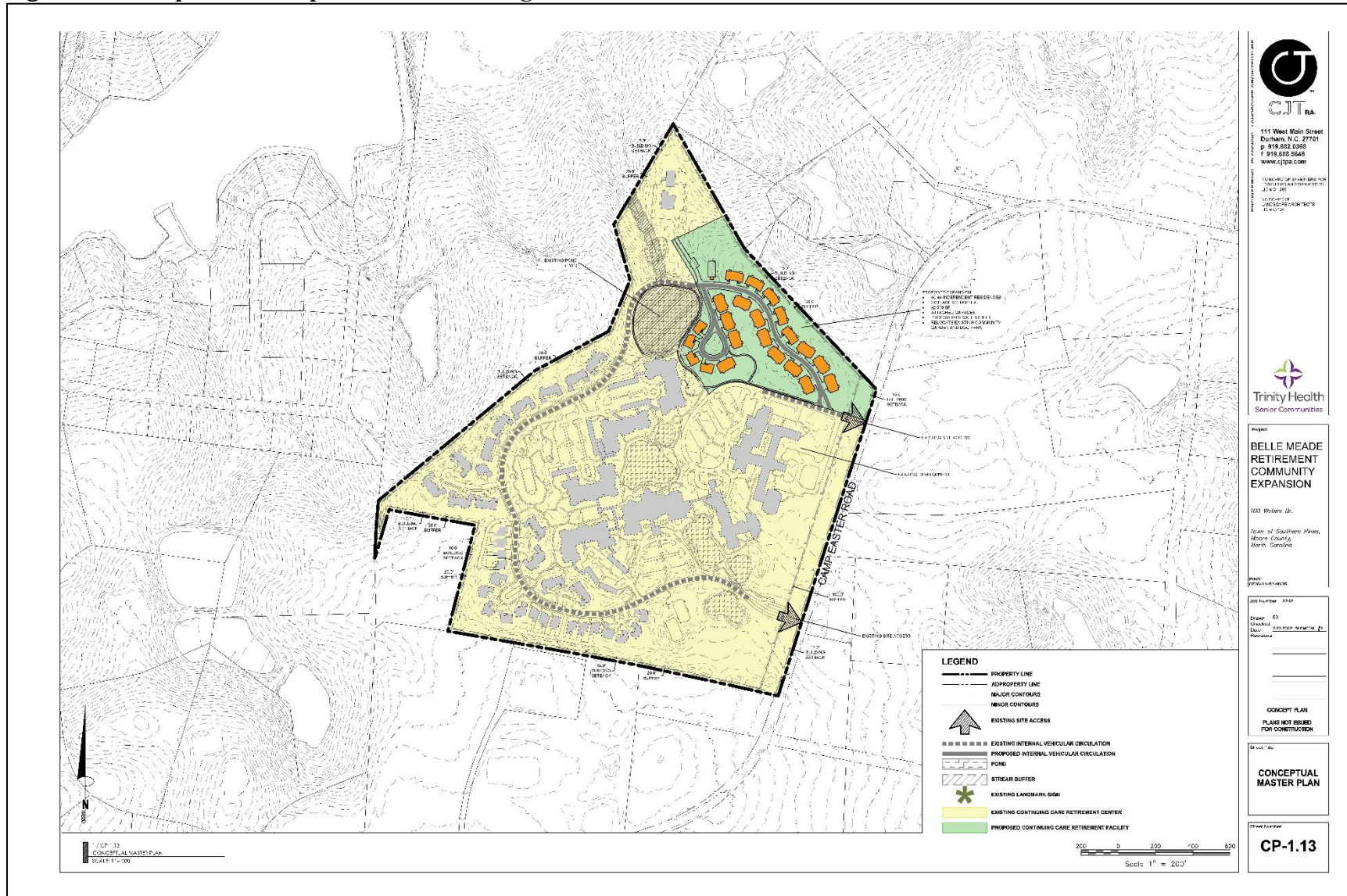


Figure 2: Existing Infrastructure (Subject Property Outlined in Red)

Red crosses indicate existing fire hydrants. Red lines indicate existing sewer gravity main lines. Blue lines indicate existing water main lines.

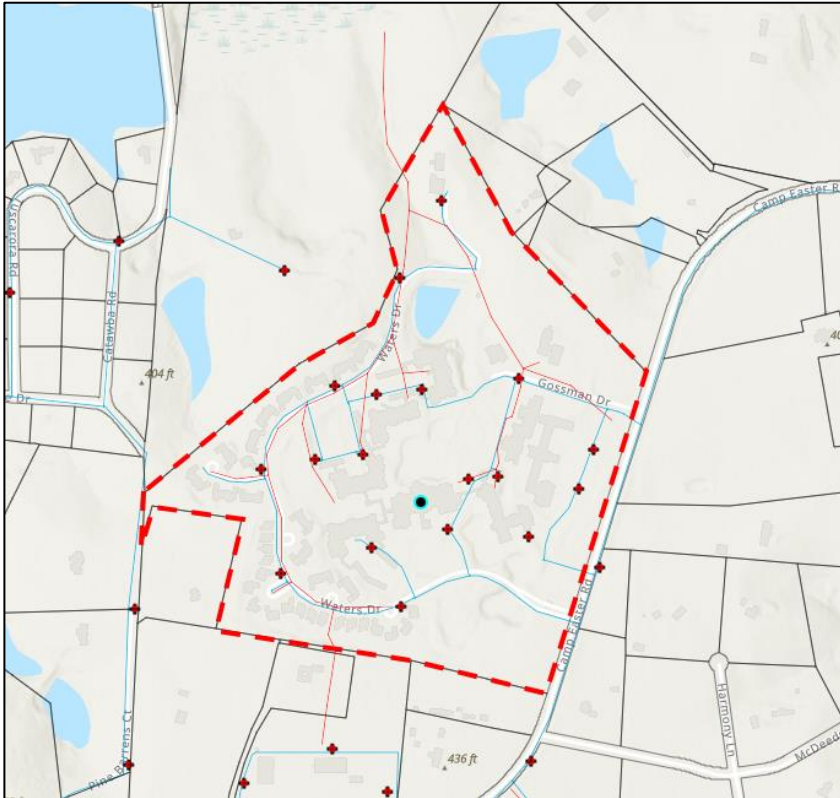


Figure 3: Existing Buildings and Land Uses

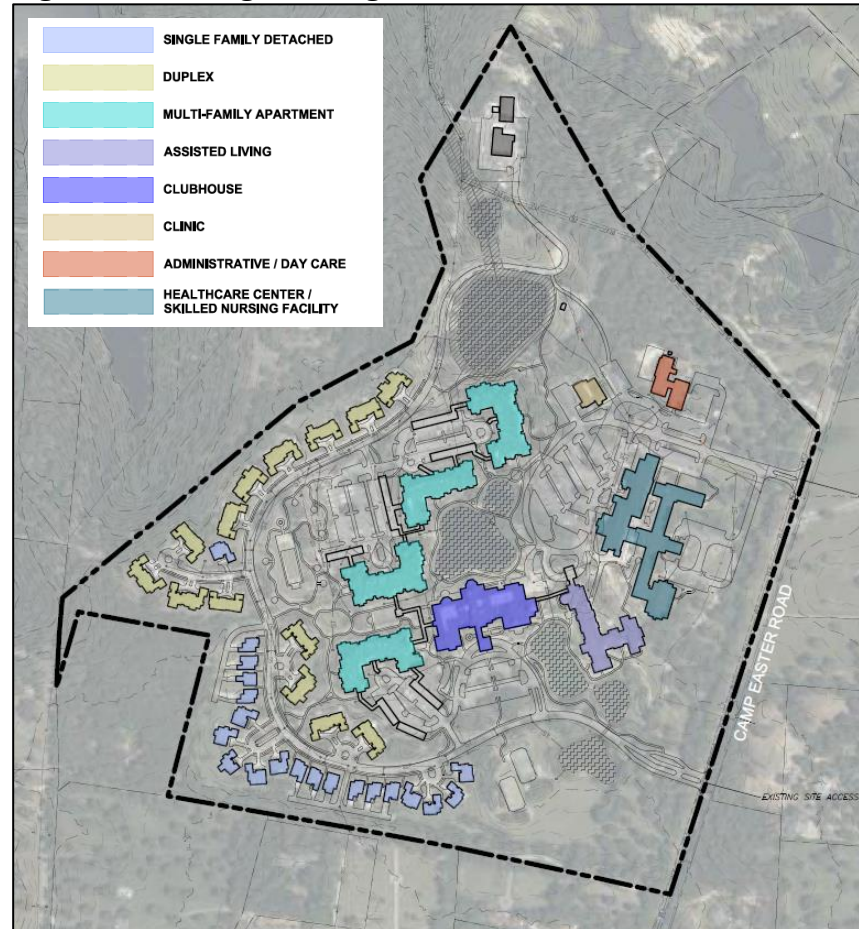
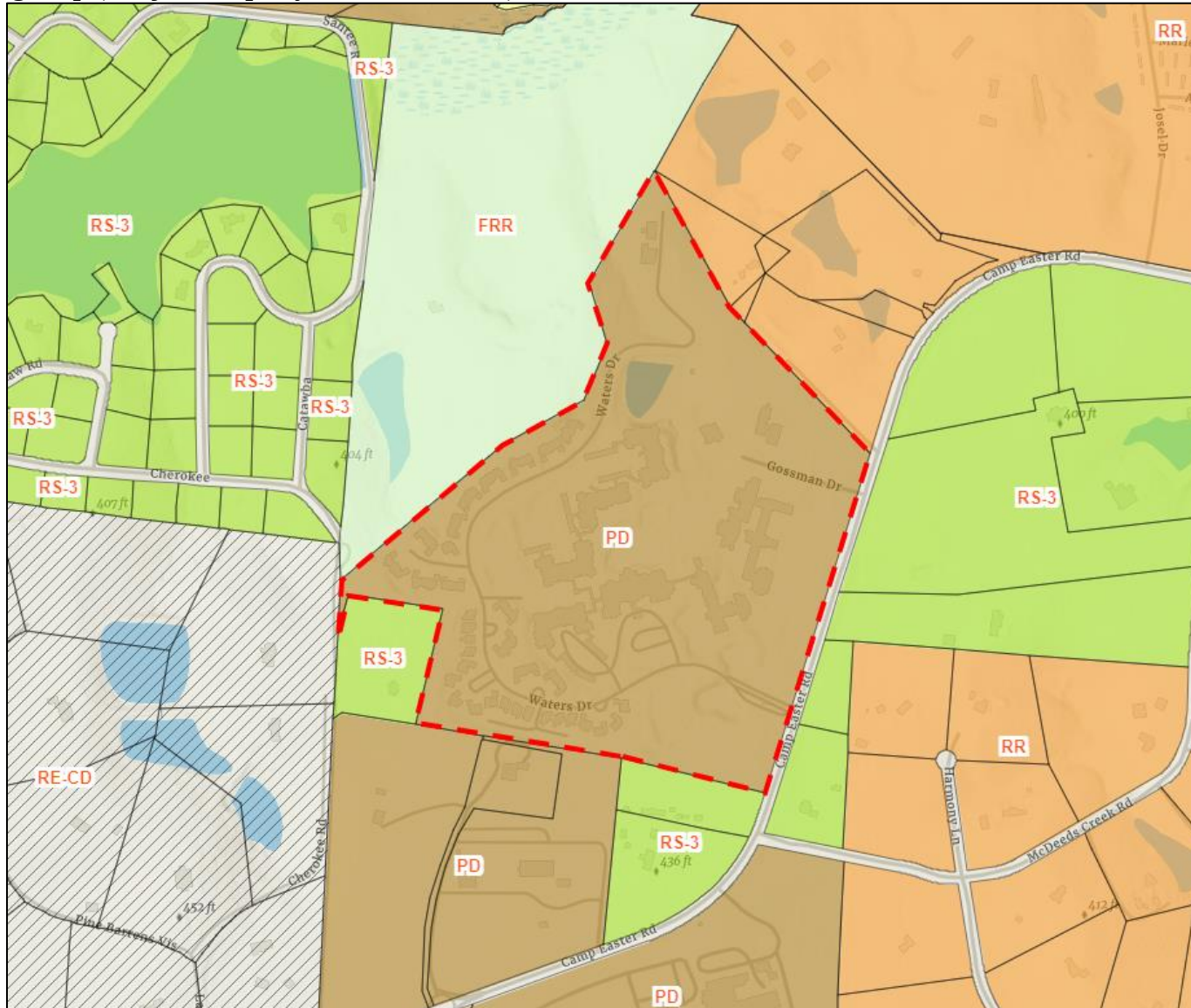


Figure 4: Zoning Map (Subject Property Outlined in Red)



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: **February 12, 2024**
- Application Deemed Incomplete: **February 13, 2024**
- Subsequent Submittal with Corrected Materials: **February 20, 2024**
- Application Deemed Complete: **February 23, 2024**
- Notice of Planning Board Preliminary Forum
 - Posted On-site: **March 4, 2024**
 - Mailed: **March 1, 2024**
 - Internet: **March 11, 2024**
 - Published: **March 6 and March 13, 2024**
- Planning Board Preliminary Forum: **March 21, 2024**
- Notice of April 9, 2024, Town Council Evidentiary Hearing:
 - Posted On-site: **March 4, 2024**
 - Mailed: **March 25, 2024**
 - Published: **March 27 and April 3, 2024**
 - Internet: **March 22, 2024**
- Town Council Regular Meeting/Evidentiary Hearing: **April 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 criteria for Preliminary Development Plans. The applicant has also provided a narrative addressing compliance with each of the four (4) criteria for a Preliminary Development Plan. A copy of the applicant's narrative is attached to this staff report in Attachment 2.

i. Achieving the purposes of the Planned Development

The "Bell Meade" CDP is a mixed-use development that was approved in 2022 (i.e., PD-09-22). The purpose of the CDP was to expand the existing Saint Joseph of the Pines Belle Meade Continuing Care Community with up to 44 additional residential units in either single-family and/or duplex buildings. In the Belle Meade CDP, the text of the CDP considers "Phase 1" to be synonymous with the existing continuing care retirement center (CCRC) as developed between 1990 and 2008. The existing CCRC includes independent living apartments, single-family dwellings, two-family dwellings, assisted living and memory care, club house, and health center.

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 Belle Meade CDP and the PD - Planned Development District section in the UDO, planning staff does not find significant inconsistency between the Preliminary Development Plan and the purpose of the CDP or PD districts, generally.

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 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, but were addressed in a subsequent submittal and email, included missing referenced stormwater report, looping of water main lines, location of the pedestrian connection, and sub-phasing of Phase 2. The applicant revised the application materials to address each of staff’s concerns and resubmitted application materials on February 20, 2024.

Based on statements made in the revised application materials (see Attachment 2 and 3), 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 first PDP of the mixed-use Belle Meade CDP, but second to existing development that was built between 1990 and 2008. The area being developed was designated “Residential” in the 2016 Comprehensive Long-Range Plan (CLRP) under which this project is vested. The proposed land use will provide additional dwelling units and will further expand housing options within the jurisdiction. Planning staff finds that given the prior phase of development of Belle Meade CCRC, the CLRP designation, and the character of the Camp Easter/Airport Road neighborhood, the proposed development is located in an appropriate area of town.

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

The overall 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 housing options within our community.

v. General Comments:

- The Technical Review Committee reviewed the current PDP application at their February 13, 2024 meeting. Topics of discussion included stormwater report, looping of water lines, separation of buildings (which must exceed 10' unless there is sufficient fire ratings and fire flow), pedestrian connection, trip generation, tree canopy, and sub-phasing. A list of planning staff and Technical Review Committee comments were provided to the applicant on February 13, 2024 and the applicant addressed these comments in a revised Narrative and PDP Plan submitted February 20, 2024 (see attachments). Further site plan review and approval will be required prior to issuance of any building permits for development, if approved.
- 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 March 4, 2024. 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 March 7, 2024 stating that the site is designated “Important to Protect” in Fort Liberty’s Compatible Use Rating System due to its location in the high-quality water of the Mill Creek Management Area. RLUAC encourages the town and the applicant to take measures to reduce the negative impact of stormwater runoff into the Mill Creek Management Area. According to the applicant’s Stormwater Impact Analysis Site Plan Submittal, “development of this site requires the modification of the wet pond to produce reductions in peak flow. This modification will be the addition of 6 inches of riser section to the existing outlet structure with a V-notch weir cut into the rise to handle the slight increase in run-off for Basin 1. Basin 2 and the Bypass Area require no detention, because of the decrease in drainage area, which decrease the peak flow runoff.” In other words, the post-development runoff values will decrease from the pre-development runoff values with the stormwater facility improvements, which will be confirmed during site plan review.

No other comments were received from other agencies contacted as of the date of completion of this staff report.

V. ATTACHMENTS

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

1. Draft Town Findings of Fact
2. Preliminary Development Plan Application, Narrative, and Traffic Generation Letter
3. Preliminary Development Plan Site Plan
4. RLUAC Agency Comments

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-01-24.**

- OR -

- 2. Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Preliminary Development Plan PD-01-24, 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-01-24;**
- 2. Deny the Preliminary Development Plan for PD-01-24;**
- 3. Approve the Preliminary Development Plan for PD-01-24 with the following additional conditions:**

a.

ATTACHMENT 1

Case Number: PD-01-24

Draft Findings of Fact, Decision of the Council, and Order in the Matter of a Preliminary Development Plan Application for Belle Meade Retirement Community

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.
2. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 1 (i.e., the application demonstrates that it will achieve the purposes of the PD district and the UDO), in that the “Belle Meade” CDP is a mixed-use development that was approved in 2022 (i.e., PD-09-22). The purpose of the CDP was to expand the existing Saint Joseph of the Pines Belle Meade Continuing Care Community with up to 44 additional residential units in either single-family and/or duplex buildings. According to §3.5.14 of the UDO, Town Council does not find significant inconsistency between the Preliminary Development Plan and the purpose of the CDP or PD districts, generally.
3. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 2 (i.e., the Preliminary Development Plan is consistent with the Conceptual Development Plan and conforms to all applicable provisions of this UDO), in that the application contains enough information 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 review.
4. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 3 (i.e., proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services), in that the proposed development is the first PDP of the mixed-use Belle Meade CDP, but second to existing development that was built between 1990 and 2008. The area being developed was designated “Residential” in the 2016 Comprehensive Long-Range Plan (CLRP) under which this project is vested. The proposed land use will provide additional dwelling units and will further expand housing options within the jurisdiction. Planning staff finds that given the prior phase of development of Belle Meade CCRC, the CLRP designation, and the character of the Camp Easter/Airport Road neighborhood, the proposed development is located in an appropriate area of town.
5. The Town Council finds that the application complies with UDO §2.18.5(H) Criteria for a Preliminary Development Plan, Criterion 4 (i.e., proposed Development is located in an area of the Town that is appropriate), in that the overall 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 housing options within our community.



Planned Development District Preliminary Development Plan Application

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

Project Information:

Project Name: Belle Meade

Physical Address: 100 Waters Drive, Southern Pines, NC 28387

PIN: 858315743819 Parcel ID: 0004087

Site Size: 94.902 acres Zoning: PD

Applicant:

Name(s): St. Joseph of the Pines Inc.

Email: scott.brewton@trinityhealth.org Phone: 910 246 3100

Mailing Address: 17410 COLLEGE PARKWAY STE 200, LIVONIA MI 48152

Authorized Agent, if different from Applicant:

Name(s): See attached

Email: _____ Phone: _____

Mailing Address: _____

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

1/12/22

Belle Meade
Preliminary Development Plan
Authorized Agents

Thomas Van Camp
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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 west side of Camp Easter Rd. (St./Ave.), between Josel Dr (St./Ave.) and McDeeds Creek Rd (St./Ave.). The property has a frontage of 1722 feet and a depth of 2,359 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:

As approved under Preliminary Development Plan District - Conceptual Development Plan - expansion of the Belle Meade continuing care retirement community by 40 residential units.

Date:

1/10/2024



Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES

801 SE Service Road, Southern Pines, NC 28387

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

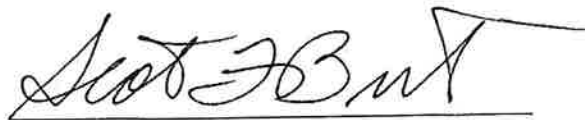
APPOINTMENT OF AGENT

The undersigned owner(s), St. Joseph of the Pines, Inc, hereby appoint(s) Thomas Van Camp 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.

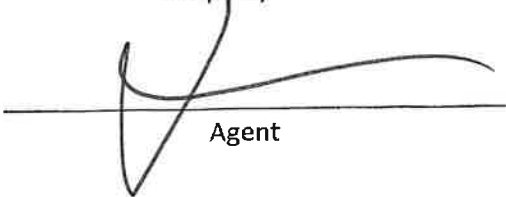
This Appointment of Agent shall remain in effect until final resolution of the attached application.

Signed this 17th day of JANUARY 2024



Property Owner

Property Owner



Agent

APPOINTMENT OF AGENT

The undersigned owner(s), St. Joseph of the Pines, Inc, hereby appoint(s) Dan Jewel of Thomas & Hutton as the exclusive agent for the purpose of making an application to the Town of Southern Pines for the approval of the Planned Development District – Preliminary Development Plan described in the attached application. The owner(s) hereby agree(s) that this agent has the authority to act for and on behalf of the owner(s) as follows:

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

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

Signed this 10th day of JANUARY, 2024



Property Owner

Property Owner


Agent

1/12/22

PD DISTRICT PRELIMINARY DEVELOPMENT PLAN

BELLE MEADE CONTINUING CARE
RETIREMENT COMMUNITY

ST. JOSEPH OF THE PINES INC

SOUTHERN PINES, NC

FEBRUARY 12, 2024

REVISED FEBRUARY 20, 2024

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INTRODUCTION

The purpose of this PD – Preliminary Development Plan (“PDP”) application is to demonstrate that it will achieve the purposes the approved PD – Conceptual Development Plan (“CDP”), that the PDP is consistent with the CDP and the applicable provisions of the UDO, that the proposed development is located in an area of the Town that is appropriate, and that the proposed Development will not cause the need for inefficient extensions and expansions of public facilities, utilities and services. This narrative along with the accompanying PDP application and Preliminary Development Plan will demonstrate compliance with Section 2.18.5 of the Town’s Unified Development Ordinance (UDO).

The expansion of Belle Meade is consistent with the Town’s Comprehensive Long-Range Plan (CLRP) and promotes its objectives. The CLRP designates the property as Residential. This PDP expands senior residential housing opportunities that are collocated with health services, activities, and amenities in a well-planned community.

PROJECT OVERVIEW

Purpose

St. Joseph of the Pines Belle Meade Continuing Care Retirement Community is an established neighborhood and health care facility in Southern Pines. Development of the skilled nursing facility, Health Center and a new residential living community began in 1990. The Health Center opened in 1996, the residential living community in 1999, and assisted living facility in 2008.

Despite its established history in Southern Pines, the Property’s FRR zone does not list Continuing Care Retirement Center as a permitted use. However, Section 3.5.13.(C) of the Southern Pines Unified Development Ordinance (“UDO”) states “existing uses within the FRR district that are not authorized by right may be allowed to continue as non-conforming uses or allowed to achieve conforming status subject to issuance of a conditional use permit.” Further, Exhibit 3-15 of the UDO indicates that a Continuing Care Retirement Care Center requires PD Zoning. In September of 2022 the Town Council approved the PD CDP. The applicant now requests approval of a Preliminary Development Plan in accordance with Section 2.18.5 of the Southern Pines UDO.

Location

The Subject Property consists of a single parcel and is located north of downtown Southern Pines on the west side of Camp Easter Road, north of its intersection with McDeeds Creek Road. A site location map showing the site and immediate surroundings are shown on the Preliminary Development Plan. The Property is entirely within the Town of Southern Pines. The site is currently well-served by utilities and there is sufficient capacity to accommodate the proposed development.

Project Vision

The vision for the project is to construct an additional 40 residential units on the northeastern portion of the property. As part of the project, two underused buildings—a clinic and administrative/daycare—and their associated parking lots will be demolished. The Daycare will continue to operate until the start of construction on the residential units. The residential units will be a mix of single family and/or duplex buildings and will be carefully integrated into the surrounding area. Building architecture will be compatible with the existing community. Landscaping and design

elements common to Southern Pines and the existing community will be used. The plan provides for a mixture of open spaces and amenities that will result in an attractive, active residential community.

Main access to the site will continue to be provided from the two existing driveway entrances on Camp Easter Road and in the same configurations. As part of the next phase of development, within the property, Waters Drive will be extended to Gossman Drive and a new private street will be built to serve the proposed addition. A new gated access is proposed at the intersection of Gossman Drive and Camp Easter Road.

The property will continue to provide a 15-foot building setback along its perimeter, along with a 20-foot landscaped buffer, except along Camp Easter Road where an enhanced 100-foot landscaped buffer will be provided.

Best management practices will be implemented for development, storm water management and erosion control.

Zoning Information

The property is designated as Residential in the Town's Comprehensive Long Range Plan, and the proposed expansion of the Continuing Care Community with additional residential units is compatible with that designation and expands housing options for seniors. The Property is currently zoned PD.

Compliance with UDO

All development within the site must adhere to the approved standards and conditions stated in the approved CDP and the UDO. Prior to the issuance of a building permit and start of any construction, a Preliminary Development Plan for each phase must be submitted and approved per Section 2.18.5 of the UDO.

Architectural review, rules and regulations and must be approved by the Town of Southern Pines. To the extent this document does not otherwise establish a development standard, the UDO standard in effect at the time of an application will apply. The development and building permits are subject to all Local, State and Federal regulations and laws.

PRELIMINARY DEVELOPMENT PLAN

Development Program

Under the PD/PDP the Property will continue to be used as a Continuing Care Retirement Center. This use will include operation of the Special Service Homes authorized by Conditional District Rezoning in 2007. The CDP permitted the expansion of the facility by up to 44 units in either single family or duplex buildings in the area shown on the Conceptual Development Plan. The PDP proposes 40 units, –in side-by-side duplex units and in single family units – and is considered Phase 2, under the CDP. Phase I included the existing Belle Meade development. No other future developments are proposed at this time.

Permitted Uses

The CDP development allowed development as shown on Table 2 below. Additionally, the CDP allowed that any use that is not listed on the chart below but is typically associated with a Continuing Care Retirement Center shall be permitted.

Table 1 CDP EXISTING AND PROPOSED DEVELOPMENT

	Units/Beds	SF
Phase I (Existing Uses)		
Independent Living Apartments	172	307,561
Single Family	20	39,161
Duplex	28	56,442
Assisted Living/Memory Care	50	36,098
Club House		43,151
Health Center		77,560
Total Existing	270	559,973
Phase 2 (Proposed Uses)		
New Cottage Units	44	*132,000
Total Existing & Proposed	310	*691,973

Phase 1

The property will continue to be used in its existing condition and based on Table 2 above and the approved CDP.

Phase 2

The CDP established that “No new residential units within Phase 2 contain greater than 2,500 square feet of heated area. The maximum height for the new units will be 35 feet.”

The proposed units range between 2,400 and 2,500 square feet of heated area and are +/-22 feet tall, however final heights will be established during building permit submissions. In no case will the units exceed the limits permitted under the CDP.

The PDP proposes 40 units, 4 single family units and 18 duplex units in a total of 100,000 sf.

Open Space and Amenities

The required open space is presented below in Table 3 Open Space is further discussed below. Section 3.5.14 (G) requires 20 percent of the gross land area of PD zoned land to be Open Space, and that 50 percent of that open space be Usable Open Space.

Table 2 OPEN SPACE

Category	Required	Proposed with PDP
Overall Open Space	18.80 acres	25.86 acres
Usable Open Space	9.40 acres	14.39 acres

Per the UDO, Usable Open Space will be provided, which meets the following definition:

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

Usable Open Space for the entire community includes the following:

Category	Provided
Common areas and ponds	12.72
Trails & Walks	0.98
Putting Green	0.21
Tennis Court	0.16
Bocce Court	0.14
Dog Park	0.1
Community Garden	0.08
Total	14.39

With approval of the PDP, the site will continue to provide more than 18.80 acres of Overall Open Space and more than 50% of the open space will be usable for the Belle Meade Community residents.

Additionally, the Property will continue to offer the following amenities:

- Chapel
- Library
- Bank
- Convenience store
- Hair salon

- Indoor pool/spa
- Exercise room
- Woodworking shop
- Shuffleboard

The CDP allows that amenities provided may change to any amenity typical of a Continuing Care Retirement Community provided that the overall all amount of open space meets Table 2.

As shown on the Preliminary Development Plan, Phase 2 will provide a relocated garden and dog park to serve the residents of Belle Meade.

Pedestrian Paths

Pedestrian and non-vehicular circulation facilities in Phase 1 (the existing community) are comprised of a series of concrete paved sidewalks and slightly wider all weather surfaced paths suitable for bicycle and golf carts.

Phase 2, shown on the PDP, will have pathways of the same size and material that are connected and integrated with the Phase 1 network, as shown on the Preliminary Development Plan.

Buffers and Landscaping

Landscape standards will meet or exceed the requirements of the Town of Southern Pines UDO per Section 3.5.14(H)

A 20-foot-wide perimeter buffer is provided along all property lines, except the buffer along Camp Easter Road which is 100 foot wide.

Generally, the goal will be to preserve existing plantings in the buffer adjacent to new construction, however, if where existing plantings are sparse or must be disturbed to accommodate new construction, new buffer plantings will meet the requirements of UDO Exhibit 4-4: Minimum Planting Required in Buffers.

Streams, Wetlands and Floodplain

The Property is within the Cape Fear – Little River intake No. 2—WS-III Watershed. The 94-acre property is exempt from the current UDO requirement limit of 24 percent built-upon area but is limited to 70 percent built-upon area. The built-upon area of the existing facility is 33 percent and with the addition of Phase 2 the built-upon area will increase to 34.43 acres or 36 %acres.

The Town's GIS shows a stream connecting the Property's two man-made ponds in Phase 2. Stream buffers have been shown and no buildings encroach into the buffers.

The project will comply with all State and Local standards for storm water management and use best management practices and engineered storm water facilities as required. (See Stormwater Management Report).

Architectural Standards

Building setbacks along the perimeter lot lines will be 15 feet. No other setbacks are required, except as required by the building code.

Architectural standards and review by the Town of Southern Pines Council is not required for the buildings associated with the PDP as they are new single family and duplex units.

All development and building permits are subject to all Local, State and Federal permitting guidelines, rules, and regulations.

Signs

There are two existing entryway and wayfinding signs on Camp Easter Road. Other types of signs existing on the Property include wayfinding, building and information signs. All new signs will be consistent with the character of the existing signs and will be designed to maintain consistency throughout the development and enhance the aesthetic character, while providing efficient wayfinding.

Signs will reflect the architectural character of Southern Pines and the architecture of Belle Meade. Locations of new signs, in addition to the two main entry signs are indicated on Exhibit 8 – Sign Plan. Any sign that is not specifically identified in this section will follow the standards of Section 4.6 in the UDO. Sign areas to be computed per Section 4.6.6 of the UDO.

Trip Generation, Vehicular Circulation, Street Cross Sections, and Parking

Trip Generation

See Trip Generation Memo provided by VHB.

As noted above the daycare center on site will cease operation upon commencement of construction of Phase 2 in order to remain consistent with the trip reductions anticipated by the CDP.

Vehicular Circulation and Street Cross Sections

The existing private street network will be extended and modified to accommodate the new residential units. Ingress and egress from the Property will continue to occur from the two existing driveway locations on Camp Easter Road. Two new gated accesses are proposed at the intersections of Gossman Drive and Camp Easter Road and at the intersection of Gossman Drive and proposed extension of Waters Drive.

No new driveway connections to public roads or new public roads are proposed.

As shown on the Preliminary Development Plan, the gate will be set back far enough from Camp Easter right-of-way to provide stacking for three cars to prevent queuing on to the public street.

Parking

Phase 1 Parking

The existing facilities within Phase 1 are supported by and will continue to be supported by +/-701 parking spaces. The spaces are comprised of a combination of surface parking, carports, and residential garages.

Phase 2 Parking

The new residential units within Phase 2 will be provided with at least two spaces per unit in garage and driveway parking. Visitor parking will be provided in the unit's driveway.

Utilities

Electric, water, sewer and gas utilities are currently available on the property as described in Section 4.1.3 of this document. Any new utility lines will be installed per the policies of the local utility providers and the Town of Southern Pines for underground utilities. Any new service lines will be installed underground

Water and Sewer

Water and sewer utilities are currently provided by the Town of Southern Pines. Utilities may be extended to the proposed development. Design and permitting will meet current Town standards.

Electric

Electrical Power will be provided by Duke Energy; however, other providers may be allowed in the future.

Cable.

Spectrum currently provides cable service; however, other providers may be allowed in the future.

Street Lighting

Street lighting will be designed in conformance with the requirements of Section 4.8 in the Town of Southern Pines UDO. All lighting will be LED lighting. The cost of installation and maintenance of any specialty street lighting shall not be the responsibility of the Town of Southern Pines. Appropriate lighting in parking areas and amenity locations will be provided as required by the UDO.

From time to time, temporary services may be required and shall be allowed as community facilities, temporary construction offices and/or temporary marketing centers.

Phasing of Construction

Based on current information and as shown on Sheet PD1.4 of the Preliminary Development Plan, the first phase will include the site work, utilities and infrastructure, and complete development of "Street A" connecting Waters Drive to Gossman Drive. Along with the development of the project

site and infrastructure, this initial phase of construction would also include construction of between 16-28 units along “Street A”. The second phase of construction will include the development of ‘Street B’ and the construction of the remainder of units, amounting to 40 units in total. Phase 2 could follow immediately the completion of Phase 1 or could be constructed separately at a point in the future to be determined based on the occupancy needs of the Belle Meade.

Temporary Uses/Special Events

Temporary construction trailers including, but not limited to real estate, construction and sales offices may be installed during the period of construction and real estate sales.

Any temporary uses or special events, not typical to a Continuing Care Retirement Center, must obtain the appropriate permits from the Town of Southern Pines.

Storm Water Management and Water Quality Management

See attached - Stormwater Report.



Memorandum

To: Daniel A. Jewell, RLA, ASLA
President
Coulter Jewell Thames, PA

Date: January 5, 2024

Project #: 39369.01

From: Andrew Topp, PE, PTOE

Re: Belle Meade Trip Generation Estimate
Southern Pines, NC

Project Background

The Belle Meade Retirement Community in Southern Pines, North Carolina has plans to demolish two buildings on site in order to provide an additional 40 senior living townhome units. An existing 6,715 square foot (sf) clinic and a 11,762-sf day care will be removed to make space for the new townhome units. The day care center will remain operational during the first phase of construction for the Belle Meade Retirement Community but will be removed before the development is complete. This memorandum summarizes the estimated number of vehicular trips that will be removed from the site by demolishing the clinic and day care buildings while estimating the number of vehicular trips that will be generated by the 40 senior living townhome units.

Trip Generation Results

Trip generation calculations for all land uses were provided using the *ITE Trip Generation Manual, 11th Edition* and methodology from the *NCDOT Rates vs. Equation Spreadsheet*. ITE Land Use Code (LUC) 565 (Day Care Center) and LUC 630 (Clinic) were used to calculate the number of trips that will be removed from the site. Table 1 outlines the trip generation estimate to be removed from the site with the planned residential expansion.

Table 1: Trips Removed from Site

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
565	Day Care Center	50 students	225	22	19	41	19	21	40
630	Clinic	6,715 sf	276	19	4	23	8	19	27
Development Total			501	41	23	64	27	40	67

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the *NCDOT Rate vs Equation Spreadsheet*

As shown in Table 1, the two buildings to be demolished are assumed to generate 501 daily site trips with 64 trips (41 entering, 23 exiting) occurring during the AM peak hour and 67 trips (27 entering, 40 exiting) occurring during the PM peak hour.

The number of new trips generated by the 40 senior living units were calculated using LUC 252 (Senior Adult Housing – Attached). The trip generation results for the residential expansion are shown in Table 2.

Table 2: Trips Added to Site

Land Use Code ¹	Land Use	Unit	ADT	AM Peak Hour			PM Peak Hour		
				Enter	Exit	Total	Enter	Exit	Total
Total Site Trips ²									
252	Senior Adult Housing - Attached	40 du	140	3	6	9	6	4	10

Notes:

1. Land Use Code and trip generation rates are determined based on *ITE Trip Generation, 11th Edition*
2. Total site trips are determined based on the suggested method in the NCDOT Rate vs Equation Spreadsheet

As shown in Table 2, the new residential units are expected to generate only 140 daily site trips with 9 trips (3 entering, 6 exiting) occurring during the AM peak hour and 10 trips (6 entering, 4 exiting) occurring during the PM peak hour.

Findings and Conclusions

The new senior living dwelling units are expected to generate less daily, AM peak hour, and PM peak hour traffic compared to the clinic and day care uses that will be removed from the site. Therefore, the amount of traffic entering and exiting the site should not increase with the proposed residential expansion. It should be noted that the trip generation estimate for the clinic and day care uses may be conservative since both land uses are within a retirement community. Some trips to and from these land uses may be from residents that are already located within the community. Nevertheless, the estimated number of trips for the proposed senior living homes are expected to be considerably lower than what is proposed to be demolished and as a result, the development will not have a negative effect on the surrounding public street network.





PRELIMINARY DEVELOPMENT PLAN
OF
BELLE MEADE RETIREMENT COMMUNITY

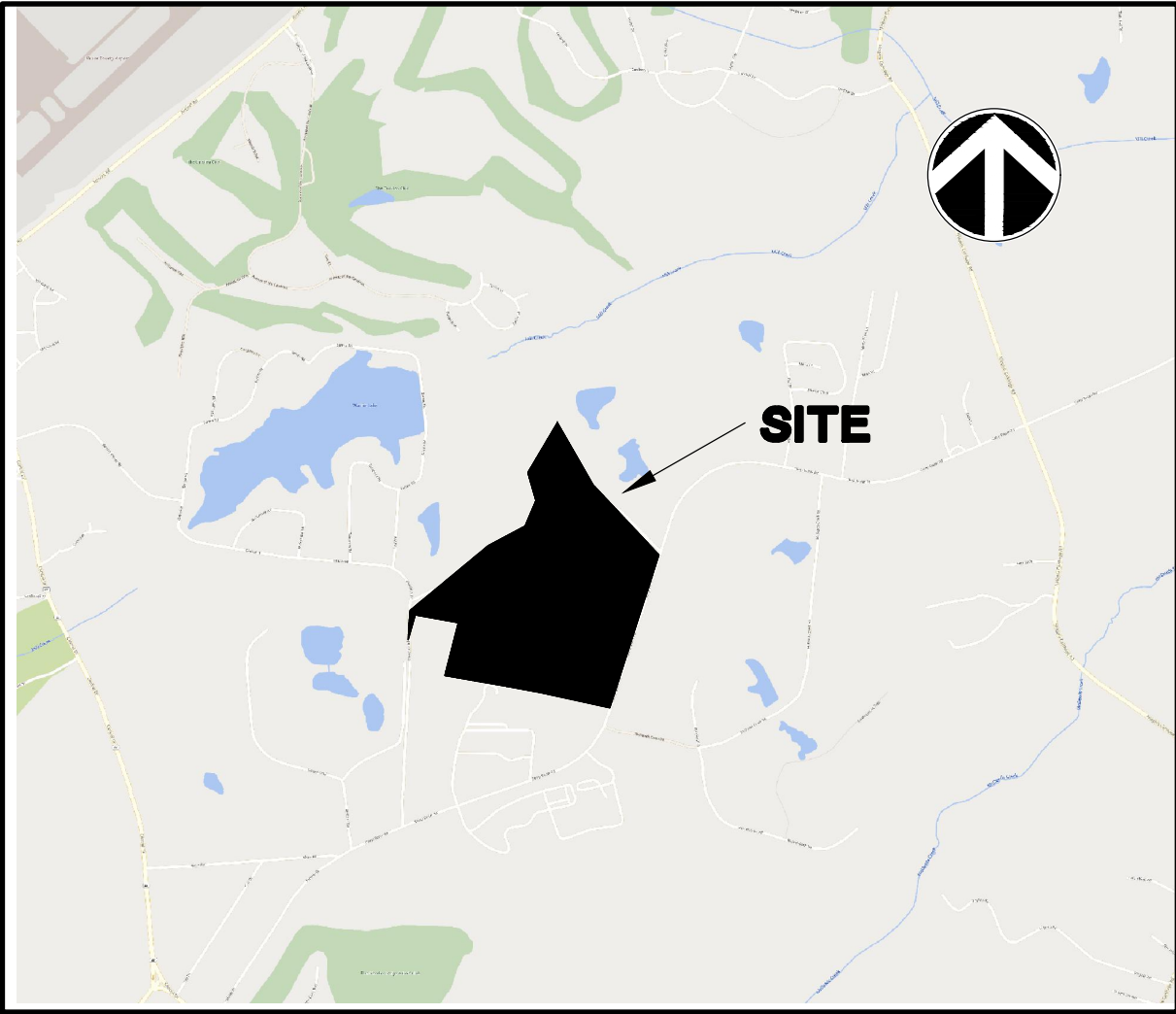
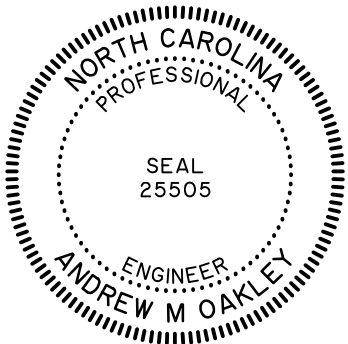
GOSSMAN DRIVE
SOUTHERN PINES, NC

PREPARED FOR:
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C/O
TRINITY HEALTH SENIOR COMMUNITIES
20555 VICTOR PARKWAY
LIVONIA, MI 48152

TM# 00040807

J-92242.0000

PREPARED BY:



VICINITY MAP
SCALE: 1" = 2000'

Sheet List Table	
Sheet Number	Sheet Title
--	CO COVER SHEET
G0.1	GENERAL NOTES
EX0.1	EXISTING CONDITION AND DEMO
EX0.2	PROJECT AREA EXISTING CONDITION AND DEMO
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PD1.1	OVERALL SITE PLAN
PD1.2	BUILT-UPON AREA
PD1.3	PRELIMINARY DEVELOPMENT PLAN
PD1.4	PHASE 2 PHASING PLAN
UT1.1	UTILITY PLAN
GD1.1	GRADING AND DRAINAGE
LS1.1	LANDSCAPE PLAN
EC1.1	EROSION CONTROL
C1.1	DETAILS

	CDP APPROVED	PDP PROPOSED
# OF NEW UNITS	44	40
MAXIMUM UNIT SIZE	2,500 SF HEATED AREA	2,500 SF HEATED AREA
PROPOSED ADDITIONAL FLOOR AREA	132,000 SF	100,000 SF
OVERALL OPEN SPACE PHASE 1 & PHASE 2 (ENTIRE BELLE MEADE SITE)	18.80 ACRES	25.86 ACRES
USABLE OPEN SPACE PHASE 1 & PHASE 2 (ENTIRE BELLE MEADE SITE)	9.40 ACRES	14.39 ACRES
PARKING	2 SPACES PER SF UNIT + VISITORS SPACES IN DRIVEWAY	2 SPACES PER SF UNIT + VISITORS SPACES IN DRIVEWAY
PERIMETER BUFFER	20', EXCEPT 100' ALONG CAMP EASTER ROAD	20', EXCEPT 100' ALONG CAMP EASTER ROAD
BUILT UPON AREA	34%	36%

REVISION HISTORY			
I	TOWN COMMENTS	T&H	2/20/24
REV. NO.	REVISION	BY	DATE

SUBMITTAL HISTORY	
TOWN OF SOUTHERN PINES	1/19/24
SUBMITTED TO	DATE

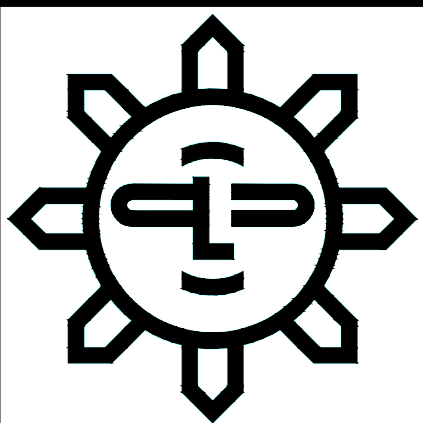


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**EXISTING CONDITION AND
DEMO**

**BELLE MEADE RETIREMENT
COMMUNITY**

PROJECT LOCATION:

GOSMAN DRIVE
SOUTHERN PINES, NC

CLIENT/OWNER:

ST. JOSEPH OF THE PINES, INC
C/O
TRINITY HEALTH SENIOR COMMUNITIES
20555 VICTOR PARKWAY
LIVONIA, MI 48152



200 0 100 200

GRAPHIC SCALE:
1 INCH = 200 FEET

DATUM: HORIZ.: NAD83 VERT.: NAVD88

JOB NO: 92242.0000

DATE: 1/19/24

DRAWN: _____

DESIGNED: AMO

REVIEWED: _____

APPROVED: _____

SCALE: 1" = 200'

EX0.1

1. ENSURE ALL EROSION CONTROL MEASURES ARE IN PLACE AND IN WORKING ORDER PRIOR TO THE START OF ANY DEMOLITION AND CONSTRUCTION.
2. SEE SITE PLAN SHEET C1.1 FOR LAYOUT DIMENSIONS OF EXTENT OF DEMOLISHED AREAS. PAVED AREAS NOT INDICATED TO BE DEMOLISHED, ARE TO REMAIN. ALL CONCRETE SAW CUTS ARE TO BE CLEAN, STRAIGHT AND NEAT.
3. UTILITIES: SEE UTILITY PLANS. CONTRACTOR TO COORDINATE WITH UTILITY COMPANIES FOR LOCATION, REMOVAL AND RELOCATION OF ANY UTILITIES. CONTRACTOR RESPONSIBLE FOR DETERMINING EXTENT AND LOCATION OF UTILITIES. THIS MAY INCLUDE CONTACTING "NO-CUTS" TO HELP LOCATE SOME UTILITIES.
4. CONTRACTOR TO ADJUST ALL MANHOLES, VALVES, JUNCTION BOXES, CATCH BASINS, CLEAN-OUTS, ETC., AS NECESSARY TO ACCOMMODATE NEW LAYOUT AND GRADES.
5. CONTRACTOR RESPONSIBLE FOR OBTAINING ANY PERMITS FOR WORK IN THE NCDOT AND TOWN OF SOUTHERN PINES RIGHTS OF WAY. ANY DAMAGED INFRASTRUCTURE IN THE RIGHT OF WAY CAUSED BY CONSTRUCTION ACTIVITIES MUST BE REPAIRED TO NCDOT AND TOWN OF SOUTHERN PINES STANDARDS. THIS INCLUDES, BUT IS NOT LIMITED TO UTILITIES, SIDEWALKS, CURB AND GUTTER, ASPHALT.
6. CONTRACTOR RESPONSIBLE FOR REMOVING EVERYTHING WITHIN THE CLEARING LIMITS AND OFF-SITE WORK ZONE INCLUDING TREES, STUMPS, TRASH, FENCING, OR BUILDING MATERIALS.
7. CONTRACTOR TO USE CAUTION WORKING AROUND AND NEAR EXISTING STORM, WATER AND SEWER. CONTRACTOR RESPONSIBLE FOR DAMAGE TO EXISTING UTILITIES.
- 8.
9. ALL PAVEMENT PATCHING SHALL BE PERFORMED PER TOWN OF SOUTHERN PINES OR NCDOT SPECIFICATIONS AND STANDARDS, AS APPLICABLE.

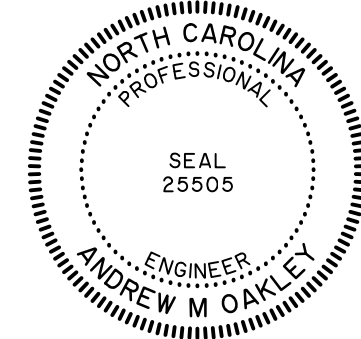


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PROJECT AREA EXISTING CONDITION AND DEMO

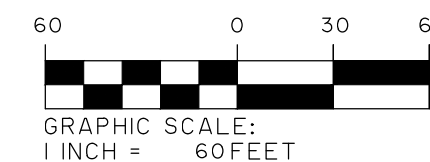
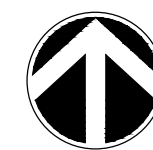
BELLE MEADE RETIREMENT
COMMUNITY

PROJECT LOCATION:

GOSSMAN DRIVE
SOUTHERN PINES, NC

CLIENT/OWNER:

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C/O
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DATUM: HORIZ.: NAD83

VERT.: NAVD86

JOB NO: 92242.0000
DATE: 1/19/24
DRAWN:
DESIGNED: AMO
REVIEWED:
APPROVED:
SCALE: 1" = 60'

EX0.2

Approved Conceptual Master Plan for Reference

LEGEND

- PROPERTY LINE
- ADPROPERTY LINE
- MAJOR CONTOURS
- MINOR CONTOURS
- EXISTING SITE ACCESS
- EXISTING INTERNAL VEHICULAR CIRCULATION
- PROPOSED INTERNAL VEHICULAR CIRCULATION
- POND
- STREAM BUFFER
- EXISTING LANDMARK SIGN
- EXISTING CONTINUING CARE RETIREMENT CENTER

PROPOSED EXPANSION

- 40 INDEPENDENT RESIDENCES
- COTTAGE OR DUPLEX
- 22,500 SF
- ATTACHED GARAGES
- PROPOSED PRIVATE STREET
- RELOCATE EXISTING COMMUNITY GARDEN AND DOG PARK

EXISTING POND (TYP.)

20' BUFFER

15' BUILDING SETBACK

20' BUFFER

10' BUILDING SETBACK

EXISTING SITE ACCESS

20' BUFFER

EXISTING DEVELOPMENT

CAMP EASTER ROAD

EXISTING SITE ACCESS

10' BUILDING SETBACK

10' BUILDING SETBACK

20' BUFFER

10' BUILDING SETBACK

20' BUFFER

15' BUILDING SETBACK

20' BUFFER

10' BUILDING SETBACK

Scale 1" = 200'

S:\PROJECTS\2025\2242 BELLE MEADE SOUTHERN PINES TANDI CONAT\ENGINEERING\DRAWINGS\PHASE 2\PLAN 92242.0000 - BP1A-OVERALL.DWG - Feb 20, 2024 - 1:22 PM

SITE PLAN NOTES

1. ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
2. DIMENSIONS TO BUILDING WALL ARE TO FACE OF WALL AT FINISH GRADE. DIMENSIONS TO CURB ARE TO FACE OF CURB.
3. LAY OUT IMPROVEMENTS FOR THE CIVIL ENGINEER'S OR LANDSCAPE ARCHITECT'S REVIEW PRIOR TO BEGINNING CONSTRUCTION.
4. REFERENCE ARCHITECTURAL DRAWINGS FOR BUILDING INFORMATION.
5. THE SITE WILL BE FULLY COMPLIANT WITH THE NORTH CAROLINA ACCESSIBILITY CODES (ANSI 117.1 -2009 AND CHAPTER 11 OF THE NCBC) UNLESS AND EXCEPT IN AREAS WHERE AN APPROVED STATEMENT FROM A SITE ENGINEER, SURVEYOR OR ARCHITECT VERIFIES THAT SITE CONDITIONS EXIST WHERE THE TOPOGRAPHY OF THE SITE IS EXTREME AND ONLY ALTERNATE METHODS OF COMPLIANCE ARE POSSIBLE.

UNIT TYPE	NUMBER
SINGLE FAMILY	= 4 UNITS
DUPLEX	=18 (36 UNITS)
	= 40 UNITS TOTAL



NO.	REVISIONS	BY	DATE



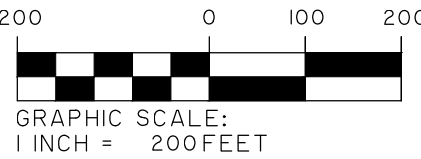
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OVERALL SITE PLAN

BELLE MEADE RETIREMENT
COMMUNITY

PROJECT LOCATION:
GOSSMAN DRIVE
SOUTHERN PINES, NC

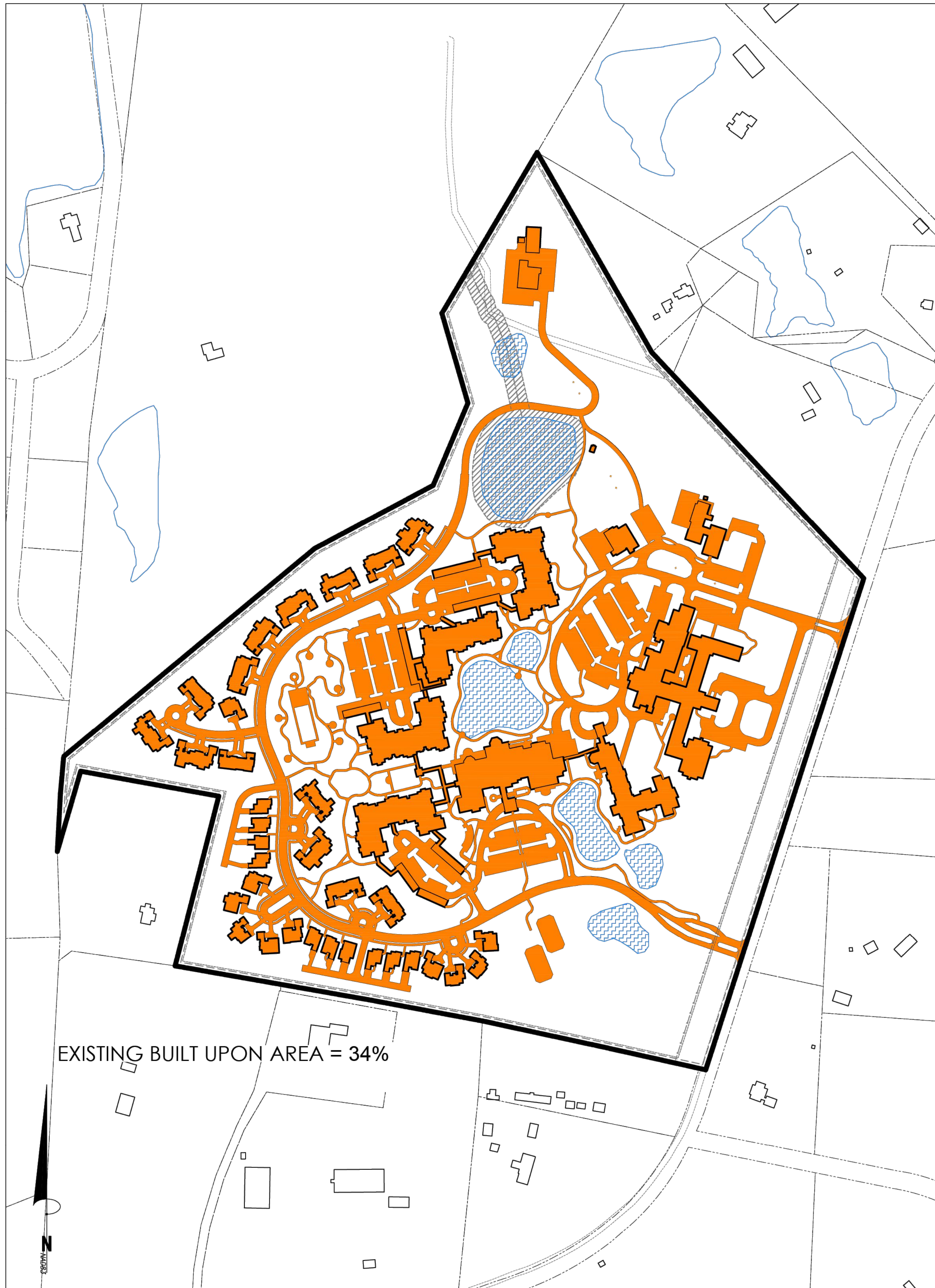
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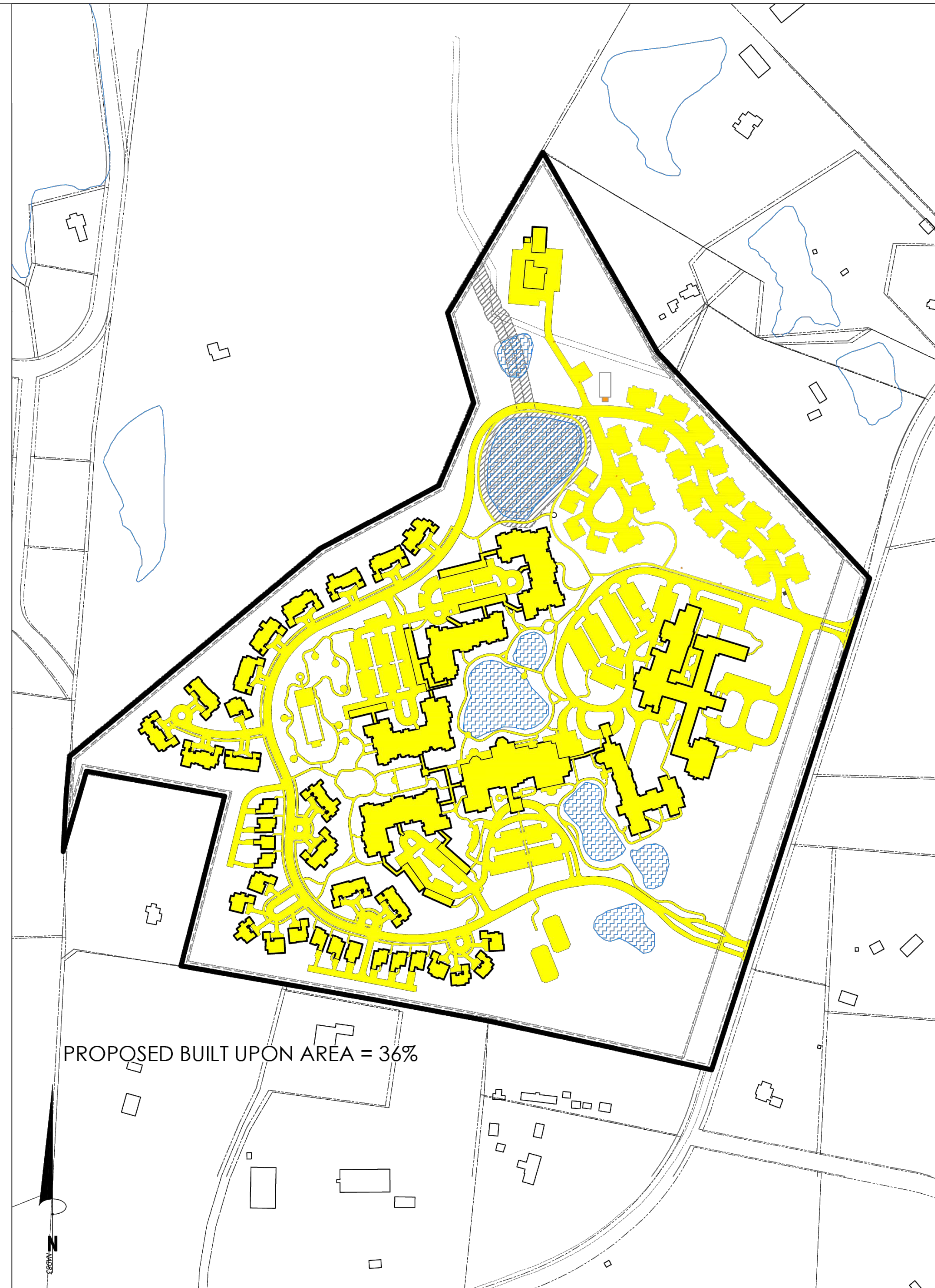
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DATE:	1/19/24
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DESIGNED:	AMO
REVIEWED:	
APPROVED:	
SCALE:	1" = 200'

PD1.1



1 / PD1.2
EXISTING BUILT UPON AREA
SCALE: 1" = 200'

200 0 200 400 600
Scale 1" = 200'



2 / PD1.2
PROPOSED BUILT UPON AREA
SCALE: 1" = 200'

200 0 200 400 600
Scale 1" = 200'



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Project

BELLE MEADE RETIREMENT COMMUNITY EXPANSION

100 Waters Dr.

Town of Southern Pines,
Moore County,
North Carolina

PINS:
0738-11-51-9036

Job Number 2242

Drawn ED
Checked
Date 7.22.2022 SUBMITAL #1
Revisions:

CONCEPT PLAN
PLANS NOT ISSUED
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Sheet Title

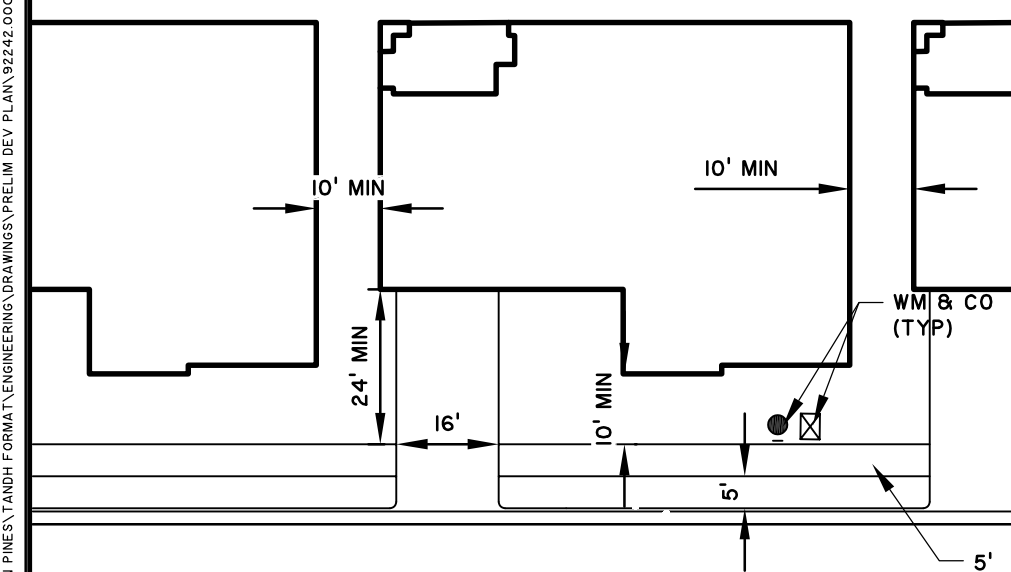
**BUILT UPON
AREA**

Sheet Number

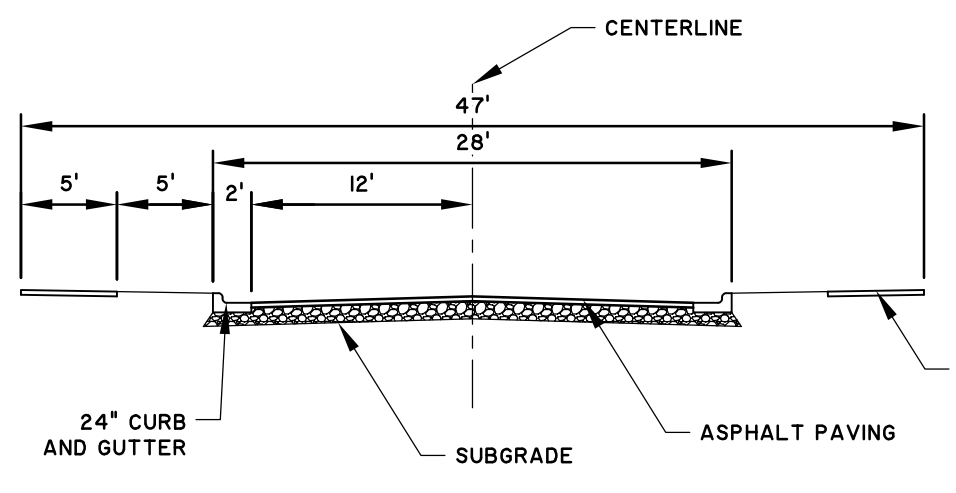
PD1.2

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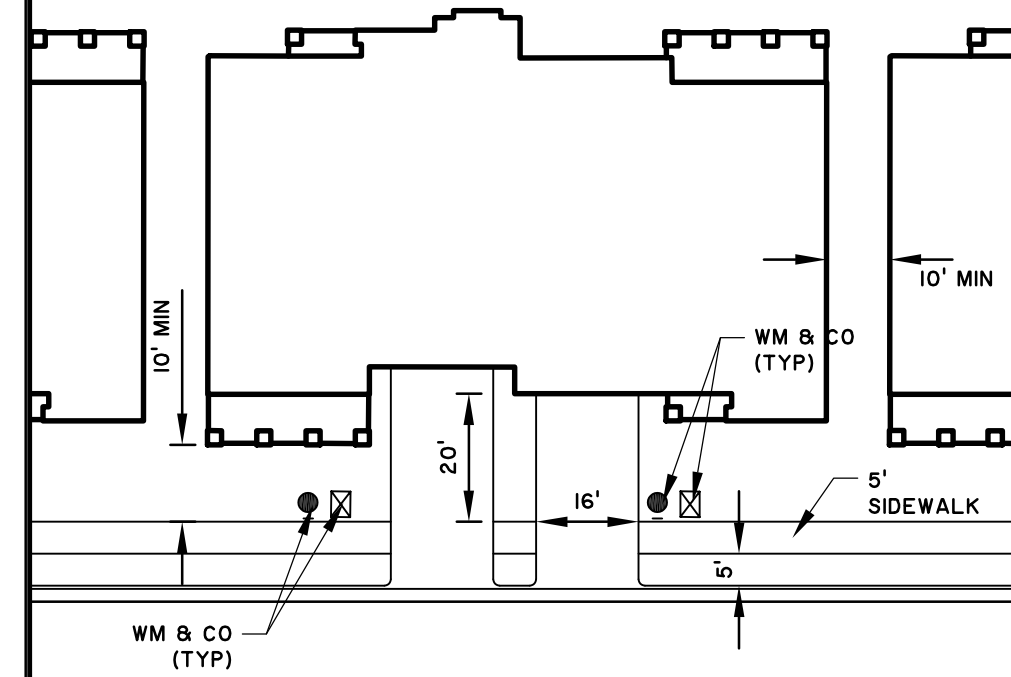
TYPICAL LAYOUT - SINGLE



TYPICAL - STREET PRIVATE

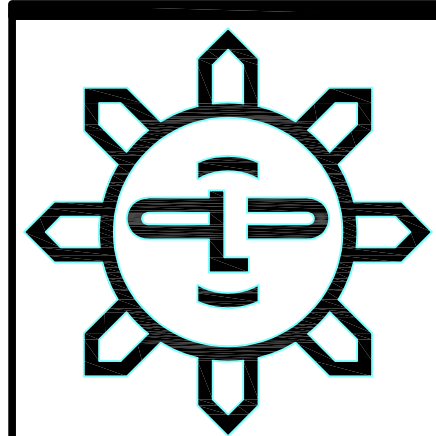
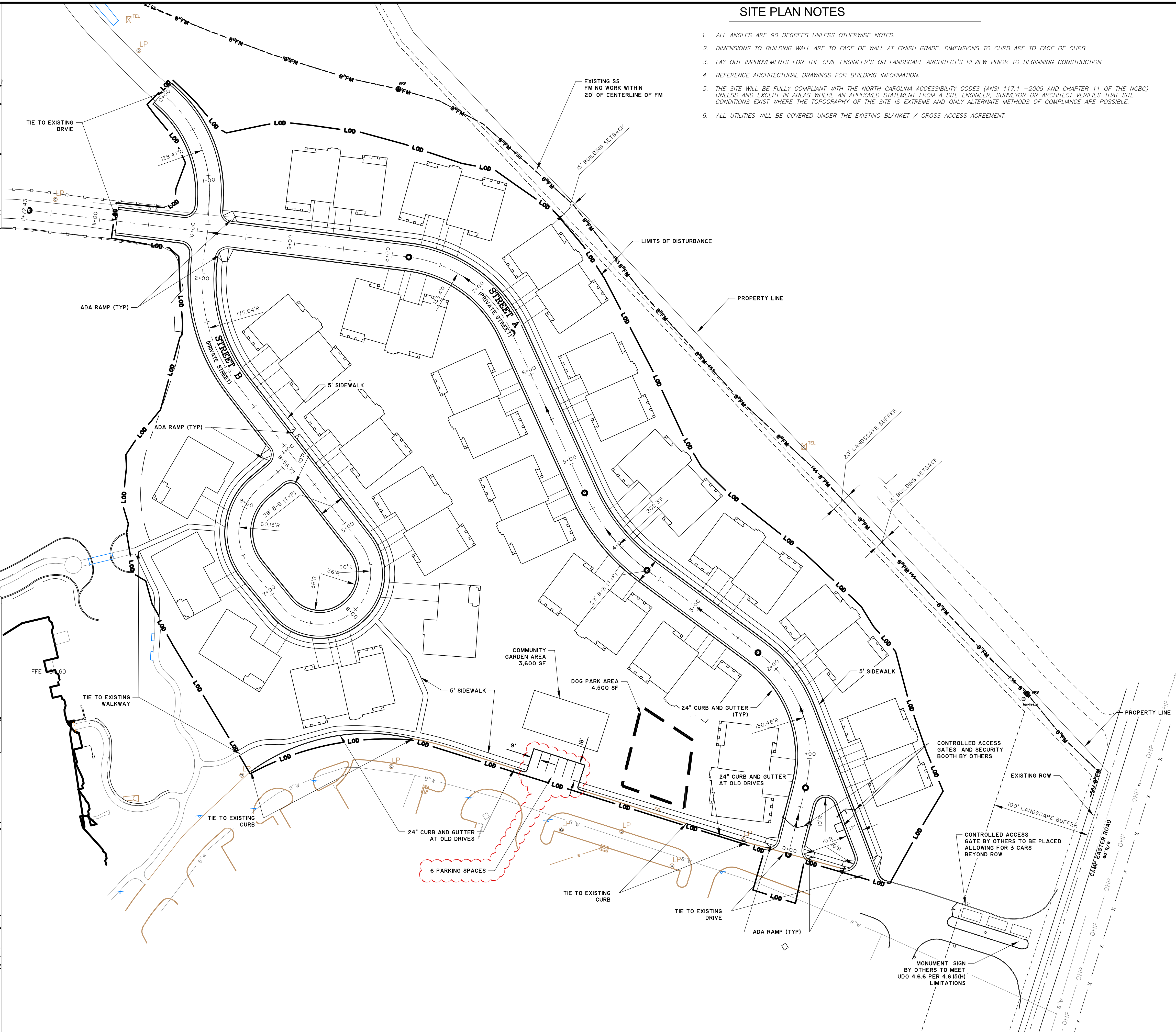


TYPICAL LAYOUT - DUPLEX



SITE PLAN NOTES

- ALL ANGLES ARE 90 DEGREES UNLESS OTHERWISE NOTED.
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- ALL UTILITIES WILL BE COVERED UNDER THE EXISTING BLANKET / CROSS ACCESS AGREEMENT.



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PRELIMINARY
DEVELOPMENT PLAN

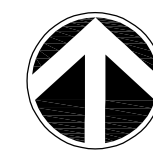
BELLE MEADE RETIREMENT
COMMUNITY

PROJECT LOCATION:

GOSSMAN DRIVE
SOUTHERN PINES, NC

CLIENT/OWNER:

ST. JOSEPH OF THE PINES, INC
C/O
TRINITY HEALTH SENIOR COMMUNITIES
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50 0 25 50
GRAPHIC SCALE:
1 INCH = 50 FEET

DATUM: HORIZ.: NAD83

VERT.: NAVD88

JOB NO: 92242.0000

DATE: 1/19/24

DRAWN:

DESIGNED: AMO

REVIEWED:

APPROVED:

SCALE: 1" = 50'

PD1.3

WATER, SANITARY SEWER & STORM SEWER SEPARATION

1. HORIZONTAL AND VERTICAL SEPARATION

A. SANITARY SEWERS SHALL BE LAID AT LEAST 10-FOET HORIZONTALLY FROM ANY EXISTING OR PROPOSED WATER MAIN. THE DISTANCE SHALL BE MEASURED EDGE TO EDGE. IN CASES WHERE IT IS NOT PRACTICAL TO MAINTAIN A 10-FOOT SEPARATION, THE TOWN OF SOUTHERN PINES MAY ALLOW DEVIATION ON A CASE-BY-CASE BASIS, AS SUPPORTED BY DATA FROM THE DESIGN ENGINEER. SUCH DEVIATION ON MAY ALLOW THE INSTALLATION OF THE SANITARY SEWER CLOSER TO A WATER MAIN, PROVIDED THAT THE WATER MAIN IS IN A SEPARATE TRENCH OR ON AN UNDISTURBED GARTH SHALL LOCATED ON ONE SIDE OF THE SANITARY SEWER AND AT AN ELEVATION SO THE BOTTOM OF THE WATER MAIN IS AT LEAST 18-INCHES ABOVE THE TOP OF THE SEWER.

B. IF IT IS IMPOSSIBLE TO OBTAIN PROPER HORIZONTAL AND VERTICAL SEPARATION AS DESCRIBED ABOVE OR ANYTIME THE SANITARY SEWER IS OVER THE WATER MAIN, BOTH THE WATER MAIN AND SANITARY SEWER MUST BE CONSTRUCTED OF FERROUS PIPE COMPLYING WITH THE PUBLIC WATER SUPPLY DESIGN STANDARDS AND BE PRESSURE TESTED TO 150-PSI TO ASSURE THE TIGHTNESS BEFORE BACKFILLING.

C. A 12-INCH VERTICAL SEPARATION SHALL BE PROVIDED BETWEEN STORM WATER MAINS AND SANITARY SEWER LINES. IF A FERROUS PIPE SPECIFIED, A 12-INCH VERTICAL SEPARATION SHALL BE PROVIDED BETWEEN STORM WATER MAINS AND SANITARY SEWER LINES. IF A NON-FERROUS PIPE IS NOT MAINTAINED AT A CROSSING BETWEEN STORM SEWER AND WATER MAINS (OR PRESSURE SEWERS), THE WATER MAIN SHALL BE CONSTRUCTED OF FERROUS PIPE AND A CONCRETE COLLAR SHALL BE POURED AROUND WATER MAINS AND STORM SEWER TO IMMOBILIZE THE CROSSING.

2. CROSSINGS

A. SANITARY SEWER CROSSING WATER MAINS SHALL BE LAID TO PROVIDE A MINIMUM VERTICAL DISTANCE OF 18-INCHES BETWEEN THE OUTSIDE OF THE WATER MAIN AND THE OUTSIDE OF THE SANITARY SEWER. THE CROSSING SHALL BE ARRANGED SO THAT THE SANITARY SEWER JOINTS WILL BE EQUIDISTANT AND AS FAR AS POSSIBLE FROM THE WATER MAIN JOINTS.

B. WHEN IT IS IMPOSSIBLE TO OBTAIN PROPER HORIZONTAL AND VERTICAL SEPARATION AS STIPULATED ABOVE, ONE OF THE FOLLOWING METHODS MUST BE SPECIFIED.

SEWER.

1. THE SANITARY SEWER SHALL BE DESIGNED AND CONSTRUCTED OF FERROUS PIPE AND SHALL BE PRESSURE TESTED AT 150-PSI TO ASSURE WATER TIGHTNESS PRIOR TO BACKFILLING, OR
2. EITHER THE WATER MAIN OR THE SANITARY SEWER LINE MAY BE ENCASED IN A WATERTIGHT CARRIER PIPE, WHICH EXTENDS 10-FEET ON BOTH SIDES OF THE CROSSING, MEASURED PERPENDICULAR TO THE WATER MAIN. THE CARRIER PIPE SHALL BE OF MATERIALS APPROVED BY THE TOWN OF SOUTHERN PINES FOR USE IN WATER MAIN CONSTRUCTION.
3. CLEANOUTS IN DRIVEWAYS ARE TO BE TRAFFIC BEARING.

WATER:

1. MAINTAIN A MINIMUM COVER OF 36" BELOW FINISHED GRADE OVER ALL PIPES UNLESS OTHERWISE DIRECTED OR SHOWN ON THE PLANS. DUE TO THE HEIGHTS OF VALVES, INCREASE THE COVER DEPTHS ADJACENT TO THE VALVES OR VARIED AT POINTS OF TIE-IN TO EXISTING LINES.
2. A WATER PERMIT IS REQUIRED FOR THIS PROJECT.

For Residential properties:
The backflow device shall be installed according to the NC Plumbing Code within ten feet of the meter on the customer's service line. Any water meters for service lines, in which a backflow device are required, will not be installed until full backflow compliance is assured. This includes proper installation, testing and verified reception of testing data by "BSI Online" from back flow tester. Contact For BSI Online Fax: 1-888-414-4990, Email: bsionline@backflow.com

For Commercial properties:
The backflow device shall be installed according to the NC Plumbing Code and within ten feet of the meter on the customer's service line on all new developments where applicable. Inside building BFP's are acceptable when meeting the NC Plumbing Code and proper drainage is available. Any water meters for service lines, in which a backflow device are required, will not be installed until full backflow compliance is assured. This includes proper installation, testing and verified recording of testing data by "BSI Online" from back flow tester. Contact For BSI Online Fax: 1-888-414-4990, Email: bsionline@backflow.com

ALL UTILITIES WILL BE COVERED UNDER THE
EXISTING BLANKET / CROSS ACCESS AGREEMENT.

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UTILITY PLAN

BELLE MEADE RETIREMENT
COMMUNITY

PROJECT LOCATION:

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GRAPHIC SCALE:
1 INCH = 50 FEET

DATUM: HORIZ.: NAD83

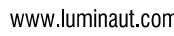
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JOB NO:	92242.0000
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DESIGNED:	AMO
REVIEWED:	
APPROVED:	
SCALE:	1" = 50'

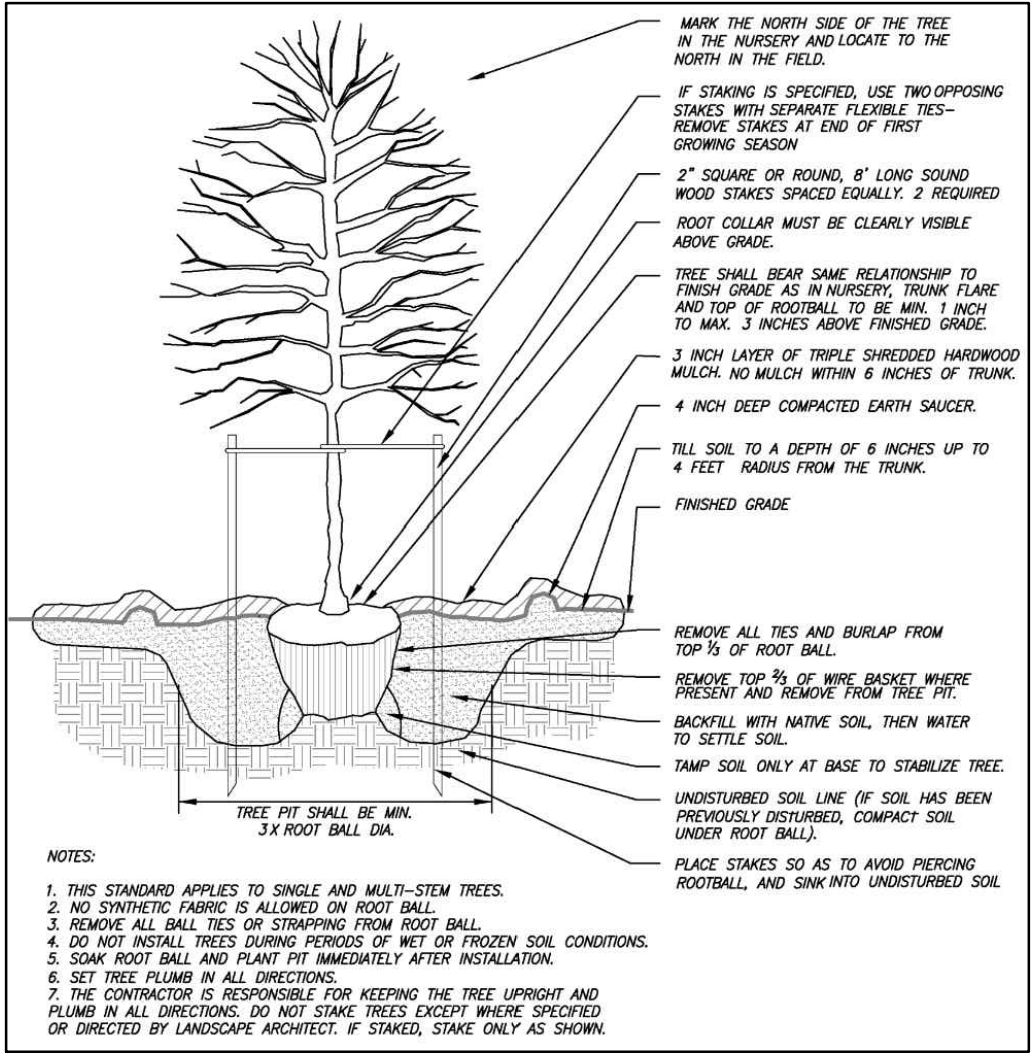
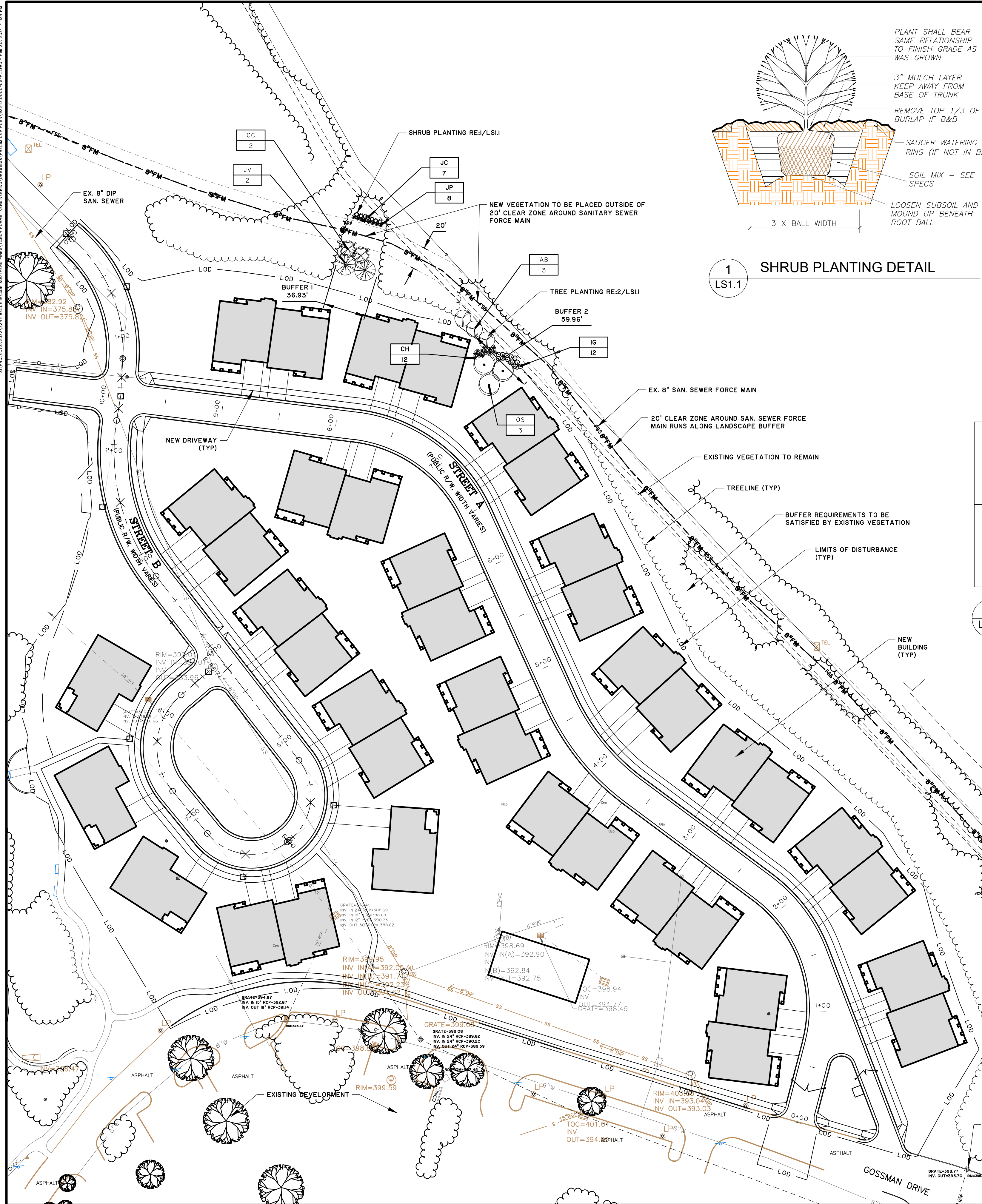
UT1.1



GD1.1



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2 TREE PLANTING DETAIL
LS1.1

Buffer 1	# Required per 400 SF	Required Plantings:	Existing Plantings	Double Count:	Plantings Provided	Notes
20	37 LF	1 Large Trees = 1.9	0	0	2 Large Trees	
(buffer width)	740 SF	1 Small Trees = 1.9	0	0	2 Small Trees	
		1 Shrubs = 14.8	0	0	15 Shrubs	
		(1 shrub / 50 SF per Exhibit 4-4)				

Buffer 2	# Required per 400 SF	Required Plantings:	Existing Plantings	Double Count:	Plantings Provided	Notes
20	60 LF	1 Large Trees = 3.0	0	0	3 Large Trees	
(buffer width)	1,200 SF	1 Small Trees = 3.0	0	0	3 Small Trees	
		1 Shrubs = 24.0	0	0	24 Shrubs	
		(1 shrub / 50 SF per Exhibit 4-4)				

3 BUFFER CALCULATIONS
LS1.1

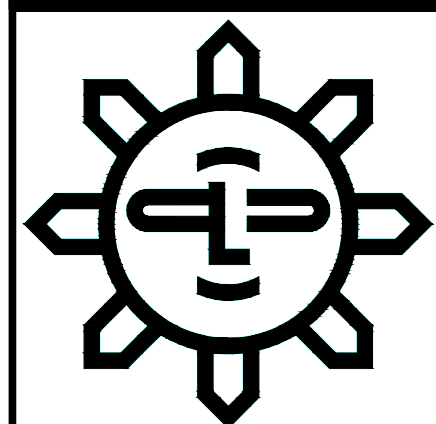
PLANT SCHEDULE

QTY	KEY	SCIENTIFIC NAME	COMMON NAME	MINIMUM SIZE*	SPACING	REMARKS
3	AB	Acer buergerianum	Trident Maple	2.5" CAL.	AS SHOWN	SINGLE TRUNK & LEADER
2	CC	Cercis canadensis	Eastern Redbud	2.0" CAL.	AS SHOWN	SINGLE TRUNK & LEADER
2	JV	Juniperus virginiana	Eastern Redcedar	2.5" CAL.	AS SHOWN	SINGLE TRUNK & LEADER
3	QS	Quercus shumardii	Shumard Oak	2.5" CAL.	AS SHOWN	SINGLE TRUNK & LEADER

QTY	KEY	SCIENTIFIC NAME	COMMON NAME	MINIMUM SIZE	SPACING	REMARKS
12	CH	Cephaelis harringtonia	Plum Yew	18" ht.	AS SHOWN	FULL AND MATCHING
12	IG	Ilex glabra 'Shamrock'	Shamrock Inkberry	18" ht.	AS SHOWN	FULL AND MATCHING
7	JC	Juniperus chinensis 'Sea Green'	Sea Green Juniper	18" ht.	AS SHOWN	FULL AND MATCHING
8	JP	Juniperus x pfitzeriana	Pfitzer Juniper	18" ht.	AS SHOWN	FULL AND MATCHING

TREE PLANTING GUIDELINES

- Plant trees with a minimum caliper of two inches measured six inches above the ground and a root ball no smaller than two feet in diameter.
- The best time for planting is early spring and early fall. Trees planted in the summer run the risk of dehydration.
- Plant all trees at least three-and-a-half feet from the end of head-in parking spaces in order to prevent damage from car overhangs.
- Dig the tree pit twice the diameter of the root ball and no deeper than needed to allow the plant's crown to sit an inch or so above the surrounding soil level.
- Especially in areas where construction activity has compacted the soil, the bottom of the pit should be scarified or loosened with a pick ax or shovel.
- After the pit is dug, observe sub-surface drainage conditions. Where poor drainage exists, the tree pit should be dug at least an additional twelve inches and the soil amended to allow roots to grow properly.
- Back fill should include a proper mix of soil and fertilizer. All roots must be completely covered. Back fill should be thoroughly watered as it is placed around the roots.
- Immediately after it is planted, the tree should be supported with stakes and guy wires to firmly hold it in place as its root system begins to develop. Remove stakes and ties after one year.
- Spread at least three inches of mulch over the entire excavation in order to retain moisture and keep down weeds. An additional three-inch saucer of mulch should be provided to form a basin around the trunk of the tree. This saucer helps catch and retain moisture.
- The lower trunks of new trees should be wrapped with burlap or paper to prevent evaporation and sunscald. The wrapping should remain on the tree for at least a year.
- Conscientious post-planting care, especially watering, pruning and fertilizing, is a must for street and parking lot trees. Branches of new trees may be reduced by as much as a third to prevent excessive evaporation.



LUMINAUT

1100 Sycamore Street, Suite 200
Cincinnati, Ohio 45202 - Ph: 513.984.1070

702 N. Capital Avenue
Indianapolis, Indiana 45204

Ph: 317.636.3980

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PRELIMINARY
NOT FOR
CONSTRUCTION



2510 Meridian Parkway • Suite 100
Durham, NC 27713 • 919.682.0368
www.thomasandhutton.com

LANDSCAPE PLAN

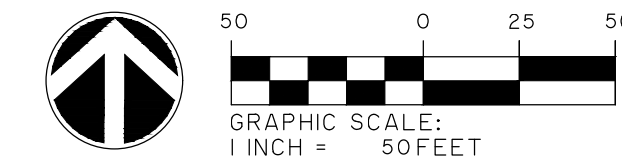
BELLE MEADE RETIREMENT
COMMUNITY

PROJECT LOCATION:

GOSSMAN DRIVE
SOUTHERN PINES, NC

CLIENT/OWNER:

ST. JOSEPH OF THE PINES, INC
C/O
TRINITY HEALTH SENIOR COMMUNITIES
20555 VICTOR PARKWAY
LIVONIA, MI 48152



DATUM: HORIZ.: NAD83

VERT.: NAVD88

JOB NO: 92242.0000

DATE: 1/19/24

DRAWN:

DESIGNED: AMO

REVIEWED:

APPROVED:

SCALE: 1" = 50'

LS1.1



TOWN OF SOUTHERN PINES COURTESY REVIEW

Case: PD-01-24 (St. Joseph of the Pines)

Location: 103 Gossman Drive

PIN#: 858315743819

March 5, 2024

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

- The site is designated as Important to Protect in the Fort Liberty Compatible Use Rating system due to its location within a designated High Quality Waters drainage area (Mill Creek HQW Management Area).

RLUAC encourages the Town of Southern Pines and the applicant / developer to take such measures as are feasible to limit the impact of stormwater runoff from the future development of the site on Mill Creek and the Mill Creek High Quality Waters Management Area. Maintaining the integrity of important environmental assets contributes to the overall compatibility of our region with Fort Liberty's environmental protection mission, which goes hand-in-hand with its military training and operational missions. Beyond the potential environmental impact of the proposed development, the nature of the use proposed for the site does not present any compatibility concerns with regard to military training or operations.

While RLUAC's findings and recommendations are non-binding on the Town of Southern Pines, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman

Vagn K. Hansen II, AICP, Executive Director

Agenda Item

To: Reagan Parsons, Town Manager

From: Alaina Mallette, Senior Planner

Subject: SU-01-24 Special Use Permit to Amend CU-08-88 Mid-South Club Master Plan Boundaries: Owner/Applicant: Plantation Investors, LLC; Authorized Agent: Paul Saathoff, KoontzJones Design

Date: April 9, 2024

I. SUMMARY OF APPLICATION REQUEST

On behalf of PILLCSUB, LLC, Paul Saathoff with Koontz Jones Design has applied for a special use permit to amend the Mid-South Master Plan approved in 1988 in conjunction with Conditional Use Permit CU-08-88. The amendment proposes removing ±9.26 acres from the Master Plan that is located in Pinehurst's jurisdiction and includes the northern-most portion of Palmer Drive between Knoll Road and Midland Road. The subject properties are identified as a portion of PIN: 857200264820 (PARID: 00041026) as well as a portion of Palmer Drive right-of-way (PARID: 20231023). The subject property includes a portion of the Knoll Road Greenway maintained by the Town of Southern Pines, which connects Morganton Road and the Mid-South Club to Midland Road.

II. 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 Levy, 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-08-88 and were adopted by unanimous vote to forward to Town Council for consideration during their review of the proposal:

1. Original 1988 Mid-South Master Plan's intent was to keep the ±9.26 acres as open space, as was marketed to current property owners who were attracted to the development considering its inclusion.

2. Recommend engaging the Property Owners Association regarding ownership and maintenance of the portion of Palmer Drive in the ±9.26 acres requested to be removed from the Mid-South Club.
3. Knoll Road trail should continue to be maintained per the existing easement.

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. Question as to whether the Town of Southern Pines has any authority to enforce a condition of approval if the application is approved and the ±9.26 acres is removed from the Mid-South Club development approval.

III. PROJECT INFORMATION

A. Property Owner & Applicant Information

Property Owner/Applicant
PILLCSub, LLC
c/o Bob Levy
3 Palmer Drive
Southern Pines, NC 28387-2986

Authorized Agent
KoontzJones Design
c/o Paul Saathoff
150 S. Page Street
Southern Pines, NC 28387

B. Project History and Site Information

i. Location

The subject property is located in Pinehurst's jurisdiction and includes the northernmost portion of Palmer Drive between Knoll Road and Midland Road. The subject properties are identified as a portion of PIN: 857200264820 (PARID: 00041026) as well all a portion of Palmer Drive right-of-way (PARID: 20231023). The subject property includes a portion of the Knoll Road Greenway maintained by the Town of Southern Pines, which connects Morganton Road and the Mid-South Club to Midland Road.

ii. Project History and Site Information

The subject property is an entrance into the Mid-South development (see Figure 1 below), and was rezoned as such in 1987 (file #Z-15-87) following standards outlined in the CU-07-88 (i.e., golf course conditional use permit) and CU-08-88 (residential development conditional use permit) 1988 Mid-South Master Plan (see Figure 2 below). Generally, the entrance includes a 60' landscaped buffer on the western portion of the parcel and 25' landscaped buffer fronting Midland Rd. and adjacent to Walker's Station. The parcel is bisected by two 16' pavement drive aisles. The eastern side of the parcel includes the Knoll Road Greenway maintained by the Town of Southern Pines, which connects Morganton Road and the Mid-South Club to Midland Road. The [Village of Pinehurst has the property zoned R30](#) excluding the road, i.e., medium-density residential with a [minimum lot size of 30,000 square feet](#) for a max of 8 lots unless rezoned (see Figure 3). The subject property was not included in the 2040 Comprehensive Plan considering that it is, technically, within the Village of Pinehurst.

Figures 1-3: Zoning and Location Map (Subject Property Outlined by Dashed Red Lines)



IV. STAFF REVIEW

A. Application Review Dates

- Special Use Permit SU-01-24 Application Submitted: **February 5, 2024**
- Additional Materials Submitted:
 - Updated Narrative and Justification: **February 16, 2024**
 - Legal Summary, Covenants, Agreement, etc.: **April 3, 2024**
- Application Deemed Complete: **February 12, 2024**
- TRC Staff Review: **February 13, 2024**
- Notice of Planning Board Preliminary Forum:
 - Posted On-site: **March 4, 2024**
 - Mailed: **February 28, 2024**
 - Internet: **March 11, 2024**
 - Published: **March 6 and March 13, 2024**
- Planning Board Preliminary Forum: **March 21, 2024**
- Notice of Town Council Public Hearing:
 - Posted On-site: **March 4, 2024**
 - Mailed: **March 25, 2024**
 - Internet: **March 22, 2024**
 - Published: **March 4 and April 3, 2024**
- Town Council Regular Meeting and Evidentiary Hearing: **April 9, 2024**

B. Process and Standards of Review

Town procedures have changed since 1988, in some cases dictated by changes in state statutes. Conditional use permits are now special use permits. The procedures for review and approval of a Special Use Permit 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. Special Use Permit Criteria, UDO §2.21.6 (A-F) apply to the review of this special use permit amendment.

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

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

OPEN SPACE

One of Southern Pines' interests is to ensure that the open space requirements (under the Master Plan) and Knoll Road Greenway (per easement recorded in 2005 at Deed Book 2811, Page 29) for the overall development are maintained, as it is an important component of the green way trail system used by the public. The Master Plan that accompanied the original permit (i.e., CU-08-88) listed 28.16 acres of "Open Space/Natural Areas/Utility Easements," but showed conceptually where the open space was with circular tree graphics. The ±9.26-acre portion of the Mid-South property is depicted as undeveloped land with circular tree graphics (i.e., approx. 6.15 forested acres outside of the 3.1-acre right-of-way) on the 1988 Master Plan and is believed to have been included in the 1988 open space calculation.

Therefore, that 28.16 acres of open space must be accounted for elsewhere in the Southern Pines portion of the development if it is removed it from the approved Mid South 1988 Master Plan. The applicant provided evidence that the open space requirements will be maintained with the removal of Pinehurst's portion of the development (see Page 2 of Attachment 3). According to the applicant, there are ± 31.7 acres of open space currently provided (excluding the golf courses).

In Planning staff's research, it was found that the minimum 25-foot buffer along the perimeter of Mid-South Club—as was required by the Master Plan—has gaps in several sections of the development and were not included in the applicant's Existing Overall Master Plan – Existing Open Space map. Furthermore, some areas counted by the applicant as open space are easements, such as a 0.16-acre lot with a water line easement. The text of the 1988 Master Plan states, "All areas between the golf course corridors and the backs of residential lots or property buffer shall remain as Natural Area/Open Space... [and that t]he Open Space areas shall have walking/jogging trails developed within for use by all residents." Neither of these requirements appear to have been fulfilled aside from the creation of the Knoll Road Greenway, which the applicant states in the current application, "will not be impacted." Despite these areas of discrepancy, there are some areas of consistency between the 1988 Master Plan and the 2024 Existing Open Space map.

With regard to recorded plats for lots within the Mid-South Club, open space was rarely identified as shown on the 1988 Master Plan or the 2024 Existing Open Space map. Planning found that the nearly four decades of development of Mid-South Club has resulted in deviations from the 1988 Master Plan concept for open space, which were inadequately addressed during subsequent site plan and final plat reviews. Despite this oversight, the Applicant was able to identify existing open space areas that range from ± 0.07 to ± 4.99 acres in size totaling, according to their calculations, ± 31.7 acres. Therefore, removal of the ± 9.26 -acre land area does not appear to cause the site to be noncompliant with the standard for at least 28.16 gross acres of open space.

RESIDENTIAL DENSITY

The original development approval limited residential density to 1.85 dwelling units per acre. With the removal of the ± 9.26 acres of land, the total acreage of the development will become 550.67 acres. Currently, 526 dwelling units have been approved and platted, according to the applicant. So, the development density will increase from 0.94 dwelling units per acre to 0.96 dwelling units per acre. The development is capped at 647 dwelling units, so up to 121 additional dwelling units would be needed to reach the maximum density. Therefore, no issues related to residential density were identified.

GENERAL

The ± 9.26 acres of land in question was originally contemplated to be the primary entry to Mid-South Club from Midland Road, but Knoll Road has

become one of the main routes to the gatehouse on Palmer Drive. The portion of Palmer Drive that cuts through the ±9.26-acre portion does still receive traffic from Midland Road as well. Site visibility leaving the gatehouse has come up as an issue along with traffic concerns, but no analysis has been conducted to assess what impacts future development of the ±9.26 acres would have on traffic volume and patterns. No other discrepancies with standards in Z-15-87, CU-08-88, CU-07-88 or the UDO have been identified.

- 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's narrative states that, if removed, the property will follow Pinehurst's development standards. The surrounding neighborhoods—including Mid-South Golf Club, Midland Road, Birkdale Village (name as platted), Pinehurst National Golf Club, and Walker Station—have a mixture of development densities. Walker Station has the highest residential density while the other neighborhoods have roughly 20,000-square foot residential lots and golf courses interspersed with open space and natural areas. As previously stated, removal of the land from the 1988 Master Plan will not increase the residential density above the permitted maximum, but could impact open space and natural areas.

Removing the site from the development removes the natural area/open space entitlement standards that are tied to Mid-South Club in Southern Pines. As previously mentioned, Planning found that the nearly four decades of development of Mid-South Club has resulted in deviations from the 1988 Master Plan concept for open space, which were inadequately addressed during subsequent site plan and final plat reviews. Despite this oversight, the Applicant was able to identify existing open space totaling, according to their calculations, ±31.7 acres. Therefore, removal of the ±9.26-acre land area does not appear to cause the balance of the site that is located within Southern Pines' jurisdiction to be noncompliant with the standard for at least 28.16 acres of open space.

However, land that was not included in the 2024 Overall Master Plan – Existing Open Space map that has the potential to be developed should maintain the minimum 25-foot buffer along the perimeter of Mid-South Club, as is required by the 1988 Master Plan. Furthermore, future development should be held to the 1988 Master Plan requirement for walking/jogging trails throughout the open space.

As of the writing of this report, staff have not had sufficient time to read and review all 127 pages of materials submitted on April 3, 2024 (see Staff Report Section IV.E. for details). However, the Position Statement and Legal Summary (attached to this staff report as Attachment 6) states that the ±9.26-acre land was designated as “future development” on the 1988 Master Plan, but the 1988 Master Plan on record with the Southern Pine's Planning Department calls out

this land as “Main Entrance,” “60’ Landscapes Buffer,” and two “One Way 16’ Pavement.” The Legal Summary submitted also states that the applicant intends to develop seven residential lots on the ±9.26-acre land within Pinehurst’s jurisdiction, as is their property right. The summary speaks to a 2017 Interim Turnover Agreement, which was also submitted and can be found on the [Town’s website](#), in which the agent claims, “Residential lots on the Entrance Road were expressly addressed and acknowledged by the POA as representative of the owners.” The POA’s Bulletin appears to support this claim.

This context is relevant to the application in that it shows a tension between the applicant and landowners over conformity with the character of the neighborhood and perceived enjoyment of the property in the immediate vicinity. Planning is aware that the Knoll Road Greenway and Palmer Drive are spaces within the ±9.26-acre land that are used and enjoyed by those within the adjacent neighborhoods (both of which the narrative states will be retained and maintained), but is unaware how residents engage with the remaining portions of the ±9.26-acre land. Therefore, the proposed amendment seems to generally conform to the residential character of the neighborhood, but with concerns over impacts to open space and natural areas, which are a part of the neighborhood character, as well.

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

The applicant has provided the following information regarding this item: “This special use permit will not impede access to the existing development and will continue to provide adequate access to accommodate emergency and waste removal vehicles. The roadway from Midland Road to Knoll Road will continue to be a private road which will continue to be maintained and ultimately owned by the Mid South Club Property Owner’s Association. The entrance on Midland Road will remain in its current form and will continue to be maintained by the Mid South Club Property Owner’s Association. Public water and sewer utilities will not be impacted...”

The Technical Review Committee stated that, if approved, any future development of the site that plans to connect to Southern Pines sewer and water lines would be treated as an “out-of-town” user; otherwise, water and sewer would be under Moore County jurisdiction. If approved and if Moore County requires the developer to connect to Southern Pines water and sewer lines, then the site may have to loop the water lines to Plantation Drive.

The applicant has also stated, “The portion of the Southern Pines Greenway Trail which exists in the subject property will not be impacted.” Planning staff have not identified any inadequate public facilities and concur with the applicant’s statement.

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

The application narrative states that future development “will comply with any applicable zoning and engineering regulations, standards, or requirements as described in the Pinehurst Development Ordinance.” No other analysis about impacts on adjacent property values have been conducted for the application. Planning staff have not readily identified any issues that would impede orderly development of surrounding properties, especially considering that the road (i.e., Palmer Drive) and greenway trail (Knoll Road Greenway) will remain pursuant to the applicant’s commitments in writing.

- 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 stated that a six-lot residential subdivision is proposed, but not yet approved by the Village of Pinehurst, on the ±9.26 acres. Any development on that portion of the property will be subject to Pinehurst’s development ordinance and codes.

- 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.*

Regarding the proposed six-lot residential subdivision, see Planning staff comments for Criterion E, which also applies to this criterion. But, in terms of removal of the ±9.26 acres from the 1988 Master Plan, this criterion can be interpreted to mean public interest and welfare supporting the modified 1988 Master Plan must outweigh landowners or others’ individual concerns. Considering Planning staff’s research as described in this staff report, there appears to be an equal level of individuals’ concerns and the public’s interest to remove the ±9.26 acres from the 1988 Master Plan.

D. General Staff Comments

- As a part of the current Special Use Permit request, the applicant seeks to amend the 1988 Master Plan (map) to remove the acreage that lies within Pinehurst’s jurisdiction (see Attachment 3). If approved, that portion would no longer be considered a part of the Mid-South Club Master Plan (under Z-15-87, CU-07-88, and CU-08-88 development approvals). If denied, that portion would continue to be considered part of the Mid-South Club Master Plan and any future development of the subject property may leave the remainder of the development within Southern Pines’ jurisdiction noncompliant with the terms and conditions of the Development Approval. Enforcement procedures (described in the UDO) for subsequent development within the Town’s jurisdiction may apply. Whether the request

before the Town Council is approved or denied, the 9.26-acre portion of the property is within Pinehurst's jurisdiction, thus, control of future development for the 9.26-acre portion of the subject property lies with Pinehurst's zoning jurisdiction.

- Conditions of approval can be included for the portions of the current Mid-South Club within the Town of Southern Pines, or for off-site matters. However, all conditions must be proportional to the proposal and have a rational nexus to the criteria for approval of a Special Use Permit. Any conditions of approval must be agreed to, in writing, by the Applicant. Planning staff have recommended three conditions of approval (included in this report) and have shared them with the applicant and their authorized agents.
- Regarding open space, Planning found that the nearly four decades of development of Mid-South Club has resulted in deviations from the 1988 Master Plan (map and text) for open space (including the 25-foot perimeter buffer and walking trails between the residential neighborhood and the golf courses), which were inadequately addressed during subsequent site plan and final plat reviews. Despite this oversight, the Applicant was able to identify existing open space areas that range from ± 0.07 to ± 4.99 acres in size totaling, according to their calculations, ± 31.7 acres. Therefore, removal of the ± 9.26 -acre land area does not appear to cause the site to be noncompliant with the standard for at least 28.16 acres of open space.
- Regarding the Knoll Road Greenway, the applicant's narrative states that, "The portion of the Southern Pines Greenway Trail which exists in the subject property will not be impacted."
- A new authorized agent, Thomas Van Camp, Atty, was added to the application on April 3, 2024, and Mr. Van Camp submitted additional materials, including:
 1. A Position Statement and Legal Summary (see Attachment 6);
 2. [An image of the 1988 Master Plan](#);
 3. [Amendment and Restatement of the Declaration of Covenants and Restrictions for Pinehurst National East Development and Plantation Lot Owners' Association By-Laws](#);
 4. [Interim Turnover Agreement between Plantation Investors, LLC, Mid-South Property Owners' Association, and Mid Tal Golf, LLC](#);
 5. [Amendment to Interim Turnover Agreement](#); and
 6. The Mid-South Club Property Owners' Association Bulletin: Town of Southern Pines Special Use Permit #SU-01-24 – Amending Boundaries of the Mid-South Master Plan (see Attachment 7).

E. Outside Agency and Neighborhood Meeting Comments

A request for comments from agencies was emailed on February 12, 2024, to representatives of the Town of Southern Pines Engineering, Streets, Utilities, Fire and Recreation & Parks Departments as well as representatives of the North Carolina Department of Transportation, U.S. Fish and Wildlife Service and the Regional Land Use Advisory Commission (RLUAC). There was no comment from the Town's Utilities Superintendent and RLUAC.

Additionally, staff is unaware if the applicant conducted a voluntary neighborhood meeting to present the proposed amendments to the neighboring community and receive feedback. The Applicant mentioned in the preliminary forum that a meeting was held years prior to this application, in which the topic was discussed. On April 3, 2024, the authorized agent for the applicant, Thomas Van Camp, Atty, submitted additional application materials including a property owners association bulletin (no date) discussing the application as well as legal agreements between the applicant and the POA. These materials were submitted to the public record on file in the Planning Office and therefore made available on the town's website, but the applicant will need to introduce these materials as Exhibits during the public hearing.

F. Staff Recommendation

Planning staff recommend approval with the following conditions, if agreed to in writing by the applicant, per G.S. 160D-702(b):

- Open space for the overall remaining development within Southern Pines' jurisdiction shall not fall below the 28.16 acres, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88), the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988, and the 2024 Overall Master Plan – Existing Open Space map. Any future development application, including final plats, within the amended Mid-South Master Plan shall provide open space labels and calculations for town staff to check for compliance with the open space standards.
- Any future development application within Southern Pines' jurisdiction, including final plats, implementing the amended Mid-South Master Plan shall provide “a minimum 25’ buffer screen” along the perimeter of Mid-South Club, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88) and the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988.
- Any future development application within Southern Pines' jurisdiction, including final plats, implementing the amended Mid-South Master Plan shall consider “walking/jogging trails” for use by all residents, where appropriate, within identified open space on new, proposed development sites, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88) and the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988.

V. ATTACHMENTS

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

1. Draft Findings of Fact
2. Special Use Permit Application, Narrative, and Justification
3. Applicant's Proposed Master Plan (Map) Amendment
4. CU-08-88 Approved Mid-South Master Plan
5. Knoll Road Greenway Easement

6. Authorized Agent's Legal Summary
7. Mid-South Club Property Owners Association Bulletin (no date)

As stated in Section IV.E. of this staff report, there was additional documentation submitted by the applicant's agent (123 pages) that have been uploaded to the [PENDING APPLICATIONS | Southern Pines, NC - Official Website](#), so as to reduce the size of the Town Council packages.

VI. 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. Approval of the request will result in an amendment to the Mid-South Master Plan approved in 1988, in conjunction with CU-07-88 and CU-08-88 to remove from the plan a +/-9.26-acre portion that is located in Pinehurst's jurisdiction and includes the northern-most portion of Palmer Drive between Knoll Road and Midland Road. 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.

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.

I move to:

1. **Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-24; OR**
2. Adopt Attachment 1 of the staff report as Findings of Fact regarding the proposed Special Use Permit SU-01-23, with the following changes...

I move to:

1. Approve Special Use Permit SU-01-24; OR
2. **Approve Special Use Permit SU-01-24 with the following conditions:**
 - a. **Open space for the overall remaining development within Southern Pines' jurisdiction shall not fall below the 28.16 acres, as is required by the 1988 conditional use permit (i.e., CU-07-88 and CU-08-88), the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988, and the 2024 Overall Master Plan – Existing Open Space map. Any future development application, including final plats, within the amended Mid-South Master Plan shall provide open space labels and calculations for town staff to check for compliance with the open space standards.**
 - b. **Any future development application within Southern Pines' jurisdiction, including final plats, implementing the amended Mid-South Master Plan shall provide "a minimum 25' buffer screen" along**

the perimeter of Mid-South Club, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88) and the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988.

- c. Any future development application within Southern Pines' jurisdiction, including final plats, implementing the amended Mid-South Master Plan shall consider "walking/jogging trails" for use by all residents, where appropriate, within identified open space on new, proposed development sites, as is required by the 1988 conditional use permit (i.e, CU-07-88 and CU-08-88) and the Voit Gilmore Tract (i.e., Mid-South Club) Master Plan dated July 1988.**

OR

- 3. Deny Special Use Permit SU-01-24.

ATTACHMENT 1

Case Number: SU-01-24

Draft Findings of Fact, Decision of The Council, and Order in the Matter of a Special Use Permit Amendment to the Mid-South Club Master Plan Boundaries

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.
2. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion A (i.e., the proposed special use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations), in that the Applicant identified existing open space areas that range from ± 0.07 to ± 4.99 acres in size totaling ± 31.7 acres. Therefore, removal of the ± 9.26 -acre land does not appear to cause the site to be noncompliant with the standard for at least 28.16 acres of open space despite some discrepancies between the 1988 Master Plan and the 2024 Existing Open Spaces map regarding the 25-foot buffer, walking/jogging trails, open space in the rear of residential lots abutting golf course land, and proper platting of open space. No issues related to residential density or access were identified.
3. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion B (i.e., 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), in that removing the site removes the natural area/open space entitlement standards that are tied to Mid-South Club in Southern Pines, but that the remaining development will meet the original conditional use permit requirement for at least 28.16 acres of open space.
4. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion C (i.e., adequate public facilities shall be provided as set forth herein), in that access to the existing development will continue to function and accommodate emergency and waste removal vehicles. The roadway from Midland Road to Knoll Road will continue to be a private road, which will continue to be maintained. The entrance on Midland Road will remain in its current form and will continue to be maintained. Any future development of the site that plans to connect to Southern Pines sewer and water lines would be treated as an “out-of-town” user; otherwise, water and sewer would be under Moore County jurisdiction. If approved and if Moore County requires the developer to connect to Southern Pines water and sewer lines, then the site may have to loop the water lines to Plantation Drive. The applicant also stated, “The portion of the Southern Pines Greenway Trail which exists in the subject property will not be impacted.” Planning staff have not identified any inadequate public facilities and concur with the applicant’s statement.

5. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion D (i.e., 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), in that no evidence about impacts on adjacent property values nor orderly development were submitted into the record. Therefore, the Town Council has not identified any issues that would impede orderly development of surrounding properties, especially considering that the road and greenway trail will remain.
6. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion E (i.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), in that any development on that portion of the property will be subject to Pinehurst's development ordinance and codes. Palmer Drive and the Knoll Road Greenway trail will be retained and the remaining portion of Mid-South Club will have at least 28.16 acres of open space.
7. The Town Council finds that the application complies with UDO §2.21.6 Criteria for a Special Use Permit, Criterion F (i.e., 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), in that no individual testimony was identified to outweigh public interest and welfare for removing the ±9.26-acre land from the 1988 Master Plan.



Special Use Permit Application

Fee: \$ _____ Date Paid: _____ Case No.: SU- _____

Project Information:

Street Address: 1 Palmer Dr. Southern Pines, NC 28387

PIN: 857200264820 Parcel ID: 00041026701

Site Size: ±9.15 ac Zoning: RS-2CD

Applicant:

Name(s): PILLCSUB, Ilc c/o Bob Levy

Email: blevy@talamorefamily.com Phone: 215-370-9221

Mailing Address: 3 Palmer Drive, Southern Pines, NC 28387

Authorized Agent, if different from Applicant:

Name(s): Koontz Jones Design - C/O Paul Saathoff

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

Mailing Address: 140 Applecross Rd, Suite B, Pinehurst, NC 28374

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

Name(s): _____

Email: _____ Phone: _____

Mailing Address: _____

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 Midland Rd. (St./Ave.), between Morganton Rd (St./Ave.) and Midland Rd (St./Ave.). The property has a frontage of 400 feet and a depth of 7000 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:

Removal of subject property from the Mid South RS-2CD area

Date: 2/5/24


Applicant

PLANNING DEPARTMENT
TOWN OF SOUTHERN PINES
plan@southernpines.net (910) 692-4003 www.southernpines.net

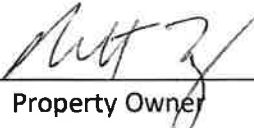
APPOINTMENT OF AGENT

The undersigned owner(s), ^{PILLCSUB,}~~Plantation Investors~~ LLC - C/O Bob Levy, hereby appoint(s) Koontz Jones Design as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Special Use Permit on the property described in the attached application. The owner(s) hereby agree that this agent has the authority to act for and on behalf of the owner(s) as follows:

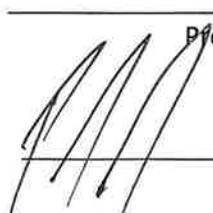
1. to submit an application and required supplemental materials;
2. to appear at public meetings and give representation and comments on behalf of the owner(s);
3. to accept conditions or recommendations made by the Town of Southern Pines Planning Board and Town Council for the issuance of a Special Use Permit 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 a Special Use Permit under the Southern Pines Unified Development Ordinance.

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

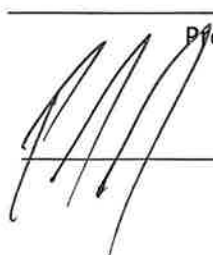
Signed this 5 day of Feb, 2024



Property Owner



Property Owner



Agent

APPOINTMENT OF AGENT

The undersigned owner(s), PILCC Sub LLC, hereby appoint(s) Tom Van Camp as the exclusive agent for the purpose of making an application to the Town of Southern Pines for a Special Use Permit on the property described in the attached application. The owner(s) hereby agree 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 Planning Board and Town Council for the issuance of a Special Use Permit 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 a Special Use Permit under the Southern Pines Unified Development Ordinance.

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

Signed this 3 day of April, 2024.

PILCC Sub LLC, Mbr Mgr.

Ant J. A.
Property Owner

Property Owner

[Signature]
Agent

**MID SOUTH PROPERTY
SPECIAL USE PERMIT NARRATIVE**

The development of the property described as the Mid South Property in the submitted exhibits is an approved mixed-residential subdivision, rezoned in 1988, located on the south side of Midland Road between Midland Road and Morganton Road. The ±559.93-acre property is currently zoned RS-2 CD, which is primarily a single-family residential zoning district, but allows for multi-family with conditional approval. The current conditional use approval permits a total of 647 total dwelling units of mixed residential types. To date, 526 dwelling units have been approved/platted.

With this special use permit application, the applicant is seeking removal of a portion of Parcel ID 00041026701 from Southern Pines' Zoning jurisdiction. Currently, the entirety of this parcel is included as a part of the approved Mid South development, as previously described. The portion of the parcel located between Knoll Road and Midland Road is located in the Village of Pinehurst zoning jurisdiction. Removal of the area as requested would subject this area solely to Village of Pinehurst for any future development approvals.

The required minimum open space as set forth in the original approvals will be maintained and exceeded with the complete build-out, as shown in the exhibits that have been included with this application. The portion of the Southern Pines Greenway Trail which exists in the subject property will not be impacted.

The remainder of the development located within the Southern Pines zoning jurisdiction will continue to meet the approved development standards for the RS-2 CD district as well as and subject to the other Town of Southern Pines UDO requirements which have been applicable to the development, including following any prior vested rights determination by the Town that is applicable to the development. The roadway from Midland Road to Knoll Road will continue to be a private road which will continue to be maintained and ultimately owned by the Mid South Club Property Owner's Association. The entrance on Midland Road will remain in its current form and will continue to be maintained by the Mid South Club Property Owner's Association.



EXHIBIT A

Mid South Property 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 remainder of the development will continue to comply with all regulations of the RS-2 CD zoning district, as well as and subject to the other Town of Southern Pines UDO requirements which have been applicable to the development, including following any prior vested rights determination by the Town that is applicable to the development. Property located in the Village of Pinehurst zoning jurisdiction will meet any applicable zoning regulations and standards as described in the Village of Pinehurst 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 special use will meet the standards of the applicable Village of Pinehurst zoning district standards and will not impact the existing residential development.

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

This special use permit will not impede access to the existing development and will continue to provide adequate access to accommodate emergency and waste removal vehicles. The roadway from Midland Road to Knoll Road will continue to be a private road which will continue to be maintained and ultimately owned by the Mid South Club Property Owner's Association. The entrance on Midland Road will remain in its current form and will continue to be maintained by the Mid South Club Property Owner's Association. Public water and sewer utilities will not be impacted by this special use permit and are readily available for existing and future development.

- (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 and will comply with any applicable zoning and engineering regulations, standards, or requirements as described in the Pinehurst Development Ordinance.

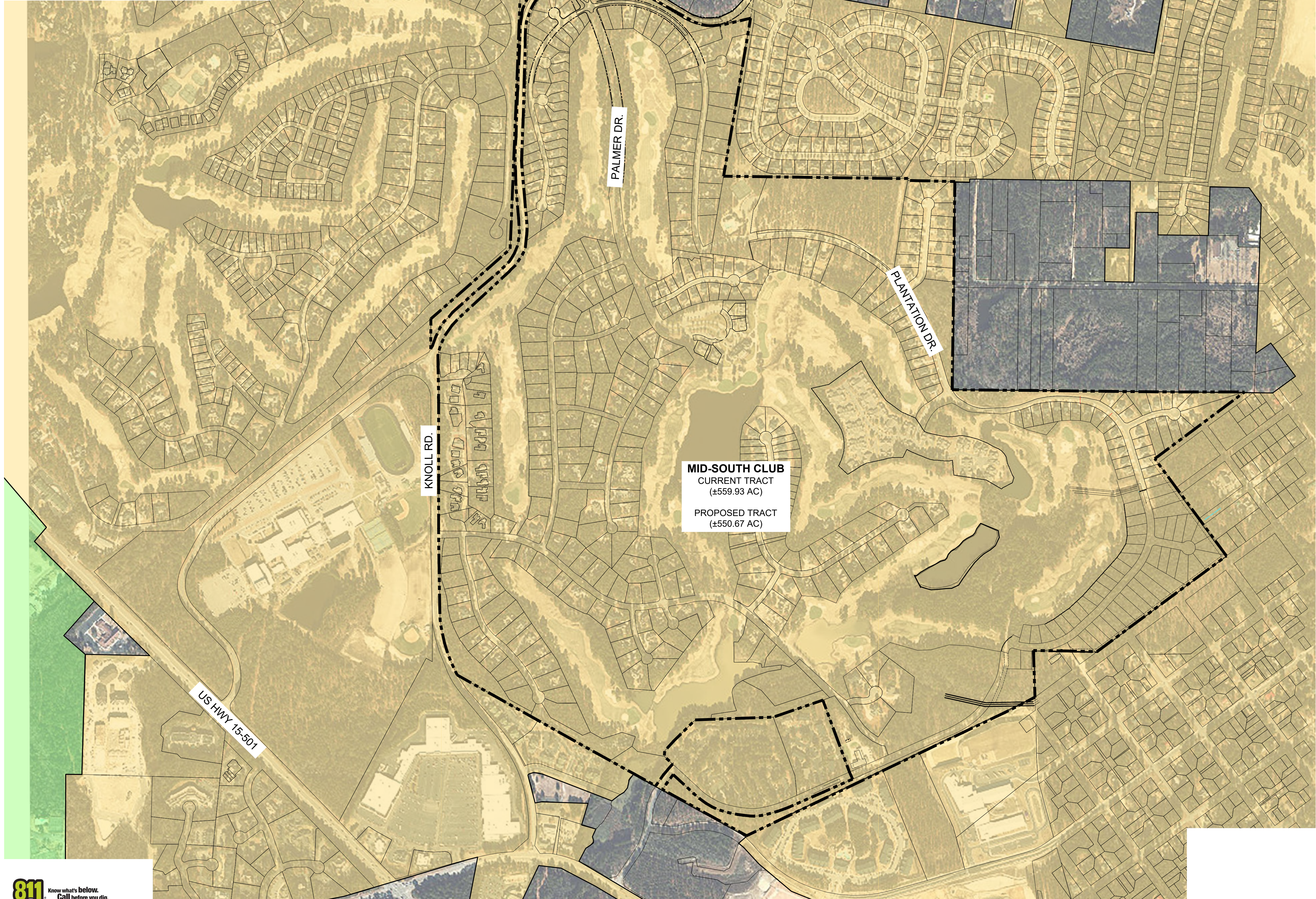
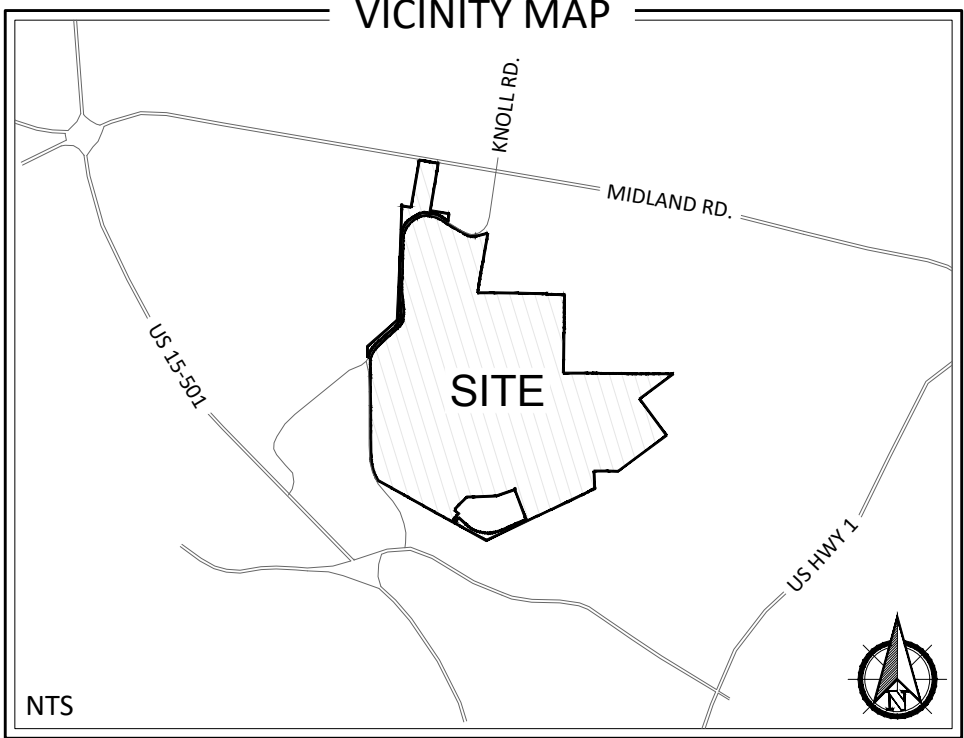
- (E) The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, comfort or general welfare; and

Property located in the Village of Pinehurst zoning jurisdiction will meet any applicable zoning and engineering regulations, standards, or requirements as described in the Pinehurst Development Ordinance. The remainder of the development located in the Town of Southern Pines will continue to meet the approved development standards for the RS-2 CD district as well as and subject to the other Town of Southern Pines UDO requirements which have been applicable to the development, including following any prior vested rights determination by the Town that is applicable to the development.

EXHIBIT A

- (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.

With this special use permit application, the applicant is seeking removal of a portion of Parcel ID 00041026701 from Southern Pines' Zoning jurisdiction. The area located within the Village of Pinehurst's zoning jurisdiction will meet any applicable zoning regulations and standards as described in the Pinehurst Development Ordinance. Future development within the Mid-South development located within the Southern Pines zoning jurisdiction will continue to follow the approved development standards for the RS-2 CD district as well as and subject to the other Town of Southern Pines UDO requirements which have been applicable to the development, including following any prior vested rights determination by the Town that is applicable to the development.



PROPERTY INFORMATION

PROPERTY OWNER(S):
PLANTATION INVESTORS, LLC
P.O. BOX 8000
PINEHURST, NC 28374-8000

(PORTION OF)
PARCEL ID: 0041026701 PIN: 857200264820
DB: 2069 PG: 533

APPLICANT:
PLANTATION INVESTORS, LLC
P.O. BOX 8000
PINEHURST, NC 28374-8000

EXISTING
TOTAL ACREAGE (MID SOUTH): ±559.93 AC

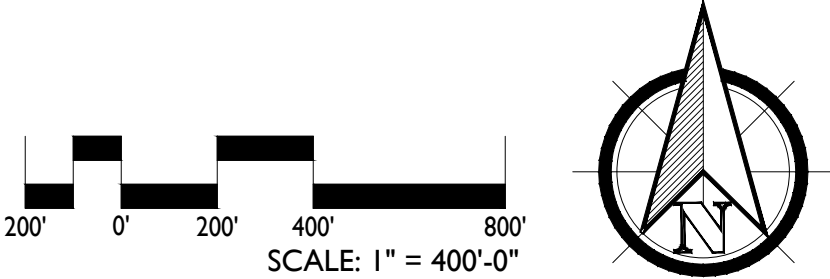
PROPERTY ACREAGE (TO BE EXCLUDED): ±9.26 AC

PROPOSED
TOTAL ACREAGE (MID SOUTH): ±550.67 AC

* OPEN SPACE FOR THE REVISE ACREAGE FOR MID SOUTH
PROPERTY WILL MEET AND/OR EXCEED THE REQUIRED OPEN
SPACE (±28.16 AC) AT FULL-BUILD OUT PER THE ORIGINAL
APPROVED SITE PLAN

LEGEND

- PROPERTY BOUNDARY
- TOWN OF SOUTHERN PINES
TOWN / ZONING JURISDICTION
- VILLAGE OF PINEHURST
VILLAGE / ZONING JURISDICTION



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

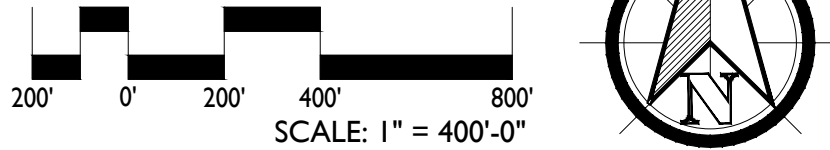
MID-SOUTH CLUB
SPECIAL USE PERMIT
SOUTHERN PINES, NORTH CAROLINA
OVERALL MASTER PLAN - ZONING LIMITS / JURISDICTION

DATE: 02-05-2024
DESIGNED BY: REK
DRAWN BY: PJS
CHECKED BY: REK
SCALE: 1" = 400'-0"
PROJECT #: KID22017
SHEET NUMBER#:
L-1.0

KOONTZJONESDesign
LAND PLANNING | LANDSCAPE ARCHITECTURE

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

REVISIONS:



LEGEND

PROPERTY BOUNDARY

EXISTING OPEN SPACE (ORIGINAL APPROVAL)
(±28.80 AC)

EXISTING OPEN SPACE (EASEMENTS)
(±2.93 AC)

TOTAL OPEN SPACE (PROVIDED)
(±31.73)

EXISTING GOLF COURSE
(±194.5 AC)

Page 107 of 124

DEVELOPMENT DATA

GOLF COURSE	± 178.60 ac
LAKE	± 25.50 ac
FUTURE GOLF CLUB AND RESIDENTIAL	± 331.48 ac
TOTAL	± 535.58 ac

PRESENT ZONING AND OWNERSHIP

The site is presently zoned in the Town of Southern Pines under the classification of Residential Single Family (RS2-CD). The property is currently owned by Voit Gilmore/Storey Corporation with the ownership transferring to L.F. Rossignol Development Corporation prior to construction.

All golf course development shall conform to the requirements of Section 6-4.10 Golf Courses, and for Country Clubs of the Southern Pines Zoning Ordinance.

LANDSCAPING & BUFFERING

Every effort will be made to preserve as many trees as possible. Special measures such as tree wells, retaining walls, drain fields, etc. should be employed where grade changes are required close to existing trees.

A minimum 25' buffer screen will be established around the perimeter of the site. All existing plant material shall remain in buffer. In addition, the area between the cleared golf corridor and the back of residential lot lines shall remain as a natural buffer. In areas where plant material is removed due to necessity or no plant material exists, supplemental landscaping may be installed to enhance and/or create the buffer screening.

All landscaping requirements shall conform to or exceed the Southern Pines Zoning Ordinance.

In addition, the landscaping is intended to promote compatible and continuous landscape treatment and buffering throughout the site. More specifically, the standards are intended to provide for a neat and well maintained appearance throughout the golf course.

PROPOSED PHASING

Construction of the golf course will begin immediately upon Conditional Use Permit approval and all related state agency approvals. Opening of the Golf Course is proposed for October 1, 1989.

G Golf Cart Crossing (5 TOTAL)

H Halfway House (Located between nos. 5 & 6 and nos. 15 & 16)

For further information on golf course layout see centerline staking plan by Palmer Course Design Group dated 5/23/88.

SITE PLAN [GOLF COURSE]

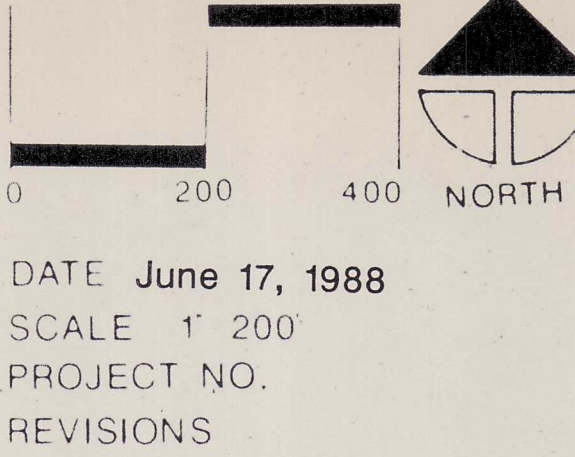
VOIT GILMORE TRACT

Southern Pines/Pinehurst, North Carolina

L.F. Rossignol Development Corporation
of North Carolina
Raleigh, North Carolina

Edward D. Stone, Jr. and Associates
Landscape Architects and Planners
Wilmington, North Carolina

Palmer Course Design Company
Golf Course Architects
Ponte Vedra Beach, Florida



DEVELOPMENT DATA

SINGLE FAMILY		± 208.70 ac
Golf Lots	188	
Lake Lots	13	
Wooded Lots	<u>183</u>	
	384	
COTTAGES		± 22.08 ac
Golf Lots	59	
Lake Lots	20	
Wooded Lots	<u>40</u>	
	119	
MULTI-FAMILY	<u>144</u>	± 15.84 ac
TOTAL UNITS	647	
CLUBHOUSE & RECREATION		± 8.20 ac
AMENITY COMPLEX		± 178.60 ac
GOLF COURSE		± 2.00 ac
GOLF MAINTENANCE		± 25.50 ac
LAKES		± 28.16 ac
OPEN SPACE/NATURAL AREAS/		
UTILITY EASEMENTS		± 5.40 ac
ROAD R.O.W.	80'	± 19.20 ac
	50'	± 21.90 ac
	40'	± 535.58 ac
TOTAL		

PARKING

All parking for residential development shall be provided in accordance with Section 6-4.4 Planned Residential Developments and Sections 8 and 9 of the Southern Pines Zoning Ordinance.

All parking for the Clubhouse and Recreation Amenity Complex shall be provided in accordance with Section 6-4.10 Golf Courses, and for Country Clubs and Sections 8 and 9 of the Southern Pines Zoning Ordinance.

LANDSCAPING & BUFFERING

Every effort will be made to preserve as many trees as possible. Special measures such as tree wells, retaining walls, drain fields, etc. should be employed where grade changes are required close to existing trees.

A minimum 25' buffer screen will be established around the perimeter of the site. All existing plant material shall remain in buffer. In areas where plant material is removed due to necessity or no plant material exists, additional landscaping will be installed to enhance and/or create the buffer screening.

All landscaping requirements shall conform to or exceed the Southern Pines Zoning Ordinance.

In addition, the landscaping is intended to promote compatible and continuous landscape treatment and buffering throughout the site. More specifically, the standards are intended to provide for a neat and well maintained appearance in areas not covered by buildings or parking, and minimize the adverse visual and environmental impact of large paved areas.

PROPOSED PHASING

Opening of Golf Course, Clubhouse and Recreation Amenity Complex is proposed for October, 1989.

CU-08-66
(supersedes the plan dated July 12, 1986 through dated earlier)



VOIT GILMORE TRACT

Southern Pines, North Carolina
July, 1988

MASTER PLAN DESIGN TEAM

Palmer Course Design Company
Golf Course Architects
Ponte Vedra Beach, Florida

Edward D. Stone, Jr. and Associates
Planners and Landscape Architects
Wilmington, North Carolina

DEVELOPED BY:
L.F. Rossignol Development
Corporation of North Carolina
Raleigh, North Carolina

VOIT GILMORE TRACT

SINGLE FAMILY RESIDENTIAL (6.4-4)

Zoning and Ownership

The site is presently zoned in the Town of Southern Pines under the classification of Residential Single Family (RS2-CD). The property is currently owned by Voit Gilmore/Storey Corporation with the ownership being transferred to L.F. Rossignol Development Corporation prior to construction. The development will be private and, as such, will be maintained by a Homeowner's Association.

Planning Objectives

The Voit Gilmore Tract is to be a private residential development constructed around an eighteen hole golf course. The single family phase of the development will be complemented in future submissions with cottage lot and multi-family development. The single family area and roadway system are to be developed with minimal disturbance to the existing pine forest and topography. A feeling of natural openness is to be created throughout the development. An overall theme of old country charm will be promoted throughout the development in the architecture, fencing and landscape treatment. The single family lots have been designed to take advantage of the best views of golf and water amenities.

Development Schedule

Construction of the single family residential and roadway system is expected to begin immediately upon Conditional Use Permit approval and all related state agency approvals. Construction and completion of the extension of Knoll Road will occur simultaneously. Clearing and grading of the entrance drive from Midland Road to Knoll Road is scheduled to begin in mid September, 1988 and be completed by December 1, 1988. Construction of Knoll Road to the main entrance corridor is scheduled to take place from the first of October to mid December, 1988. The main entrance corridor shall be under construction from November 1, 1988 to April 1, 1989. Construction of the single family residential circulation is scheduled to begin mid November, 1988 with utility installation occurring in mid December and paving in March, 1989. Landscaping would begin as soon as the paving is completed. The main entrance corridor, Knoll Road Extension and loop road system are proposed to be open for traffic by October 1, 1989. In addition, the first lots within the single family residential would be available for sale at the same time.

Development Data

The single family residential development comprises approximately 60% of the total residential density. Developed on ± 208.70 acres and with a density of 1.85 du/ac, 383 lots are proposed with 187 on golf fairways, 11 on water and the remaining 185 in wooded areas. Two minimum sizes of lots are proposed: 110' x 180' lots along the golf fairways and 120' x 160' lots away from the fairways. Approximately 178.6 acres of golf will be developed throughout the single family residential with an additional ± 25.5 acres of lakes and ± 28.20 acres of natural area/open space between the golf and residential lots. Approximately 43.20 acres of road R.O.W. is laid out through the single family area.

Buildings, Structures and Improvements

All single family dwelling units will be submitted for site plan review prior to obtaining building permits at the time of construction. The density for the single family development is 1.85 d.u./acre.

Natural Areas and Open Space

The golf course, which meanders through the single family residential, is comprised of ± 178.60 acres, of which ± 45.1 acres will not be cleared and will remain in a natural state. An existing ± 8 -acre lake is the central focus of the site; however, an additional ± 15 acres of lakes are to be created. All areas between the golf course corridors and the backs of residential lots or property buffer shall remain as Natural Area/Open Space. Comprised of approximately 28.20 acres, the Open Space areas shall have walking/jogging trails developed within for use by all residents.

Traffic/Circulation

The extension of Knoll Road has been proposed abutting the north and west sides of the Voit Gilmore Tract. The funding and construction of the Knoll Road Extension will be completed as a part of the development of the Voit Gilmore Tract. The main project entrance is located off Midland Road; however, a secondary entrance has been located at the southwest corner of the project on Pinecrest School Road. Both entrances are to be gated with a manned guardhouse at the main entrance. All construction and service traffic will enter/exit from this secondary access which connects to Morganton Road. Service traffic to the golf maintenance area will use Windsong Drive which will be abandoned beyond Tanglewood Apartments. The only proposed crossover on Midland Road would be at the Knoll Road intersection. No crossover at Dr. Neil Road across from the main entrance is proposed or advocated. Any traffic leaving the Voit Gilmore Tract via the

main entrance will be required to turn right (east) on Midland Road. In addition, north bound traffic on the Knoll Road extension will not be allowed to turn left at the main entrance, but will continue on Knoll Road to Midland Road. All streets within the development will be private and, as such, will be maintained by a Homeowner's Association. Each single family lot will be served by a private driveway.

Landscaping and Buffering

Every effort will be made to preserve as many trees as possible. Special measures such as tree wells, retaining walls, etc. shall be employed where grade changes are required close to existing trees.

A minimum 25' buffer screen will be established around the perimeter of the site. All existing plant material shall remain in buffer. In addition, the area between the cleared golf corridor and the back of residential lot lines shall remain as a natural buffer. In areas where plant material is removed due to necessity or no plant material exists, supplemental landscaping may be installed to enhance and/or create the buffer screening. Buffer plant material will be predominantly evergreen used in conjunction with native flowering trees and shrubs.

Brick/wrought iron/wood, and chainlink fencing shall be installed around the perimeter of the site. Project entrances shall be buffered with walls. The walls are to be of a stone/brick construction with a height of five to eight feet. Fencing is intended to be a compatible buffering treatment with the project entrance walls and landscaping. The height of fence will be a minimum of five feet. The main entrance corridor from Midland Road to the Clubhouse area is to be heavily landscaped with native flowering/ornamental plant material. The corridor is a boulevard with a landscaped median.

All landscaping requirements shall conform to or exceed the Southern Pines Zoning Ordinance, Section 11 - Landscaping and Buffer Requirements.

In addition, the landscaping is intended to promote compatible and continuous landscape treatment and buffering throughout the site. More specifically, the standards are intended to provide for a neat and well maintained appearance throughout the single family area, as it blends in with the golf course, the surrounding courses of Pinehurst National and Starland Farms, and the adjacent residential development to the north along Midland Road.

FOR REGISTRATION REGISTER OF DEEDS
JUDY D. MARTIN
MOORE COUNTY, NC
2005 MAY 27 02:51:36 PM
BK: 2811 PG: 29-34 FEE: \$26.00
INSTRUMENT # 2005010339

Instrument Prepared By: John M. May, Attorney, Robbins May & Rich, L.L.P.

Mail After Recording To: Robbins May & Rich, L.L.P.

STATE OF NORTH CAROLINA

COUNTY OF MOORE

**DEED OF EASEMENT
WITH GENERAL
WARRANTY FOR
GREENWAY PURPOSES**

THIS DEED OF EASEMENT is made and executed this 19 day of MAY, 2005, by Plantation Investors, LLC, hereinafter referred to as the "Grantor", to the Village of Pinehurst, hereinafter referred to as the "Grantee".

WITNESSETH:

The designation "Grantor" and "Grantee" as used herein shall include the singular and plural, as required, and the masculine, feminine and neuter gender as appropriate.

WHEREAS, the Grantor is the Owner of a tract of land in Southern Pines, hereinafter described ("the Property") and has agreed to convey to the Grantee, according to the terms set forth below, the easement hereinafter described; and

WHEREAS, Grantee has established and presently manages a Greenway System ("Greenway System"), which encompasses the acquisition and use of Greenways along natural and scenic areas of Grantee; and

WHEREAS, the Grantor is willing to grant a Greenway Easement over the Property, thereby restricting and limiting the use of the land located within the Easement, on the terms and conditions and for the purposes hereinafter set forth, and Grantee is willing to accept such Easement; and

NOW, THEREFORE, and in further consideration of the mutual covenants, terms, conditions, and restrictions hereinafter set forth, the Grantor hereby grants and conveys to Grantee and its successors in

perpetuity an interest and Greenway Easement of the nature and to the extent hereinafter set forth, in and over the lands of the Grantor described on Schedule "A" attached hereto and herein incorporated by reference.

The terms, conditions, and restrictions of this Greenway Easement are as follows:

ARTICLE I. PURPOSE AND USES

1. Grantee shall incorporate the Easement described herein as a component of the Greenway System. Members of the general public shall have free access to, and use of, the Greenway Easement, subject to the laws and ordinances of Grantee and for the purposes allowed under the official Greenway Program of Grantee, including walking, educational tours, scientific study of the property and the natural ecosystem; hiking, bike riding, jogging and picnicking; provided, there shall be no access by Grantee or the public at large granted by this easement to any property of the Grantor other than that described and conveyed herein. Golf carts are a prohibited use on the Greenway System. Such use of the Easement shall be in accord with the Greenway Plan.
2. Grantee may construct paved or unpaved Greenway Trails within the Easement, and facilities incidental to, and for the convenience of, users of the Greenway Trail such as observation platforms, boardwalks, litter receptacles, benches and related convenience facilities.
3. Grantee shall have the right and duty to maintain the Easement in a clean, natural and undisturbed state.
4. The Grantor shall remain the fee owner of the Property for purposes of applicable land use regulations, the payment of taxes on the property, and other applicable laws and ordinances.

ARTICLE II. PROHIBITED AND RESTRICTED ACTIVITIES

1. No building, sign, fence or other structure shall be erected within the easement; provided, trail markers, litter receptacles, gates, trail bridges, shelters, and other convenience facilities may be placed upon the Property by Grantee, consistent with the Greenway Plan.
2. There shall be no dumping of ashes, garbage, waste, or other unsightly or offensive material on the Easement.
3. Grantee agrees to hold the Grantor harmless from liability for personal injury or property damage arising out of the use of the Property.

ARTICLE III. ENFORCEMENT AND REMEDIES

1. Grantee shall have the authority and responsibility for enforcement of the terms of this Easement.
2. Upon breach of any of the terms and conditions of this Easement by either party, the Grantor, Grantee, or anyone acting for or under authority of the Grantor or Grantee, shall notify the other party in writing of such breach. The party shall have 30 days after receipt of such notice to correct any conditions constituting such breach. If the breach remains uncorrected after 30 days, Grantor or Grantee may enforce this Greenway Easement by any appropriate legal proceedings, including actions for damages, injunctive, and other relief.

ARTICLE IV. MISCELLANEOUS

1. The Grantor expressly reserves the right to continue the use of the Property for all purposes not inconsistent with this Greenway Easement.
2. The Grantor agrees that the terms, conditions and restrictions of this Greenway Easement will be inserted by Grantor in any subsequent deed or other legal instrument by which Grantor divests himself/itself of either the fee simple title to, or possessory interest in, the Property.
3. In the event the Grantee, or its successors and assigns, should at any time in the future terminate its use of this Easement for the Greenway System purposes, then at that time the title to said premises shall automatically by operation of law and without re-entry or suit be revested in the grantors herein, their heirs and assigns forever."

TO HAVE AND TO HOLD the said right, privilege and easement herein granted to Grantee, its successors and assigns forever. The covenants agreed to and the terms, conditions and restrictions imposed herein shall be binding upon the Grantor and Grantee and their agents, personal representatives, heirs, successors, and assigns, and all other successors to it in interest and shall continue as a servitude running in perpetuity with the above described land.

The Grantor hereby, for itself, their heirs, successors, and assigns hereby warrant and covenant that Grantor is the owner of the property described above; that Grantor has the right to grant this easement; that the same are free from encumbrances except as may be hereinafter stated; and will warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has executed the foregoing by his hand and seal, and if corporate, by its duly authorized officer, the day and year first above written.

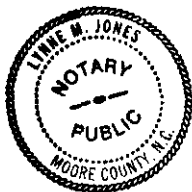
Grantor: Plantation Investors, LLC

By: [Signature] (SEAL)
Its: MANAGER

State of North Carolina
County of Moore

I, Lynne M. Jones, a Notary Public of the County and State aforesaid, certify that William R. Perry personally came before me this day and acknowledged that he is the MANAGER of Plantation Investors, LLC, a North Carolina or corporation/limited liability company/~~general partnership/limited partnership~~ (strike through the inapplicable), and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed.

Witness my hand and Notarial stamp or seal, this 19 day of May, 2005.



[Signature]
Notary Public

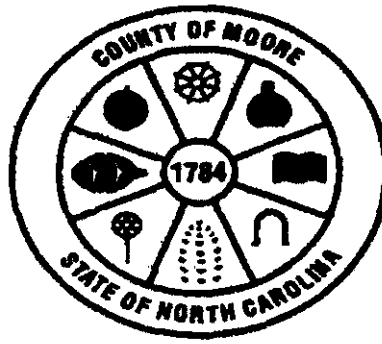
My commission expires: 10-19-07

The foregoing Certificate(s) of _____ s/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

Register of Deeds for _____ County
By _____ Deputy/Assistant Register of Deeds

Schedule A

That certain strip of land of varying widths, the maximum of which is six (6) feet, which runs along the southern and eastern boundary of the entrance lot into Mid South Development, which entrance lot is adjacent to and north of the northern right-of-way of Knoll Road at the entrance to Mid South Development, said easement running over the entrance lot in an easterly direction parallel to Knoll Road and then in a northerly direction to Midland Road.



JUDY D. MARTIN
REGISTER OF DEEDS, MOORE
JUDICIAL BUILDING
100 DOWD STREET
CARTHAGE, NC 28327

Filed For Registration: 05/27/2005 02:51:36 PM

Book: RE 2811 Page: 29-34

Document No.: 2005010339

EASE 6 PGS \$26.00

Recorder: REGINA GARNER

State of North Carolina, County of Moore

The foregoing certificate of LYNNE M JONES Notary is certified to be correct. This 27TH of May 2005

JUDY D. MARTIN , REGISTER OF DEEDS

By: Regina Garner
Deputy ~~Assistant~~ Register of Deeds

2005010339
2005010339

Plantation Investors Limited Liability Company
Special Use Permit #SU-01-2024

Position Statement and Legal Summary

I. Background

In 1998, Plantation Investors Limited Liability Company ("PILLC") presented a Master Plan to the Town of Southern Pines relating to the future development of the Mid-South Club. A true and accurate copy of the Master Plan is attached hereto as **Exhibit 1**. A portion of the land located within the Master Plan, identified as the "Entrance Road" is subject to the jurisdiction of the Village of Pinehurst, not the Town of Southern Pines. On November 2, 2023, PILLC sub became the Founder. The Founder is requesting that Town of Southern Pines remove from the Master Plan that portion of the property which falls within the Village of Pinehurst's jurisdiction. The property in question contains the Entrance Road and land on each side of the Entrance Road which has been designated as a "future development."

It is PILLC's intent to develop seven (7) residential lots adjacent to one side of the Entrance Road leading up to the main entrance to Mid-South Club located on Knoll Road. It should be noted that at the time that the Master Plan was approved by the Town of Southern Pines, the only ingress and egress for Mid-South Club was the Entrance Road leading directly from the Club to Midland Road. Since that time, Knoll Road has been constructed, which now abuts the main entrance at the gate house to the Mid -South Club. Knoll Road has access to Midland Road, Hwy 15-501, and Morganton Road.

On December 11, 2002, an Amendment and Restatement of the Declaration of Covenants and Restrictions related to the Master Plan was filed with the Register of Deeds in Moore County. A true and accurate copy of the Declaration of Covenants and Restrictions is attached hereto as **Exhibit 2**. Mid-South Club has joined and continued growth and currently has approximately 526 residential homes with a maximum approved lots of 647, a Property Owners Association and Property Owners Association Board, which represents its members.

II. The Interim Turnover Agreement

Pursuant to the terms of the Charter/Declaration of Covenants and Restrictions, the Founder, PILLC, maintains certain rights. On December 27, 2017, PILLC, the Mid-South Property Owners Association ("POA"), and Mid Tal Golf, LLC ("Mid Tal") entered into the Interim Turnover Agreement ("ITA") which included, as Exhibit A, a Term Sheet. A copy of the

ITA is attached hereto as **Exhibit 3**. The ITA was finalized in January of 2018. **Exhibit 4**. The purpose of the ITA was, in part, to memorialize the transfer of certain rights and responsibilities to the POA from the Founder. In the ITA, the POA, through its Board of Directors, represented and warranted that “it is the sole legal representative of the Owners as defined in the Charter and as such David Near in his capacity as acting President of the POA has the authority to bind the Owners the terms hereof.” The Term Sheet specifically provided that the Founder identify future developments in multiple areas within the Mid-South Community. Residential lots on the Entrance Road were expressly addressed and acknowledged by the POA as a representative of the owners.

In Section III-4 of the ITA, the parties acknowledged the Founder’s “unilateral option to expand community pursuant to Section 2.1 and 17.1 of the Community Charter.” In subsection B, conveyance of the Entrance Road from the Founder to the POA was contemplated but it specifically stated that the Founder “will install utilities and curb cuts incident to the residential lots to be developed on either side of the Entrance Road prior to the Entrance Road being turned to the Association for maintenance.” (Emphasis added) In Section III-F, “Future Developable Areas” were identified and included “either side of the Entrance Road that is shown on the Master Development Plan.” Subsection F references the “Association’s acknowledgment of potential development on the following noted areas and the agreement of the Association to cooperate with Founder and/or Golf Club in the subdivision approval process with Town of Southern Pines and/or Village of Pinehurst.” (Emphasis added) Pursuant to the clear terms of the ITA, the POA, including all owners, expressly agreed to cooperate with the Founder in the subdivisional approval process regarding the development of residential lots on the Entrance Road.

This cooperation is reflected in a recent Mid-South Club POA’s Bulletin which is attached hereto as **Exhibit 5**. In the Bulletin, the POA made the following statement about the Founder’s current application:

In previous Mid South Club POA Board filings and commentary to the TOSP Planning Board and Town Council, the Board agreed with the process to move this land from the TOSP jurisdiction to the Village of Pinehurst for future land use zoning.

Notwithstanding the fact that several owners at the Mid-South Club expressed concern over traffic and intersection of Knoll Road and the Entrance Road, the ITA requires that the POA and the owners to cooperate with the Founder in an effort to remove the subject property from the Master Plan so that it will fall within the jurisdiction of the Village of Pinehurst. This is a

contractual obligation on a part of the POA and the owners, and the subject was fully addressed in the 2017 ITA and the attached Term Sheet. Furthermore, PILLC's application to remove the Entrance Road area from the Master Plan is supported by Town of Southern Pines' staff.

III. Conclusion

In summary, both the POA and its members are contractually required to cooperate with the removal of the Entrance Road from the Master Plan and the resulting placement of the property within the jurisdiction of the Village of Pinehurst.

The Mid-South Club Property Owners Association Bulletin

Town of Southern Pines Special Use Permit #SU-01-2024 - Amending Boundaries of the Mid South Master Plan

Many community residents have noticed a TOSP special use permit sign on the roads between Knoll Road and Midland Road on Palmer Drive. The request by Mid-Tal Golf LLC is to remove these +/- 9.26 acres from the original Mid South Master development plan to the Village of Pinehurst. It was determined in the previous special use permit filings by Plantation Investors, LLC and Mid Tal Golf, LLC in late 2022 and 2023, that this land was incorrectly included within the Town of Southern Pines jurisdiction, when it actually resides within the Village of Pinehurst jurisdiction for land development and zoning.

In previous Mid South Club POA Board filings and commentary to the TOSP Planning Board and Town Council, the Board agreed with the process to move this land from the TOSP jurisdiction to the Village of Pinehurst for future land use zoning. Attached is the TOSP SUP current filing.

The Mid South Club POA Board of Directors encourages any residents who have interest in this transfer of property, to attend the Town of Southern Pines Planning Board meeting scheduled for Thursday, March 21st, 2024 at the E.S. Douglass Community Center (1185 W. Pennsylvania Avenue, Southern Pines, NC) at 6:00pm.

The Mid South Club Property Owners Board of Directors

Sent by **The Mid-South Club Property Owners Association**
under the care of **Community Association Services (NC)**