

## AGENDA

Agenda Meeting of the Southern Pines Town Council  
April 6, 2016, 7:00 PM, C. Michael Haney Community Room, Southern Pines  
Police Department  
450 West Pennsylvania Avenue

### 1. Manager's Comments

### 2. Consent Agenda

*All items listed below are considered routine and will be enacted by one motion and without discussion.*

A. Adopt Worksession Meeting Minutes of February 22, 2016, Agenda Meeting Minutes of March 2, 2016 and Regular Business Meeting Minutes of March 8, 2016 as written.

B. Budget Amendments

<b><u>DEPARTMENT</u></b>	<b><u>LINE ITEM</u></b>	<b><u>CODE</u></b>	<b><u>INCREASE</u></b>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 3,263.00
Police - Investigations	Auto Repair	10-515-1700	\$ 3,263.00
General Fund	Police Extra Duty Revenue	10-370-0050	\$ 27,000.00
Police - Patrol	Police Extra Duty	10-511-0150	\$ 27,000.00

C. Board Appointments

- Historic District Commission

D. Resolution Supporting the Creation of a Southern Moore County Transportation Plan

E. Talamore Irrigation Agreement Renewal

F. Moore County Arts Council Lease Renewal

G. Update to the Tree Removal Ordinance, Code Section 101.23

H. Abandonment of N. Mechanic Street between W. Maine Avenue and NE Service Road

### 3. Architectural Reviews

A. **AR-05-16; Amendment to AR-04-15 Ace Hardware Store at Tyler's Ridge Business Park; 215 Capital Drive; Petitioner, John Heckethorn**

### 4. Public Hearings

A. Abandonment of a portion of unopened N. Mechanic Street: Abandonment of Right-of-Way along N. Mechanic Street for the portion of Right-of-Way between W. Maine Avenue to W. Rhode Island Avenue

B. **OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services into the NB Zoning Classification; Petitioner, Roy Harvel**

C. **CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design**

### 5. Miscellaneous

**MINUTES**  
**Worksession Meeting of the Southern Pines Town Council**  
**February 22, 2016, 3:00 pm, C. Michael Haney Community Room, Southern Pines Police**  
**Department 450 W. Pennsylvania Avenue**

**Present:** Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon and Councilwoman Teresa VanCamp

**Absent:** None

**1. Request to Discuss Red Cockaded Woodpecker Habitats within the Town of Southern Pines; Petitioner, United States Department of the Interior: Fish & Wildlife Service – Susan Ladd Miller**

Susan Ladd Miller was present to discuss concerns of the Fish & Wildlife Service regarding maintaining the habitat for the Red Cockaded Woodpecker within the Sandhills region. Ms. Miller stated due to the continuing growth of development and projects in this area, the habitat of the Red Cockaded Woodpeckers are being affected. Ms. Miller has been working with planning staff so they may be informed promptly to identify sensitive areas that may be affected due to development, projects, etc. Ms. Miller continued by explaining the importance of being able to have this information prior to the habitat being disturbed. Ms. Miller stated without proper consultation and notification, they can't provide proper advisement. Ms. Miller described why the Red Cockaded Woodpecker is a federally endangered species and explained the history of its natural habitat to current and the importance of maintaining the natural habitat and trees that are left. Ms. Miller went into detail and described the different processes that are required to make sure the property is not a natural habitat for the woodpeckers before construction or removal of trees takes place.

Senior Town Planner Chris Kennedy commented that the Town of Southern Pines is only obligated to protect the species and can't allow anything that would be detrimental to the species or any other animal associated with the long leaf pine forest. Mr. Kennedy stated other entities are responsible for recovering the species, etc.

Ms. Miller stated if they could be consulted on the front end of a project when the lot is purchased and before it is cleared, they may be able to prevent the habitat from being disturbed. Ms. Miller stated it is very rare that this is a problem.

Planning Director Bart Nuckols stated staff has worked well with Fish & Wildlife in the past and there are times when private owners have cut trees down before staff can step in and address the habitat issue.

Discussion ensued regarding issues with the habitat of the Red Cockaded Woodpeckers and local tree removal.

Town Manager Reagan Parsons commented that if the owner removes trees before the building permit has been submitted, staff doesn't know if the trees have previously been removed or not.

Senior Town Planner Kennedy stated the Town does not currently have tags on all trees that are habitats for these woodpeckers.

Planning Director Nuckols stated the Town could certainly partner with Fish & Wildlife in some way to better get ahead of this before a habitat is disturbed.

Councilmember Walden inquired what type of trees are usually the habitats for these woodpeckers.

Ms. Miller stated larger diameter pine trees.

Discussion ensued.

Councilmember Simeon asked Ms. Miller is this initial information is for educational purposes.

Ms. Miller replied in the affirmative.

## **2. Request to Discuss adding Veterinary Services to the NB Zoning District – Roy Harvel**

Roy Harvel stated he has been contacted by citizens that have requested veterinary and boarding kennels to be located in a current NB Zoning District. Mr. Harvel stated after discussing this issue with Senior Town Planner Kennedy, it was suggested that he pursue a rezoning request to allow a permitted use on this particular property. Mr. Harvel stated this would be a small section that would be affected by this request. Mr. Harvel stated he is here to obtain initial Council feedback on this item.

Senior Town Planner Kennedy explained the request and pointed out the area that would be affected by the rezoning or amendment request.

Mayor Pro Tem Fields stated we have very few areas that are listed as neighborhood businesses and this request would be good use of the veterinary clinic that would make a lot of sense.

Planning Director Nuckols stated from traffic, parking and other land uses; a text amendment would be more palatable than a re-zoning request.

Mayor Pro Tem Fields stated a neighborhood business would be more appropriate and he has concerns regarding about what could go onto that property and this request would make more sense.

## **3. Capital Improvement Planning – Assistant Town Manager Adam Lindsay**

Assistant Town Manager Adam Lindsay gave an overview of the proposed capital improvement planning items. Mr. Lindsay stated the following presentations will provide Council with a more comprehensive view of these operations and capital needs from a utility perspective. Mr. Lindsay expressed appreciation of Town Council's decisions that have positively impacted the Town's significant investments to infrastructure and utilities.

### **a. Water Distribution System – Freese and Nichols, Withers and Ravenel**

Eddie Staley, Corrie Bondar, Bryan Jann and Jeff Thompson presented slides with a detailed overview of the project agenda, project purpose, recommended improvements, fire flow improvements, improvement costs, funding options, impact fee comparison, aging infrastructure, water utility pipe age and service life. Mr. Staley closed with summarizing the benefits of having a financially stable utility program being well maintained for the future.

Discussion ensued regarding replacement cost, possible available bond monies and system requirements.

### **b. Wastewater Collection System – McAdams Co.**

Assistant Town Manager Lindsay stated McAdams conducted a study of the existing pump stations.

Marco Menendez stated they have compiled a pump station assessment report and CIP. Mr. Menendez provided a slide presentation stating the project purpose of the sanitary pump station and explained the goals of reducing risks, managing assets, meeting state requirements, prioritizing improvements and CIP developments. Mr. Menendez reviewed the recommended improvements, benefits of listed improvements, improvement costs, funding options, impact fees, existing sewer utility impact fee revenues for 2015, sewer impact fee recommendations, sewer utility impact fee comparisons, other potential funding needs, existing sanitary sewer utility pipe materials and lengths, sanitary sewer clay pipe rehabilitation or replacement. Mr. Menendez closed with suggested conclusions of sewer utility being financially sustainable, efficient, well-maintained, safe sewer infrastructure, customer high quality of life and asset management.

Discussion ensued regarding costs, materials, and life expectancy of current infrastructures.

### **c. Water Treatment Plant – Suez**

Gary Stainback presented a slide presentation outlining the Southern Pines Water Treatment Plant condition assessment evaluation and recommended capital needs improvements. Per Mr. Stainback, the Plant is in good working condition and permitted by the State to produce 8MGD of finished water. Using a flow schematic, Mr. Stainback presented both the process for water treatment to distribution and different capital needs that warrant upgrades within that process. Some of the projects have relatively short return on investment payback periods. Mr. Stainback stated the overall estimated capital improvement costs would be \$897,000 in today's dollars.

#### **4. Capital Improvement Plan & Funding Options – Assistant Town Manager Adam Lindsay**

Assistant Town Manager Lindsay recognized Town staff for their professional assistance in preparing these reports and recommendations. Mr. Lindsay stated several factors have to be considered in compiling a capital improvement plan including costs, urgency and ability to time manage the projects. Mr. Lindsay went into detail of existing revenue allocations and how they are meeting current capital needs and keeping the system in good working order. Mr. Lindsay stated it is vital that the Town put itself into a stronger financial position to both prepare for known infrastructure upgrades and repairs and to be able to react to emergencies with healthy reserves set aside for such needs. Mr. Lindsay stated currently the Town only has sewer impact fees for Warrior Woods and Nicks Creek sewer basins. Mr. Lindsay stated there hasn't been any significant development in recent years in these two areas, which results in little revenue being collected. Mr. Lindsay continued that the Town already has a universal water impact fee and staff recommends that Council adopt a universal sewer impact fee schedule, which is more common in municipalities that have them, and to adjust both the water and sewer impact fees to be more compatible and in line with similar sized utilities across North Carolina. Mr. Lindsay commented this will allow staff to responsibly maintain and upgrade the Town's utility infrastructure as development increases stress and demand on the system. Otherwise, reserves generated from any excess rate revenues over annual expenditures will remain the primary funding source for capital needs. The risk of this source alone makes it more likely that Council will face approving significant rate increases in any given year to meet capital needs that cannot be funded from reserves.

Discussion ensued regarding current and future development, impact fees, estimated costs of improvements, funding options, and the impact on the current system.

Town Manager Parsons discussed rate fees and explained the advantage of this capital investment.

Mayor Pro Tem Fields commented that he is in agreement with moving forward with this.

Councilmember Walden commented that the Town has to maintain the infrastructure; therefore they have to move forward with this proposal.

Councilmember Simeon stated they need to move forward in a fairly aggressive manner to insure these issues are resolved to prevent more severe problems from occurring if a part of the system does fail. Mr. Simeon commented we have to protect the integrity of the community.

Councilwoman VanCamp stated the accompanying documentation of reasonable cause for the expenses makes this more palatable and acceptable.

Mayor McNeill complimented staff for their hard work on this project.

Council indicated that they would consider a recommendation for approval at a Regular Meeting prior to the 2016-2017 budget discussions.

#### **5. Discussion Regarding Interlocal Agreement: Building Inspections**

Town Manager Parsons gave a brief overview of the proposed interlocal agreement regarding building inspections.

Mayor McNeill stated this would be more appropriate than delaying a project due to staff not being able to accommodate the need.

Discussion ensued regarding cost and level of expected service in Moore County.

Town Manager Parsons stated we would not delay any of our expected services to assist elsewhere. Mr. Parsons stated the County is currently seeing an increase in development outside of municipalities due to demand.

Councilmember Simeon commented if our staff is needed here, we wouldn't find it feasible to send them elsewhere.

Town Manager Parsons stated the Annual Budget Retreat will take place on April 5, 2016 at the Southern Pines Police Department.

As so incorporated to these minutes of February 22, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as if fully set out in the minutes.

There being no further business the meeting adjourned at 6:15 p.m.

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Peggy K. Smith  
Town Clerk

**MINUTES**  
**Agenda Meeting of the Southern Pines Town Council**  
**March 2, 2016, 7:00 PM, C. Michael Haney Community Room,**  
**Southern Pines Police Department**  
**450 W. Pennsylvania Avenue**

**Present:** Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon and Councilwoman Teresa VanCamp

**Absent:** None

Call to Order

**1. Manager's Comments**

Town Manager Reagan Parsons gave an overview of the proposed Consent Agenda.

**2. Consent Agenda**

- A. Adopt Worksession Meeting Minutes of January 25, 2016 Agenda Meeting Minutes of February 3, 2016 and Regular Business Meeting Minutes of February 9, 2016 as written.

Minutes were approved as written.

- B. Interlocal Agreement with Moore County: Building Inspections
- C. Water and Sewer Impact Fee Ordinance Amendment
- D. Abandonment of a portion of unopened N. Mechanic Street: Abandonment of Right-of-way along N. Mechanic Street for the portion of Right-of-way between W. Maine Avenue to W. Rhode Island Avenue
- E. Board Appointments
- Historic District Commission Appointments

Mayor McNeill stated this if the appointees accept these seats, there will be one seat open for review.

**3. Architectural Reviews**

- A. AR-09-15 Monroe Dental Clinic; 330 W. Pennsylvania Avenue; Stagaard & Chao Architects PLLC

Senior Town Planner Chris Kennedy gave an overview of the item while referring to an aerial map. Mr. Kennedy stated the property is located within the Downtown overlay.

Mayor Pro Tem Mike Fields stated that he owns 25% of an adjacent property.

Senior Town Planner Kennedy stated the petitioner is seeking a waiver from the 80% brick requirement for any new structure.

Alan Stagaard and Teresita Chao of Stagaard & Chao Architects, PLLC of Pinehurst were present to

discuss this item.

Mr. Stagaard reviewed their proposed site plans with pictures of painted brick and horizontal board & batten siding. Mr. Stagaard stated the proposed buildings are mostly siding with brick foundations. Mr. Staggard stated the proposed renderings do not fit the current Town ordinances, but he feels the design would fit the feel of the existing surrounding buildings. Mr. Stagaard continued by describing the building materials and color palate of the proposed buildings.

Mayor McNeill inquired if there is a waiver currently listed in this section of the UDO.

Senior Town Planner Kennedy responded in the negative.

Discussion ensued regarding the waiver request, building materials, the design of the requested building regarding brick, the proposed parking area and current Town ordinances.

Town Council and the petitioner agreed that the brick would at least need to come up the top of the windows in order to meet the intent and spirit of the Ordinance.

Planning Director Bart Nuckols suggested that the petitioner re-evaluate their request and come back with an alternate request that would be more in accordance with the ordinances of the Town.

Mayor McNeill stated Council would allow more time for the petitioner to review their application and amend their request to better meet the spirit of the current ordinance. Mayor McNeill stated they would be required to submit their amended request on or before the next regular Council meeting of March 8, 2016 for this particular application to be considered.

B. AR-02-16 Coalition Resale Building Addition; 1117 W. Pennsylvania Avenue; Sandhills Coalition for Human Care

Senior Town Planner Kennedy provided an overview of the item with an aerial map. Mr. Kennedy stated the new structure will be built to match the existing buildings.

Town Manager Reagan Parsons stated Coalition representatives were here several months ago to renew their lease agreement and discussed their proposed request to construct this addition.

Councilmember Walden inquired about the 80% brick requirement in this request.

Senior Town Planner Kennedy stated in this case it would not be required because the proposed addition being built will match the existing buildings. Mr. Kennedy stated an addition is very much different than new construction of a building.

C. AR-03-16 Commercial Accessory Structure Addition; 385 W. Pennsylvania Avenue; Century Link Telephone

Senior Town Planner Kennedy gave a brief overview of the item. Mr. Kennedy stated the petitioner is requesting a 192 ft. structure on skids that is intended to be temporary.

Discussion ensued.

Mayor McNeill stated if the intent is to be temporary, it would be appropriate to add ~~the~~ a conditional

granting approval of this building for only 3 years. Mayor McNeill stated at the end of the 3 years, if they request to continue to have the building on the property, the issue will have to be addressed before Council again.

D. AR-04-16 Caropines Amenity Center; 492 Avenue of the Carolinas; Caropine Ventures, LLC

Perry Shelley of Caropines Ventures was present to discuss his request.

Senior Town Planner Kennedy reviewed the request and provided site plans with renderings of the proposed project.

Mr. Shelley explained the project plans that include about 35 homes and an amenity center.

Discussion ensued regarding the location of the building and the amount of brick to be used in the construction of the building. It was noted that the architectural renderings matched the residential nature of the existing and planned homes in the development.

Mayor McNeill stated this item will be formally considered at the regular Council meeting on March 8, 2016.

#### 4. Public Hearings

A. Z-01-16; Request to Rezone Property from RS-1 to NB-CD; 1650 W. New York Avenue; Petitioner, American Legion Post #177

Senior Town Planner Kennedy gave an overview of the item explaining the legislative hearing process. Mr. Kennedy stated the petitioner has requested to amend their original request to rezone from RS-1 to NB-Conditional District to make the request more acceptable with the land uses. Mr. Kennedy went over the requested land uses and conditions to be included with this application.

Mayor Pro Tem Fields requested copies of the minutes from the most recent meeting of the Planning Board to be available to Council prior to the March 8, 2016 Regular Business Meeting.

Senior Town Planner Kennedy stated a rough draft of the minutes would be provided as requested.

Discussion ensued regarding the conditional uses of the item.

B. Comprehensive Long Range Plan Update

Planning Director Bart Nuckols gave an overview of the proposed Comprehensive Long Range Plan update. Mr. Nuckols stated Michael Lauer, the consultant that has been working with staff to rewrite the updated CLRP will be delivering the presentation of the updated information at the next regular business meeting along with staff's compiled updated data presentation.

#### 5. Miscellaneous

A. Final Bid Offer Approval for Sale of Town Parcels 00032830 and 00032829 – Hector Commercial Real Estate Services, LLC in the amount of \$110,000.00  
***(Bid to be formally voted on at this Agenda Meeting)***

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, the final bid offer in the amount of \$110,000 from Hector Commercial Real Estate Services, LLC was accepted for Town Parcels 00032830 and 00032829 with the inclusion of a Resolution accepting offer for purchase of property and authorizing execution of documents.

As so incorporated to these minutes of March 2, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 8:37 p.m.

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Peggy K. Smith  
Town Clerk

## Minutes

### Regular Business Meeting of the Southern Pines Town Council March 8, 2016, 7:00 PM, Douglass Community Center, 1185 W. Pennsylvania Avenue

**Present:** Mayor David McNeill, Mayor Pro Tem Mike Fields, Councilmember Fred Walden, Councilmember Jim Simeon, Councilwoman Teresa VanCamp

**Absent:** None

Call To Order

#### Pledge of Allegiance

#### 1. Manager's Comments

#### 2. Consent Agenda

All items listed below are considered routine or have been discussed at length in previous meetings and will be enacted by one motion. No separate discussion will be held unless requested by a member of the Town Council.

- A. Adopt Worksession Meeting Minutes of January 25, 2016 Agenda Meeting Minutes of February 3, 2016 and Regular Business Meeting Minutes of February 9, 2016 as written.
- B. Interlocal Agreement with Moore County: Building Inspections
- C. Water and Sewer Impact Fee Ordinance Amendment
- D. Resolution Stating the Intent to Abandon an Unopened Portion of N. Mechanic Street and Setting a Public Hearing - Abandonment of Right-of-way along N. Mechanic Street for the portion of Right-of-way between W. Maine Avenue to W. Rhode Island Avenue
- E. Board Appointments
  - Historic District Commission Appointments
    - George "Bud" Seifert 03/12/2016 - 03/12/2020 – 2<sup>nd</sup> Appointment
    - Carolyn Burns 03/12/2016 – 03/12/2020 – 1st Appointment
    - Steady Meares 03/12/2016 – 03/12/2020 – 2<sup>nd</sup> Appointment

Town Manager Reagan Parsons reviewed the Consent Agenda items and stated item 3A, AR-09-15 Monroe Dental Clinic has been requested by the petitioner to be withdrawn from the Consent Agenda.

Upon motion by Councilmember Jim Simeon, seconded by Councilmember Fred Walden and carried unanimously 5-0, the Consent Agenda was approved.

#### 3. Architectural Reviews

- A. **AR-09-15 Monroe Dental Clinic; 330 W. Pennsylvania Avenue; Stagaard & Chao Architects PLLC**

On behalf of Stagaard & Chao Architects PLLC, the petitioner Mr. Allan Stagaard has submitted an application requesting Architectural Review approval for a new commercial structure located at 330 W. Pennsylvania Avenue. The proposed project includes the demolition of the existing structure and the new construction of a dental office. The proposed structure will be 2,950 square feet. The property is identified by the following: PIN: 858105290344 (PARID: 00036522). Per the Moore County Tax records, the property owner(s) are listed as Twin Properties LLC.

The request from the petitioner to voluntarily withdraw this item from the Consent Agenda was unanimously approved by Town Council.

**B. AR-02-16 Coalition Resale Building Addition; 1117 W. Pennsylvania Avenue; Sandhills Coalition for Human Care**

On behalf of the petitioner the Sandhills Coalition for Human Care, Ms. Barrett Walker, Executive Director of the Sandhills Coalition for Human Care has submitted an application requesting Architectural Review approval for a commercial expansion to the existing structures located at 1117 W. Pennsylvania Avenue. The proposed project includes an addition to the existing structures with an expansion that connects the boutique building and the Sullivan building. The proposed expansion will be 1,068 square feet. The property is identified by the following: PIN: 857216929649

Senior Town Planner Chris Kennedy gave a brief overview of the item and provided site plans for the proposed addition that will connect the two existing buildings. Mr. Kennedy stated the proposed addition will be structurally compatible with the existing buildings.

Mayor Pro Tem Mike Fields stated he moves to approve AR-02-16 Coalition Resale Building Addition located at 117 W. Pennsylvania Avenue. This motion was seconded by Councilmember Walden and carried unanimously 5-0 and was approved.

**C. AR-03-16 Commercial Accessory Structure Addition; 385 W. Pennsylvania Avenue; Century Link Telephone**

On behalf of the petitioner Century Link Telephone, Mr. Ken Lowman of Ken Lowman Construction has submitted an application requesting Architectural Review approval for a commercial accessory structure to be located on the Century Link Telephone property located at 385 W. Pennsylvania Avenue. The proposed project includes one (1) pre-manufactured storage structure to be located behind the existing building. The proposed expansion will be 1,068 square feet. The property is identified by the following: PIN: 858100292684 (PARID: 00039823). Per the Moore County Tax records, the property owner(s) are listed as United Telephone Company.

Senior Town Planner Kennedy reviewed the item and provided an aerial map view. Mr. Kennedy explained the suggested three-year Sunset Provision stipulation that would accompany the request.

Town Council unanimously agreed that today's meeting date (March 8, 2016) would stand as the beginning date of the Sunset Provision that will be incorporated into this request if approved.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, AR-03-16 Commercial Accessory Structure Addition at 385 W. Pennsylvania Avenue with Century Link Telephone is approved with a three-year Sunset Provision that is effective today, March 8, 2016.

**D. AR-04-16 Caropines Amenity Center; 492 Avenue of the Carolinas; Caropine Ventures, LLC**

On behalf of the petitioner Caropine Ventures, LLC, Mr. Perry Shelley has submitted an application requesting Architectural Review approval for the new construction of a neighborhood amenity center for the Caropines project within the Carolina development off of Airport Road. The proposed construction will include 3,998 square feet of heated area with an additional 1,389 square feet of porches. The property is identified by the following: PIN: 858300693296

Senior Town Planner Kennedy gave an overview of the item with a site map and renderings.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously 5-0, AR-04-16 Caropines Amenity Center at 492 Avenue of the Carolinas was approved.

**4. Public Hearings**

**A. Z-01-16; Request to Rezone Property from RS-1 to NB-CD; 1650 W. New York Avenue; Petitioner, American Legion Post #177**

On behalf of American Legion Post #177, Mr. Fenton Wilkinson is requesting to rezone property located at 1650 W. New York Avenue. The request is to rezone the parcel from RS-1 (Residential Single-Family – 1) to NB-CD (Neighborhood Business – Conditional District). The subject property is comprised of 1.69 acres. The property is identified by the following: PIN: 857216749214 (PARID: 00030850). Per the Moore County Tax records, the property owner(s) are listed as American Legion Post #177.

Councilmember Fred Walden requested to be recused from item Z-01-16 the Request to Rezone Property from RS-1 to NB-CD; 1650 W. New York Avenue (American Legion Post #177) because he is currently an active member of the American Legion Post Organization.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously 4-0, Councilmember Walden was approved to be recused from any decisions regarding Z-01-16: Request to Rezone Property from RS-1 to NB-CD; located at 150 W. New York Avenue, Southern Pines.

Senior Town Planner Kennedy presented an overview of the item. Mr. Kennedy stated The Planning Board and staff have reviewed this request and have suggested that The Neighborhood Business – Conditional (NB-CD) Zoning Classification be an inclusion and subject to the following land uses:

**Primary Land Uses:** Land uses that may act as stand-alone uses in which the operations of said land use is not contingent on the operation of another land use.

- LBCS 6830 Associations, Non-Profit Organizations, Clubs: Civic, Social, or Fraternal Organization
- LBCS 9100 Crop Production:
  - Land Use Category Includes:
    - LBCS 9110 Outdoor Production
    - LBCS 9140 Greenhouse Production
      - LBCS 9141 Greenhouse Production: No On-Premises Sales
      - LBCS 9142 Greenhouse Production: Sales of Products Grown On Premises
      - LBCS 9143 Greenhouse Production: Sales of Products and Related Accessory Products.

**Supportive Land Uses:** Land uses that are not intended to act as primary or stand-alone uses. Must be operated in conjunction with a primary land use listed in this document.

- LBCS 2141 Consumer Goods: Florist
- LBCS 2145 Consumer Goods: Antique Shop, Flea Market, Thrift Stores
- LBCS 2153 Consumer Goods: Specialty Food Store
- LBCS 2154 Consumer Goods: Fruit and Vegetable Store
- LBCS 2199 Retail Sales, Service or Repair: Markets for Farm Produce or Crafts (ZS)
- LBCS 2420 Administrative Services
  - Land Use Category Includes:
    - LBCS 2421 Administrative Services: Office Administrative Services
    - LBCS 2422 Administrative Services: Facilities Support Services
    - LBCS 2423 Administrative Services: Employment Agency
    - LBCS 2424 Administrative Services: Copy Center, Private Mail Center, Other Business Support Services
    - LBCS 2425 Administrative Services: Collection Agency
- LBCS 2530 Food Services: Snack or Non-Alcoholic Bar
- LBCS 2560 Food Services: Caterer
- LBCS 4221 Motion Pictures and Sound Recording: Motion Picture and Video Productions, Publishing, & Distribution
- LBCS 5160 Independent Artist, Writer, or Performer
- LBCS 5210 Museums and Other Special Purpose Recreational Institutions: Museum
- LBCS 5372 Fitness, Recreational Sports, Gym, Athletic Club, Multi-purpose Facility: Private Facilities
- LBCS 6563 Social Assistance, Welfare, & Charitable Services: Community Food Services
- LBCS 6565 Social Assistance, Welfare, & Charitable Services: Other Family Services (Hotline Centers, Suicide Crisis Centers, Self Help Organizations, et cetera)
- LBCS 6567 Social Assistance, Welfare, & Charitable Services: Veteran Affairs
- LBCS 6568 Social Assistance, Welfare, & Charitable Services: Vocational Rehabilitation

**Accessory Uses:** Accessory uses are subordinate or incidental to the primary or supportive permitted land use. The accessory uses support the primary function, but might not be allowed as a primary use or supportive land use. The following accessory uses shall only be permitted in conjunction with primary or supportive permitted land uses:

- a. Off-street parking and loading facilities serving a primary use or supportive use;
- b. Open areas devoted to private permanent recreational facilities located on the same lot as a principal facility;

- c. Storage and service areas and accessory buildings, if serving a principal facility on the same lot; provided that such facilities are enclosed.
- d. Temporary construction yards and similar facilities which are necessary and incidental to development of facilities on the same lot, or on another of several lots being developed at the same time;
- e. Operations commonly seen in the practice of farming to include but not limited to the keeping of bees and composting.

Town Manager Parsons stated this will be a more restricted zoning than the standard NB zoning due to the included conditions.

Councilmember Simeon inquired if the Petitioner is in agreement with the listed included conditions.

Senior Town Planner Kennedy responded in the affirmative.

Mayor Pro Tem Fields asked if the amended conditions are listed in the petitioner's application so it is visible to the public.

Senior Town Planner Kennedy responded in the affirmative. Mr. Kennedy stated he will list it in the addendum to be clearly understandable.

Discussion ensued regarding the suggested land uses while referring to a site map.

Councilwoman VanCamp stated it is her understanding that they organization is not currently conforming to the UDO.

Senior Town Planner Kennedy responded in the affirmative.

Councilwoman VanCamp asked how long the Post has been operating as non-conforming.

Senior Town Planner Kennedy stated to his knowledge, as long as zoning has applied to the Post.

Councilwoman VanCamp inquired what is currently prompting this re-zoning issue.

Senior Town Planner Kennedy stated for instance, if a tree were to fall onto the current building and destroy it, under the current code, they would have to obtain a conditional use permit to rebuild the structure. Mr. Kennedy also stated the current code would inhibit their ability to expand the structure due to it being listed as non-conforming.

Mayor McNeill opened the public hearing.

Clifton Bell, Jr. of 905 W. Connecticut Avenue, Southern Pines stated he is present today to voice his support of this rezoning petition. Mr. Bell explained his history regarding The American Legion Post #177 and his current involvement with the organization and veterans. Mr. Bell stated they have encountered several challenges with this process and the current positive citizen support for this request is an asset to the community.

Arthur Mason of 795 W. New Hampshire Avenue, Southern Pines thanked Council for considering this rezoning request.

Rora Kellis of 2960 US HWY 1, Vass, North Carolina stated he represents the American Legion of NC as the Membership Chairman for the state of NC. Mr. Kellis stated they currently have 318 posts within the state of NC and they are periodically assigned a post to work with to foster revitalization, encourage positive growth within the community and provide assistance in any way they can. Mr. Kellis commented that the Southern Pines post has been a little difficult with him in the past, but in the last couple of years, the post has done a major positive turn around. Mr. Kellis continued by explaining this is a great testament for a positive leadership example.

Patricia Harris of 2615 National Avenue, Raleigh, North Carolina stated she has past served as a Department Commander for the 318 American Legion Posts and she was in command at the time that this particular post started to come back from some of the previous pitfalls and past history. Ms. Harris stated she is honored to see Post #177 regaining its honor and emerging from previous scrutiny and engaging in what its purpose is; looking out for the veterans, a strong defense and the community youth. Ms. Harris stated this post has overcome a huge amount of issues and is now proudly serving the community as they should and she supports this request to rezone.

W. Frank Stancil of 319 Bargate Drive, Cary, North Carolina stated he is in support of this American Legion Post rezoning request. Mr. Stancil stated he is a current state Adjutant and they maintain a history file on each individual post. Mr. Stancil continued by elaborating on the documented drastic changes this particular post has made in the last four of years. Mr. Stancil stated he has made several site visits to this post offering support and participation in their on-going activities. Mr. Stancil commented this community's members have made this organization an accessible and proud place the citizens can utilize. Mr. Stancil stated the citizens here today are showing their continued support and the enhanced changes in the reports represent the commitment they have displayed through leadership.

Fenton Wilkinson of 120 Cliff Court, Southern Pines stated he understands that Council has to have basis for decisions such as this and he is here to provide some foundational information to support this request. Mr. Wilkinson referred to the W. Southern Pines Neighborhood Development Plan that the Town undertook in 2013. Mr. Wilkinson commented that he feels this document serves as the foundation of what the community is striving for and this post is representing this model currently with the things they are doing. Mr. Wilkinson stated they are not asking for any monies and discussed their proposals and activities. Mr. Wilkinson requested to be allowed to have up to two bee hives on the property as an accessory use of a neighborhood business.

Dorothy Brower of 102 Eastman Road, Southern Pines stated she is in support of the rezoning of the American Legion property from RS-1 to NB-CD. Ms. Brower discussed the past history of the American Legion Post and her dream of restoring this facility to its past stature. Ms. Brower expressed the importance of the supporting help of outside partners that have gotten this facility back on its feet and in the right direction of leadership to be able to offer inspirational goals for the community. Ms. Brower stated they are very proud to teach and provide their committed services to improve the area and be examples around the state and nation. Ms. Brower stated they are currently providing the spirit of what a community and a neighborhood should reflect.

James Moore of 1600 W. New York Avenue, Southern Pines explained that he lives three doors away from the American Legion Post #177. Mr. Moore stated he commends the current members and supporters of the American Legion Post for the work they are presently doing. Mr. Moore stated he has resided here for the last 40 years and he has witnessed the good and the negative things that have occurred. Mr. Moore commented he is pleased with the way the community is here in support of this. Mr. Moore stated that he can see the positive evolution from the past pitfalls with this organization here. Mr. Moore stated he does request that everyone takes the immediate neighbors and Town Ordinances into consideration during all activities that will be taking place at the facility.

Oliver Hines of 635 W. Michigan Avenue, Southern Pines stated the food program that the kids are involved in is very important and he has personally seen the training that has taken place with the kids. Mr. Hines stated this could be a bridge to connect us with the County and even further. Mr. Hines stated he is pleased to see these young people in the community that are volunteering to assist with the programs and want to learn more about how to continue with these types of programs. Mr. Hines discussed the current monitoring of the functions and the expected behavior that the attendees know is required. Mr. Hines discussed the importance of this type of legacy that needs to be left behind to our growing youth so it can be passed on. Mr. Hines stated this is a giant step in the positive direction we need to go for the Town of Southern Pines.

Felicia Winfield of 1760 W. New York Avenue stated she resides directly across the street from the Post #177. Ms. Winfield gave an overview of the past history of this facility and stated this post has overcome those past issues with great feats. Ms. Winfield stated her father was a past post Commander and she has grown up with this facility with vast knowledge of the scholarships, etc. that has been available to the youth. Ms. Winfield stated this post is in a position now that is vital to move forward. Ms. Winfield stated she is begging that this request be considered for approval. Ms. Winfield stated there are constantly dedicated members mentoring and working with the kids every day, as she sees this from her home. Ms. Winfield commented this post has come through treacherous times and they are in a great place now and the flourishing shows that with the current leadership and commitment.

No other public speaker comments voiced.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Simeon and carried unanimously 4-0, the public hearing was closed.

Discussion ensued regarding how many bee hives would be allowable on the property.

Mayor McNeill asked Mr. Wilkerson how many hives would he requesting to have.

Mr. Wilkerson stated he would agree to be allowed to have up to 2 bee hives on the property.

Mayor Pro Tem Fields stated he moves that the proposed amendment is consistent with those documents that constitute the officially adopted land development plan and other applicable plans with the exception that the future land use map designates this area as residential and he moves to approve Z-01-16 with the addition of item E under accessory uses to allow for different types of farming including bee keeping and composting. This motion was seconded by Councilmember Simeon and carried unanimously 4-0 as approved.

Council agreed over the past several years the post has positively been turned around and is successfully serving the community.

Council retired to recess at 8:33 PM

Council reconvened at 8:42 PM

#### **B. Comprehensive Long Range Plan Update**

Planning Director Bart Nuckols gave an overview of the current proposed Long Range Plan Update. Director Nuckols explained the process and how staff compiled the current data being presented. Mr. Nuckols went into great detail the mission of the updated plan to encompass the Town's natural and environmental best interests and goals.

Michael Lauer of Michael Lauer Planning presented a power point presentation with explanations of the proposed highlights and changes in the proposed drafted Comprehensive Long Range Plan update.

Mayor McNeill opened the public hearing.

Suzanne Coleman of 225 N. May Street, Southern Pines stated she is requesting an update on the goal of protecting our natural resources. Ms. Coleman stated she came before Council approximately 15 months ago with concerns regarding the century year old long leaf pine that was illegally cut down. Ms. Coleman stated at that time, she requested that Council update and strengthen the tree protection ordinance to prevent this type of occurrence from happening in the future and would now like to request follow-up information regarding that request.

Town Manager Parsons stated Town staff is currently gathering information to move forward with this request.

Ms. Coleman expressed concern regarding cultural diversity and salaries amongst Town staff employees.

Ms. Coleman stated she would like to request that the Town consider adding a goal to the long range plan regarding adopting a diversity management program with specific recruitment and hiring practices to address the under representation of women and minorities among Town staff.

Town Manager Parsons stated the Town has always utilized a progressive approach by not only going through the normal channels of job position advertising, but have always maintained a list of journals and or specific areas that we may do targeted advertising for minority populations.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, the public hearing was closed.

Michael Lauer stated the goal that Ms. Coleman has suggested could be added to the CLRP upon approval.

Mayor McNeill stated he would suggest that Town Manager Parsons and staff research this suggestion further.

Upon motion by Mayor Pro Tem Fields, seconded by Councilmember Walden and carried unanimously 5-0, the Comprehensive Long Range Update was approved.

#### **5. Public Comments**

No further comments were voiced.

Mayor McNeill thanked staff, Planning Director Nuckols, Senior Town Planner Kennedy and Mr. Lauer for the great job and hard work that was done on this updated plan.

Upon motion by Mayor Pro Tem Fields, seconded by Councilman Walden and carried unanimously 5-0, the meeting was adjourned.

As so incorporated to these minutes of March 8, 2016 are exact copies as so recorded in the ordinance and resolution books of the Town of Southern Pines as fully set out in the minutes.

There being no further business the meeting adjourned at 9:47 p.m.

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Peggy K. Smith  
Town Clerk

# MEMO

**TO:** Mayor and Council members  
**FROM:** Town Manager Reagan Parsons  
**Date:** 04-01-16  
**RE:** April Consent Agenda – Agenda Meeting

Just a few notes relative to the items in your packet:

1. You have received a copy of the current Moore County Arts Council lease for space in the Campbell House. The lease has expired and the recommendation at this point would be to renew it for another five years under current terms. We can discuss Wednesday evening, after which a formal new copy will be drawn up with any necessary changes for adoption the following Tuesday.
2. The abandonment of an additional section of Mechanic Street has been requested and is slated to appear for initiation and Public Hearing scheduling at the April meeting. The map contained in your packet may be adjusted prior to formal adoption of the resolution, and we will bring any updates Wednesday evening. There is some question regarding the Rhode Island Right of Way that runs through the Leith tract and we are working through that. Inevitably, staff will recommend that the second portion of Mechanic be abandoned ONLY if a CUP is granted to Hector that makes such abandonment an obvious necessity by way of terminating any future reason for the right of way to be opened.

Thank you.



## Police Department

**Mailing**  
P.O. Box 330  
Southern Pines, NC 28388

**Physical Location**  
450 W. Pennsylvania Ave.  
Southern Pines, NC 28387

Administration: (910) 692-2732  
Communications Center: (910) 692-7031  
Patrol Division: (910) 693-4101  
Investigation Division: (910) 693-1481  
Crime Tips: (910) 693-4110

Email: [PD@southernpines.net](mailto:PD@southernpines.net)  
[www.southernpines.net/Police](http://www.southernpines.net/Police)

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To: Town Council  
From: Robert Temme  
Chief of Police  
Date: March 11, 2016  
Re: Request for Budget Amendment

The Southern Pines Police Department received from the League of Municipalities, a reimbursement for damage to an unmarked vehicle in the amount of \$3262.64. This reimbursement was deposited into the General Fund 10-335-0000. The repairs for the damage to the unmarked vehicle was paid from the Police Investigations Account, 10-515-1700.

At this time, I am respectfully requesting that the reimbursement amount of \$3262.64 be transferred from the General Account 10-335-0000, to the Police Department line item 10-515-1700.

Thank you for your consideration of this request.

Xc: Finance Director  
Director of Administrative Services  
File Budget 2015/16

**AN ORDINANCE  
AMENDING THE 2015/2016 FISCAL YEAR BUDGET**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of April, 2016 that the Operating Budget for the Fiscal Year 2015/2016 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Miscellaneous Revenue	10-335-0000	\$ 3,263.00	
Police - Investigations	Auto Repair	10-515-1700	\$ 3,263.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 12, 2016 as shown in the minutes of the Town Council for that date.

---

Peggy K. Smith, Town Clerk



## Police Department

**Mailing**  
P.O. Box 330  
Southern Pines, NC 28388

**Physical Location**  
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Southern Pines, NC 28387

Administration: (910) 692-2732  
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Email: [PD@southernpines.net](mailto:PD@southernpines.net)  
[www.southernpines.net/Police](http://www.southernpines.net/Police)

To: Town Council  
From: Robert Temme  
Chief of Police  
Date: March 12, 2016  
Re: Request for Budget Amendment

The Southern Pines Police Department received in excess of \$35,000 from vendors participating the Southern Pines Police Department's "Extra Duty Program." The vendors deposited funds into Revenue Account 10-370-0050. Officers working these extra duty assignments were paid from Police Department "Salary Lines" 10-511-0150 and 10-515-0150.

At this time, I am respectfully requesting that \$27,000 be transferred from Revenue Account 10-370-0500, to the Police Department line item 10-511-0150.

Thank you for your consideration of this request.

Xc: Finance Director  
Director of Administrative Services  
File Budget 2015/16

**AN ORDINANCE  
AMENDING THE 2015/2016 FISCAL YEAR BUDGET**

**BE IT ORDAINED AND ESTABLISHED** by the Town Council of the Town of Southern Pines in regular session assembled this 12th day of April, 2016 that the Operating Budget for the Fiscal Year 2015/2016 be and hereby is amended as follows:

<u>DEPARTMENT</u>	<u>LINE ITEM</u>	<u>CODE</u>	<u>INCREASE</u>	<u>DECREASE</u>
General Fund	Police Extra Duty Revenue	10-370-0050	\$ 27,000.00	
Police - Patrol	Police Extra Duty	10-511-0150	\$ 27,000.00	

I certify that this ordinance was adopted by the Town Council of the Town of Southern Pines at its meeting of April 12, 2016 as shown in the minutes of the Town Council for that date.

\_\_\_\_\_  
Peggy K. Smith, Town Clerk

**RESOLUTION FOR SOUTHERN MOORE COUNTY  
COMPREHENSIVE TRANSPORTATION PLAN**

**WHEREAS**, The Village of Pinehurst, the Town of Southern Pines, and the Town of Aberdeen (herein “southern Moore County”) are collectively Moore County’s retail, tourism, commercial and industrial core, and represent almost 40% of the County’s total population; and

**WHEREAS**, Significant growth and development, accelerated by southern Moore County’s population increase of 51% since 2000 and the 1.1 million tourists that visit Moore County annually, are straining local transportation infrastructure; and

**WHEREAS**, Projections through 2030 indicate that the population is expected to continue increasing which, in addition to the ongoing volume of tourist traffic, will put additional demands on local transportation infrastructure; and

**WHEREAS**, In March 2015, the North Carolina Department of Transportation (NCDOT) presented a draft Comprehensive Transportation Plan (CTP) for all of Moore County that is a long-range analysis and amendable concept plan of the County’s transportation needs through 2040; and

**WHEREAS**, While NCDOT will continue to solicit ongoing community input for the Moore County CTP, NCDOT representatives from the state office and local Division 8 office have expressed the feasibility of developing a separate transportation plan specifically for southern Moore County; and

**WHEREAS**, Southern Moore County welcomes the opportunity to develop its own plan and is committed to collaborating closely with NCDOT to bring the plan to fruition.

**NOW, THEREFORE, BE IT RESOLVED** that the Village of Pinehurst, the Town of Southern Pines, and the Town of Aberdeen endorse the development of a comprehensive transportation plan for their collective communities and adjacent surrounds through 2040 and request NCDOT’s assistance, through its Transportation Planning Branch, in preparing the plan within the framework of NCDOT’s institutional processes.

Adopted and approved this \_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
W. David McNeill, Mayor

MEMORANDUM

To: Town Council  
Reagan Parsons, Town Manager

From: Robert Reeve, Recreation & Parks Department Director

Date: March 28, 2016

Subject: Talamore Water Use Agreement at Reservoir Park

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The five (5) year agreement between the Town of Southern Pines and Talamore Golf Limited Partnership for water withdrawal from the Reservoir Park Lake will expire on December 31, 2016. The Town has been receiving \$5,500 per year for the last five years that has been used for facility enhancements and repairs at the Reservoir Park.

If Town Council is interested in moving forward with a new agreement for five years, Talamore is willing to pay \$6,000 per year starting in 2017. As part of this agreement, Talamore may withdraw water from the reservoir lake to water its golf course as long as the water in the reservoir lake does not go below two (2) feet at the spillway.

If acceptable, please approve the new five year agreement with Talamore at the April 12 regular meeting of Town Council.

Thank you.

MOORE COUNTY

NORTH CAROLINA

**AGREEMENT**

This agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, between the Town of Southern Pines, a North Carolina Municipal corporation (referred to after this as “Town”), and Talamore Golf Partners Limited Partnership, a Pennsylvania Limited Partnership, (referred to after this as “Talamore”).

1. Talamore, in consideration for the use of water by Talamore as provided in this agreement, will pay to Town the sums indicated below on or before the date indicated for use at Reservoir Park.

March 31, 2017	\$6,000
March 31, 2018	\$6,000
March 31, 2019	\$6,000
March 31, 2020	\$6,000
March 31, 2021	\$6,000

2. Talamore is authorized by the Town of Southern Pines to place or retain in the reservoir at Reservoir Park pumps and to use and to maintain those pumps to remove water from that reservoir for use in watering Talamore’s golf course from January 1, 2017, through December 31, 2021 as provided below.

3. Talamore will suspend its use of any water from the reservoir at any time that the water level in the reservoir drops more than two feet below the elevation of the spillway of the reservoir until such time as the water level has increased to a point that is no more than two feet below the elevation of that spillway.

4. Talamore will place or maintain those pumps only in a location in the reservoir authorized by the Town of Southern Pines, which authorization will not be unreasonably withheld. Town acknowledges that the current location of the pump is acceptable at this time.

5. Talamore will indemnify and hold harmless the Town of Southern Pines from any claims, liability, costs or other expenses arising from its placement of pumps by Talamore in the reservoir or its removal of water from that reservoir.

6. If Talamore at any time fails to make a payment as provided in this agreement, Town, as its option may take any of the following actions: a) terminate this agreement and take such steps as are necessary to prevent additional water from being removed from the reservoir by

Talamore; b) take such steps as are necessary to prevent the additional water from being removed by Talamore until Talamore becomes current in its payments; or c) declare all unpaid amounts and all future payments as due and payable, cause Talamore to remove no more water from the reservoir until those amounts are paid, and pursue the collection of the entire amount.

7. Town agrees to give six (6) months notice (or as long as possible if Town's knowledge of the event is shorter than six months) to Talamore if Town intends to drain the lake more than two feet below the spillway for any reason.

TOWN OF SOUTHERN PINES

By: \_\_\_\_\_

TALAMORE GOLF PARTNERS LIMITED PARTNERSHIP  
A Pennsylvania Limited Partnership

By: \_\_\_\_\_

General Partner

NORTH CAROLINA

MOORE COUNTY

**LEASE AGREEMENT**

THIS LEASE is made this 14<sup>th</sup> day of July, 2009, by and between the ARTS COUNCIL OF MOORE COUNTY, INC., referred to as "Lessee," and the TOWN OF SOUTHERN PINES, referred to as "Lessor."

1. Lessor leases to Lessee for Lessee's sole and exclusive use those portions of the premises known as the Campbell House on Connecticut Avenue, Southern Pines, North Carolina, consisting of the entire ground floor, and a designated closet on the second floor. Lessee is further entitled to use for storage, jointly with Lessor, the garage building located on the premises. In addition, Lessee and Lessor and other occupants and invitees may use in common with others, those portions of the building reasonably necessary for access to or use of those portions of the building the use of which each is otherwise entitled to.

2. Lessee leases and accepts the premises on an "as is" basis on the 14<sup>th</sup> day of July, 2009, at which time the premises are deemed ready for occupancy as contemplated by this agreement.

3. The term of this lease commences on the 14<sup>th</sup> day of July, 2009, and runs for a period of five (5) years.

4. Lessee shall be responsible for all expenses for telephone, utilities, or supplies for the leased premises.

5. Lessee, upon request, shall sublease a portion of the leased premises to the Occoneechee Council of the Boy Scouts of America.

6. Lessee shall provide and pay for any expenses for repair or maintenance of the interior of the leased premises if the expense is less than One Hundred and 00/100 Dollars (\$100.00), and Lessor shall provide and pay for such repairs and maintenance if the expense is One Hundred and 00/100 Dollars (\$100.00) or greater.

7. Lessor will provide maintenance and upkeep of the grounds adjacent to the leased premises in a manner consistent with that practiced during the two-year period of this lease and shall, upon reasonable notice, provide such maintenance and upkeep prior to any event scheduled for the leased premises, if reasonably needed.

8. Signs may be used or installed only with the express permission of the Lessor, but permission shall be deemed to have been given for signs already installed.

9. Lessee shall not modify or make improvements to the premises, other than minor repairs, without the consent of the Lessor, which consent shall not be unreasonably withheld. It is agreed that all repairs, modifications, additions, or improvements shall be and become a permanent part of the real estate, and as such the property of the Lessor.

10. Lessee, throughout the period of its occupancy shall cause the premises to be cleaned with sufficient frequency and in a manner sufficient to maintain the premises in a state of cleanliness consistent with reasonable standards for offices and public areas, including the lobby and restroom adjacent to the lobby.

11. During the term of this lease, Lessee is entitled to exclusive use of the yards to the rear of the Campbell House and between the side of the house and playing fields, when Lessee has given advance notice to Lessor of the intended use prior to Lessor's scheduling of any activity for the yard.

12. The leased premises during the term of this lease shall be used exclusively for office, gallery, reception, and meeting purposes.

13. Should the buildings upon the leased premises be destroyed or rendered unfit for use and occupancy by fire or other casualty, this lease shall thereupon terminate.

14. Lessee may not assign this lease or sublet any part of the premises without the written consent of Lessor, except for the sublease referred to in item 5, above, but Lessee may rent the leased premises for temporary use without the consent of Lessor.

15. Lessee on termination of this lease may remove all fixtures installed at Lessee's expense so long as they may be and are removed without damage to the premises. All expenses of such removal shall be paid by Lessee and same shall be completed by the time this Lease terminates.

16. If any obligation of the Lessee under this lease remains unsatisfied for ten (10) days after notice by Lessor to Lessee, Lessor may, at its option, declare this lease terminated and canceled, and take possession of said premises.

17. Effective July 14<sup>th</sup>, 2009, this lease supersedes all previous leases between the parties.

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18. This Lease Agreement constitutes the entire understanding between the parties and shall not be modified except in writing signed by the parties. This lease is binding on the parties hereto, their heirs, and permitted assigns.

19. The designation Lessor and Lessee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

IN WITNESS WHEREOF, Lessor and Lessee have executed this lease agreement in duplicate.

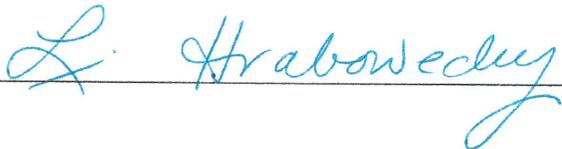
LESSOR: TOWN OF SOUTHERN PINES

By: \_\_\_\_\_



LESSEE: ARTS COUNCIL OF MOORE COUNTY, INC.

By: \_\_\_\_\_



Public Services  
140 Memorial Park Ct.  
Southern Pines, NC 28387  
910-692-1983



Date: March 30, 2016  
To: Reagan Parsons, Town Manager  
CC: Peggy Smith, Town Clerk  
From: Adam Lindsay, Assistant Town Manager  
RE: 101.23 Removing Trees

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Please include on the 4/12/16 consent agenda the proposed ordinance revision as discussed at the 3/28/16 Council Work Session.

The Appearance Commission recommends it for adoption.

Add definitions to § 101.03:

**PERSON.** As defined in §10.05.

**TREE PROTECTION OFFICER.** An individual designated by the Public Services Director to administer any provision of this chapter.

Modify § 101.23 to read as follows:

### **§ 101.23 REMOVING TREES**

- (A) It shall be unlawful for any person, unless otherwise authorized, to remove a tree from a right-of-way or from town property without written authorization from a tree protection officer.
- (B) A tree protection officer shall issue a permit authorizing tree removal only when, after application is made, the officer determines that the tree's removal is reasonably necessary for health, safety, or welfare.
- (C) The tree protection officer may include the Tree Committee in making the determination, but if the Committee has not participated in the initial determination, the applicant may appeal to the Tree Committee.
- (D) In addition to the penalties provided by § 10.99, a person who removes a tree without authorization shall provide a replacement tree or trees or other restitution as determined by the tree protection officer.
- (E) Unless the tree protection officer determines that the removed tree can not be replaced in a manner that satisfies the criteria set forth below, the person who removed the tree must provide a suitable replacement

in accordance with specifications determined by the officer, applying these criteria:

- 1) the replacement shall provide benefits similar to those provided by the removed tree;
  - 2) the location of the replacement shall be in reasonable proximity to the site of the removed tree but without causing deleterious effects;
  - 3) the timing and technique of installation of the replacement shall be as needed to assure the health of the replacement;
  - 4) if the caliper of the stump of the removed tree is less than four inches, the replacement shall be a tree at least as great at the same caliper; if the caliper of the removed tree is greater, then the replacement shall consist of trees with a cumulative caliper at least as great as that of the removed tree when measured at the stump at its widest diameter.
  - 5) If the person ordered to provide replacement fails to complete the replacement in the time that had been provided by the tree protection officer, that officer may extend the time for replacement for up to an additional year upon the person's providing security in an amount determined by the officer to be 125% of the cost to the Town of the materials, labor, and a reasonable administrative charge to complete the replacement. The security may be in the form of bond, letter of credit, or cash deposit. If it becomes necessary for the Town to complete the replacement, any unused portion of the security shall be returned.
- (F) If the tree cannot be satisfactorily replaced, then the person who removed the tree is liable to the town for

the amount that the tree protection officer determines as the cost of a suitable replacement had that been possible.

- (G) Any decision by the tree protection officer or the Tree Committee shall be subject to review in the Superior Court by proceedings in the nature of certiorari instituted within 15 days of notice of the determination.

### **Agenda Item**

**To: Reagan Parsons, Town Manager**

**Via: Bart Nuckols, Planning Director**

**From: Chris Kennedy, Senior Planner**

**Subject: Abandonment of N. Mechanic Street between W. Maine Avenue & NE Service Road**

**Date: April 12, 2016**

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The Town has received a request to abandon the one and one-half (1.5) block portion of N. Mechanic Street extending from the intersection of W. Maine Avenue and N. Mechanic Street to the intersection of the NE Service Road and N. Mechanic Street (See attachment 1).

In February 2016, the Town of Southern Pines Public Works Department recommended that Town Council consider the abandonment of the portion of N. Mechanic Street between W. Maine Avenue and W. Rhode Island Avenue. (See attachment 2). The Town Council will review the latter request for abandonment at the April 2016 Regular Business Meeting of the Town Council.

The entirety of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue is considered a “paper” street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. With the current request listed herein along with the request to be heard at the April 2016 Regular Business Meeting of the Town Council, the entirety of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue is up for abandonment consideration.

The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will be impacted by this action, however the Town ensure its ability to secure a utilities easement prior to any abandonment of right-of-way. Per UDO Section 2.29.6 (C), the Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a “declaration of retention of utility easements” specifically describing such easements.

Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution (see attached), public notices, and a public hearing. Per UDO Section 2.29.2, the process for abandonment may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. If the abandonment is approved, the

areas abandoned revert automatically to the adjoining property owners to the midway point of the right-of-way on their side of the street for the length of their property on that right-of-way.

With respect to the current request, to abandon the one and one-half (1.5) block portion of N. Mechanic Street extending from the intersection of W. Maine Avenue and N. Mechanic Street to the intersection of the NE Service Road and N. Mechanic Street, Town staff would recommend to the Town Council that should the Town Council wish to set a public hearing for the right-of-way abandonment that the ultimate decision be delayed until a decision is made for the Conditional Use Permit application CU-01-16. The application for CU-01-16 is directly adjacent to this right-of-way to be abandoned and the Town may not wish to abandon said right-of-way if the proposal under CU-01-16 is denied. The public hearing can be set and required published notice of the abandonment request can proceed however staff would recommend that the Town Council withhold a decision on the right-of-way abandonment until a decision is made for CU-01-16.

**Attachments:**

- Resolution to Set Public Hearing
- Attachment 1
- Attachment 2

**Town Council Action:**

- 1) Proceed with abandonment procedures as set forth in the UDO and schedule the necessary public hearings;
- 2) Delay and request additional information;
- 3) No action.

**RESOLUTION DECLARING INTENT TO VACATE A SECTION OF  
N. MECHANIC STREET AND CALLING A PUBLIC HEARING THEREON**

BE IT RESOLVED BY the Town Council of the Town of Southern Pines that, having considered the apparent advantages to the Town and its citizens in doing so, hereby declares its intent to vacate N Mechanic Street as described below and to hold a public hearing upon such action. There shall be a public hearing on the 10<sup>th</sup> day of May, 2016, to address the issues of whether vacating that section of street will be detrimental to the public interest or will be detrimental to anyone's ability to have ingress or egress from that person's property.

The street to be vacated is N. Mechanic Street, lying between NE Service Road and W. Maine Avenue in the Town of Southern Pines.

The public hearing which is hereby called shall be held at the Douglass Community Center, 1185 W Pennsylvania Avenue, Southern Pines, on May 10, 2016, at 7:00pm.

This 12<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
David McNeill, Mayor

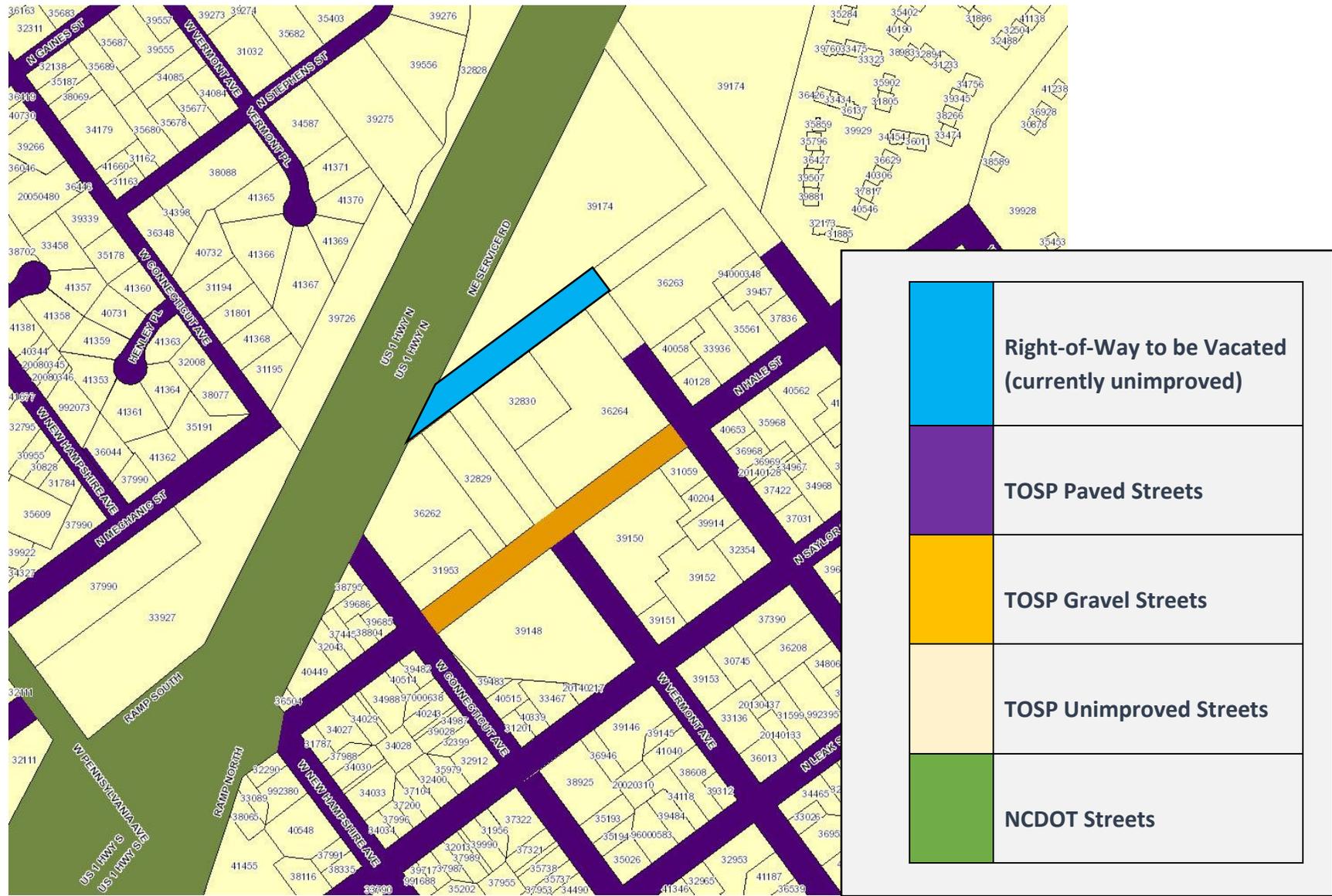
ATTEST:

\_\_\_\_\_  
Peggy Smith, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Douglas R. Gill, Town Attorney

# Attachment 1



# Attachment 2



## **Agenda Item**

**To: Reagan Parsons, Town Manager**

**Via: Bart Nuckols, Planning Director**

**From: Chris Kennedy, Senior Planner**

**Subject: AR-05-16; Amendment to AR-04-15 Ace Hardware Store at Tyler's Ridge Business Park; 215 Capital Drive; Petitioner, John Heckethorn**

**Date: April 12, 2016**

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### **AR-05-16; Amendment to AR-04-15 Ace Hardware Store at Tyler's Ridge Business Park; 215 Capital Drive; Petitioner, John Heckethorn**

The petitioner, John Heckethorn of Heckethorn Architecture PLLC, has submitted an application requesting Architectural Review approval for an amendment to a previous Architectural Review approval under application AR-04-15. AR-04-15 approved the Architectural Compliance Permit for a new commercial structure located at 215 Capital Drive in the Tyler's Ridge Business Park development on the west side of Highway 22 and south of Airport Road. The proposed project is a new construction for an Ace Hardware Store. The proposed structure will be 20,000 square feet with an additional 10,000 square feet of outdoor garden center area. The petitioner is seeking to modify the original approval with respect to the outdoor garden center area. The property is identified by the following: PIN: 857300978122 (PARID: 20110243). Per the Moore County Tax records, the property owner(s) are listed as Southern Pines Ace Land.

#### **Staff Comments:**

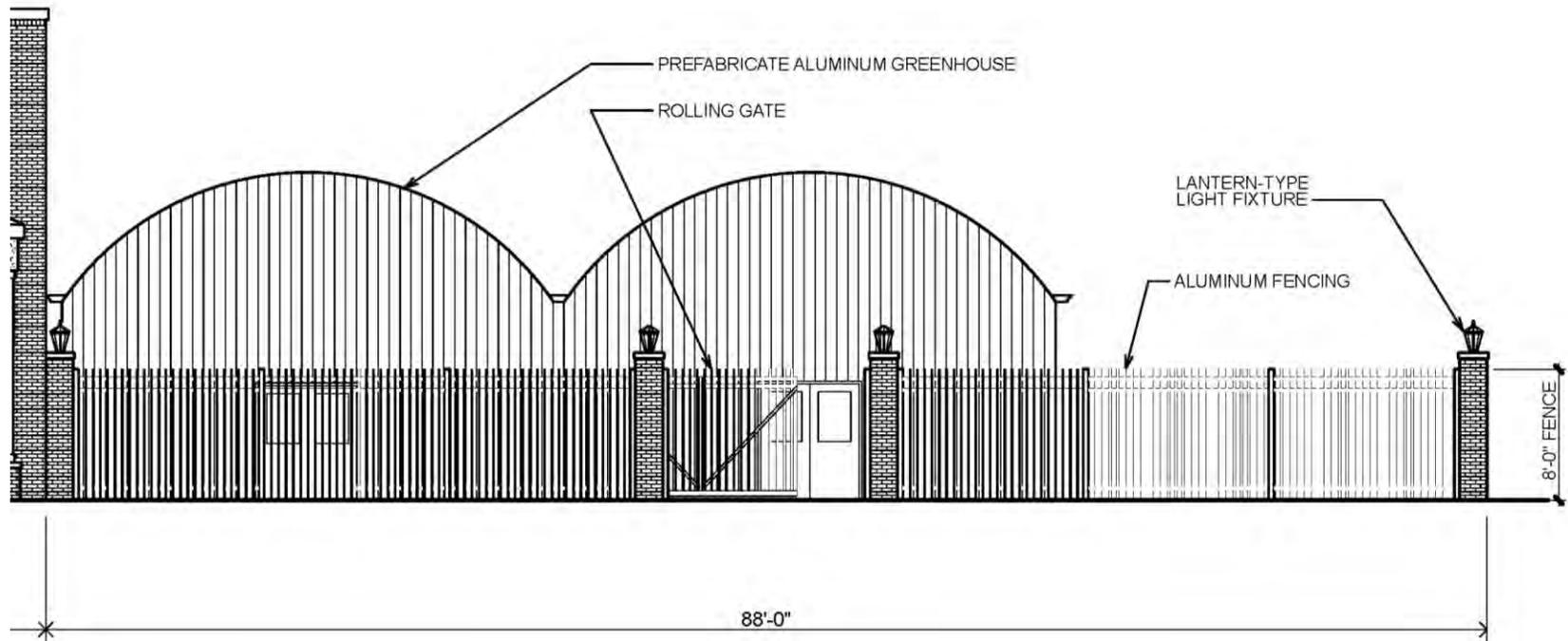
- The subject property is a 3.16 acre site included in the Tyler's Ridge Business Park development.
- The proposed project shall comply with the standards of Section 4.10 Commercial Building Design Standards as set forth in the UDO.
- The proposed structure will be 20,000 square feet with an additional 10,000 square feet of outdoor garden center area.
- In the approval for AR-04-15 the Town Council approved a trellis type structure to be installed in the outdoor garden center area. The proposed structure was to have a cantilevered awning extending over a portion of the garden center. The awning will be of the same materials and color as the roof for the rest of the proposed structure. The proposed site will also include a garden center area that will be fenced with aluminum fencing along the front, side, and rear of the northwest elevation. Decorative aluminum fencing will be installed to enclose the garden center area.

- In August 2015, the Planning Department approved a modification to allow the trellis structure to be replaced with a greenhouse (See attachments). The attachment shows the front elevation of the building of the proposed greenhouses comprised of two barrel-vaulted sections. The bottom portion of the greenhouses (up to about 8 feet) will be clad with a canvas-type material that can be “rolled up” during the day. The upper part will clad with translucent polycarbonate panels.
- The petitioner is now seeking to delay the installation of greenhouse feature for the outdoor garden center. The petitioner intends to initially install in the outdoor garden center eight (8) sail shade awnings that are tensioned fabric canopies (See attachments) and a small sales kiosk that will match the material composition of the primary sales structure.
  - The petitioner is seeking the approval of the Town Council for this modification to AR-04-15 as part of the application AR-05-16 to allow for the installation of the sail shade awnings to be installed in the outdoor garden center with the understanding the greenhouse will be constructed at later date to be determined.

**Attachments:**

- Proposed Renderings
- AR-04-15 Memo & Packet for Reference

**IN ADDITION TO Architectural Review Approval from Town Council, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN.** When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommend a staff consultation of the applicant’s preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements.









## **Agenda Item**

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** AR-04-15 Ace Hardware Store at Tyler's Ridge; NC HWY 22; Petitioner, John Heckethorn

**Date:** May 12, 2015

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### **AR-04-15 Ace Hardware Store at Tyler's Ridge; NC HWY 22; Petitioner, John Heckethorn**

The petitioner, John Heckethorn of Heckethorn Architecture PLLC, has submitted an application requesting Architectural Review approval for a new commercial structure located in the Tyler's Ridge Business Park development on the west side of Highway 22 and south of Airport Road. The proposed project is a new construction for an Ace Hardware Store. The proposed structure will be 20,000 square feet with an additional 10,000 square feet of outdoor garden center area. This project is a part of the Tyler's Ridge mixed use development. The property is identified by the following: PIN: 857300978122 (PARID: 20110243). Per the Moore County Tax records, the property owner(s) are listed as Tyler's Ridge Business Park, LLC.

#### **Staff Comments:**

- The subject property is a 3.06 acre site included in the Tyler's Ridge Business Park development.
- The Property is zoned Planned Development (PD). The Tyler's Ridge Business Park Property does have a Conditional Use Permit, CU-01-11, which specifies the permitted land uses for the development. The approved Site Plan lists the following:
  - "Commercial: (As shown, exact design and layout to be determined by actual use and will be subject to approval by Planning Board and Town Council)
  - Lot 6 (Retail Use): 30,425sf of building space
  - Proposed Parking: 152 spaces (152 spaces required @ 1/200sf)
  - Lot 7 (Restaurant Use): 6,500sf of building space
  - Proposed Parking: 48 spaces + 17 shared from Lot #6 (65 spaces required @ 1/100sf)
  - Lot 8 (Retail Use): 14,490sf of building space
  - Proposed Parking: 72 spaces (72 spaces required @ 1/200sf)
  - Lot 9\* (Service Use): 12,000sf of building space
  - Proposed Parking: 48 spaces (30 spaces required @ 1/400sf)
  - \*this lot is actually part of Lot 6 on the site plan, it is not subdivided off as an individual parcel, however per the site plan sheet detail it is listed as Lot 9
  - TOTAL (As Shown on Site Plan): 63,415sf of building space
  - Proposed Parking: 320 spaces
  - Proposed Impervious Surface: 258,477sf

- Optimum Build-out: 64,000sf GB Commercial Building Space
- Maximum Impervious Surface: 355,946sf (65% of Commercial Lots)
- Maximum Parking: 320 Spaces (1 per 200sf of building space) or as required by Town development ordinance”
- The Conditional Use Permit lists the commercial development project area as “Neighborhood Commercial” however the land uses permitted in the commercial development project area should follow the land uses permitted in the GB (General Business) zoning classification. However regardless of zoning classification the following land uses are not permitted: Land uses under the Land Use Code 1300 (formerly the Use 1.540) Hotels, Motels, and Similar Businesses or Institutions providing overnight accommodation; Use Code 2540 (formerly Use 8.20) Bars, Night Clubs; Use Code 4222 (formerly use 6.12) Movie Theaters.
- The proposed project must comply with the standards of Section 4.10 Commercial Building Design Standards as set forth in the UDO.
- Per Section 4.10.3 (B)(3) the Town Council may waive the requirement for internal pedestrian ways for developments with two (2) or fewer rows of parking (one travel aisle) separate the building from the sidewalk. The petitioner is requesting approval of this waiver.
- Per Section 4.10.4 (A) the front entry of the building shall face the higher order street. However due to the future site design of the development the petitioner is asking that the Town Council waive this requirement to allow the building to face internally due to future build-out considerations.
- Per Section 4.10.5 (A) the frontage zone requirement is at least three (3) feet in depth from the building and shall be established along sidewalks and paved walkways abutting buildings.
- Per Section 4.10.5 (B) the pedestrian zone requirement is a paved walkway area of at least eight (8) feet in depth from the frontage zone parallel to the front of the building, which shall be kept open and free of any obstructions.
- Per Section 4.10.5 (C) a furniture zone between the pedestrian zone and the street shall be at least five (5) feet in depth. Lighting, landscaping, bike racks, waste receptacles, and street furniture may be approved for use in this area.
  - The narrative submitted by the petitioner requests a waiver to an alternative scenario. As described in the narrative: “18’ of paved area will be provided from the parking lot to the building on each side of the main entry tower (5’ uncovered, 13’ covered). It is the intent of the building owner to display outdoor goods for sale under the roof-covered areas during the day (to include pedestrian walking space) and likely moved indoors when the business is closed. Freestanding decorative pots and planters could also be located in this area. The 5’ uncovered paved area will remain free from obstruction. 13’ of paved area will be provided from the parking lot to the building at the entry tower (uncovered). There is an additional 12’ of covered paved area inside the tower. Freestanding decorative pots and planters could also be located in this area. 10’ of paved area will be provided from the parking lot to the building on each side of the entry tower. This area is intended to be kept open and free of obstructions.”

- The proposed structure will be 20,000 square feet with an additional 10,000 square feet of outdoor garden center area.
- The proposed structure complies with Section 4.10.4(C) as the façade will be comprised primarily red brick along with stucco accents not to exceed 20% of the exterior façade. The brick will be complimentary to the brick used on the adjacent commercial structures within the Tyler’s Ridge Business Park Development.
- The roof will be comprised of standing seam metal in the color of copper or in the color of green, contingent on the design standards for the commercial area of Tyler’s Ridge.
- The proposed site will also include a garden center area that will be fenced with aluminum fencing along the front, side, and rear of the northwest elevation.
- The proposed windows will be glazed with clear non-reflective glass.
- All mechanical equipment on the ground and roof will be screened from all sides.
- The building height will be under the 45’ height maximum for GB (General Business) uses within the Planned Development district.
- The dumpster area and the propane filling area will be screened using brick complimentary to the primary structure. Bollards will also be installed to protect the propane area.
- Decorative aluminum fencing will be installed to enclose the garden center area.
- The proposed structure also shows a cantilevered awning extending over a portion of the garden center. The awning will be of the same materials and color as the roof for the rest of the proposed structure.

**Attachments:**

- GIS Aerial Vicinity Maps
- AR Application
- Narrative
- Elevations
- CU-01-11 Master Plan for use a reference

**IN ADDITION TO Architectural Review Approval from Town Council, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN.**

When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommend a staff consultation of the applicant’s preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements.

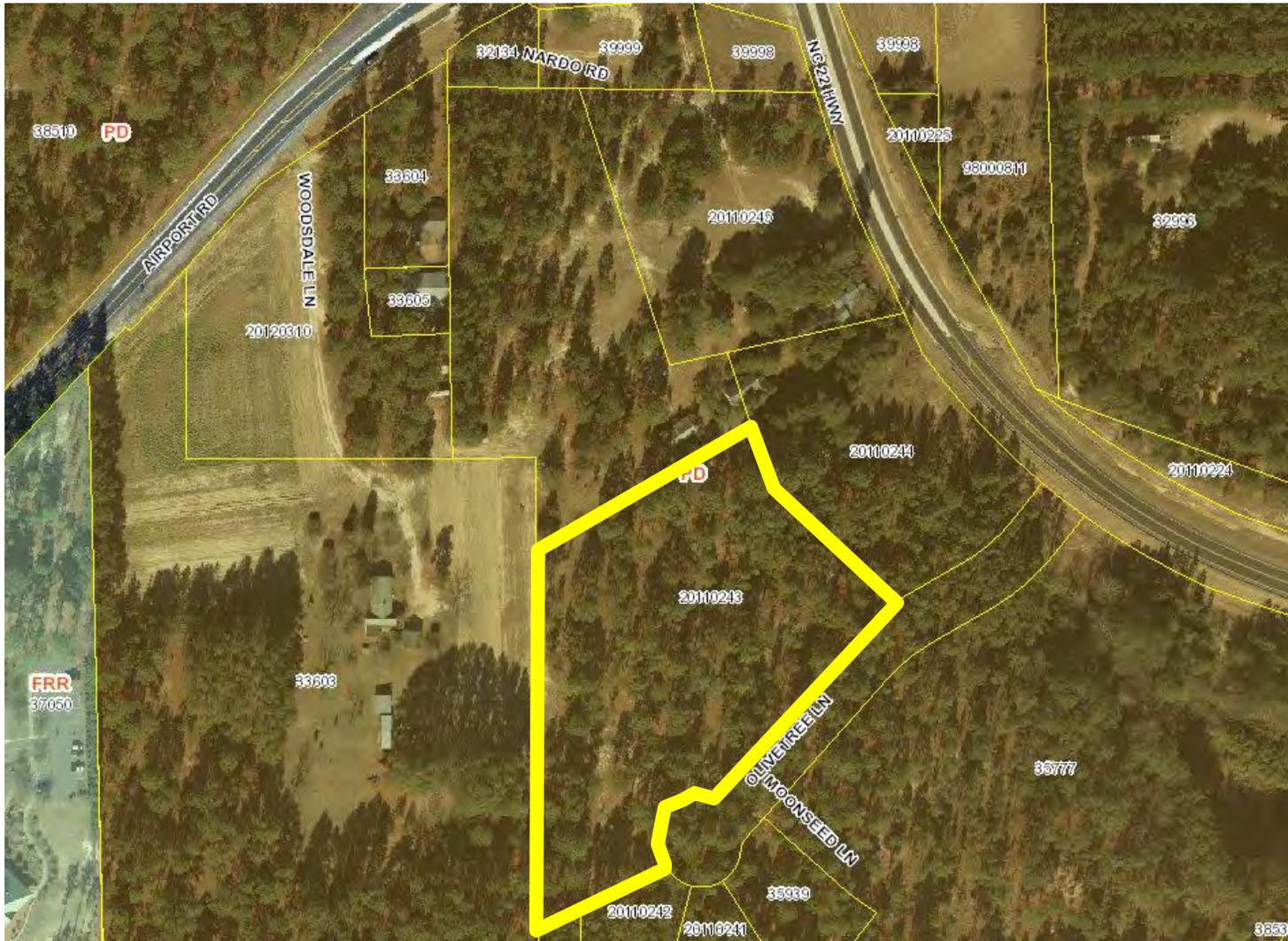
# AR-04-15, Ace Hardware Store at Tyler's Ridge Request for Architectural Review Approval

This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



# AR-04-15, Ace Hardware Store at Tyler's Ridge Request for Architectural Review Approval

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RECEIVED

APR 17 REC'D

APPLICATION FOR SOUTHERN PINES TOWN COUNCIL ARCHITECTURAL REVIEW

BY: \_\_\_\_\_

Date Received: \_\_\_\_\_

Case: AR-04-15

TO THE TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES, NORTH CAROLINA:

I, the undersigned, do hereby make application for an architectural review of the property as described below, to the Town of Southern Pines Town Council:

- 1. Name of project: Ace Hardware
2. Project Street Address: To be determined (Tyler's Ridge Development)
3. PIN # 857300978122 LRK 20110243
4. Type of Commercial Building (i.e. retail, office, etc.): retail
5. Square footage of Project: 20,000 sf (plus 10,000 sf outdoor garden center)

I certify that all information furnished in this application is accurate and in compliance with the attached architectural standards of the Town of Southern Pines.

Name of Petitioner: John Heckethorn Signature: [Handwritten Signature]
Please Print

Mailing Address of Petitioner: 108 E. Connecticut Ave., Southern Pines, NC 28387
Please Print

E-Mail of Petitioner: jdhaia@earthlink.net
Please Print

Phone Number of Petitioner: 910-695-1441
(Area Code)

Name of legal owner of Property Owner: Tyler's Ridge Business Park, LLC
(If different from Petitioner) Please Print

Mailing Address of Legal Property Owner: 5715 108th St., Hales Corner, WI 53130
(If different from Petitioner) Please Print

Phone Number of Legal Property Owner: 414-573-0855
(If different from Petitioner) Please Print

Form updated July 16, 2014

James B. O'Malley - sole member
Address: same as above
Phone: same as above

## NARRATIVE

### COMPLIANCE WITH SECTION 4.10 – COMMERCIAL BUILDING DESIGN STANDARDS

#### 4.10.3 Site Design Requirements:

- Building Continuity: Not applicable to this project
- Connection to Street: We are requesting a waiver for the requirement to have a pedestrian connection from the building to the street (in this case the proposed driveway connecting Olivetree Lane to the site) as the developer does not intend to provide a sidewalk along this driveway. There will be a continuous sidewalk at least 5' in width which will connect the parking lot to the building.
- Front yards: Not applicable to this project
- Landscaping: Landscaping will comply with the provisions of section 4.3
- Parking: Parking will comply with the provisions of section 4.5 and the applicable zoning district standards

#### 4.10.4 Building Design Requirements:

- Building Orientation and Entries: We are requesting a waiver from the requirement that the primary customer entry face the higher order street (Olivetree Lane). The property developer intends to construct a driveway (connecting to Olivetree Lane) that will become the primary means of access into the building parking lot. The primary entrance will face the parking lot and driveway.
- Building Dimensions: Width of building segments will be less than twice the building height. Building segments have been created by using recessed brick panels, change in brick color and change in roof height.
- Building Materials: The exterior building walls will be composed primarily of brick. Stucco, comprising less than 20% of the exterior walls, will be used as an accent.
- Windows: Windows will be glazed with non-reflective clear glass. However, in order to meet the 25% requirement, some of the window sections on the side of the building facing Olivetree Lane will be glazed with spandrel glass (non-reflective clear glass unit on the outside, opaque glass unit on the inside) with a solid wall located behind the windows.
- Awnings: Not applicable to this project
- Galleries and Arcades: Not applicable to this project
- Roofs: The building will have parapets, gables and hip roofs. The roof material will be non-reflective standing seam metal in a copper color. Variation in the roofline on the side of the building viewed from Olivetree Lane is accomplished by changing the parapet height. Variation in the roofline on the front of the building is accomplished by the use of gable and hip metal roofs in addition to the parapet.
- Mechanical Equipment: The mechanical equipment will be located on the roof. The equipment will be screened from view by the parapet. Additional metal screening panels will be provided if necessary.
- Loading Zones and Garage Bays: The garage doors / loading zone face the service drive at the rear of the building.

- **Signage:** *A comprehensive sign plan for the Tyler's Ridge Development is currently being prepared for review and approval.* The desire for the Ace Hardware building (as indicated on drawings) is to have:
  - 3 wall-mounted ACE logo signs located on the front and sides of the "tower". Each sign will be approximately 60 square feet in area and will be back-lighted.
  - 2 secondary signs, consisting of cast aluminum letters, located at the two gables on the front of the building. Each sign will be approximately 8 square feet in area.

4.10.5 Frontage:

- 3' Frontage Zone/ 6' Pedestrian Zone/ 5' Furniture Zone: We are requesting a waiver for this requirement. A total Zone of:
  - 18' of paved area will be provided from the parking lot to building on each side of the main entry tower (5' uncovered, 13' roof-covered). It is the intent of the building owner to display outdoor goods for sale under the roof-covered areas during the day (to include pedestrian walking space) and likely moved indoors when the business is closed. Freestanding decorative pots and planters could also be located in this area. The 5' uncovered paved area will remain free from obstruction.
  - 13' of paved area will be provided from the parking lot to building at the entry tower (uncovered). There is an additional 12' of covered paved area inside the tower. Freestanding decorative pots and planters and furniture could be located in this area.
  - 10' of paved area will be provide from the parking lot to the building on each side of the entry tower. This area is intended to be kept open and free of obstructions.





**VICINITY MAP**  
1" = 200'-0"

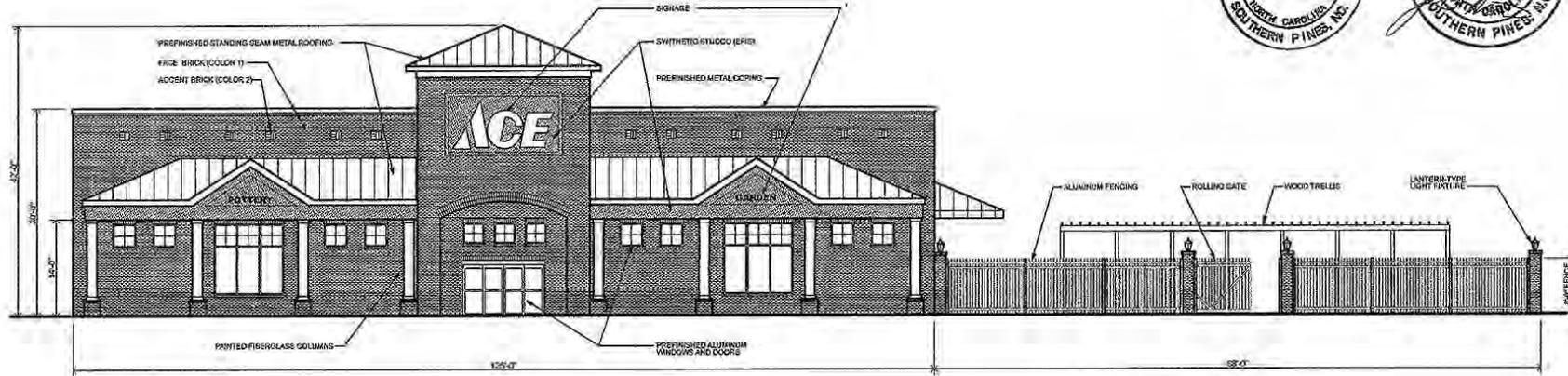




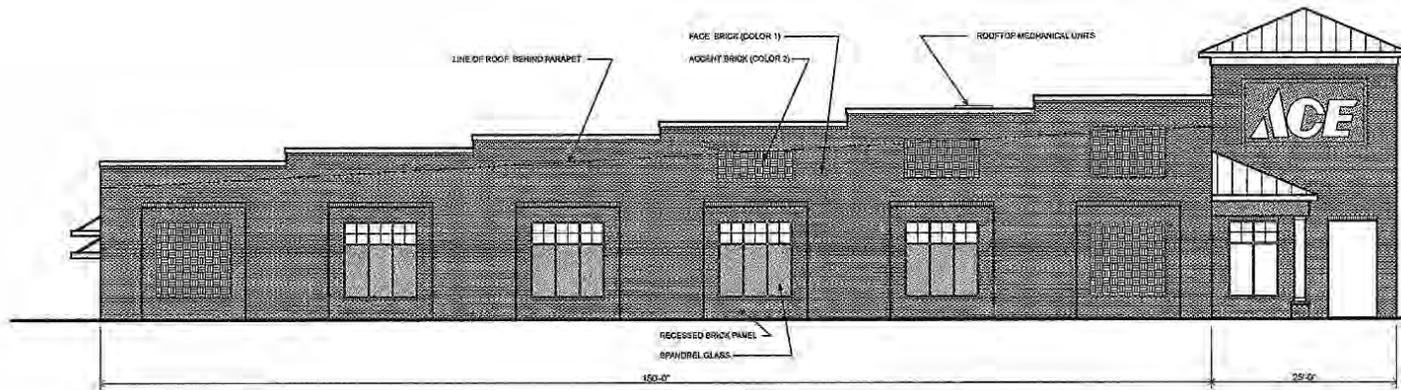
FRONT ELEVATION

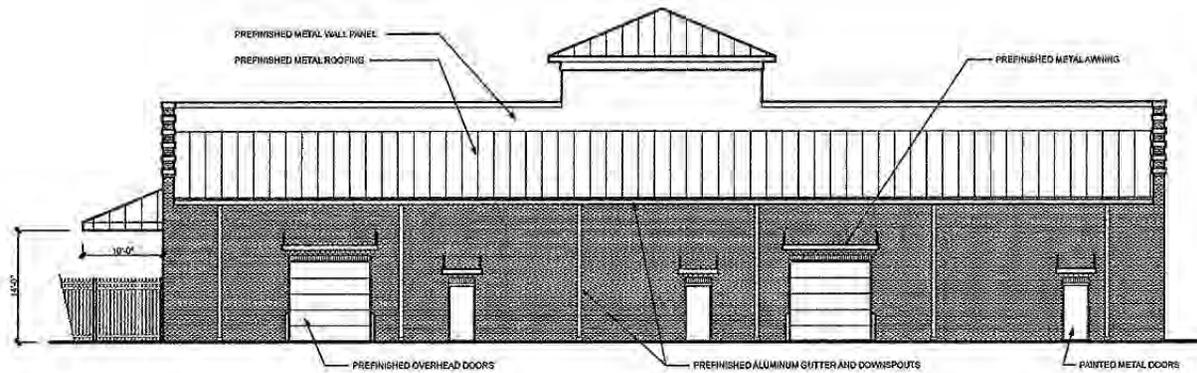


SIDE ELEVATION (AT OLIVE TREE ST.)

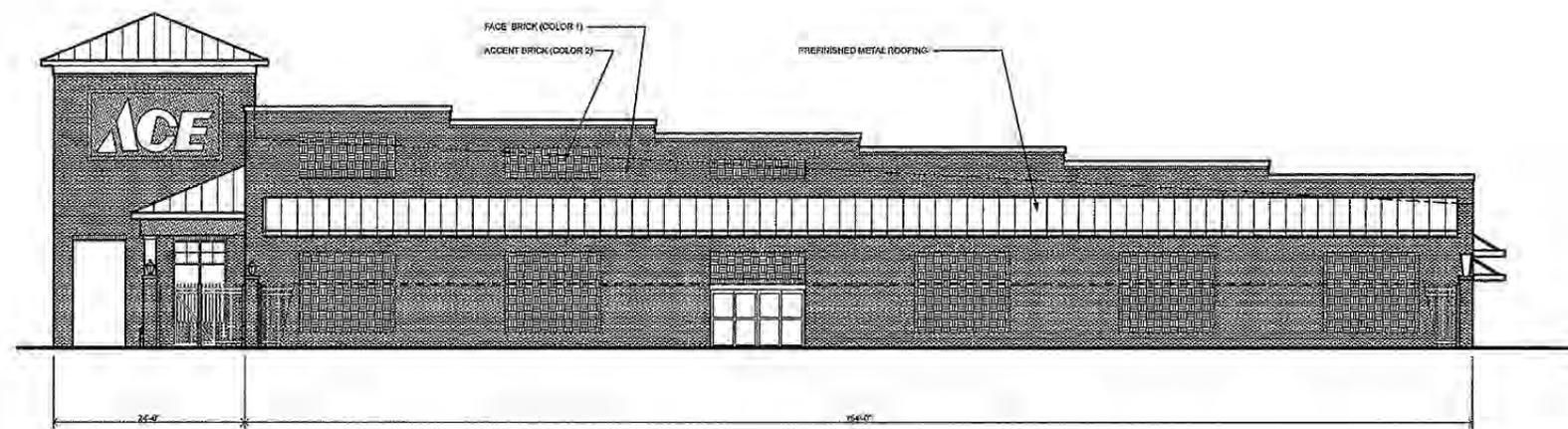


FRONT ELEVATION



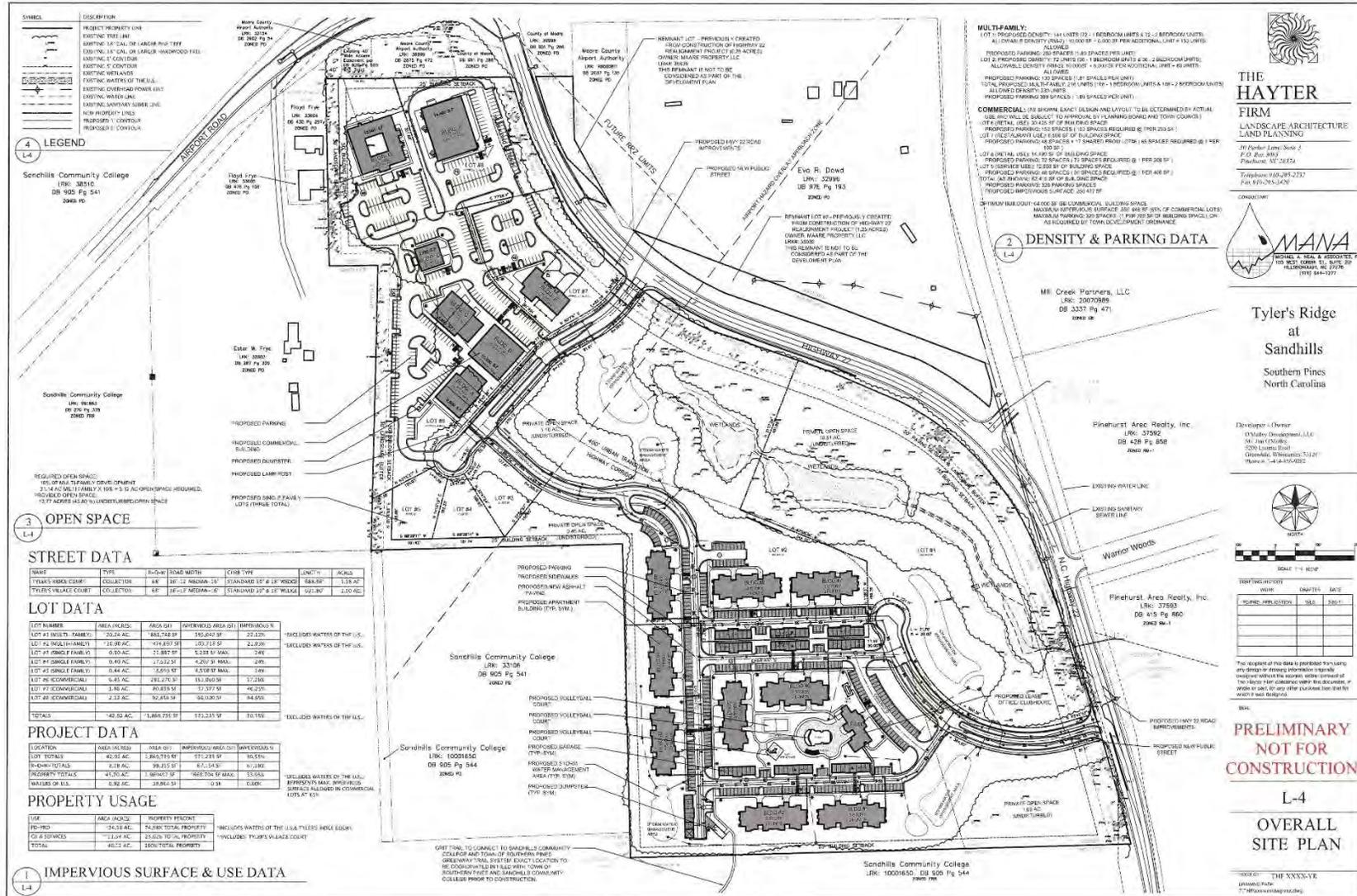


REAR ELEVATION



SIDE ELEVATION (AT GARDEN CENTER)

# Tyler's Ridge Development Overall Master Plan Approval



## **Agenda Item**

**To:** Reagan Parsons, Town Manager  
**Via:** Bart Nuckols, Planning Director  
**From:** Chris Kennedy, Senior Planner  
**Subject:** Abandonment of N. Mechanic Street between W. Maine Avenue & W. Rhode Island Avenue  
**Date:** April 12, 2016

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In February 2016, the Town of Southern Pines Public Works Department recommended that Town Council consider the abandonment of the portion of N. Mechanic Street between W. Maine Avenue and W. Rhode Island Avenue. (See attachments). The Town Council will review the request for this abandonment at the April 2016 Regular Business Meeting of the Town Council.

The section of right-of-way consisting of N. Mechanic Street between NE Service Road and W. Rhode Island Avenue is considered a “paper” street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations. The Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W. Maine Avenue that will not be impacted by this action.

Per UDO Section 2.29, the procedure to abandon streets, no matter their condition or utility, requires an adopted resolution (see attached), public notices, and a public hearing. Per UDO Section 2.29.2, the process for abandonment may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing. If the abandonment is approved, the areas abandoned revert automatically to the adjoining property owners to the midway point of the right-of-way on their side of the street for the length of their property on that right-of-way.

### **Staff Comments:**

- The UDO standards and requirements for the abandonment or vacation of right-of-way are defined in UDO Section 2.29.

## **2.29 VACATION OF STREETS OR ALLEYS**

### **2.29.1 Purpose and Applicability**

This section establishes the process for approving the elimination of a Street or Alley, in whole or in part.

### **2.29.2 Initiation**

The process may be initiated by the Town Council or the owner of property abutting the street or alley. The Town Council shall adopt a resolution declaring its intent to close a street or alley and call for a public hearing.

### **2.29.3 Notice**

The Town Manager shall cause the notice to be published once a week for four successive weeks prior to the hearing, mail a copy of the notice by registered or certified mail to all the owners of property adjoining the street or alley and post notice in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. No street or alley under the control of the Department of Transportation may be closed unless the Department of Transportation consents thereto. The cost of notice shall be borne by the applicant for the vacation.

### **2.29.4 Decision**

At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the Town Council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the Council may adopt an order closing the street or alley. A certified copy of the order shall be filed in the office of the register of deeds.

### **2.29.5 Appeals**

Any person aggrieved by the closing of any street or alley including the Department of Transportation if the street or alley is under its authority and control, may appeal the Council's order to the District Court within 30 days after its adoption.

### **2.29.6 Ownership**

- (A) Except as provided in paragraph (C) of this section, upon the closing of a street or alley in accordance with this section, all right, title, and interest in the right-of-way shall be conclusively presumed to be vested in those persons owning lots or parcels of land adjacent to the street or alley, and the title of such adjoining landowners, for the width of the abutting land owned by them, shall extend to the centerline of the street or alley.
- (B) The provisions of this subsection regarding division of right-of-way in street or alley closings may be altered as to a particular street or alley closing by the assent of all property owners taking title to a closed street or alley by the filing of a plat which shows the street or alley closing and the portion of the closed street or alley to be taken by each such owner. The plat shall be signed by each property owner who, under this section, has an ownership right in the closed street or alley.

- (c) The Town may reserve its right, title, and interest in any utility improvement or easement within a street closed pursuant to this section. Such reservation shall be stated in the order of closing. Such reservation also extends to utility improvements or easements owned by private utilities which at the time of the street closing have a utility agreement or franchise with the Town. To retain such easements, the Town Council shall, after public hearing, approve a "declaration of retention of utility easements" specifically describing such easements.

### **2.29.7 Recording Procedures**

The recorder of deeds shall write legibly on the vacated plat the word "vacated," and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

#### **Attachments:**

- Map Depicting Right-of-Way to be Vacated

#### **Town Council Actions:**

**The Town Council shall vote on whether the proposed street or alley vacation request is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to their property. The Town Council could make one of the following motions for recommendations or any alternative they wish:**

#### **I move to:**

- 1) **Approve** the abandonment of the portion of N. Mechanic Street between W. Maine Avenue and W. Rhode Island Avenue as specified in the attached map;
- 2) **Deny** the abandonment of the portion of N. Mechanic Street between W. Maine Avenue and W. Rhode Island Avenue as specified in the attached map; OR
- 3) **Approve** the abandonment of the portion of N. Mechanic Street between W. Maine Avenue and W. Rhode Island Avenue as specified in the attached **map with the following additional conditions...**

**IN ADDITION TO *Street or Alley Vacation Approval from Town Council*, THE APPLICANT SHOULD BE REMINDED THAT ALL APPLICABLE PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION AND/OR DEMOLITION CAN BEGIN.**

When the applicant applies for the required permits such as zoning, grading, soil erosion control, building, sign, etc., a set of detailed plans (including a site plan in compliance with various Sections of the Town of Southern Pines UDO) will be necessary. Planning staff recommend a staff consultation of the applicant's preliminary plans to provide comprehensive remarks by all appropriate Town departments/divisions. Such staff consultation should minimize development costs, avoid misunderstanding or misinterpretation and ensure compliance with the requirements.



Public Services  
140 Memorial Park Ct.  
Southern Pines, NC 28387  
910-692-1983



Date: February 25, 2016  
To: Reagan Parsons, Town Manager  
CC: Peggy Smith, Town Clerk  
From: Adam Lindsay, Assistant Town Manager  
RE: Abandonment of N Mechanic St between W Maine Ave and W Rhode Island Ave

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Town staff recommends that Council abandon the portion of N Mechanic St between W Maine Ave and W Rhode Island Ave. (See attached map).

The topography of this portion will make it difficult to improve and this action may make it easier for adjoining property owners to develop their properties.

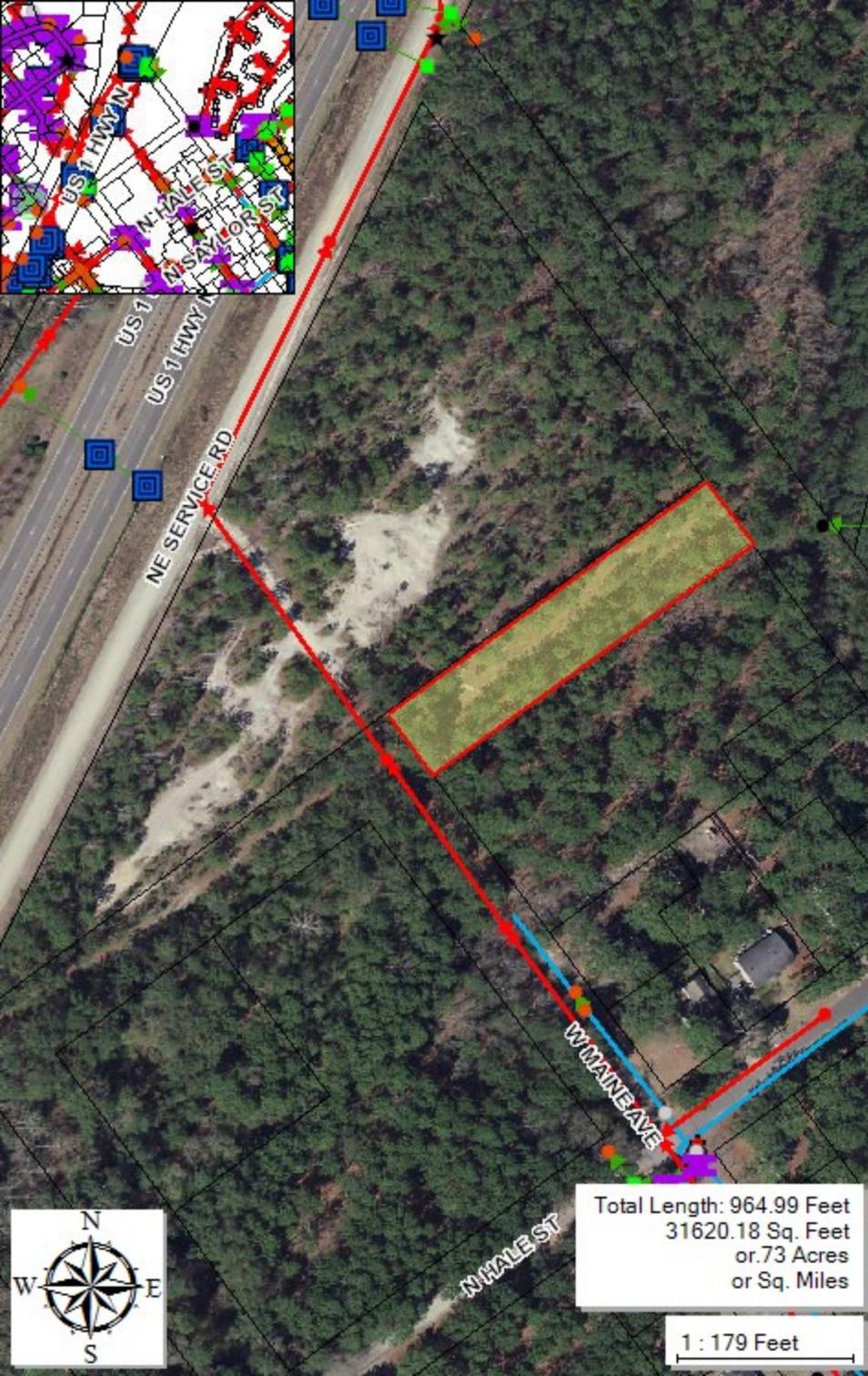
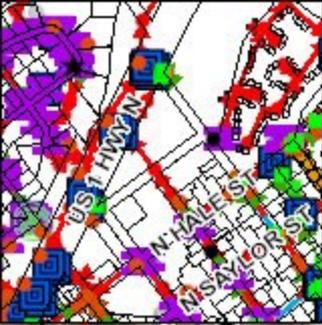
All of the N Mechanic St between SE Service Rd/US Hwy 1 and W Rhode Island is considered a paper street in that it is not currently improved or easily accessible for most types of transportation. This section of street is not included in Powell Bill funding calculations.

Town does not have future plans to improve these portions of unopened road. The Town does have a sewer line that runs east to west along W Maine Ave that will not be impacted by this action.

The procedure to abandon streets, no matter their condition or utility, requires an adopted resolution (see attached), public notices and finally a public hearing. If adopted, the areas abandoned revert automatically to the adjoining property owners to the midway point of their side of the street. As currently deeded, only two private property owners will be affected.

Possible Town Council Action:

- 1) Proceed with abandonment procedures and schedule the necessary public hearings.
- 2) Delay and request additional information
- 3) No action



- Parcels
- Streets Labels
- Air Release Valve
- Manholes
- Monitoring Station
- Pump Stations
- Traps
- Gravity Sewer Mains
- Force Sewer Mains
- Moore County Sewer
- BMP
- Catch Basin
- Culvert
- GENERIC
- Junction Box
- Curb Cut
- Storm MH
- Questionable
- Curb Inlet
- Drainage Inlet
- Water Body
- ConveyancePts
- Conveyance Connection
- Storm Lines
- WR wBlowOff
- WR wControl Valve
- WR wFitting
- Cap
- Reducer
- Tapped Plug
- WR wHydrant
- WR wLateral Line
- WR wMain
- WR wPump
- WR wSystem Valve
- WR wTank

Total Length: 964.99 Feet  
 31620.18 Sq. Feet  
 or .73 Acres  
 or Sq. Miles

1 : 179 Feet





	Right-of-Way to be Vacated (currently unimproved)
	TOSP Paved Streets
	TOSP Gravel Streets
	TOSP Unimproved Streets
	NCDOT Streets

**RESOLUTION DECLARING INTENT TO VACATE A SECTION OF  
N. MECHANIC STREET BETWEEN W. MAINE AVENUE AND W. RHODE ISLAND AVENUE AND CALLING A  
PUBLIC HEARING THEREON**

BE IT RESOLVED BY the Town Council of the Town of Southern Pines that, having considered the apparent advantages to the Town and its citizens in doing so, hereby declares its intent to vacate N. Mechanic Street between W. Maine and W. Rhode Island Avenue as described below and to hold a public hearing upon such action. There shall be a public hearing on the 12<sup>th</sup> day of April, 2016, to address the issues of whether vacating that section of street will be detrimental to the public interest or will be detrimental to anyone's ability to have ingress or egress from that person's property.

The street to be vacated is N. Mechanic Street, lying between W. Maine Avenue and W. Rhode Island Avenue in the Town of Southern Pines.

The public hearing which is hereby called shall be held at the Douglass Community Center, 1185 W Pennsylvania Avenue, Southern Pines, on April 12, 2016, at 7:00 pm.

This 8<sup>th</sup> day of March, 2016.

\_\_\_\_\_  
W. David McNeill, Mayor

ATTEST:

\_\_\_\_\_  
Peggy K. Smith, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Douglas R. Gill, Town Attorney

## Agenda Item

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services into the NB Zoning Classification; Petitioner, Roy Harvel

**Date:** April 12, 2016

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### **OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services into the NB Zoning Classification; Petitioner, Roy Harvel**

The petitioner Mr. Roy Harvel is requesting to amend the Town of Southern Pines Unified Development Ordinance Chapter 3: Exhibit 3-15 *Table of Authorized Land Uses* to allow LBCS 2418 Veterinary Services in the NB (Neighborhood Business) zoning classification.

#### **Planning Board Recommendation:**

At the March 24, 2016 Regular Meeting of the Planning Board, the Planning Board held a legislative public hearing and received comments on the application from those in attendance regarding the application OA-01-16. During the public hearing the Board, the public present, and the petitioner discussed the inclusion of each of the request land uses into the NB zoning classification. After an extensive discussion relative to the appropriateness of pet cemeteries and animal boarding in the NB zoning classifications and the areas currently zoned as such in Southern Pines, the petitioner amended his application to request an amendment to include LBCS 2418 into the NB zoning classification; thereby removing LBCS 2722 and LBCS 2723 from his request. Accepting the petitioner's amended application, the Planning Board unanimously voted (4-0) to recommend that the proposed amendment to the ordinance is consistent with those documents that constitute the officially adopted land development plan and other applicable plans. The Planning Board unanimously voted (4-0) to recommend approval of OA-01-16 as amended by the petitioner to the Town Council.

#### **Staff Comments:**

- The Town Council public hearing shall be conducted using legislative hearing procedures.
- Veterinary Services are classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2418.
- LBCS Code 2418 is listed as a "ZS" in the GB (General Business) zoning district and a "Z" in the I (Industrial) zoning district.
- UDO Section 5.14 outlines the standards for Outside Kennels:
  - Outside kennels, where allowed, are subject to the following standards:

- (A) No portion of an outside kennel shall be located within two-thousand (2000) feet of a RS-1, RS-2, RS-3, RM-1, or RM-2 zoning district, or of an existing residential structure not owned by the owner of the outside kennel except as provided in the following paragraph.
      - (B) An outside kennel may be no closer than one-thousand two-hundred (1200) feet to a RS-1, RS-2, RS-3, RM-1, or RM-2 zoning district, or of an existing residential structure not owned by the owner of the outside kennel if the kennel is constructed with sound-deflecting walls that separate the kennel from said district or use.
  - Section 2.17.10 outlines the criteria to be used by the hearing bodies in their consideration of the ordinance amendment:
    - 2.17.10 *Criteria for UDO Text Amendments*

In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.
  - (A) Consistency. The text amendment shall be consistent with the adopted Comprehensive Plan.
  - (B) Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.
  - (C) Public Policy. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.
  - (D) Other Factors. The Hearing Body may consider any other factors relevant to a text amendment application under state law.
  - (E) Impacts. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.
- RLUAC found no issues or concerns with the requested ordinance amendment.

**Attachments:**

- RLUAC Response
- Planning Board Memo and Packet

**Town Council Actions:**

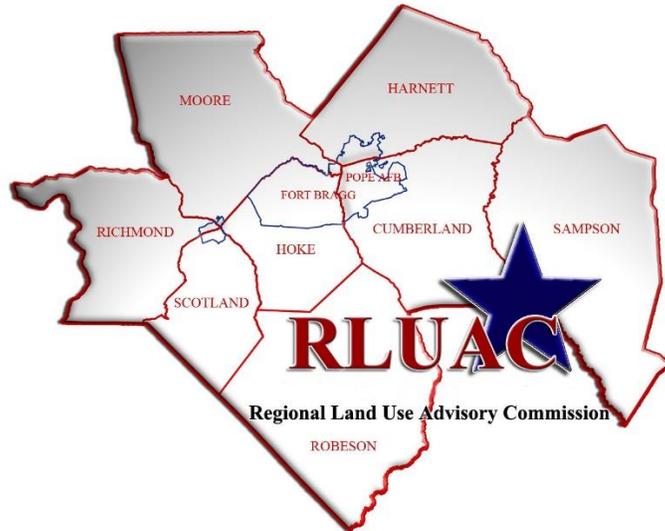
**The Town Council shall vote on whether the proposed amendment is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Town Council could make one of the following motions for recommendations or any alternative they wish:**

**I move that:**

1. Motion to **approve** the requested text amendment and to make a finding and determination that the approval of the text amendment request is consistent with the adopted Land Use Plan and that the approval of the text amendment request is reasonable and in the public interest due to the approval being consistent with the comprehensive plan and, as a result, the approval furthers the goals and objectives of the comprehensive plan; OR
2. Motion to **deny** the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted Land Use Plan and that that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

**I move to:**

1. Approve OA-01-16;
2. Deny OA-01-16; OR
3. Approve OA-01-16 with the following additional conditions...



## **TOWN OF SOUTHERN PINES**

### **Case OA-01-16 - Proposed Amendment to the Unified Development Ordinance – Chapter 3: Exhibit 3-15 Table of Authorized Land Uses - to allow for the inclusion of Veterinary Services in the NB Zoning Classification March 29, 2016**

The Regional Land Use Advisory Commission (RLUAC) staff and Board of Directors have reviewed the proposed amendment to the Southern Pines Unified Development Ordinance and find no conflicts with the recommendations contained in the 2003 and 2008 Joint Land Use Studies.

RLUAC therefore has no issues or concerns with this proposed amendment.

Thank you for allowing RLUAC the opportunity to review this case.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

## Agenda Item

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services, Animal Boarding, & Pet Cemeteries into the NB Zoning Classification; Petitioner, Roy Harvel

**Date:** March 24, 2016

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### **OA-01-16; Ordinance Amendment to the UDO to Include Veterinary Services, Animal Boarding, & Pet Cemeteries into the NB Zoning Classification; Petitioner, Roy Harvel**

The petitioner Mr. Roy Harvel is requesting to amend the Town of Southern Pines Unified Development Ordinance Chapter 3: Exhibit 3-15 *Table of Authorized Land Uses* to allow LBCS 2418 Veterinary Services, LBCS 2722 Animal Boarding, and LBCS 2723 Pet Cemeteries in the NB (Neighborhood Business) zoning classification.

#### **Staff Comments:**

- Veterinary Services are classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2418.
- LBCS Code 2418 is listed as a “ZS” in the GB (General Business) zoning district and a “Z” in the I (Industrial) zoning district.
- Animal Sitting and Boarding is classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2722.
- LBCS Code 2722 is listed as a “Z” in the RE (Rural Estate), RR (Rural Residential), GB (General Business), I (Industrial) zoning districts.
- Pet Cemeteries are classified in Exhibit 3-15 Table of Authorized Land Uses under LBCS Code 2723.
- LBCS Code 2723 is listed as a “Z” in the GB (General Business) zoning district.
- UDO Section 5.14 outlines the standards for Outside Kennels:
  - Outside kennels, where allowed, are subject to the following standards:
    - (A) No portion of an outside kennel shall be located within two-thousand (2000) feet of a RS-1, RS-2, RS-3, RM-1, or RM-2 zoning district, or of an existing residential structure not owned by the owner of the outside kennel except as provided in the following paragraph.
    - (B) An outside kennel may be no closer than one-thousand two-hundred (1200) feet to a RS-1, RS-2, RS-3, RM-1, or RM-2 zoning district, or of an existing residential structure not owned by the owner of the outside kennel if the kennel is constructed with sound-deflecting walls that separate the kennel from said district or use.

- The Planning Board public hearing shall be conducted using legislative hearing procedures.
- Section 2.17.10 outlines the criteria to be used by the hearing bodies in their consideration of the ordinance amendment:
  - *2.17.10 Criteria for UDO Text Amendments*  
In its review of an application for a UDO text amendment, the Hearing Bodies shall consider the following criteria. No single factor is controlling; instead, each must be weighed in relation to the other standards.
- A. Consistency. The text amendment shall be consistent with the adopted Comprehensive Plan.
- B. Health, Safety, and Welfare. The amending ordinance must bear a substantial relationship to the public health, safety, or general welfare, or protect and preserve historical cultural places and areas.
- C. Public Policy. Certain public policies in favor of the text amendment may be considered. Examples include a need for affordable housing, economic development, mixed-use development, or sustainable environmental features, which are consistent with the Town, area, neighborhood, or specific plans.
- D. Other Factors. The Hearing Body may consider any other factors relevant to a text amendment application under state law.
- E. Impacts. The Hearing Bodies shall not regard as controlling any advantages or disadvantages to the individual requesting the change, but shall consider the impact of the proposed amendment on the public at large.

**Attachments:**

- Ordinance Amendment Application

**Exhibit 3-15: Table of Authorized Land Uses**

Land Use	LBCS Code	Description	RE	RR	RS-1	RS-2	RS-3	RM-1	RM-2	CB/DTO	GB	NB	OS	I	FRR
Veterinary Services	2418	Veterinary medicine, testing services for veterinary practitioners									ZS	ZS		Z	
Animal and Pet Services and Kennels	2720	Boarding, grooming, sitting, and training (except veterinary and horse boarding)													
Animal Services	2721	grooming and training	Z								Z	Z			
Animal Boarding	2722	sitting and boarding	Z	Z							Z	Z		Z	
Pet Cemetery	2723										Z	Z			

- The proposed ordinance amendment would amend Exhibit 3-15 *Table of Authorized Land Uses* to put a “ZS” or permitted with supplementary standards and restriction required for Veterinary Service office to be located in the NB zoning district and a “Z” or permitted by right for Animal Sitting and Boarding Services and Pet Cemetery land uses to be located in the NB zoning district (see highlighted text in the table excerpt for proposed amendments).

**Planning Board Actions:**

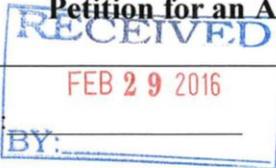
**The Planning Board shall vote on whether the proposed amendment is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:**

3. Motion to **recommend approval** of the requested text amendment and to make a finding and determination that the approval of the text amendment request is consistent with the adopted Land Use Plan and that the approval of the text amendment request is reasonable and in the public interest due to the approval being consistent with the comprehensive plan and, as a result, the approval furthers the goals and objectives of the comprehensive plan;  
OR
4. Motion to **recommend denial** of the requested text amendment and to make a finding and determination that the denial of the text amendment request is consistent with the adopted Land Use Plan and that that the denial of the text amendment request is reasonable and in the public interest due to the denial being consistent with the comprehensive plan and, as a result, the denial furthers the goals and objectives of the comprehensive plan.

**Then:**

1. I move to recommend to the Town Council the approval of OA-01-16;
2. I move to recommend to the Town Council the denial of OA-01-16; OR
3. I move to recommend to the Town Council the approval of OA-01-16 with the following additional conditions...

**Petition for an Amendment to the Zoning Ordinance of the  
Town of Southern Pines**



Date Received:

Case: OA- 01-16

**TO THE PLANNING BOARD AND TOWN COUNCIL OF THE TOWN OF SOUTHERN PINES,  
NORTH CAROLINA:**

**I, the undersigned, do hereby make a petition to amend the zoning Ordinance of the Town of Southern Pines a herein requested:**

It is desired and requested that Section \_\_\_\_\_ be amended to

It is desired and requested to Amend Exhibit 3-15 Table of Authorized Land Uses to include NB as a permissible land use for LBCS 2418 and LBCS 2720, LBCS 2722, and LBCS 2723. The amendment intends to include the NB as a "ZS" for LBCS 2418.

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

Name of Petitioner (please print): Roy H. Harvel

Petitioner's Signature: *Roy H. Harvel*

Mailing Address: Box 1715  
Southern Pines 28388

Email Address: rharvel@pinehurst.net

Phone Number: 910-695-1111

**NOTE:** If the petition is made by a corporation, the names and addresses of all officers of the corporation **MUST BE** provided.

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

**ALL APPLICATION MATERIALS INCLUDING THE PETITION FEE OF \$800.00 MUST BE SUBMITTED TO THE PLANNING DEPARTMENT THIRTY (30) DAYS PRIOR TO THE PLANNING BOARD MEETING.**

Revised July 1, 2014

## Agenda Item

**To:** Reagan Parsons, Town Manager

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design

**Date:** April 12, 2016

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### **CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design**

On behalf of the petitioner Koontz Jones Design, Mr. Bob Koontz is requesting the approval of a residential development project located along Clark Street that will require a Conditional Use Permit application for a Major Subdivision. Per Section 2.20 *Major Subdivisions* of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development consists of a total of ten (10) lots, thereby the proposal will require a CUP. The subject property received the approval of a minor subdivision for five (5) lots in November 2015. The current request is a major subdivision to further subdivide lot 5 as shown on the November 2015 minor subdivision plat (see attachments) into an additional five (5) lots, creating a total of ten (10) lots from the parent tract; one (1) lot will serve as open space with the remaining nine (9) lots designated for single-family detached development. The subject property is comprised of 5.99 acres and is zoned RS-1 (Residential Single-Family – 1). The property is identified by the following: PIN: 85820071105 (PARID: 20150368). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village LLC.

#### **Staff Comments:**

- The RLUAC found no issues or concerns with the requested conditional use permit listed above and determined that the parcel is identified as suitable for URBAN development on the Joint Land Use Study maps. Further, it is not affected by military impacts.
- US Fish & Wildlife did have a concern about possible RCW foraging on the subdivision request properties. The comment from USFW reads as follows: *"These parcels fall within a recruitment cluster (currently inactive) for red-cockaded woodpecker so USFWS would like to see the removal of mature pines minimized."*
  - Please note, the comments listed above were not available at the Planning Board public hearing for CU-03-16.

### **Planning Board Recommendation:**

At the March 24, 2016 Regular Meeting of the Planning Board, the Planning Board held a quasi-judicial public hearing and heard evidence from those in attendance regarding the application CU-03-16. The Planning Board voted on a recommendation for the Preliminary Plat and then voted on a recommendation for the CU-03-16 application for a major subdivision.

The Board voted on two findings of fact for the application before voting on whether to recommend approval or denial of the Preliminary Plat. First, the Board unanimously voted (4-0) to recommend that as a finding of fact the application was complete and the facts submitted were relevant to the case. Second, the Board unanimously voted (4-0) to recommend that as a finding of fact the application complies with Section 2.20.5 (G) Criteria for a Preliminary Plat, Criteria 1-6. Next, the Board unanimously voted (4-0) to recommend that the proposed Preliminary Plat is consistent with those documents that constitute the officially adopted land development plan and other applicable plans. The Planning Board unanimously voted to recommend approval of the Preliminary Plat with no conditions.

The Board voted on two findings of fact for the application before voting on whether to recommend approval or denial of the Conditional Use Permit application. The Board unanimously voted (4-0) to recommend that as a finding of fact the application is complete and the facts submitted were relevant to the case. Then, the Board unanimously voted (4-0) to recommend that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F. Next, the Board unanimously voted (4-0) to recommend that the proposed Conditional Use Permit Application is consistent with those documents that constitute the officially adopted land development plan and other applicable plans. The Planning Board unanimously voted to recommend approval of CU-03-16 with no conditions.

### **Attachments:**

- RLUAC Response
- Written Decision of the Planning Board
- Planning Board Memo and Packet

## **Town Council Actions:**

To either approve or deny the ***Preliminary Plat***, 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 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6. The Town Council may choose one of the following motions or any alternative they wish:

### **Finding of Fact #1**

- 1) I move that as a finding of fact that the application is complete and that the facts submitted are relevant to the case, in that....

**Or**

- 2) I move that as a finding of fact the application is incomplete and/or that the facts submitted are not relevant to the case, in that.....

### **Finding of Fact #2**

- 1) I move that as a finding of fact the application complies with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that.....

**Or**

- 2) I move that as a finding of fact the application does not comply with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that.....

The Town Council shall vote on whether the proposed ***Preliminary Plat*** is consistent with the ***Comprehensive Long Range Plan*** that has been adopted and any other officially adopted plan that is applicable. The Town Council could make one of the following motions for recommendations or any alternative they wish:

### **I move that:**

1. The proposed ***Preliminary Plat*** is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed ***Preliminary Plat*** is not consistent with those documents that constitute the officially adopted land development plan or other applicable plans, in that .....

### **I move to:**

1. Approve the Preliminary Plat;
2. Deny the Preliminary Plat; OR
3. Approve the Preliminary Plat with the following additional conditions...

To either approve or deny a **Conditional Use Permit** 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 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F. The Town Council may choose one of the following motions or any alternative they wish:

**Finding of Fact #1**

- 1) I move that as a finding of fact that the application is complete and that the facts submitted are relevant to the case.

**Or**

- 2) I move that as a finding of fact the application is incomplete and/or that the facts submitted are not relevant to the case, in that.....

**Finding of Fact #2**

- 1) I move that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F.

**Or**

- 2) I move that as a finding of fact the application does not comply with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that.....

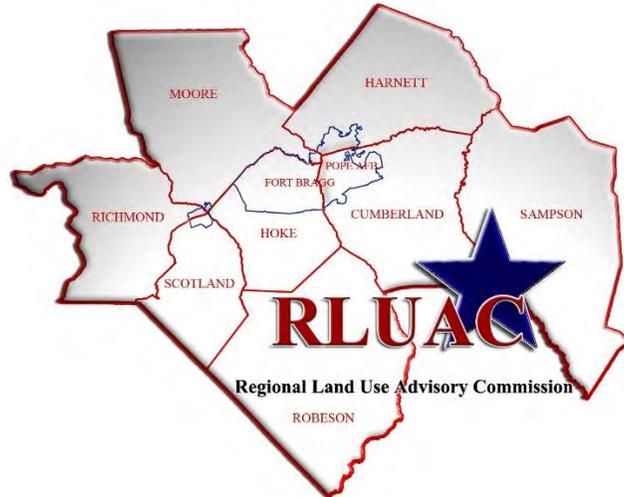
The Town Council shall vote on whether the proposed **Conditional Use Permit** application is consistent with the **Comprehensive Long Range Plan** that has been adopted and any other officially adopted plan that is applicable. The Town Council could make one of the following motions for recommendations or any alternative they wish:

**I move that:**

1. The proposed *Conditional Use Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed *Conditional Use Application* is not consistent with the documents that constitute the officially adopted land development plan or other applicable plans, in that .....

**I move to:**

1. Approve CU-03-16
2. Deny CU-03-16; OR
3. Approve CU-03-16 with the following additional conditions...



## **SOUTHERN PINES CONDITIONAL USE PERMIT**

**Case Number: CU-03-16    PIN: 858200711051**

**March 29, 2016**

Following a review of the conditional use permit by the RLUAC staff and Board of Directors for the case listed above, and recognizing that our findings are non-binding on the Town of Southern Pines, the RLUAC Board of Directors find that:

- The parcel is identified as suitable for URBAN development on the Joint Land Use Study maps.
- Further, it is not affected by military impacts.

RLUAC therefore has no issues or concerns with the requested conditional use permit listed above.

Thank you for allowing RLUAC to review this conditional use permit request.

Robert McLaughlin, Chairman

James Dougherty, Executive Director

# TOWN OF SOUTHERN PINES

## REGULAR BUSINESS MEETING OF THE PLANNING BOARD

March 24, 2016

7:00 pm

Douglass Community Center  
1185 W. Pennsylvania Avenue

## DECISION OF THE BOARD

**Petitioner: Koontz Jones Design**

**Case Number: CU-03-16**

The meeting was called to order with four (4) members present and the Chairman declared that a quorum was present. The petitioner, Mr. Bob Koontz appeared before the Board on behalf of Koontz Jones Design. The oath was administered to the witnesses prior to their testimony.

### Matter at Issue:

### CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design

On behalf of the petitioner Koontz Jones Design, Mr. Bob Koontz is requesting the approval of a residential development project located along Clark Street that will require a Conditional Use Permit application for a Major Subdivision. Per Section 2.20 *Major Subdivisions* of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development consists of a total of ten (10) lots, thereby the proposal will require a CUP. The subject property received the approval of a minor subdivision for five (5) lots in November 2015. The current request is a major subdivision to further subdivide lot 5 as shown on the November 2015 minor subdivision plat (see attachments) into an additional five (5) lots, creating a total of ten (10) lots from the parent tract; one (1) lot will serve as open space with the remaining nine (9) lots designated for single-family detached development. The subject property is comprised of 5.99 acres and is zoned RS-1 (Residential Single-Family – 1). The property is identified by the following: PIN: 85820071105 (PARID: 20150368). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village LLC.

**Mr. Bob Koontz**, presented the case for the approval of Conditional Use Permit CU-03-16. Mr. Koontz submitted into evidence the following items: a preliminary plat; a written response stating the project's compatibility with the criteria set forth in the Unified Development Ordinance criteria for a Preliminary Plat and a Conditional Use Permit for a Major Subdivision. Mr. Koontz addressed the questions from the Planning Board and the public present at the public hearing.

**Mr. Julius Whittington**, a neighbor who resides 560 Clark Street in Southern Pines, questioned the petitioner with respect to any drainage impacts on the neighboring properties as a result of the proposed subdivision.

**Mr. Bob Koontz**, responded to the drainage questions and stated that there would not be any additional drainage impact on the adjacent properties.

**Planning Board Action:** Hearing all evidence submitted by the petitioner and any comments from those in attendance the Planning Board then closed the public hearing. After a period of discussion and deliberation the Planning Board made the following findings of fact on the application:

**Findings of Fact:**

The following findings of fact were made by the Board as required by Section 2.20.5(G):

*Finding of Fact #1*

- 1) **I move that as a finding of fact that the application is complete and that the facts submitted are relevant to the case, in that**
  - a. The request for Preliminary Plat approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and,
  - b. The facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation.

*Finding of Fact #2*

- 1) **I move that as a finding of fact the application complies with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that...**

**2.20.5 (G) Criteria**

1. **The application is consistent with the approved Sketch Plat, if applicable.**  
Not Applicable.
2. **The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;**  
This project is consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The development pattern also meets the land use goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines.
3. **The proposed subdivision complies with the UDO and applicable state and federal regulations;**  
This proposed preliminary plat complies with the standards and restrictions of the UDO and other applicable state and federal regulations.

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

The proposed subdivision is compatible and consistent with the existing RS-1 (Residential Single-Family – 2 [10,000sf lots]) zoning district of the property. All residential lots proposed on the preliminary plat meet the size, density, and setback requirements of the current RS-1 zoning district. The development complies with the standards of the UDO as described for the RS-1 zoning district. Lot sizes, density, site access, and circulation are permissible and compatible with the existing RS-1 district zoning classification. The surrounding properties are development in a similar manner as the proposed preliminary plat. Uses directly across Clark Street from this property include other RS-1 zoned properties, GB (General Business) and RM-2 (Residential Multi-Family -2 [5-7 dwelling units/acre]) uses. The subdivision and increased number of units of the RS-1 parcel are compatible with all of these surrounding uses. Site access is provided from Clark Street and provides adequate vehicular circulation for all types of vehicles including emergency and waste removal vehicles.

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

The proposed subdivision is compatible with the adjacent properties will not be detrimental to the adjacent properties.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. The lots front on Clark Street and are configured in the same manner as most other lots along Clark Street. These lots will have adequate access to accommodate emergency and waste removal vehicles.

**The Planning Board then voted on whether the proposed *Preliminary Plat* is consistent with the adopted *Comprehensive Long Range Plan* and any other applicable officially adopted plan.**

By a vote of 4-0, the Planning Board voted to recommend to the Town Council that the proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans.

By a vote of 4-0, the Planning Board voted to recommend to the Town Council the approval of the Preliminary Plat with no conditions.

The following findings of fact were made by the Board as required by Section 2.21.7:

*Finding of Fact #1*

- 1) **I move that as a finding of fact that the application is complete and that the facts submitted are relevant to the case.**
  - a. The request for a Conditional Use Permit approval has met the specified submittal requirements as required in the Town of Southern Pines UDO Appendices; and,
  - b. The facts submitted are relevant to the case as the evidence submitted was sworn testimony done so by qualified experts or provided through substantiated documentation.

*Finding of Fact #2*

- 1) **I move that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that...**

**2.21.7 Criteria**

**A Conditional Use is permitted only if the Applicant demonstrates that:**

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

This proposed development will comply with all regulations of the RS-1 zoning district and any applicable supplemental use regulations. Any lots created will meet the minimum lot size requirement of 10,000 square feet and provide appropriate setbacks for the RS-1 zoning district. Access will meet the Town's requirements as all lots front to the existing Clark Street and are consistent with the rest of the surrounding neighborhood.

**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 conditional use meets the standards of the zoning district and is in character with the surrounding properties. Uses directly across Clark Street from this property include other RS-1 zoned properties, GB (General Business) and RM-2 (Residential Multi-Family -2 [5-7 dwelling units/acre]) uses. The subdivision and increased number of units of the RS-1 parcel are compatible with all of these surrounding uses.

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

Public water and sewer utilities are readily available for the project, the cost of which will be borne by the developer. The lots front the existing Clark Street and are configured in the same manner as most other lots along Clark Street. These lots will have adequate access to accommodate emergency and waste removal vehicles.

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

This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and zoning classifications as described in Item B of this exhibit.

**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;**

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort, or general welfare of the surrounding neighborhood.

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

The conditional use is in compliance with the established development pattern and is in context with the underlying zoning district. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The development pattern also meets the land use goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines.

**The Planning Board then voted on whether the proposed *Conditional Use Permit* is consistent with the adopted *Comprehensive Long Range Plan* and any other applicable officially adopted plan.**

By a vote of 4-0, the Planning Board voted to recommend to the Town Council that the proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans.

By a vote of 4-0, the Planning Board voted to recommend to the Town Council the approval of the *Conditional Use Permit* with no conditions.

**Decision of the Board:**

The requests under application CU-03-16 for Preliminary Plat Approval and Conditional Use Permit Approval were recommended for approval to the Town Council with no conditions.

This is the 24<sup>th</sup> day of March, 2016.

FOR THE PLANNING BOARD:

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Michael G. Martin, Chairman

cc: Douglas Gill, Esq.  
Southern Pines Planning Department  
Southern Pines Town Council  
David McNeill, Mayor  
Southern Pines Town Clerk  
Reagan Parsons, Town Manager  
John McLaughlin, Vice Chairman  
Jim Curlee  
William O. Ross  
Bill Pate  
Kristen Obst  
Brittany Paschal  
  
Koontz Jones Design

**Agenda Item**

**To:** Planning Board

**Via:** Bart Nuckols, Planning Director

**From:** Chris Kennedy, Senior Planner

**Subject:** CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design

**Date:** March 24, 2016

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**CU-03-16 Conditional Use Permit: Major Subdivision Application for a Single-Family Detached Residential Development along Clark Street; Petitioner, Koontz Jones Design**

On behalf of the petitioner Koontz Jones Design, Mr. Bob Koontz is requesting the approval of a residential development project located along Clark Street that will require a Conditional Use Permit application for a Major Subdivision. Per Section 2.20 *Major Subdivisions* of the Unified Development Ordinance any subdivision of land creating greater than five (5) lots requires a Conditional Use Permit. The proposed development consists of a total of ten (10) lots, thereby the proposal will require a CUP. The subject property received the approval of a minor subdivision for five (5) lots in November 2015. The current request is a major subdivision to further subdivide lot 5 as shown on the November 2015 minor subdivision plat (see attachments) into an additional five (5) lots, creating a total of ten (10) lots from the parent tract; one (1) lot will serve as open space with the remaining nine (9) lots designated for single-family detached development. The subject property is comprised of 5.99 acres and is zoned RS-1 (Residential Single-Family – 1). The property is identified by the following: PIN: 85820071105 (PARID: 20150368). Per the Moore County Tax records, the property owner(s) are listed as Bradford Village LLC.

**Analysis:**

The subject property is identified as Residential in the CLRP. Per the *Comprehensive Long Range Plan 2010*: the Residential classification encompasses the majority of Southern Pines' residential land, providing for single-family and attached housing at development densities ranging from one unit per acre in areas that are less intensively developed up to twelve units per acre in places that are clearly more urban.

**Staff Comments:**

- The subject property is comprised of 5.99 acres.
  - Portions of the subject property are currently in the Town of Southern Pines Extraterritorial Jurisdiction (ETJ) and not within the corporate limits of the

Town, therefore a voluntary annexation request will also run concurrent to the CUP application at the Town Council public hearing to annex the entirety of the subject property into the Town limits.

- The neighboring properties are zoned RS-1, RM-2, GB, and RS-3.
- The properties directly contiguous to the subject property are zoned RS-1 therefore there is no required buffer between the subject property and the adjacent property. However building setbacks still apply.
- The building setbacks for the RS-1 zoning classification are as follows:
  - Front: 30.0'; Interior Side: 10.0'; Exterior Side: 15.0'; Rear: 30.0'
- Per UDO Section 4.9.1, every residential development shall be developed to provide at least five (5) percent of the total area of the development remains permanently dedicated as usable open space.
  - The proposed development provides 21.7% open space.
- Per UDO Section 3.5.3, the RS-1 zoning classification has a minimum lot size of 10,000 square feet and permits a density of approximately 4.3 dwelling units per acre.
  - The RS-1 zoning classification is established as a district in which to allow primarily medium-density single-family residential land uses. The regulation of the RS-1 district are intended to:
    - Preserve existing single-family residential neighborhoods that have developed at a medium-density; and,
    - Encourage new residential development that is compatible with that in the existing neighborhoods.
- Per Section 2.20.5 a Preliminary Plat must satisfy the following criteria: A Sketch Plat shall be required when an Applicant is applying for the subdivision of less than the entire, contiguous land area held in common ownership.\*

#### 2.20.5 (G) *Criteria for a Preliminary Plat*

The application is consistent with the approved Sketch Plat, if applicable. \*Not applicable in this request

- (1) *The application is consistent with the approved Sketch Plat, if applicable.*
  - (2) *The application is consistent with the Comprehensive Plan, as well as any other adopted plans for streets, alleys, parks, playgrounds, and public utility facilities;*
  - (3) *The proposed subdivision complies with the UDO and applicable state and federal regulations;*
  - (4) *The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;*
  - (5) *The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and*
  - (6) *The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development.*
- Per Section 2.21.7 an Application for a Conditional Use Permit must satisfy the following criteria:

#### 2.21.7 *Criteria for a Conditional Use Permit*

A Conditional Use is permitted only if the Applicant demonstrates that:

- (A) *The proposed conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;*
  - (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;*
  - (C) *Adequate public facilities shall be provided as set forth herein;*
  - (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;*
  - (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,*
  - (F) *The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that are adversely affected by the establishment of the proposed use.*
- The public hearing for the Conditional Use Permit will utilize the quasi-judicial hearing procedures set forth in UDO Section 2.14.
  - The entirety of the property is within the Little River #2 Intake (LR#2) Watershed.
  - This project may be required to obtain a Watershed Protection Permit from the Town Council due to its location within the high quality water portion of the Little River Intake #2 Watershed. Should the project exceed the 12% impervious level the project will be required to utilize BMPs for storm water management. Should the project exceed the 24% impervious level the project will be required to apply for the 5/70 Exemption from the Town Council as part of the CUP application.
    - The Watershed Protection Permit if approved will provide the project with the 5/70 exemption allowing the project to develop up to the 70% impervious surface level.

**Attachments:**

- GIS Location
  - Application Materials
  - Criteria Narratives
  - Approved Minor Subdivision
  - Preliminary Plat
  - Future Land Use Map
-

**Planning Board Action:**

To either approve or deny a *Preliminary Plat* application, the Planning Board must make findings of fact and conclusions to the applicable standards. The Planning Board shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Planning Board shall then vote on whether the application complies with the criteria as set forth in Section 2.20.5 (G) Criteria for a Preliminary Plat, Criteria 1-6. The Planning Board may choose one of the following motions for recommendations or any alternative they wish:

**Finding of Fact #1**

- 1) I move to recommend that as a finding of fact that the application is complete and that the facts submitted are relevant to the case.

**Or**

- 2) I move to recommend that as a finding of fact the application is incomplete and/or that the facts submitted are not relevant to the case, in that.....

**Finding of Fact #2**

- 1) I move to recommend that as a finding of fact the application complies with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that .....

**Or**

- 2) I move to recommend that as a finding of fact the application does not comply with Section 2.20.5(G) Criteria for a Preliminary Plat, Criteria 1-6, in that.....

The Planning Board shall vote on whether the proposed *Preliminary Plat* is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:

**I move that we advise that:**

1. The proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed *Conditional Use Permit Application* is not consistent with those documents that constitute the officially adopted land development plan or other applicable plans, in that .....

**Then:**

**I move to recommend to the Town Council:**

1. The approval of the Preliminary Plat;
2. The denial of the Preliminary Plat; OR
3. The approval of the Preliminary Plat with the following additional conditions...

To either approve or deny a *Conditional Use Permit* application, the Planning Board must make findings of fact and conclusions to the applicable standards. The Planning Board shall first vote on whether the application is complete and whether the facts presented are relevant to the case. The Planning Board shall then vote on whether the application complies with the criteria as set forth in Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F. The Planning Board may choose one of the following motions for recommendations or any alternative they wish:

**Finding of Fact #1**

- 1) I move to recommend that as a finding of fact that the application is complete and that the facts submitted are relevant to the case.

**Or**

- 2) I move to recommend that as a finding of fact the application is incomplete and/or that the facts submitted are not relevant to the case, in that.....

**Finding of Fact #2**

- 1) I move to recommend that as a finding of fact the application complies with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that....

**Or**

- 2) I move to recommend that as a finding of fact the application does not comply with Section 2.21.7 Criteria for a Conditional Use Permit, Criteria A-F, in that.....

The Planning Board shall vote on whether the proposed *Conditional Use Permit* is consistent with *Comprehensive Long Range Plan* that has been adopted and any other officially adopted plan that is applicable. The Planning Board could make one of the following motions for recommendations or any alternative they wish:

**I move that we advise that:**

1. The proposed *Conditional Use Permit Application* is consistent with those documents that constitute the officially adopted land development plan and other applicable plans; or
2. The proposed *Conditional Use Permit Application* is not consistent with those documents that constitute the officially adopted land development plan or other applicable plans, in that .....

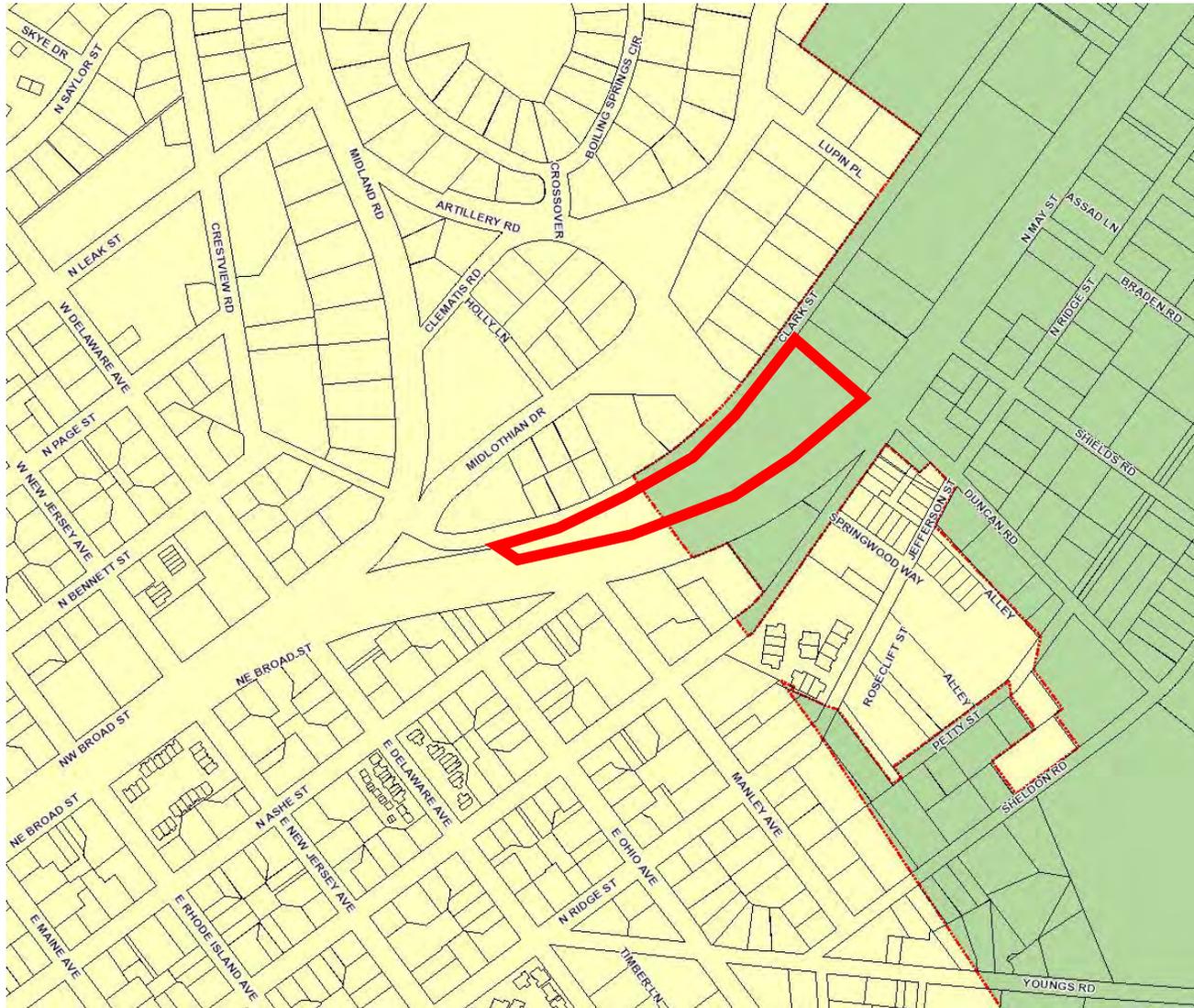
**Then:**

**I move to recommend to the Town Council:**

1. The approval of CU-03-16;
2. The denial of CU-03-16; OR
3. The approval of CU-03-16 with the following additional conditions...

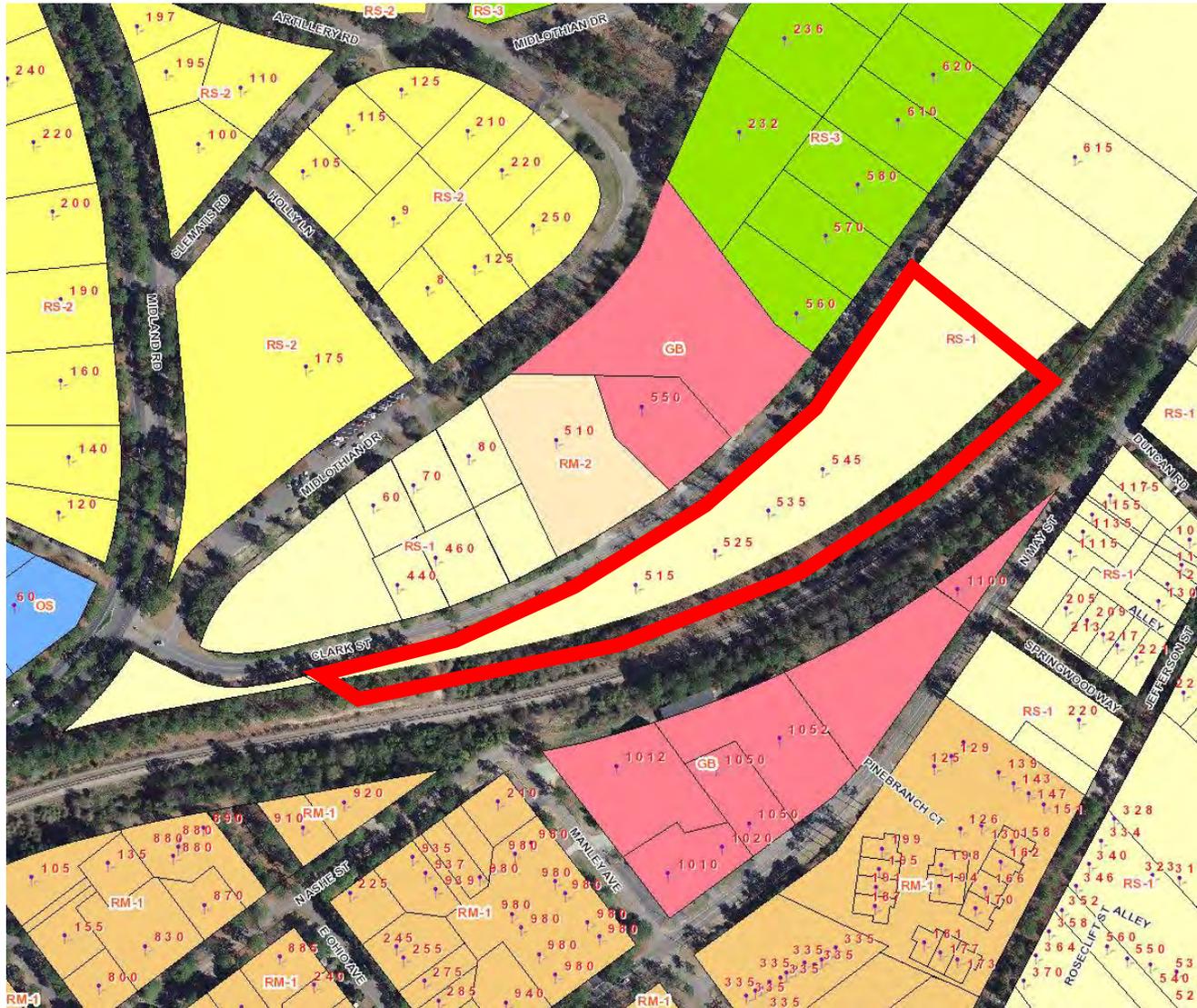
**CU-03-16 Major Subdivision**  
**PIN: 858200711051 (Parcel ID: 20150368)**

This map was created by the Town of Southern Pines Planning Department. The Town of Southern Pines, its agents and employees make NO warranty as to the correctness or accuracy of the information set forth on this media whether expressed or implied, in fact or in law, including without limitation the implied warranties of merchantability and fitness for a particular use. Any resale of this data is strictly prohibited in accordance with North Carolina General Statute 132-10. Grid is based on North Carolina State Plane Coordinate System NAD83 (feet).



**CU-03-16 Major Subdivision**  
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**CU-03-16 Major Subdivision**  
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RECEIVED  
FEB 17 2016  
BY: \_\_\_\_\_  
Date Received: \_\_\_\_\_

CU- 03-16

**Application for Conditional Use Permit  
Town of Southern Pines**

**To the Planning Board and Town Council:**

I, the undersigned, do hereby make application to and petition the Planning board and town Council to grant a Conditional Use Permit as required in the zoning Ordinance. In support of this application, the following facts are shown:

The property sought for Conditional Use is located on the east side of Clark (Street/Avenue), between Midland Road (Street Avenue) and Yadkin Road (Street/ Avenue). The address is Clark Street, also known as LRK # 20150368702 and PIN # 858200711051. It has a frontage of 1,400 feet and a depth of 235 feet, containing 4.62 acres.

The Conditional Use sought is based on Section(s) 2.20 Major Subdivision and 2.21 Conditional Use Permit of the Town of Southern Pines Unified Development Ordinance. The property in question is located in a RS-1 zoning district and is proposed for the following use:

\_\_\_\_\_

Single Family Residences

\_\_\_\_\_

\_\_\_\_\_

The following are all individuals, firms or corporations owning property 200 feet adjacent to both sides and rear, as well as the property across the street/highway from the property described above or at least the 10 nearest property owners. Please see Town Staff for details on how to compute the required adjacent property list.

**List of Adjacent Properties**

1. Property owners' name: See attached

Mailing Address: \_\_\_\_\_

LRK #: \_\_\_\_\_

Adjacent Property Address: \_\_\_\_\_

2. Property owners' name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

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

Petitioner Signature: *Robert Koontz*

Petitioner's Name: Robert Koontz

Petitioner's Mailing Address: Please Print

275 SE Broad Street

Southern Pines, NC 28387

Petitioner's email bkoontz@koontzdesign.com

Petitioner's Phone # (910) 639-4058

Cell# (910) 639-4058

Property owner's signature: *Michael W. Pugh*

Property owner's signature: \_\_\_\_\_

Property owner's Mailing Address: Please Print Bailey Pines, LLC

Po Box 2526

Southern Pines, NC 28388

Property owner's email \_\_\_\_\_

Property owner's Phone # (910) 690-1664

Cell # \_\_\_\_\_

**THE PETITIONER OR A REPRESENTATIVE OF THE PETITIONER IS EXPECTED TO ATTEND ALL MEETINGS TO BE AVAILABLE TO ANSWER QUESTIONS CONCERNING THE REQUEST.**

CLARK STREET ADJOINING PROPERTY OWNERS (WITHIN 200' OF PROPERTY BOUNDARY)

PIN	PARID	NAME	NAME2	ADDRESS	CITY	STATE	ZIP
858219604938	00036908	SOUTHERN PINES UNITED	METHODIST CHURCH, INC	175 MIDLAND RD	SOUTHERN PINES	NC	28387
858219604886	00035610	LEAK, VANESSA LORIANE	C/O VANESSA CESAR	440 CLARK ST	SOUTHERN PINES	NC	28387
858219711470	00039359	WHITTINGTON, MARY KYLE S	WHITTINGTON, JULIUS A	560 CLARK STREET	SOUTHERN PINES	NC	28387
858219703648	00038503	THELMA'S HOLDINGS, LLC		235 DUNCAN RD	SOUTHERN PINES	NC	28387
858220719134	00038781	SHORT, ROLAND	SHORT, THELMA	235 DUNCAN RD	SOUTHERN PINES	NC	28387
858219606443	00030759	ABSHER, ROBERT F		210 E MANLEY AVE	SOUTHERN PINES	NC	28387
858200717090	20150346	MOORE HL PROPERTIES, INC		55 WALNUT CREEK DR	PINEHURST	NC	28374
858219617079	00032727	SOUTHBOUND SALES, LLC		730 SOUTH BENNET ST STE A	SOUTHERN PINES	NC	28387
858200608497	20060137	BERKOSKI SOUTH, LLC		APARTADO 1011 00022			
858219619153	00037016	MURL INC		PO BOX 564	PINEBLUFF	NC	28373
858219712530	00032747	PAGET, DIANE P		PO BOX 2526	SOUTHERN PINES	NC	28388-2526
858220705837	00038787	THELMA'S HOLDINGS, LLC		235 DUNCAN RD	SOUTHERN PINES	NC	28387
858200707966	20150345	MOORE HL PROPERTIES, INC		55 WALNUT CREEK RD	PINEHURST	NC	28374
858200600625	20150367	BRADFORD VILLAGE, LLC	HARRIS, JOHNNY	PO BOX 2605	SOUTHERN PINES	NC	28387
858200707978	00038105	MOORE HL PROPERTIES, INC		55 WALNUT CREEK DR	PINEHURST	NC	28374
858200718032	20140273	DENT, JOSHUA J	DENT, PAMELA A	1195 N MAY STREET	SOUTHERN PINES	NC	28387
858219602480	00036783	COMTE, DAVID ANDREW &	MINTA MICHELE	910 N ASHE ST	SOUTHERN PINES	NC	28387-4908
858219713509	00032749	LAHR, WESTON		580 CLARK STREET	SOUTHERN PINES	NC	28387
858200711051	20150368702	BRADFORD VILLAGE, LLC	HARRIS, JOHNNY	PO BOX 2605	SOUTHERN PINES	NC	28387
858200715387	99000098	SPENCER, JASPER D	SPENCER, DELORES T	785 CLARK ST	SOUTHERN PINES	NC	28387-3106
858219605980	00039860	VAN CAMP, STEPHEN SCOTT& MARIA		701 HELEN AVE	CHESAPEAKE	VA	23322-4706
858200701546	00991747	SANDHILLS BONDED WAREHOUSE,	INC	PO BOX 592	SOUTHERN PINES	NC	28388
858219603484	00036492	JAMES, RICHARD L		435 S MAY STREET	SOUTHERN PINES	NC	28387-6017
858200716458	99000096	SPENCER, JASPER D	SPENCER, DELORES T	785 CLARK ST	SOUTHERN PINES	NC	28387-3106
858219713679	00035779	TUGGLE, CURTIS		1421 FRANKLIN DELL	EL PASO	TX	79912-7481
858200711051	20150368701	BRADFORD VILLAGE, LLC	HARRIS, JOHNNY	PO BOX 2605	SOUTHERN PINES	NC	28387
858219606975	00039861	VAN CAMP, STEPHEN SCOTT& MARIA		701 HELEN AVE	CHESAPEAKE	VA	23322-4706
858219603804	00039871	SOUTHERN PINES UNITED	METHODIST CHURCH, INC	175 MIDLAND RD	SOUTHERN PINES	NC	28387

**CLARK STREET PROPERTY  
CONDITIONAL USE PERMIT NARRATIVE**

The development of the property described as the Clark Street Property in the submitted exhibits is planned to be a single-family subdivision of lots along Clark Street near the downtown area of Southern Pines. The 5.99-acre property located off of Clark Street between Midland Road and Yadkin Road is located in the (RS-1) single-family residential zoning district. The RS-1 zoning allows primarily medium-density residential uses (10,000 sf lots) as stated in Section 3.5.3 of the Town of Southern Pines Unified Development Ordinance.

This conditional use permit application proposes nine (9) single-family residential lots and a single open space lot to be developed on the property. Residential lots will meet or exceed the 10,000 sf requirements of the RS-1 zoning district and provide building setbacks as required. In November of 2015, a minor subdivision was approved which divided the property in to five (5) lots. This Conditional Use Permit request further subdivides lot #5 into an additional five (5) lots, creating a total of ten (10) lots from the original tract which requires a major subdivision and Conditional Use Permit.

The development will meet the development standards for RS-1 district and any other Town of Southern Pines UDO requirements. Lots will be accessed through driveways off of Clark Street. An open space area of approximately 1.3 acres on a separate subdivided lot will be provided on the western end property and behind the individual lots. This area of open space will be utilized for built upon area calculations of the individual lots and to provide additional buffer from the railroad tracks.

Adequate water and sewer service can be provided by the Town of Southern Pines to service this development. Utilities are currently within close proximity, along the streets and adjacent properties near the proposed site. All utilities on the site will be located underground.

The descriptions and conditions described above will apply to the entire project as indicated in the Conditional Use Permit application and preliminary plat.



## EXHIBIT A

### Clark Street Property Conditional Use Permit Justification

Below are listed the six (6) criteria required to approve a Conditional 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 conditional use shall comply with all regulations of the applicable zoning district and any applicable supplemental use regulations;

The proposed development will comply with all regulations of the RS-1 zoning district and any applicable supplemental use regulations. A lots created will meet the minimum lot size requirement of 10,000 sf and provide appropriate setbacks for the RS-1 zoning district. Access will meet the Town's requirements as all lots front to the existing Clark Street and are consistent with the rest of the surrounding neighborhood.

- (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 conditional use meets the standards of the zoning district and is in character with the surrounding properties. Uses directly across Clark Street from this property include other RS-1 zoned properties, GB (General Business) and RM-2(Residential Mixed Housing (5-7 DU/ac) uses. The subdivision and increased number of units of the RS-1 parcel are compatible with all these surrounding uses.

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

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. The lots front the existing Clark Street and are configured in the same manner as most other lots along Clark Street. These lots will have adequate access to accommodate emergency and waste removal vehicles.

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

This project will not impede the development of surrounding properties as it is in conformance with the surrounding development and zoning classifications as described in Item B of this exhibit.

- (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

This residential neighborhood will continue the existing development pattern in the neighborhood and will conform to all development standards of the UDO and engineering requirements of the Town. As a result, the use will not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding neighborhood.

- (F) The public interest and welfare supporting the proposed use shall be sufficient to outweigh individual interests that

## EXHIBIT A

The conditional use is in compliance with the established development pattern and is in context with the underlying zoning district. This project is also consistent with the goals and objectives of the Comprehensive Long Range Plan (CLRP) and establishes a development pattern that is in context with the surrounding neighborhood and the projects in this area of Southern Pines. The development pattern also meets the landuse goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines

## EXHIBIT B

### CLARK STREET PROPERTY PRELIMINARY PLAT JUSTIFICATION

Below are listed the six (6) criteria required to approve a Preliminary Plat application as described in Section 2.20.5 (G) Criteria 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.

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

Not Applicable

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

This project is consistent with the goals and objectives of the CLRP and establishes a development pattern that is in context with the surrounding neighborhood and the projects area of Southern Pines. The development pattern also meets the landuse goals defined by the CLRP by adding development where public utilities are available and developing infill locations near downtown Southern Pines.

(3) The proposed subdivision complies with the UDO and applicable state and federal regulations;

This proposed preliminary plat complies with the UDO based on the requests for a Conditional Use Permit (CUP) for the property.

(4) The proposed subdivision, including its Lot sizes, density, access, and circulation, is compatible with the existing and/or permissible zoning and future land use of adjacent property;

The proposed subdivision is compatible and consistent with the existing RS-1 (Residential Single-Family (10,000 sf Lots)) zoning district of the property. All residential lots proposed on the preliminary plat meet the size, density and setback requirements of the current RS-1 Zoning District. The development complies with the standards of the UDO as described for the RS-1 zoning district. Lot sizes, density, site access and circulation are permissible and compatible with the existing RS-1 district zoning classification.

The surrounding properties are developed in a similar manor as the proposed preliminary plat. Uses directly across Clark Street from this property include other RS-1 zoned properties, GB (General Business) and RM-2 (Residential Mixed Housing (5-7 DU/ac) uses. The subdivision and increased number of units of the RS-1 parcel are compatible with all these surrounding uses. Site access is provided from Clark Street and provides adequate vehicular circulation for all types of vehicles including emergency and waste removal vehicles.

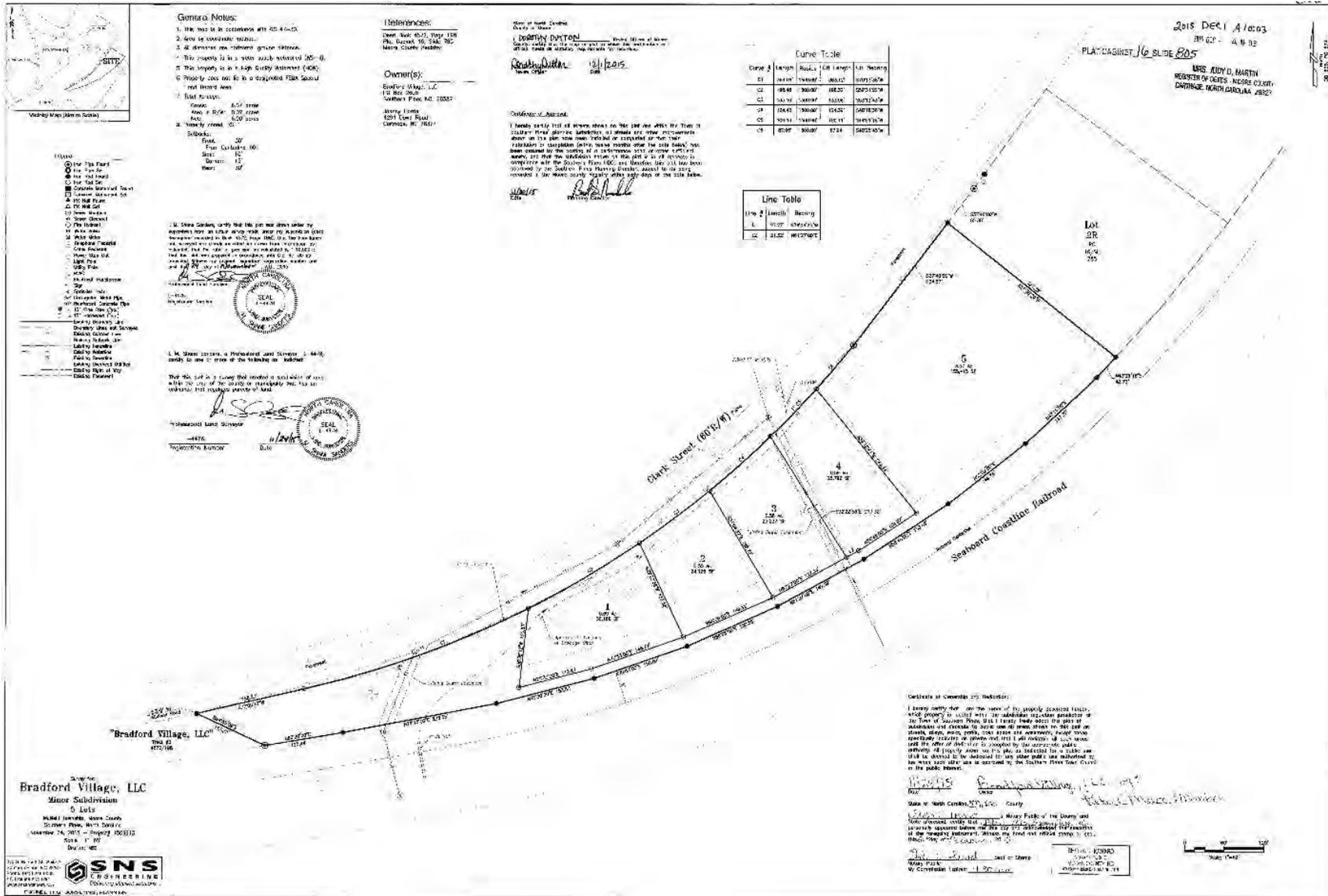
(5) The proposed subdivision will not have detrimental impacts on the safety or viability of permitted uses on adjacent properties; and

This proposed subdivision is compatible with the adjacent properties and will not be detrimental to the adjacent properties.

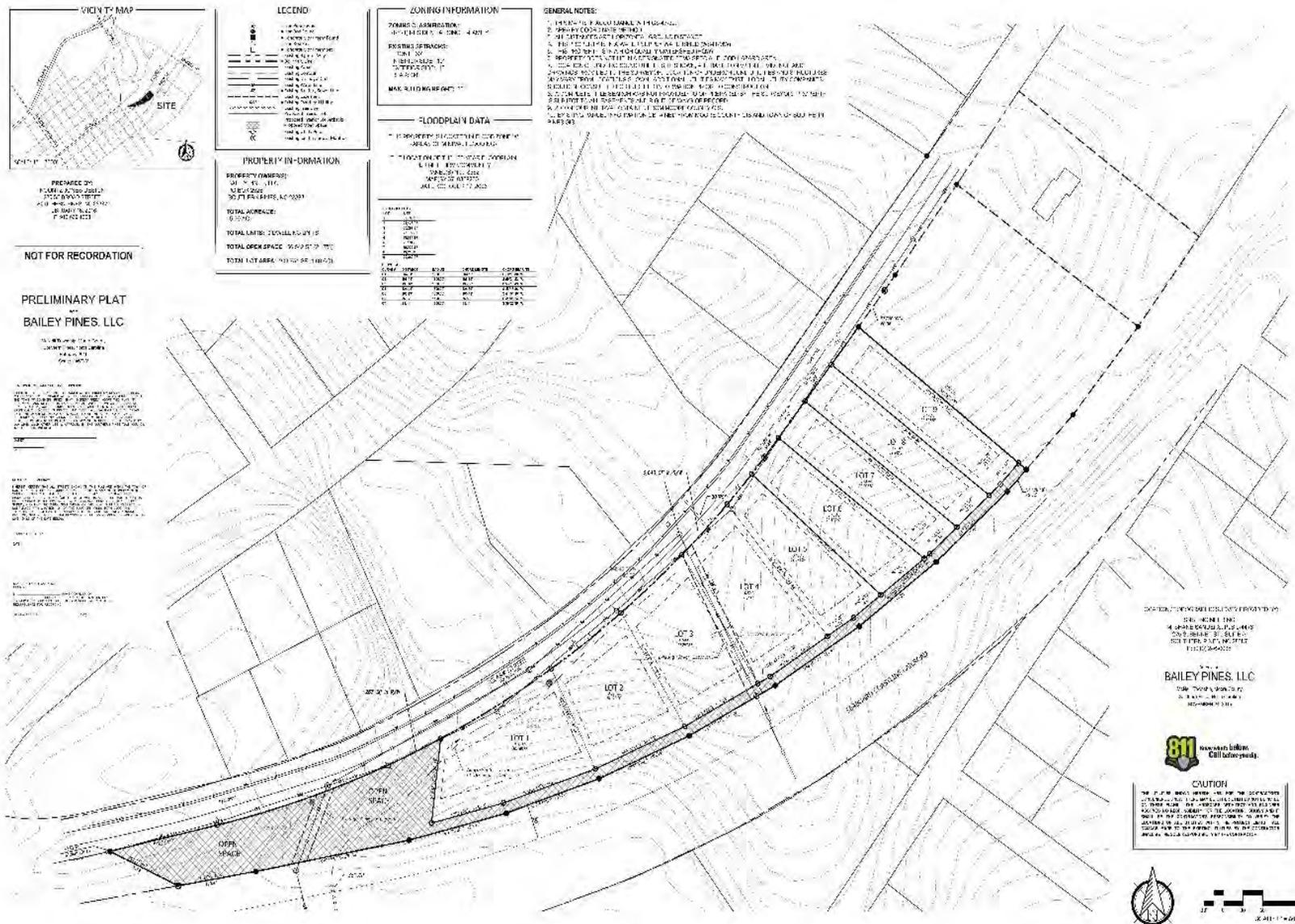
(6) The proposed public facilities are adequate to serve the normal and emergency demands of the proposed Development, and to provide for the efficient and timely extension to serve future Development;

Public water and sewer utilities are readily available for the project, any cost of which will be borne by the developer. The lots front the existing Clark Street and are configured in the same manner as most other lots along Clark Street. These lots will have adequate access to accommodate emergency and waste removal vehicles.

# Minor Subdivision – Approved November 2015



# Proposed Major Subdivision – Preliminary Plat



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# Future Land Use Map: Proposed Major Subdivision CU-03-16



 = Subject Property

**Legend**

Urban Reserve		Southern Pines ETJ	
Rural Equestrian		Town Limits	
Low-Density Residential		Downtown Overlay	
Residential		WSP Overlay	
Commercial			
Industrial			
Traditional Mixed Use			
Facilities Resources Recreation			


**Future Land Use Map**  
 Long-Range Comprehensive Plan - April, 2010  
 Map Updated - September, 2010  
 \* Approved City Limits Additions (12/31/09)  
 \*\* Area off Airport Road changed from Residential Use to Traditional Mixed Use

